a pension to George Stout Noland—to the Committee on Pensions.

By Mr. MOON: Paper to accompany bill granting right of way for road through Government reservation north of national cemetery at Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. RUMPLE: Letter of A. P. McGuirts, of Davenport, Iowa, protesting against alleged discriminations in employment of teachers in the Philippine Islands—to the Committee on Education.

Also, resolutions of Northwest Turnverein of Davenport, Iowa, in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of West Side Lodge, No. 320, Association of Machinists, of New York City, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: Paper to accompany House bill 12526, granting a pension to Samuel M. James—to the Committee on Invalid Pensions.

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

Also, resolutions of the American Asiatic Association, favoring the establishment of a trans-Pacific cable by private enterprise—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 10, 1902.*

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

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 3653) for the protection of the President of the United States, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 351) granting an increase of pension to Robert Carpenter;

A bill (H. R. 1741) granting an increase of pension to Griffith Evans;

A bill (H. R. 2430) granting a pension to Lizana D. Streeter;

A bill (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer;

A bill (H. R. 3241) granting an increase of pension to Hinkley G. Knights;

A bill (H. R. 3678) granting an increase of pension to John Washburn;

A bill (H. R. 3733) granting an increase of pension to Israel Haller;

A bill (H. R. 3910) granting a pension to Dennis J. Kelly;

A bill (H. R. 5186) granting a pension to John Conter;

A bill (H. R. 5273) granting an increase of pension to James Van Zant;

A bill (H. R. 5984) granting an increase of pension to William H. Van Riper;

A bill (H. R. 6030) granting an increase of pension to William G. De Garis;

A bill (H. R. 7076) granting an increase of pension to Leath Gilliland;

A bill (H. R. 7704) granting an increase of pension to Christianna Leach;

A bill (H. R. 8003) granting an increase of pension to Louisa M. Macfarlane;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews;

A bill (H. R. 9290) granting a pension to Frances L. Ackley;

A bill (H. R. 9496) granting a pension to Forrest E. Andrews; and

A bill (H. R. 10752) granting a pension to Harriet T. Milburn;

A bill (H. R. 10773) granting a pension to Archer Bartlett;

A bill (H. R. 11052) granting a pension to Nelson Johnson;

A bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul;

A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey;

A bill (H. R. 11495) granting a pension to Mary A. Bailey;

A bill (H. R. 11686) granting a pension to Eleanore F. Adams;

A bill (H. R. 11812) granting an increase of pension to Martin Boice;

A bill (H. R. 11831) granting an increase of pension to John W. Acker;

A bill (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature;

A bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge;

A bill (H. R. 13296) granting an increase of pension to Francis Scott;

A bill (H. R. 13398) granting an increase of pension to George G. Sabin;

A bill (H. R. 13450) granting an increase of pension to Henry Hunt;

A bill (H. R. 13613) granting an increase of pension to Charles G. Howard;

A bill (H. R. 14146) granting an increase of pension to John Murphy;

A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg; and

A bill (H. R. 14241) granting an increase of pension to Peter Dugan.

PETITION.

Mr. SCOTT presented a petition of sundry citizens of Martinsburg, W. Va., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I present a statement relative to taxation appropriations and the collection of taxes in the District of Columbia. It is prepared by W. C. Dodge, and I think it contains very valuable information on these subjects. It has been prepared with great care. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

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

A bill (H. R. 12409) granting an increase of pension to Jesse M. Peck; and

A bill (H. R. 3986) granting a pension to Martha A. Cornish.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 7986) granting a pension to Clara C. Hawks; and

A bill (H. R. 5328) granting an increase of pension to Samuel Bortle.

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

A bill (H. R. 1466) granting a pension to Alfred Hatfield;

A bill (H. R. 292) granting a pension to Henrietta Gottweis;

A bill (H. R. 5877) granting a pension to Robert Watts; and

A bill (H. R. 3262) granting an increase of pension to David T. Bruck.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 4067) granting an increase of pension to Julia L. Gordon, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 14374) granting a pension to Samantha Towner, reported it without amendment, and submitted a report thereon.

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. 10954) granting an increase of pension to Mary J. Gillam;

A bill (H. R. 14052) granting an increase of pension to George Fusselman; and

A bill (H. R. 13691) granting an increase of pension to James M. Conrad.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 4211) granting an increase

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of pension to Asa Worden, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12305) granting an increase of pension to Charles Olson, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 7353) granting a pension to Nancy M. Williams;

A bill (H. R. 2192) granting an increase of pension to Benjamin F. Shearer;

A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall;

A bill (H. R. 2470) granting an increase of pension to Charles P. Maxwell; and

A bill (H. R. 5866) granting an increase of pension to William P. Schott, alias Jacob Schott.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, reported it with amendments, and submitted a report thereon.

WHITE RIVER BRIDGE IN ARKANSAS.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas, to report it favorably without amendment. There are some reasons why it is important that the bill should be passed at once. I ask unanimous consent for its present consideration.

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

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

BILLS INTRODUCED.

Mr. TURNER introduced a bill (S. 6118) to prohibit the grazing of sheep on the Rainier Forest Reserve, in the State of Washington; which was read twice by its title.

Mr. TURNER. In connection with the bill, I present a number of letters and resolutions from individuals and parties in the State of Washington affected by this matter. I move that the papers be printed as a document, and that they be referred, with the bill, to the Committee on Public Lands.

The motion was agreed to.

Mr. MALLORY introduced a bill (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BATE introduced a bill (S. 6120) to authorize acceptance by the United States Government of Gallatin turnpike, in Davidson County, Tenn.; from Nashville to the national cemetery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

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

A bill (S. 6121) granting an increase of pension to Elias S. Perkins;

A bill (S. 6122) granting an increase of pension to Hamilton Johnson; and

A bill (S. 6123) granting an increase of pension to Thomas L. Collins.

Mr. SCOTT introduced a bill (S. 6124) for the relief of Thomas McCallister; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6125) for the erection and maintenance of an exposition building in the city of Shanghai, in the Empire of China, for the appointment of a commissioner in charge thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURTON introduced a bill (S. 6126) to permit the Hawaiian Tramways Company, Limited, to use and maintain electric traction; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

AMENDMENTS TO BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $1,145 to pay Rand, McNally & Co., of Chicago, Ill., for certain fittings on the second floor of the building leased by them to the Government for temporary quarters of Government officials in Chicago, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. McENERY. I submit an amendment proposing to appropriate $4,785.55 to pay E. A. McIlhenny in full compensation for rescuing, housing, feeding, clothing, and caring for shipwrecked sailors in the Arctic Ocean in 1897 and 1898, intended to be proposed by me to the general deficiency appropriation bill.

In connection with the amendment I submit a letter from the Secretary of the Treasury, in response to a resolution of the Senate of March 1, 1901, relative to the account of E. A. McIlhenny for expenses, etc., in caring for shipwrecked sailors in the Arctic Ocean in 1897 and 1898. I move that the amendment be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

The motion was agreed to.

Mr. FORAKER submitted an amendment in the nature of a substitute, intended to be proposed by him to the bill (H. R. 11997) granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the Territory of Hawaii; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

SALARIES OF POSTMASTERS IN TEXAS.

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

The resolution was read, as follows.

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Texas named on the memorandum schedule hereto attached, or to their heirs, for service as postmasters in each biennial term specified on such memorandum schedule, in order to make effective sections 473, 474, and 475 of the postal regulations of 1863, and the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, in a declaration as to the intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A, Senate Executive Document No. 146, Forty-ninth Congress, first session.

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

Mr. SPOONER. I think it ought to go over until the chairman of the Committee on Post-Offices and Post-Roads is present.

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

Mr. SPOONER. I suppose the Senator from Texas has no objection to that course?

Mr. CULBERSON. What is the suggestion of the Senator?

Mr. SPOONER. I said I thought the resolution ought to go over until the chairman of the Committee on Post-Offices and Post-Roads is present.

Mr. CULBERSON. It is a mere formal resolution of inquiry.

Mr. SPOONER. It is merely formal, but it will necessitate, I apprehend, a great deal of labor, and there are propositions involved which are pending as to other States, I understand. Let it go over until to-morrow, and then the chairman of the committee will be present.

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

Mr. CULBERSON subsequently said: I ask to have referred to the Committee on Post-Offices and Post-Roads the resolution which I introduced this morning.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, that reference will be made.

REBECCA J. TAYLOR.

Mr. CARMACK. I submit a resolution and ask that it be read.

The resolution was read, as follows:

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

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

The PRESIDENT pro tempore. Does the Senator from Tennessee ask for the present consideration of the resolution?

Mr. CARMACK. I should like to have consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. SCOTT. I object.

Mr. NELSON. Let it go over.

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

CONDUITS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask, at the request of the chairman of the committee, that the joint resolution (S. R. 81) to enlarge the use of conduits in the District of Columbia be recommitted to that committee.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the joint resolution (S. R. 81) to enlarge the use of conduits in the District of Columbia be recommitted to the Committee on the District of Columbia. Is there objection? The Chair hears none, and the order is made.

Mr. BAILEY. I should like to know what the resolution is before unanimous consent is given.

Mr. GALLINGER. I will say to the Senator from Texas that the resolution is on the Calendar of the Senate and the chairman of the Committee on the District of Columbia requested me to have it recommitted for further consideration.

Mr. BAILEY. Oh, it is simply to recommit?

Mr. GALLINGER. That is all.

Mr. BAILEY. I have no objection in the world to that.

The PRESIDENT pro tempore. The joint resolution will be recommitted to the Committee on the District of Columbia.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 259) to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the committee striking out the clauses beginning on page 77, after line 17, under the heading "Increase of the Navy," and inserting the matter on pages, 79, 80, and 81, relating to increase of the naval establishment.

Mr. HALE. The bill was all concluded yesterday, except as to this amendment, which was passed over, and the Senator from California [Mr. PERKINS] had the floor upon it to submit some remarks.

Mr. PERKINS. Mr. President, when this bill came from the House of Representatives to the Senate, and was referred to your Committee on Naval Affairs for its consideration and review, it provided for the building of one battle ship, one armored cruiser, and one gunboat in the navy-yards of the United States. It was made mandatory upon the Secretary of the Navy that he should order the building of at least these three vessels in such navy-yards as he might designate. The Senate Committee on Naval Affairs, after duly considering the same, amended the bill so that it leaves it in the discretion of the Secretary of the Navy, if the bids are not satisfactory, or he believes that a combination has been formed among the different shipbuilders, to order one or all of these war vessels to be built in the navy-yards.

A majority of the Committee on Naval Affairs adopted this amendment, and although I differed with them in the committee I do not propose to appeal from the committee to the Senate, for the reason that that committee have patiently, diligently, and intelligently given due consideration and thought to every provision of the bill. Therefore, I acquiesce in the will of the majority as expressed by them in the amendment now pending in the Senate. The bill will, of course, go to a conference committee and there the question will be debated, as are all contested questions between the two Houses of Congress. Indeed, there is hardly an act upon our statute book that has not been the subject of more or less controversy. One House proposes a bill and the other makes an amendment. We discuss it and finally agree upon a measure that we believe is intended to carry out intelligently the object we have in view.

A MATTER OF GOOD POLICY.

But I can not, Mr. President, permit this opportune moment to pass without giving an expression to my views. I believe it is wise, expedient, and good policy on the part of the Government to build at least some of our naval vessels in the navy-yards of the country, and in doing so it is in response in a measure to the demands of the different labor organizations throughout the country on behalf of the mechanics who can do the work in the navy-yards.

So I wish, Mr. President, to trespass for a few minutes upon the time of the Senate to give the reasons why I think, as I have stated, the Secretary of the Navy should designate at least some of the navy-yards where vessels shall be placed under construction.

Mr. PLATT of Connecticut. Mr. President, may I interrupt the Senator to ask a question?

Mr. PERKINS. Certainly.

Mr. PLATT of Connecticut. Does the Senator mean to say that this is a demand from labor organizations?

Mr. BACON. We can not hear the Senator on this side.

Mr. PLATT of Connecticut. The Senator from California stated as a reason why he advocates this policy that there is a demand on the part of labor unions and mechanics. Does he mean that literally or that there is a request from them?

Mr. PERKINS. I mean that it comes as a request, set forth in a petition. They have presented in a respectful manner a preamble and resolutions showing why it is in the interest of the public service that the navy-yards belonging to the Government—belonging to the people—shall be utilized by our citizens. While I said there is a demand for it, I mean a demand in the sense that it is not only a privilege but it is the right of the humblest citizen of this land to appeal to Congress if he has a grievance, so that grievances may be made known to Congress, for we are but the representatives of the people of this country. This is purely a representative Government, and those of us who are for the time being delegated to represent the people should endeavor not only to carry out their wishes so far as it is practicable, but, as I believe every conscientious representative in Congress does, to cast his vote on the side of that which he believes to be for the good of the general public and for the welfare and prosperity of the whole people.

NAVY-YARDS OF THE UNITED STATES.

The United States has, according to the figures of the Bureau of Supplies and Accounts for the year ending June 30, 1901, $79,000,000 invested in the real estate and machinery of our Government navy-yards and naval stations. The amounts so invested increase very greatly from year to year, and with the additions which have been made during the past twelve months now aggregate, according to Admiral Bowles, Chief of the Bureau of Construction and Repair, nearly $100,000,000. Of the navy-yards and naval stations on the Atlantic and Pacific the following have machinery plants of the values given: Portsmouth, $473,896; Boston, $844,925; New York, $1,488,374; League Island, $325,802; Washington, $2,107,198; Norfolk, $863,164; Pensacola, $134,580; Mare Island, $660,146; Puget Sound, $225,122. These yards are completely fitted for the construction of naval vessels, even the least having a machinery plant better suited for this work than some of the private shipyards that have Government contracts for large amounts. Indeed, it is said, and I believe with truth, that some contracts have been given to private yards which had not, when their first contract was secured, machinery sufficient to construct anything much larger than a small coasting vessel. There is apparently no good reason why the facilities provided in the navy-yards of the United States should not be used. It is doubtful if the machinery plants of any of the private shipbuilding concerns are in many ways superior, but, if they are, the facilities of the navy-yards can be brought up to date with a small expenditure of money.

THE YARD AT MARE ISLAND.

Now, let me refer to Mare Island, and in speaking of this navy-yard, located in California, the State which I have the honor in part to represent upon this floor, I speak of it of my own personal knowledge, having been familiar with its environment and its equipment for a great many years. In the case of Mare Island, $180,000 will complete the entire new system of steam engineering, of which $80,000 is appropriated in this bill. That sum will give it one of the best systems of shops in the United States for the construction and repair of modern marine machinery. An appropriation of $50,000 for repairs to and improvement of the construction plant, also provided in this bill, will place that department in a state of complete efficiency. The yard at Mare Island is therefore in a condition to construct the hulls and machinery of any class of modern war vessels, and work of this kind, as well as the utilization of the facilities for repairing Government ships, should be the rule and not the exception.

The water facilities at Mare Island are even now better than those of many other yards where battle ships are built. The channel from the sea to the Mare Island Yard has never given rise to accidents to vessels, and it was necessary for the River and Harbor Committee to appropriate only $381,000 to deepen the channel to Port Costa, a large shipping port several miles above the Mare Island Navy-Yard, sufficiently to accommodate the largest battle ship and the deepest draft of merchant vessels entering San Francisco Bay. In January, 1900, the U. S. S. *Scindia* took soundings from Mare Island Navy-Yard to San Francisco, and found the least depth of water 5¼ fathoms, or 31½ feet. A survey made in April of this year showed a few places of shoaling where the depth at low water was under 30 feet, but the area is very small and the depth of water will be brought everywhere to 30 feet or over at low tide by a little dredging during the summer.

DEPTH OF WATER AT MARE ISLAND.

When the latest survey of the Coast and Geodetic Survey was made, in 1896-97, the least depth of water was found over Pinole Point Bar, which showed 22 feet at low tide, caused by detritus and wash from the mines. But, as stated, the river and harbor appropriation will secure 30 feet at mean low tide. Yet even without this improvement the channel has water enough at high tide, when there is a depth of at least 27½ feet, to admit of the passage of the *Olympia*, drawing 25 feet 1 inch; the *Oregon*, drawing 27 feet 1 inch; the *Ohio*, drawing 25 feet 4 inches; the *Charleston*, drawing 24 feet 10 inches, or the *Boston*, drawing 21 feet. These figures are for draft of water of ships complete with armament and with full load of coal and stores.

The facilities for launching vessels at Mare Island Navy-Yard are better than on the Clyde, the channel being 1,400 feet wide against 600 for the British yards. The *Galveston*, being constructed at the Trigg yards at Richmond, must be launched in a channel only 100 feet wide.

As to docking facilities, Mare Island Navy-Yard has in successful operation one splendid granite basin dry dock capable of receiving an ordinary United States cruiser or United States transport, and has under construction another dry dock, one of the largest in the country, 728 feet long on the floor, 101 feet 11¼ inches width of entrance, 72 feet width of floor, with 30 feet of water on the sill at mean high tide.

There is, therefore, every requisite at Mare Island for constructing the largest modern naval vessels.

In securing data relative to the water facilities at the different navy-yards and private yards where battle ships and other naval vessels are being constructed a surprising state of affairs has been disclosed. It is found that at the navy-yards, where, if authorized, large naval vessels would doubtless be constructed, the depth of water is greater than at the private yards where battle ships are being constructed under contract.

WATER AT OTHER NAVY-YARDS.

The following figures, furnished by the Chief of the Bureau of Yards and Docks, show the depth of water available at low tide alongside of the docks and wharves of the navy-yards named:

Portsmouth, 12 to 30 feet along quay wall; 18 feet along the wharf; 40 to 52 feet in channel about 100 feet out.

Boston, 30 feet.

New York, 20 to 30 feet.

League Island, one wharf, 20 feet on one side, 16 feet on other side; another wharf, 22 feet on one side, 20 feet on other side; another wharf, 23 feet on one side, 24 feet on other side.

Washington, 12 to 16 feet. (Boats drawing 18 feet coming in at high tide can lie at one wharf at low tide.)

Norfolk, 17 to 29 feet.

Port Royal, one wharf, 17.9 feet close alongside, 27.8 feet 25 feet out from wharf: another wharf, 14.5 feet close alongside, 25.2 feet 25 feet out from wharf.

Pensacola, one wharf, 22 to 24 feet; another wharf, 13 feet; another wharf, 19 feet.

Mare Island, 25 to 30 feet along quay wall.

Puget Sound, 29 feet. (*Wisconsin* and *Oregon* now alongside.)

WATER AT PRIVATE SHIP-YARDS.

The depth of water at mean low tide at different private shipyards where naval vessels are under construction, as given by the Coast and Geodetic Survey, is as follows:

1. Newport News Shipbuilding and Dry Dock Company, Newport News, Va.: Twenty-five feet at docks, which is the greatest depth that can be carried to them.
2. Wm. Cramp & Sons, Philadelphia, Pa.: Twenty-six and one-half feet at outer endof wharves at shipbuilding plant.
3. Union Iron Works, San Francisco, Cal.: The depths on the eastern face of the dock at the Union Iron Works vary from about 8 to 15 feet, the deeper water being at the northern end. Inside the depths are about 14 feet, and are generally maintained by dredging. At the entrance to the hydraulic lift dock the depth is about 17 feet, also maintained by dredging. Off the face of the launching ways there is 6 to 8 feet, and when the draft of the vessel to be launched requires a greater depth dredging is resorted to, and, in addition, the advantage is usually taken of a spring high tide.
4. Bath Iron Works, Bath, Me.: There is a depth of 10 to 25 feet alongside the wharves at Bath; 22 feet can be carried up the river.
5. Lewis Nixon, Elizabeth, N. J.: Fifteen feet can be carried to Elizabethport.
6. Fore River S. & E. Co., Weymouth, Mass.: Nineteen feet can be carried in the river to a point above the yards.
7. Neaffe & Leavy, Philadelphia, Pa.: Twenty-nine feet at outer end of wharf.
8. W. R. Trigg Company, Richmond, Va.: The depth at the wharves at Richmond ranges from 12 to 15 feet; vessels drawing 16 feet ascend the river.
9. Harlan & Hollingsworth Company, Wilmington, Del.: The Christiana River has been improved to 15 feet depth.
10. Maryland Steel Works, Sparrow Point, Md.: Twenty-five feet at the wharves and 21 feet in the dredged channel leading to them.

BIG SHIPS IN SHALLOW WATER.

It will be observed that the Fore River Steamship and Engine Company has available only 19 feet of water, yet this yard is building two first-class armored battle ships, each of 15,000 tons, and each drawing 23 feet 9 inches. Mare Island has from 25 to 30 feet along the quay wall, with at present 22 feet (which will be dredged to 30 feet under appropriations provided for) as the least depth from deep water in San Francisco Bay to Mare Island.

The *South Dakota*, under construction at the Union Iron Works, is of 13,680 tons, drawing 24 feet 1 inch, yet inside the face of the docks of that yard the depth of water is only 14 feet, while off the launching ways the depth is from 6 to 8 feet, and dredging is necessary when a vessel is to be launched, which even then can be done only at a spring high tide.

The following data, furnished by Admiral H. C. Taylor, Chief of the Bureau of Navigation, shows, in connection with the figures giving depth of water, that Mare Island, as its channel now is, is amply able to accommodate the largest vessels of our Navy:

Name of ship.	Draft in salt water; ship complete and with full load.			Draft in salt water, with no coal, ammunition, stores, or armament on board.		
	Forward.	Aft.	Mean.	Forward.	Aft.	Mean.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Ft. in.*	*Ft. in.*	*Ft. in.*
Olympia	22 2	25 1	23 7½	16 0	21 0	18 6
Oregon	27 1¼	27 1¾	27 1½	19 6	23 0	21 3
Ohio	25 2	25 4	25 3	16 6	19 6	18 0
Charleston	24 4	24 10	24 7	17 8	21 6	19 7
Boston	14 0	21 0	17 6	9 7	17 1	13 4

COST OF CONSTRUCTION AT NAVY-YARDS.

With modern, up-to-date machinery, with every facility for construction, with an unexcelled dock, and water in plenty, it would appear that the only chance for a failure to construct as cheaply as in private yards exists in the factor of labor. With labor as skillful and as efficiently directed, at the ruling rates of wages, there would seem to be no reason why contract cost should be exceeded, and there is really no reason why it should be exceeded. Twenty years ago or more, when there was more or less politics in the navy-yards, there was danger that inferior workmen would be the rule. But ten years ago the old political system was changed to the merit system, which has since then been rigidly adhered to. The result is that mechanics are employed through an employment board, on whom political influence has no effect, as it is governed by strictly enforced rules, and the rate of wages for mechanics are fixed every six months at the same rate paid by private companies for the same class of labor. So unimpeachable an authority as the Scientific American on this point says:

Popular delusions die hard; and one of the most pernicious and persistent of these is the belief that war-ship construction when done by the Government is poorly done and costs more than it does at private yards. There was a time, it is true, when the navy-yards could not compete with private firms; but that was a time when the yards were overridden by political influence and encumbered with lazy incompetents, who owed their positions to "pull" with the local politicians. Thanks to the trenchant reforms instituted and carried through largely by the efforts of the present Chief Constructor, Rear-Admiral Bowles, our navy-yards have been entirely emancipated from politics, and the organization, plant, discipline, and character of work turned out have been brought up to a standard that is fully equal to that of the best private establishments.

The naval constructors believe, and we fully agree with them, that the time has come when it would be to the nation's advantage to have a certain portion of its ships constructed in Government yards. The plant and the working staff at New York and Boston have been brought up to such a state of efficiency that the largest battle ships could be constructed with economy and great efficiency. The high cost of the *Texas*, the *Maine*, and other Government-built ships can not be quoted against this statement, since those ships were constructed before the yards were reorganized and when the plant was old and inefficient. The construction of the ships in Government yards would have a twofold advantage. It would stimulate private builders to exhibit some of that dispatch which has recently been so conspicuously absent (some of our battle ships are a year and a half and our torpedo boats two and a half to three years behind their contract date), and it would be possible to keep the well-trained navy-yard forces continuously at work, instead of having to discharge a large part of them whenever routine work is slack. The practice of building some of the war ships in Government yards is followed to advantage in the leading European navies. We should adopt it here.

EIGHT-HOUR LAW DOES NOT AFFECT COST.

It is alleged that the enforcement of the eight-hour law in navy-yards will render the cost of labor in constructing war vessels considerably greater than when such vessels are built in private yards, where this limitation as to time does not exist. Granting, for the sake of argument, that labor at eight hours is less efficient than at nine or ten hours, I am of the opinion that the difference is more than made up by the fact that it is not necessary in Government yards to earn interest on the capital invested or to pay the very large salaries given to the president and other officers and managers of private yards. The appraised value of the Government navy-yards in 1901 was $80,000,000. Assuming that an equal sum is invested in private yards, construction in the latter would have to earn interest on that sum, which, at 4 per cent, would be $3,200,000 per year. To this must be added the cost of high-salaried officials, who draw from $10,000 to $25,000 per year, and which, in the case of the private yards engaged in building war ships, probably aggregates another million dollars a year. The cost of construction in Government yards, therefore, does not include these two items, for supervision and management are by naval officers already under pay, and who if not employed there would be detailed to other work. Interest on capital invested and the cost of management are therefore saved in Government yards, and, as stated, amount to about $4,200,000 per year. It is not

probable that the increased cost of construction incident to the enforcement of the eight-hour law equals this sum, if there is any increase whatever on this account. I do not think, therefore, that the objection to Government construction on the score of the eight-hour law is well taken.

EIGHT-HOUR LABOR AS EFFICIENT AS NINE-HOUR.

But there is no ground for the assertion that a reduction of the hours of labor to eight per day will materially affect the product of that work. On the contrary, there is evidence that as much work is produced on an average in an eight-hour as in a nine-hour day. Factory Inspector Wade, of Massachusetts, in his testimony before the Industrial Commission, says that the effect of reduction of hours in factories has not reduced production or injured manufacturers. It was placed in evidence that the longer hours in Rhode Island did not give manufacturers there an advantage over those of Massachusetts, where the workday is shorter, and that the Southern factories have an advantage in proximity of raw material, not in their longer hours of labor. In all cases where continued muscular and nervous effort are necessary it is recognized that there is a limit beyond which such effort is unprofitable, and it is very doubtful whether in the long run men in the same kind of occupation will perform more work in nine hours than in eight. I do not think, therefore, that the fact that eight hours is the length of a working day at the navy-yards will result in a material difference in the product of a given number of men when compared with that of the same number in private establishments not under the eight-hour law.

WHY SHIPS CAN BE BUILT MORE CHEAPLY IN NAVY-YARDS.

Conceding, for the sake of argument, that the higher rate of wages and the leaves of absence make the cost of labor in navy-yards very much greater than in private yards, and conceding that this excess will be, as Chief Constructor Bowles states, 70 per cent, I think that construction can be more cheaply performed in navy-yards than in private establishments. Constructor Bowles, in a communication printed in the CONGRESSIONAL RECORD, makes the cost of a vessel of the *Virginia* type, when built by contract, as follows:

Labor, two-thirds net cost	$1,600,000
Material, one-third net cost	800,000
General expense, 40 per cent	960,000
Profit, at 10 per cent	336,000
Government inspection	35,000
Cost to Government	3,731,000

In his estimate of cost in a navy-yard Constructor Bowles estimates that labor would cost double that in private yards. But this is hardly fair, as he had already pointed out the fact that, considering higher wages, holidays, and leaves of absence, such cost would be only 70 per cent greater. Adopting his figures, therefore, the cost in a navy-yard would be as follows:

Labor, at contractor's rates	$1,600,000
Add 70 per cent	1,120,000
Material	800,000
Add 10 per cent	80,000
Cost to Government	3,600,000

I think that this is a fair comparison, adopting the data of Constructor Bowles. This shows that the Government would save $131,000 by building in a Government yard.

Constructor Bowles figured that there would be an item of 15 per cent, due to general expense, to be added to the cost of building in the navy-yard; but it seems to me that this should not be so added, as the general expense account would run even if a vessel were not built.

SKILLED FOREMEN AT MARE ISLAND.

It having been doubted that the foremen of navy-yards possess sufficient technical skill to superintend the construction of large naval vessels, I desire to call attention to the fact that there are at present at the Mare Island Navy-Yard eight leading foremen who occupied similar positions at the Union Iron Works yards when the *Oregon* was being constructed there. And as further evidence of the competency of Mare Island Navy-Yard employees I would state that the Risdon Iron Works, of San Francisco, have made unsuccessful overtures to secure as superintendent for their yard Foreman Ship Fitter W. G. Stevens, of the department of construction and repair, the man who would have most to do with the building of a battle ship were one assigned to the Mare Island Yard. Mr. Stevens was foreman of the Union Iron Works when the *Charleston* was built.

Another very great advantage of the Mare Island Navy-Yard is its location where it receives the benefits of the great Sacramento and San Joaquin rivers. The salt water from the ocean is here mingled with the flood of fresh water from the interior valleys, and in consequence becomes unfitted to sustain that kind of marine life which is so troublesome and destructive. The teredo and limnoria can not live in the water of the Mare Island Navy-Yard, as is proved by the fact that piles driven at Vallejo thirty years ago are as sound as when placed there, while piles in the salt water at San Francisco and other points exposed to the sea water are rapidly destroyed. At Point Tiburon, Angel Island, and other places near the Golden Gate 75 per cent of the strength of a pile is lost in one year, unless it is sheathed with copper, thoroughly creosoted, or otherwise protected from the ravages of the marine insects.

SOME OF MARE ISLAND'S ADVANTAGES.

At Mare Island this expensive process is unnecessary, and the cost of works on which piling is necessary is less in the first place and the structures require less for repairs. Another advantage of this character of the water is that it destroys all marine growths on ships' bottoms, so that war ships lying there are cleaned without the expense of docking and labor. Seagoing merchant ships often go to the head of San Pablo Bay that the barnacles may be killed by the fresh water, for it is far cheaper to have the growths drop off in the fresh water than to dock the ships and scrape the accumulations from them. And when large steel and iron vessels are waiting for cargoes by reason of slack business they are usually towed to the vicinity of Mare Island and Martinez and anchored, as there the bottoms of the vessels are safe from the accumulation of sea growth vegetation and barnacles.

Still another advantage of the Mare Island Navy-Yard is its climate. Nowhere in the world can a better working climate be found. Practically every day in the year can be utilized in outdoor labor, for the thermometer never goes below 40 degrees or seldom above 85, the average being above 65 for the entire year. Labor under such circumstances is more efficient than when it has to contend with the freezing blasts of winter or the hot, humid atmosphere of an Atlantic coast summer. It is probable that a workman at Mare Island, on this account, will in a year do as much work at eight hours a day as a man in an Eastern yard working nine or ten hours. It is a characteristic of the climate about the great bays of California that it promotes vigor and is free from those changes which detract so much from the efficiency of labor in the winter and summer months of the Atlantic States.

A YARD PERFECTLY EQUIPPED FOR CONSTRUCTION.

We have, then, at the Mare Island Navy-Yard all the conditions for the construction of the largest and best ships required by the Navy, and owing to the absence of profit on construction there is every reason to believe that the material used will be of better quality than that which is used in private yards, where a slight drop below the standard fixed means so much added to the profits of the constructors. It will certainly be far easier to keep material up to standard in navy-yards than in private yards, and as far as the cost of labor is concerned, it is certain that the conditions could be no worse than those reported by the marine superintendent of United States transports at San Francisco, who testified that in the spring of 1899 shipbuilding concerns who were engaged in Government work "put in all kinds of men; sometimes men that probably never had a hammer in their hands were getting $4.50 a day as carpenters."

It is sometimes argued that extra cost would be entailed upon the Government by having ships built at navy-yards by reason of the expense of preparing plans. This is an error. For this work it would make not a dollar's difference to the Government whether the vessels were built in private or Government yards. The plans of every naval vessel are prepared in the Bureau of Construction by the Chief Naval Constructor and his assistant naval constructors, all officers of the United States Navy, assisted by civilian engineers, paid by the Government. On the plans thus prepared bids are solicited, and the private firms securing the contract are compelled to follow the plans thus prepared, and a naval officer is detailed to superintend such construction in order to insure strict compliance with the specifications. The private builder has nothing whatever to do with the preparation of these working plans, which cost hundreds of thousands of dollars, and he pays nothing for the work done on them. It would make no difference, therefore, to the Government as to this item in the cost of a vessel if such vessel should be built in a Government navy-yard.

EUROPEAN POWERS UTILIZE THEIR DOCK YARDS.

The three great European naval powers—England, Germany, and France—utilize to the utmost the Government dockyards for the construction of their ships of war. At the present time England has 28 ships, 12 of which are battle ships and 7 armored cruisers, under construction in its dockyards, against 86 vessels in private yards, of which only 9 are battle ships, and 48 are simply small torpedo-boat destroyers. In France the Government is building 4 battle ships, 11 armored cruisers, and 8 destroyers, a total of 23 vessels, while 22 are being constructed in private yards. The German Government is building 2 battle ships and 1 armored cruiser, with 3 cruisers and gunboats, against 23 vessels under construction in private yards. In the United States 43 vessels

are under construction in private yards, and not one in the Government navy-yards. This does not seem to me wise business policy, nor is it making proper use of the facilities furnished by the Government for doing Government work.

It was in evidence before your Committee on Commerce that in the work of dredging harbors alone the Government would save money by investing several millions of dollars in dredgers, even if it did not operate 10 per cent of them, as we should then have a practical way of knowing the actual cost of the dredging work, and thus prevent private companies from forming combinations and taking undue advantage of the Government. It therefore appears with double force that all of the repair work to naval vessels should be done in the navy-yards, and at least one vessel, even if of only small tonnage, should always be on the stocks in each of the navy-yards.

The British naval estimates for 1902–3 show that for dockyard work $14,487,485 is apportioned to new or construction work and only $6,829,660 for repairs. For contract work $23,998,425 is apportioned to construction and only $2,296,750 for repairs. The five great dockyards of Great Britain are utilized to their fullest extent in building new ships.

FOREIGN NATIONS NOW BUILDING WAR SHIPS IN THEIR OWN YARDS.

The special consular reports on the merchant marine of foreign nations state that "nearly all the war ships of Austria-Hungary have been built at home, the majority in the Imperial navy-yard at Pola." The war ships of Denmark "are built exclusively by the Government itself at the royal navy-yards." In France "many war ships are built in Toulon by the French Government on its own docks." A battle ship of 14,865 tons is now under construction at the Brest dockyard and an armored cruiser of 12,550 tons at Toulon. In Germany "the German Government owns three shipbuilding yards—one at Kiel, one at Wilhelmshaven, and one at Danzig—which are exclusively used for the building of vessels for naval purposes." Italy has four national shipyards, in which were constructed during 1897 naval vessels aggregating 17,430 tons. War ships are built in the Government navy-yards at Castellamare di Stabia, and there were under construction there in 1899 the *Benedetto Brin*, the *Agordat*, and the *Coatit;* at the Venice yard, the *Ferrucio;* at Spezzia the battle ship *Regina Margherita*, and at the Naples yard the *Emmanuele Filiberto* was being completed. In the Netherlands armored and protected war vessels are built at the Government docks and at Amsterdam.

Japan has also begun to construct navel vessels in Government yards. In 1890 a second-class cruiser was ordered constructed at each of the Government dockyards at Kura and Yokosuka. Sweden is also building war vessels in its Government yards. Russia has three battle ships and two cruisers in Government yards. It is thus seen that every naval power is making use of its dockyards for the construction of war vessels of every type, and calls upon private builders for only those vessels which it has not facilities to construct. The United States is the only great sea power which fails to utilize its dockyards for new construction.

LOSS TO THE GOVERNMENT FROM CONTRACT WORK.

In our own yards repairing only is done, and by no means all that we have facilities for. A very large proportion of this work has been let out to private firms, to the great loss of the Government, as appears from the reports in House Document No. 537, present session. In the report of Lieutenant-Colonel Chamberlain, which appears in that document, reference is made to the repairs on Government transports at San Francisco, on which work very large sums of money were expended by the Government.

The marine superintendent at that port testified that for this work there was no competition among private bidders after a month, when a combine was clearly formed, which resulted in charging the Government excessive rates. He did not believe that the work was done at a "figure that it would have been done for commercial purposes," and thought that if the Navy Department was also bidding it would have had an effect on the prices charged. Colonel Chamberlain, from the evidence secured, came to the conclusion that the three shipbuilding firms who performed the work "had an understanding among themselves, and that there has been no competition between them." He further says that in most instances the lowest bid was in excess of the amount authorized. It is very clear, upon a careful study of this report, that by reason of a combination among private builders and a lack of competition by Government navy-yards the Government was compelled to pay hundreds of thousands of dollars in excess of a reasonable cost for repairs to transports alone at a single port.

The case of the transport *Hancock* is one in point. She arrived in port July 29, 1899, and a dispatch was sent to Washington asking authority to have necessary repairs made, whose cost was estimated at $40,000, which would, according to the general superintendent, have placed her temporarily in condition for service. The work was authorized and was done under oral agreement, without competition, and the result was that the repairs to this vessel cost the Government $547,016.28, or half a million dollars more than was estimated to be necessary to make her available for service. Had the repairs been made at the Mare Island Navy-Yard there would doubtless have been a great saving to the Government, as the Navy Department would have had control of the work.

BREAKING UP THE SHIP-BUILDING COMBINES.

As bidding by the navy-yard at Mare Island for repairs to transports would have broken up the combine among San Francisco shipbuilders, and saved hundreds of thousands of dollars to the Government, so opening the navy-yards to new construction would break up the alleged existing combine among the private shipbuilders of the country, and the result would be the saving of millions of dollars a year in the cost of new naval vessels. That a little competition will be extremely beneficial financially is made evident by the effect of the entrance of the Newport News Shipbuilding Company into the field of ship construction. In 1890 the *Indiana* cost $579 per ton and the *Oregon* $610, but when the Newport News company began to bid the cost of battle ships was reduced very materially. The new *Maine* is now being constructed for $404 per ton, and the *Wisconsin*, by the builders of the *Oregon*, for $393 per ton. But there is an impression prevailing that the Newport News company has at last entered the combine and that competition is at an end. This indication is found in the following bids for new construction:

Vessel and builder.	Tonnage.	Price.
Pennsylvania, Cramp	14,014	$3,890,000
West Virginia, Newport	14,014	3,885,000
Colorado, Cramp	14,014	3,780,000
Maryland, Newport	14,014	3,375,000
California, Union	14,014	3,800,000
South Dakota, Union	14,014	3,750,000

It will be noted that there is only $5,000 difference in the bids for the *Pennsylvania* and the *West Virginia*. There is the same difference in the bids on the *Colorado* and the *Maryland*.

OFFICIAL APPROVAL OF THE CONSTRUCTION OF SHIPS IN NAVY-YARDS.

Such uniformity in bids where such very large amounts are involved can hardly occur without an understanding between bidders. To prevent such collusion from being successful it is necessary that there enter the field shipbuilding plants that can not enter a combine. The Government navy-yards are the only ones that can permanently remain independent. That some of them are amply able to build vessels of the largest size and of the highest modern type there is no doubt. The chief of the Bureau of Construction and Repair, in the Report of the Secretary of the Navy for 1900, says:

Much has been said both in favor and against the building of vessels in the navy-yards. The progress made in the improvement of yard plants and the ever-increasing need for a permanent skilled force ready for and capable of at all times taking up repairs of any character which the growth in "material" of the Navy entails, makes it desirable that the question should be given careful consideration. There is at the present time, in view of the prosperous condition of the shipbuilding industry and the number of naval vessels building and appropriated for, sufficient work to permit the assignment of a portion of the building work to the Government yards without there being a question of the withdrawal or withholding of necessary support and assistance, through work given out, to a private industry, the maintenance of which in a high state of efficiency is unquestionably of national importance.

These conditions make it possible to eliminate from the discussion any questions of policy except such as affect economy and efficiency. It has been the history of all the iron and steel navies in existence to-day that the building of the vessels was at first entirely confided to private industry, and that the existence of the nucleus of a steel fleet made it necessary that the governments who were their owners should themselves provide for repairing these vessels; and that, having provided the necessary plant for this purpose, the provision for the maintenance of the equally necessary though vastly more difficult thing to attain, viz, efficient working organization and adequate efficient personnel, forced them to undertake in their navy-yards a portion of the new building work. The extent to which this is being done by the principal naval powers may be seen by the following table:

Nation.	Government yards in which building is carried on.	Battle ships building in Government yards.	Armored cruisers building in Government yards.	Other cruising vessels.
England	5	8	5	3
France	5	3	10	4
Germany	3	3	1	4
Russia	2	3	1	2
Italy	2	1	.....	2

In the case of many of the European nations, for example, Denmark and Holland, maintaining smaller navies, so strongly is this necessity for a permanent efficient navy-yard personnel felt that practically all the naval building work undertaken by them is carried out at their navy-yards. What

they have done and are doing is mentioned here solely to emphasize the fact that the unanimous testimony of experience has been and is that the execution of a certain amount of building work at the chief government yards is necessary to the maintenance of such navy-yard staffs as a complete and efficient naval organization requires; and that, whatever disadvantages such a course entails, they are more than compensated for in the end. It is believed that we have reached that stage in a naval development—still considerably behind our national development—which forces upon us serious consideration of this step which other naval powers have found necessary and expedient. At the outset the disadvantages to be labored under will be considerable.

Time and experience will do much toward the alleviation or possibly the entire removal of many of these. While, under existing conditions, in the case of the first vessels built in our navy-yards it may be expected that the cost will not be greatly different from, may even be somewhat greater than for, the same work executed by contract in the private shipyards, the Bureau believes that such a course once entered upon would demonstrate its desirability and practicability in an increased efficiency and economy in naval administration, regarded as a whole, without interference with a judicious policy of such Government encouragement of the shipbuilding industry as will keep the greatest number of establishments in a position to undertake and execute promptly any naval work which may be required.

GOOD WORK CAN BE DONE AT MARE ISLAND.

In the report of the Bureau of Construction and Repair for 1901 appears the following reference to the Mare Island Navy-Yard and its facilities for new construction:

Until about three years ago the extensive changes now in progress had not been contemplated. Within the period named, however, a new dry dock and numerous buildings have been appropriated for, pneumatic appliances have been put into general use, the use of electricity for power purposes greatly extended, gas fuel introduced, sheet metal substituted largely for woodwork aboard ships, etc. Conditions have been altered greatly, therefore.

The plans and improvements submitted are based upon the assumption that too much money has already been expended here to make any change in policy as regards the continued use of the plant and appliances likely, and that it is only a question of time before at least a limited amount of new construction work will be authorized. The general arrangement of slips, docks, and buildings, both of this and other departments, as now contemplated is considered admirably adapted for efficient and economical work.

ADMIRAL BOWLES IN FAVOR OF BUILDING SHIPS IN GOVERNMENT YARDS.

Admiral Bowles, before the House Committee on Naval Affairs, on February 4, 1902, advocated the construction of ships in Government yards. His testimony on this point is as follows:

Mr. WATSON. In view of the fact that the Government employees get fifteen days' leave of absence, and you can not get away from that proposition; and in view of the fact that the Government employees work eight hours a day, and you can not change that; and in view of the fact that you must almost constantly equip the yards with new machinery and improved methods, would you think it advisable to equip the navy-yards to build ships?

Admiral BOWLES. I believe in facing the music.

Mr. WATSON. Which way is the music?

Admiral BOWLES. What do we have navy-yards for? The real purpose in having navy-yards we saw in the Spanish war.

Mr. BUTLER. In facing the music, you have in your mind what you said at first, that it would be necessary to abolish the fifteen days' leave of absence in order to compete with the private yards?

Admiral BOWLES. Yes, sir.

Mr. WATSON. That is music you can not face.

Admiral BOWLES. I believe that we would need some efficient navy-yards. They ought to be equipped fully for doing twenty times as much work as they do to-day. That is what I had in view when I spoke of the New York Navy-Yard.

The CHAIRMAN. Would you decrease wages?

Admiral BOWLES. I would to the extent of paying the wages actually paid by private concerns. Therefore I believe in having a thoroughly equipped navy-yard; and I think the best way to have it is to get them ready for building some ships.

Mr. ROBERTS. Do you give that answer on the theory that we ought to have that kind of a navy-yard, or on the theory that we can build better ships in the navy-yards, or is it on the theory simply because it would give us better navy-yards?

Admiral BOWLES. It is better yards which I aim at. I want to give the service in general—and I say that because I think we have good navy-yards—and therefore I would recommend the building of some ships in them.

Mr. ROBERTS. Even though it cost more?

Admiral BOWLES. Even though it cost more in the beginning.

That good work can be done at Mare Island is made evident by that which has there been done. The *Monadnock* was in a great measure constructed there, when the facilities in the shape of machinery, etc., were not so complete as at present, and the monitor is as fine a piece of marine work as can be found in the Navy. The *Hartford*, the old battle ship of Admiral Farragut, was rebuilt at that yard, and the *Boston*, *Alert*, *Olympia*, *Bennington*, *Yorktown*, and *Marblehead* were there practically reconstructed. The tugboats *Unadilla* and *Pawtucket*, both steel, were constructed at this yard, and extensive repairs were made to the *Adams*, *Alert*, *Farragut*, *Justin*, *Iowa*, *Independence*, *Mohican*, *Nero*, *Pensacola*, *Philadelphia*, *Ranger*, *Solace*, *Thetis*, and *Wheeling*. A portion of the original outfits of the following ships have also been built at this yard: *Fox*, *Davis*, *Goldsborough*, *Ohio*, *Paul Jones*, *Perry*, *Preble*, *Tacoma*, *Wisconsin*, and *Wyoming*.

NO COMPETITION WITH TRANSPORTATION LINES.

The performance of this work at the Mare Island Navy-Yard, and similar work at other yards throughout the country, can in no way affect the business of general transportation lines, which, it has been claimed, object to the plan of utilizing to the fullest extent the facilities existing at the Government yards. Were the Government in competition with private transportation companies for general business the case would be different, for the less cost of repairs would enable it to charge less for freight. But the fact is that the Government does no private business. In its vessels are carried only Government supplies and officials connected with the Government, there being an absolute prohibition of receiving commercial freight or private persons desiring transportation. Only Government business is transacted, and it is in the interest of the taxpayer and for the promotion of the efficiency of the administration of the War and Navy departments that transportation of this kind shall be performed at the least possible cost and that its details shall be under the absolute and immediate control of the responsible officials of the Government.

It is no part of the Government's duty to cripple any of its departments and place us in a dangerous position in case of emergency that private transportation companies may have the privilege of transporting Government stores and officials from one port to another. The Government very properly declines to permit the use of its dry docks to private shipowners excepting in cases of emergency, and then the same rates are charged as those charged by commercial companies. Ours is not a paternal government, and therefore it is not one of its functions to enter into competition with its citizens. We have had too many examples of the evils of caring for private business interests before taking account of public needs to willingly continue the paternal policy any longer.

I will not longer trespass upon the time of the Senate, but will ask permission of the Senate to insert in the RECORD as an appendix to my remarks a concise history of the selection of the present site by Commodore Sloat, who was chairman of the commission which located the Mare Island Navy-Yard in California, and also such action as appears of record which has since been taken.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the matter will be printed in the RECORD.

The appendix is as follows:

APPENDIX.

A BRIEF HISTORY OF THE ESTABLISHMENT OF THE NAVY-YARD AT MARE ISLAND, CAL.

The following copies of letters and documents give all the information available relative to the establishment of a navy-yard at Mare Island:

NAVY DEPARTMENT, *Washington, June 7, 1902.*

SIR: Replying to your request of June 5, that you be furnished with a summary of the history of the establishment of the United States navy-yard at Mare Island, Cal., I inclose herewith copy of report No. 14, Thirty-second Congress, first session, submitted by Mr. Gwin, to accompany Senate bill No. 15; copy of letter of Secretary of the Navy to Commodore Joseph A. Smith, Chief of the Bureau of Yards and Docks, dated January 15, 1852, and the latter's reply thereto, nominating officers composing commission to choose a site for the California dock; the precept of the Secretary of the Navy, dated January 27, 1852, to these officers, viz, Commodore John D. Sloat, Commander C. Ringgold, Lieut. S. F. Blunt, and Engineer W. P. S. Sanger, constituting them as a board to examine the shores and waters of the bay of San Francisco, in California, for the purpose of selecting a site for a navy-yard and depot, etc.; copy of letter of the Secretary of the Navy of December 13, 1852, to the board, requesting them to state their opinion as to the nature of the tract lately surveyed by the board in California for a site for a navy-yard, known as Mare Island; copy of the act approved August 31, 1852, authorizing and directing the Secretary of the Navy to select a site in the bay of San Francisco, and the report of the board dated December 13, 1852.

I inclose, for your further information, extract from the directory of the city of Vallejo of 1870, concerning the origin of the name "Mare Island."

In Executive Document No. 31, House of Representatives, Forty-sixth Congress, second session, is the letter of the Secretary of the Navy in answer to resolutions of the House of January 21, 1880, calling for "any and all information in possession of his Department relating to the formation of bars and deposits of mud, sand, and gravel at or near Mare Island," etc. The plan attached to the document shows depth of water in front of yard.

Transmitted herewith is a copy of the report of the board of civil engineers, of which W. P. S. Sanger, U. S. N., was senior member, appointed to prepare a plan for the improvement of the navy-yard at Mare Island, California, 1873.

This is all the information concerning the selection of the site and the establishment of the United States navy-yard at Mare Island, California, in possession of the Navy Department.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. GEO. C. PERKINS,
United States Senate, Washington, D. C.

[Senate Report No. 14, Thirty-second Congress, first session.]

In the Senate of the United States, January 6, 1852—Ordered to be printed—Mr. Gwin submitted the following report (to accompany bill S. 15):

The Committee on Naval Affairs, to whom was referred the bill to establish a navy-yard and depot on the bay of San Francisco, in California, report:

That they have given the subject that attention which its importance demands, and have been led into a brief review of the policy of the Government in establishing permanent navy-yards for the construction and repair of vessels of war.

The first attempt under our present form of government to commence a naval establishment appears to have been demanded by the necessity of defending our commerce and citizens from the piratical depredations of the Algerine corsairs. An act was passed the 25th of March, 1794, authorizing the building and equipment of six frigates. The passing of this act, as stated by Gen. Henry Knox, then Secretary of War, and in charge of naval affairs, "created an anxious solicitude that this second commencement of a Navy for the United States should be worthy of their national character;" and he stated that "the building of the ships has been directed in several ports of the Union, in order as well to distribute the advantages arising from the operation as to ascertain at what places they can be executed to the greatest

advantage." Thus it appears that in the beginning, by way of experiment, if not from the necessity of the case, the public vessels of the Government were constructed in private yards; but this experiment proving ineffectual, none of the vessels having been completed, a committee of the House of Representatives, on the 25th of January, 1797, recommended that a sum of money should be appropriated for the purpose of purchasing and fitting up a naval yard.

Another committee of that House, on the 8th of March, 1798, stated, in reference to constructing public ships in private yards, that "in the view which, on several occasions, this committee have taken of the subject of providing a naval armament, they have not failed to observe the apparently enormous expenses and unaccountable delays which have attended every attempt of this kind;" and in a letter from James McHenry, Secretary of War, to a committee of the House of Representatives, dated the 22d of March, 1798, he stated that "the great delay that has occurred in the present undertaking must always be more or less experienced when heavy ships of war are required to be suddenly built and the Government not previously possessed of the necessary timber and materials. It is certainly an unfit time to look for these and prepare a navy-yard when the ships are required for actual service. It is not to be expected that the large pieces of heavy timber suitable for ships of war will be found at market or accumulated in private magazines for sale when wanted on pressing occasions. Do not these circumstances point to the expediency of a legislative provision commensurate to so important an object?" And again, in a State paper emanating from Benjamin Stoddard, the first Secretary of the Navy, on the 25th of April, 1800, he said:

"In this view of the subject, and believing that it is the truest economy to provide at once permanent yards which shall be the public property, and which will always be worth to the public the money expended thereon, instead of pursuing the system at first adopted, which, with the experience before us, can only be justified on the ground that the ships now ordered are the last to be built by the United States, the Secretary of the Navy has had but little difficulty in making up his opinion that the proper course to be pursued is to make the building yards public property and to commence them on a scale as if they were meant to be permanent." In another communication upon the subject Mr. Stoddard declares that "docks for repairing ships ought to be convenient to the sea, and yet not easily accessible to the enemy." Yards for building the ships, where large quantities of materials would be deposited (the destruction of which would always be an object with an enemy), should be, according to the opinion of Mr. Humphreys, a gentleman of considerable science and experience in naval architecture, "in the vicinity of a commercial city, for the convenience of procuring able workmen," "where the harbor is secure from freshets and stormy weather, out of the reach of an enemy."

These opinions of public officers of high reputation in the infancy of our naval establishment have been verified and confirmed by an experience of upward of fifty years, and have been referred to because of their coincidence with the opinion of this committee as to the advantage of establishing at once a permanent navy-yard and depot on the bay of San Francisco, in California, rather than to depend upon private establishments for the repairs or building of public vessels in that bay. The committee having been so well satisfied of the necessity of having a naval establishment in that distant harbor that the only question presenting itself to their consideration was whether such an establishment should be of a temporary or permanent character; and the authorities herein referred to, together with the settled policy of the Government, are considered entirely conclusive upon this subject.

Whether this subject is considered as regarding simply our naval establishment or in a commercial, fiscal, maritime, or national point of view, it loses none of its intrinsic importance.

As regards the vessels of the Navy cruising upon that once distant and foreign coast, but now our own coast and our own country, none better remember nor have felt more sensibly the want of a port of safety in that region than our gallant naval officers (who have served for many years past upon the voyages and cruises in the Pacific) both for the repair or refitting of their vessels, etc., the recruiting of the health and strength or numbers of their crews. The vessels of war taking their departure from an Atlantic port for a three years' cruise, and making the long voyage around Cape Horn and along the western coast of this continent, arriving in the bay of San Francisco, instead of finding themselves thousands of miles from those means of repair and succor of any kind of which they might stand in need, will, when this yard shall have been established, find themselves at home, where every repair, aid, and assistance can be obtained.

But the importance of this establishment to our Navy would be most felt should this country unfortunately be involved in war with a powerful maritime nation or nations, because in that event should numerous and heavy fleets cut off or harass our cruisers from the Atlantic ports for the protection of our interests in the Pacific we should then possess the means and ability to construct and fit out war steamers and other vessels of war from the bay of San Francisco capable, with the aid of the whalers' crews, to drive every hostile sail from that coast.

In a commercial and fiscal point of view, the establishment of this navy-yard and depot and the defenses necessary to sustain it, adding, as it will not fail to do, to the security of the commercial marine and the numerous vessels engaged in the whale fisheries in the Pacific, the trade and commerce of San Francisco and other ports in California and Oregon will derive additional importance and encouragement and consequent extension which will, no doubt, be sensibly felt in the revenues from the customs in those ports, and the benefits to be derived from this source by the Government will greatly overbalance any expenditure that may be made for this object.

In an extending maritime and national aspect, the creation of a strong naval establishment in the bay of San Francisco, in the opinion of the committee, is of very great importance to this country. When the immense value of the whale fisheries and trade to the western coast of the two Americas, to China and other countries of Asia, and the islands of the Pacific and Indian oceans, and the daily increasing trade and commerce of California and Oregon, are all considered, it must be confessed that this Government is under the strongest obligations to lose no time in providing the most ample means for the future security of all these interests, which interests belong almost entirely to the commercial cities of the Atlantic coast and the enterprising mariners from New England engaged in the whale fisheries; while California, enjoying only incidental advantages from these operations of trade and commerce, and the establishment of these resources and means of defense upon her soil and in her waters, will have the honor of affording upon her territory a firm resting place for the fulcrum of the lever of that power of this great country, which is hereafter to maintain its maritime rights and peace upon the vast expanse of the Pacific and Indian oceans. For all great national purposes, whether defensive or offensive, or in a state of war, or protective of our commerce and the rights of our citizens on the ocean in time of peace, if the right arm of our power is to be put forth from the Atlantic and Gulf coast, the left hand of that power must necessarily be extended from the Pacific coast.

In reference to the interests enumerated above, it is only necessary to take a retrospective view of the extent of the commerce and navigation of those regions from the ports of the Atlantic in past years, and of the vast increase of this commerce and navigation since the important acquisition of California by the United States. The direct trade of California, concentrating almost exclusively in the harbor of San Francisco, for the year ending June 30, 1851, as appears by an official statement from the register of the Treasury, employed the number of vessels and amount of tonnage as follows: American vessels entered, 379, of 115,779 tons; cleared, 815 vessels, of 293,435 tons; foreign vessels entered, 482, of 142,349 tons; cleared, 515 vessels, of 136,735 tons. Although this exhibit by no means embraces the whole extent of this trade, it is sufficient to show the large amount of commerce which has grown up in that State in so short a period of time, and the immense extent to which this commerce is destined to arrive in the future, judging from the unparalleled rapidity with which it has progressed heretofore. In addition to this direct trade, there must be taken into account the numerous fleets of whaling vessels from the New England States frequenting the Pacific Ocean, with a tonnage averaging for the last six years 181,651 tons, and employing a large force of the ablest seamen, and returning to the Atlantic ports freighted with their rich cargoes of sperm oil. And in further addition must be enumerated all the shipping and capital engaged in the extensive and valuable trade and commerce with China and other countries of Asia, and with the eastern archipelago and other islands in the Pacific and Indian oceans.

To realize the importance of the proposed naval establishment in the bay of San Francisco it is necessary to consider the value and extent of the interests enumerated above and the liability, in the event of a war with one or more powerful maritime nations, as before stated, to the injury or ruin of those interests. This would be prevented by providing in time the means of constructing and repairing public ships in a secure harbor on the Pacific coast, defended by sufficient fortifications against any attack that could be made against it either by land or water.

The national interests, confirmed policy, and present naval exigencies of the country manifestly requiring the establishment of a permanent navy-yard and depot on the bay of San Francisco, in California, the committee have examined the bill referred to them for that object with much care, and believe that it is well calculated to effect that purpose; but the committee having taken a full view of this subject, believe that such an establishment as is proposed by this bill will not be complete without the addition of a basin and railway, which in connection with a floating dry dock authorized and provided for by the act of the 3d of March, 1851, will be an indispensable appendage to the navy-yard and depot to insure the prompt and efficient repair and refitting of the public vessels, and to possess which facilities in the bay of San Francisco is of great importance to the Government.

The committee therefore recommend that provision also be made for these objects, in order that the board of officers authorized by the bill may in their selection of the site for the navy-yard and depot also embrace in their view and arrangements all of these necessary objects. In the event of a war these appendages to the navy-yard would be indispensably necessary to prepare vessels for sea on a short notice or to repair with promptitude vessels that may be disabled in conflict. It may also be remarked that the floating dry dock now being constructed would be of little utility without the addition of the basin and railway. Indeed, the navy-yard or dock itself would be deprived of a most important feature, now considered as an integral and essential part of every building and repairing navy-yard and absolutely necessary for the use of the Navy, whether in a state of war or peace.

The committee have deemed it their duty to propose this additional provision, from several important considerations. In the first place, it will secure economy in the construction of these several objects by having them constructed simultaneously or in reference to each other, avoiding alterations and disadvantageous expenditures and loss of time in a separate and subsequent arrangement and construction of them. In the second place, a provision for them all at this time will give the Government the advantage of the practical experience and scientific knowledge of the board of officers that may be appointed to establish the site for the navy-yard, to make such selection of a site as may be best adapted to all these indispensable objects together, and, in the third place, all can be conveniently arranged with reference to the same system of police and be brought within the same plan of defense.

In the consideration of this subject the committee have been so deeply impressed with the importance of the duties to be performed by the board of officers, to be composed of officers of the Navy and United States engineers, and to be appointed for this service, and the necessity for an elaborate and thorough examination and survey of the bay of San Francisco and its adjacent grounds, to enable them to make an impartial selection upon professional and scientific principles, and with reference solely to the perfect adaptation of the site and grounds for the purposes intended and to the permanent interests of the Government, that they have considered it proper to recommend a provision for such additional compensation and traveling expenses to these officers as not only to meet the heavy additional personal expenses to which they will be subjected in the performance of this duty, but to secure the services of the officers in every way qualified for this delicate and highly important and responsible duty.

The committee therefore report the bill to the Senate with an amendment providing for these objects, and recommend its passage with the amendment.

[Thirty-second Congress, first session.]

An act making appropriations for the naval service for the year ending the 30th of June, 1853. (Approved August 31, 1852.)

* * * * * * *

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and directed to select a site for a navy-yard and naval depot in the bay of San Francisco, in California, or neighboring waters, either by purchase or by reservation of public lands, as the case may be, and shall cause the same to be surveyed and a plat thereof to be recorded in proper form; and when such selection shall have been made, the said Secretary shall make such arrangements as may be necessary to establish a navy-yard and naval depot upon the most approved and economical plan on the site so obtained, and cause to be erected a foundry, machine shop, blacksmith's shop, boiler shop, engine house, pattern shop, carpenter shop, and storehouse, and for the purpose of carrying this section into effect the sum of $100,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy be, and he hereby is, directed to appoint some suitable naval officer or engineer to receive and superintend the construction of the floating dry dock in California.

NAVY DEPARTMENT, *January 15, 1852.*

SIR: You will be pleased to name three naval officers and one engineer to compose a commission to choose a site for the California dock.

I am, sir, respectfully, your obedient servant,

WILL A. GRAHAM.

Commodore JOSEPH SMITH,
Chief of Bureau of Navy-Yards and Docks.

BUREAU OF YARDS AND DOCKS,
January 16, 1852.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, and in compliance with your direction to name three naval officers and one engineer to compose a commission to choose a site for the California dock, I respectfully nominate Commodore John D. Sloat, Commander C. Ringgold, Lieut. Simon F. Blunt, and Engineer William P. S. Sanger, as suitable and proper persons to compose that commission.

I have the honor to be, with great respect, your obedient servant,

JOS. SMITH.

Hon. WILL A. GRAHAM,
Secretary of the Navy.

NAVY DEPARTMENT, *January 27, 1852.*

GENTLEMEN: You are hereby constituted and appointed a board to examine the shores and waters of the bay of San Francisco, in California, for the purpose of selecting a site for a navy-yard and depot, including a naval hospital and marine barracks.

You will prepare yourself for this duty and proceed to San Francisco in the steamer which is to sail about the last of March next from New York for Chagres or Nicaragua.

You will make a requisition upon the Bureau of Ordnance and Hydrography for such instruments as you deem necessary for this service.

You are authorized to visit and examine for your information and satisfaction the floating dry dock at the navy-yard at Philadelphia and also of the working of the floating dry dock in New York City.

You are authorized to appoint a draftsman, who will also act as secretary to the board, and you will be allowed three chainmen, who, in addition to their appropriate duties, shall perform such other service as the board may direct.

On your arrival at San Francisco, you will call on the commanding naval officer present to furnish for the service you are directed to perform such facilities and assistance as you may require and he may have under his control.

If there should be no suitable vessel in the squadron for your use you will procure, on the best terms practicable, a small sailing or other vessel, and other necessary appointments which the squadron can not furnish for the efficient protection of the work confided to you, and in case of the death or total disability of any member of the board the commandant of the Pacific squadron will appoint a successor. When ready you will proceed to explore thoroughly and minutely the waters bordering on and the shores of said bay, noting and recording as you proceed, the various advantages and disadvantages of both land and water for the location of a navy-yard and depot for the purposes above indicated.

After having examined these to your satisfaction, you will confer and consult upon the result of your labor, and select the site best suited to the various purposes of a navy-yard, hospital, and barracks, and in making up your judgments you will keep in view for attainment, as far as may be, the following prominent objects, viz:

First. Its security from attacks by an enemy, and its facilities and economy for defense.

Second. Its security from violent winds and sea, and the accommodation for safe anchorage in its adjacent waters.

Third. Its adaptation to the construction of a permanent stone dock, and for the working of a sectional floating dry dock, in connection with a basin and railway, if a basin and railway be practicable in those waters.

Fourth. The facilities for procuring, and the accommodations for boarding mechanics, and workmen of various classes.

Fifth. The facilities afforded for procuring most readily materials, supplies, and stores of all kinds.

Sixth. Its fitness and adaptation for the construction of piers, wharves, launching ships, and building ways, storehouses for the reception and keeping of various stores, marine hospital and barracks, workshops of the different kinds required for the building and repairs of sailing and steam vessels of the Navy, and such dwellings for the officers attached to the yard as you may deem necessary.

Before you shall decide upon the point and location of the depot, in support of your opinion upon the advantages and practicability of its military defense, you will call to your assistance and confer with Capt. Henry William Halleck or other engineer of the United States Army, who will be instructed to give the board his experience and advice upon this very important subject.

After you shall have agreed and decided upon the best location available you will make a plan of the ground, showing the different elevations, with the topography, as well as may be, the plan to embrace the water near the shore, giving the soundings and description of the ground under water, with the height of the water during freshets and their duration; also the rise and fall of the tides, and the course and velocity of the currents. Upon the plan you will work out on a convenient scale what in your judgment are the best locations for a floating dock, basin, and railway (if basin and railway are practicable there), stone dock, piers and wharves, ship house and launching ship, storehouses, foundry, machine and boiler shops, blacksmiths' shop, joiners' shop, offices and dwellings for officers, Navy hospital, and marine barracks.

You will ascertain as far as practicable, from observation and inquiry, what is the effect, if the evil exists to any extent, of the marine worm in those waters. You will inform yourselves, as far as practicable, of the kinds and qualities of materials for the construction of fabrics of masonry and wood, and of the best means of procuring them. You will preserve all your original minutes, observations, and drawings, and when the duty assigned you shall be completed, which the Department trusts will not occasion your absence over four or five months, you will return to the city of Washington and make your report to the Department, with the necessary plans and descriptions of what you have done in the premises.

You will ascertain whether the site you may select be the property of the United States or of individuals, and, if the latter, inquire into the title and probable cost, and you are at liberty to enter into contract for a tract of land sufficient for the purposes aforesaid (if the title of the place selected be not in the United States), subject to the ratification of this Department.

These instructions you will regard as confidential, and will proceed in their execution and report your proceedings thereon with all practicable dispatch.

Wishing you health and success in this important service and a safe return, I am, very respectfully, your obedient servant,

WILL A. GRAHAM.

Commodore JOHN D. SLOAT,
Commander C. RINGGOLD,
Lieut. S. F. BLUNT, and
W. P. S. SANGER,
Washington, D. C.

Unfortunately the report of the Sloat board can not be found among the records of the Navy Department, but Hon. R. W. Thompson, Secretary of the Navy, in a communication to the Speaker of the House of Representatives, January 27, 1880, said:

"I have the honor to state that in the year 1852 a board of naval officers was appointed to examine the bay of San Francisco and adjacent waters and to select a site for a navy-yard. This board made a very careful examination of the points supposed to possess the requisite advantages for a naval station, and, after mature deliberation, came to a conclusion, agreeing with the report of a former board composed of Army and Navy officers, that Mare Island was the most eligible and advantageous position that could be found in the waters of the bay of San Francisco and its adjacent waters for naval purposes, and they reported accordingly."

NAVY DEPARTMENT, *Washington, December 13, 1852.*

GENTLEMEN: You will oblige me by stating your opinion as to the nature of the tract lately surveyed by you in California for a site for a navy-yard, known as Mare Island. I desire to have your estimate of its value, with all its appendages and advantages, regarding depth of water, harbors, etc. Your opinion may be formed without reference to the question of title, of which I could not expect you to express an official judgment, my object being to obtain some guide in the estimate of its value for land and water, with a view to a contract of purchase.

Very respectfully, your obedient servant,

JOHN P. KENNEDY.

Commodore J. D. SLOAT, U. S. N., *Washington, D. C.*
Commander W. S. OGDEN, U. S. N., *Washington, D. C.*
Lieut. S. F. BLUNT, U. S. N., *Washington, D. C.*
Engineer W. S. SANGER, U. S. N., *Washington, D. C.*

WASHINGTON, *December 13, 1852.*

Hon. JOHN P. KENNEDY,
Secretary of the Navy.

SIR: In answer to your letter of this date asking "your (our) opinion as to the value of the tract lately surveyed by you (us) in California for a site for a navy-yard, known as Mare Island," and desiring to have "your (our) estimate of its value, with all its appendages and advantages regarding depth of water, harbor, etc.," and stating that "your (our) opinion may be formed without reference to the question of title, of which I (you) could not expect you (us) to express an official judgment, my (your) object being to obtain some guide in the estimate of its value for land and water, with a view to a contract of purchase," we have the honor to state the island, including the tule opposite Vallejo, contains about 900 acres, in addition to a large tract of tule extending toward Napa and Sonoma. There is ample space for all the buildings required for a navy-yard, with good anchorage for ships of war; and, as stated in our report of the 6th ultimo, we consider it the most eligible location near San Francisco.

In reference to the value of this site for the purposes of a naval establishment combining, as it does, all the advantages stated in our report with respect to depth of water and general commodiousness as a harbor we are of the opinion, though we are aware that a large portion of it, say, nearly three-fourths, was recently purchased for a much less sum, that it would not perhaps be overestimated for the contemplated uses of the United States at $100,000.

Very respectfully, your obedient servants,

JOHN D. SLOAT.
WM. S. OGDEN, *Commander, U. S. N.*
SIMON FRASER BLUNT, SR., *U. S. N.*
W. P. S. SANGER.

UNITED STATES BRIG MAJOR EASTLAND,
Mare Island Straits, July 13, 1852.

SIR: I have the honor to inform the Department that the board appointed to select a site for a navy-yard and depot in the bay of San Francisco have, after a careful examination, come to the conclusion that Mare Island is by far the most eligible location for that purpose in these waters.

The board will present their plan of the survey and detailed report on their return to Washington, according to instructions.

The island is held in 80 shares by five persons. The district attorney is now examining the titles. If found good, the board will endeavor to ascertain for what amount it can be purchased, and conclude an arrangement, if thought advisable, subject to the approval of the Department.

The board hope to be able to leave for Washington on the 1st of August.

I have the honor to be, your obedient servant,

JOHN D. SLOAT,
Senior Officer of the Board.

Hon. WILLIAM A. GRAHAM,
Secretary of the Navy, Washington City.

NEW YORK CITY, *August 31, 1852.*

SIR: I have the honor to inform the Department of the arrival this day in New York City, of the board for the establishment of the location of the navy depot and dry dock at or near San Francisco, Cal.

In consideration of the debilitating nature of the journey from California, I have thought it advisable to delay the meeting of the board at Washington City, until the 1st day of October, by which time the duplicate charts and drawing instruments will have arrived which left San Francisco in the steamer of the 15th August.

I am, very respectfully, your obedient servant,

——— ———.

Hon. JOHN P. KENNEDY,
Secretary of the Navy.

WASHINGTON CITY, D. C., *October 1, 1852.*

SIR: The instructions to the board appointed to select a site for a navy-yard in the Bay of San Francisco require topographical drawings of the several points examined; and as the Department is in haste for the report of the board, it is necessary, in order to expedite the work, that a topographical draftsman be employed. I therefore respectfully ask authority to employ a suitable person for that purpose.

I am, very respectfully, your obedient servant,

JOHN D. SLOAT,
Senior Officer of the Board.

Hon. JOHN P. KENNEDY,
Secretary of the Navy.

WASHINGTON, *December 9, 1852.*

Hon. JOHN P. KENNEDY, *Secretary of the Navy.*

SIR: I have the honor to inclose herewith the report in triplicate (with maps and plans referred to therein) of the board appointed to select a site for a navy-yard and depot, etc., at or near San Francisco.

The board respectfully awaits your further disposition.

Very respectfully, your obedient servant,

JOHN D. SLOAT,
Senior Officer of the Board.

This letter, together with the report in triplicate and maps and plans referred to, did not reach the files of the Department until the 26th of February, 1853, having been retained by the Secretary of the Navy pending a negotiation with Wm. H. Aspinwall, of New York, for the purchase of Mare Island. See letter of Secretary of Navy to Mr. Aspinwall of date the 26th of February, 1853.

NAVY DEPARTMENT, *February 2, 1853.*

SIR: I have the honor to submit to your consideration the accompanying papers, relating to the title of Mare Island, in the Bay of San Francisco, in California, for your opinion.

In pursuance of the duty assigned to me by the act of the last session of Congress making appropriations for the naval service and directing the Department to select and purchase a site for a navy-yard in California, my attention has been drawn to Mare Island, which has been recommended to the Department by a board of officers appointed to examine and report upon the various localities in California adapted to the proposed establishment. I have consequently entered into negotiations with those who claim to be the owners of this island with a view to its purchase.

The papers now submitted to you will show the nature of the contract I have made and the character of the title offered to the Government. These papers are—

1. A contract dated December 10, 1852, with William H. Aspinwall, wherein he, as representative of the proprietors, has contracted on his own part and on the part of all other parties interested in the ownership of Mare Island or claiming any interest in the same, to convey by good and sufficient deed or deeds the entire and absolute fee simple in that tract of land to the United States.

2. A deed executed by said Aspinwall and others and offered in pursuance of this contract.

3. Copies of certain deeds on record in California purporting to show the validity of the title of said Aspinwall and the parties he represents.

4. Some memoranda of an adverse title to said land set up by Henry Sanford.

5. A note of the opinion of Messrs. Halleck, Peachy, and Billings, of California, expressing their views of the validity of the title offered by Aspinwall and his associates.

6. The opinion of George W. Cooley, esq., the law agent in California, of the United States, which opinion has been communicated at my request, inviting him to inform this Department what questions of fact and law are proper to be investigated with a view to ascertain the character of the title to this land. Mr. Cooley's large experience in the investigation of California land titles, derived from his professional duties there, enables him to point out very fully the proper course of inquiry for the ascertainment of this title, and his opinion will greatly facilitate your examination of the subject.

7. A printed pamphlet containing the opinion of the board of commissioners of California land claims in several cases which presented many cases of interest in the investigation of titles, and which opinions are referred to in the communication of Mr. Cooley.

This Department has plats or charts describing Mare Island and its appendages, furnished by the board of officers on their recent inspection and survey, with other papers illustrative of the subject, which will be submitted to your examination if you should find it necessary to refer to them.

The Department is desirous to obtain your opinion, with a view to its final determination on the contract, and in pursuance of the duty imposed upon it by the (an omission in the letter).

I beg leave to call your attention—

First, to the consideration of the character and validity of the title offered by Mr. Aspinwall in pursuance of his contract with the Department.

Second, to the consideration of the conflicting title set up by Mr. Sanford.

Third, to the question whether, supposing the title offered by Mr. Aspinwall to be doubtful, the title rests in any other party or whether it belongs to the United States.

You will oblige me by stating what doubts or difficulties you may perceive to exist in the title offered by Mr. Aspinwall, the points of litigation to which it might possibly give rise, and the embarrassments it might present to the Government if this Department should take possession on any supposed title resting in the Government without purchasing the conflicting claims of Mr. Aspinwall and the other owners whom he represents. This point may be material to the decision of the Department in concluding any negotiations for the purchase.

I have the honor to be, with the most respectful consideration, your obedient servant,

JOHN P. KENNEDY.

Hon. I. I. CRITTENDEN,
Attorney-General United States.

NAVY DEPARTMENT, *February 26, 1853.*

WILLIAM H. ASPINWALL, Esq.,
Washington, D. C.

SIR: I have just received a communication from the Attorney-General on the subject of the title to Mare Island, upon a reference of that question made to him in pursuance of the resolution of Congress of 1841. The opinion is not yet filed in this Department, having been retained to be copied.

It contains a recommendation which this Department considers sufficient to justify the completion of the contract heretofore made with you, and I therefore now write to you to say that upon the execution of another bond by you for a faithful compliance with the terms of the contract made by me, by the letter of the 10th of December, 1852, with you, I shall be ready to close the negotiation and accept the deed.

The bond heretofore sent by you and dated the 27th of December refers to the first deed executed by you. But as that deed was rejected and another one of the 4th of January executed, the bond must be made to conform. I must also require that the new bond to be executed shall refer more particularly to the above-mentioned contract of the 10th of December, and stipulate for an exact observance of that contract, and that that contract shall be considered the groundwork and guide in the interpretation of the obligations of the bond and the purport or intent of the deed. I will prepare another bond in conformity with my views and send it forward to you for execution immediately.

When it is returned to this Department and the deed shall be approved, a requisition will be made to pay the purchase money.

The exact amount of the purchase money will be as estimated by the Auditor, and the amount of fee claimed by Mr. Bates will be deducted and held by the Government until that question is determined or some other satisfactory arrangement made.

Very truly, yours,

JOHN P. KENNEDY.

In 1873 a board of civil engineers, appointed by authority of the Secretary of the Navy, consisting of W. P. S. Sanger, Calvin Brown, and F. A. Stratton, made an examination for the purpose of revising the plan of the yard, and in the course of a long and exhaustive report, said:

"By reference to the accompanying plan A it will be seen from the diagram showing the range of tides that the height of the highest known tide was 2.20 feet below the point established as the height of the dock coping, and with such a tide there would be 30.30 feet of water on the gate sill of the dock. The lowest known low tide was 12.06 feet below the coping, and that at such a tide there would be 20.47 feet of water on the sill. The average height of all the 'greater high tides' observed is 4.50 feet below the coping, and gives 28 feet of water on the sill. The average of all the 'lesser high tides' is 5.42 feet below coping, and gives 27.08 feet of water on the sill. The average of the 'greater low tides' is 9.16 feet below coping, and gives 23.34 feet of water on the sill. The average of the 'lesser low tides' is 11.14 feet below coping, and gives 21.36 feet of water on the sill; and the average of all low tides is 10.10 feet below coping, and gives 22.40 feet of water on the gate sill.

"From this examination it is evident that at all times of high tide there will be at least 2 feet of water on the gate sill in excess of the depth at high water on the miter sills of the stone dry docks at the other navy-yards; that vessels drawing 28 feet may be docked at the highest 'greater high tides;' vessels drawing 27 feet at an average of all high tides, and vessels drawing 26.50 feet at an average of the 'lesser high tides.' It is also evident that at an average low tide a vessel drawing 22 feet of water could pass over the sill. * * * The stone dry dock now being constructed will be of ample capacity to receive vessels of the largest class, the depth of water on the gate sill at high tide being 27.5 feet, or 2.5 feet more than any of the other stone docks in the country. This dock, as before stated, with the floating dock, basin, and railways, will furnish the necessary facilities for building and repairing 25 vessels of the largest class at the same time, thus placing Mare Island in this respect on a footing equal or superior to the largest dockyard in Europe.

"At the northern end of the yard we have located a shallow basin in connection with 12 railways for laying vessels on shore when not needed for active service. These railways will store 24 ships of the largest class, or a proportionally larger number of smaller size, in safe position, where they may be kept clean and always in condition to be put afloat at a few hours' notice and be ready for active service."

The Commission on Navy-Yards reported on December 1, 1883, to the Secretary of the Navy in regard to the advantages of the Mare Island Navy-Yard as follows:

"Its approaches may be successfully defended against the attacks of a powerful enemy; it is far enough removed from the sea to be beyond the reach of guns of the longest range, or any possibility of being captured by a coup de main, and yet not so far as to make it difficult of access. The adjacent harbor is good and perfectly secure in all weathers. The channel is deep and never obstructed by ice. The climate is even and salubrious the year round, and suitable to outdoor work. The soil and characteristics of the site are such that dry docks or basins may be constructed at reasonable cost. The Napa discharges at every ebb tide an amount of fresh water which proves fatal to the teredo, a marine worm destructive of the bottoms of wooden ships and pilings of wharves or other woodwork placed in salt water.

"The yard is convenient to the railroad communications, which center on the opposite shore of Napa Straits and on the shores of the Straits of Karquines, about a mile distant. The convenient supply of fine timber for wooden shipbuilding is practically inexhaustible. The depth of water abreast the yard front averages 28 feet at mean low tide, and abreast Commission Rock, an obstruction that can be easily removed at a small expense, 21 feet. Mean rise and fall of tide, 6 feet 5 inches. On the principal water front there are from 24 to 26 feet at mean low water, and this depth may be easily and cheaply maintained by occasional dredging. There is no difficulty in our heaviest draft ships going up to the quay wall at any stage of the tide."

[Extracts from Directory of City of Vallejo, Cal., of 1870.]

MARE ISLAND—WHY SO CALLED.

Frequent inquiry has been made as to the origin of the name "Mare Island," and most generally the explanation thereof has been faulty. It is a matter of local interest that may find an appropriate place in a directory of Vallejo, with which the island is so intimately connected. The name had its origin in this way: In early days the only ferryboat on the waters near Vallejo and Benicia was a rude one, made chiefly of oil barrels obtained from whaling ships and propelled by sails. These barrels were secured together by beams and planking, and it was divided into compartments for the accommodation of cattle, to the transportation of which it was chiefly devoted.

One day, while this boat was coming from Martinez to Benicia, a sudden squall overtook it, and the craft pitched fearfully. The animals (chiefly horses) became restive, and some of them were thrown with such force against the weak partition that they broke through it. The boat was upset and the living cargo thrown into the bay. Some of the live stock were drowned and some managed to reach either shore by swimming. One of the horses (an old white mare, owned and much prized by General Vallejo) succeeded in effecting a landing on the island and was rescued there a few days after by the general, who thereupon called the place "Isla de la Yegua," or Mare Island. This is the absolute fact and the whole history of the above-named Mare Island.

POSITION, SIZE, AND SHAPE OF THE ISLAND.

The position of Mare Island is admirably adapted for the purposes of a naval station. Vessels of the largest class can come close up to the shore, while there is sufficient anchorage in the stream between the island and the Vallejo shore to accommodate all the fleets in the world. Mare Island is oblong in shape with a circumference of about 10 miles, and contains about 3,000 acres. The surface is generally uneven, though there are no very high hills. The soil is fertile, and all the grain and hay used upon the island for Government animals is grown upon it.

GOVERNMENT POSSESSION.

The Government of the United States took formal possession of Mare Island in 1854, through that noble and illustrious naval hero, Admiral David G. Farragut, then a commander in the Navy, who came here with a single war vessel and commenced operations. At first a modest building or two sufficed for the wants of the Government. Now more than a score of stately structures are seen, and 1,600 mechanics and laborers are barely adequate to supply the wants of the service.

Admiral Farragut remained in command about four years, and it was under his supervision that most of the buildings were projected and put up. The plans were drawn and the yard laid out by W. P. Sanger, civil engineer of the Navy Department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Naval Affairs.

The amendment was agreed to.

Mr. HALE. The bill was all completed last night, but there are one or two other amendments. I offer an amendment to come in on page 38. It is only a recast of a provision which was put into the bill yesterday. I ask that it may be substituted for that.

The PRESIDENT pro tempore. Is there objection to the

request of the Senator from Maine? The Chair hears none, and what the Secretary is about to read will be substituted for the amendment agreed to on yesterday.

The SECRETARY. On page 38, at the end of line 7, it is proposed to insert:

Office building for commandant, $35,000; quarters for commandant, $12,000; quarters for civil engineer, $7,500; landing and wharves, $50,000; grading and drainage, $10,000; workshop (to cost $80,000), $50,000; storehouse and storekeeper's office, $50,000.

UNDER THE BUREAU OF EQUIPMENT.

Equipment building (to cost $125,000), $62,500.

UNDER THE BUREAU OF STEAM ENGINEERING.

Machine shop (to cost $174,000), $80,000; foundry and copper shop (to cost $118,000), $60,000; power house (to cost $50,000), $25,000.

UNDER THE BUREAU OF ORDNANCE.

Workshop, $40,300.

UNDER THE BUREAU OF CONSTRUCTION AND REPAIR.

Ship-fitters' shop, with mold loft and furnace (to cost $200,000), $50,000; power house and fuel storage (to cost $80,000), $35,000; machine shop (to cost $120,000), $40,000; joiners' shop (to cost $120,000), $30,000; foundry (to cost $75,000), $20,000.

In all, $657,300.

The PRESIDENT pro tempore. The Chair understands that what has been read is a substitute for the amendment agreed to on yesterday?

Mr. HALE. It is. It is merely a recasting. It does not change the appropriation.

The amendment was agreed to.

Mr. HALE. There are a few verbal amendments. On page 2, line 23, after the word "of," strike out the words "naval cadets" and insert "midshipmen." That should be done all through the bill.

The amendment was agreed to.

Mr. HALE. On page 2, line 25, after the word "as," strike out the word "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. BAILEY. I should like to ask the Senator from Maine a question in connection with the change of designation from naval cadets to midshipmen and in connection with what appears to me to be a change in the appointment of the cadets. As the law now stands it is provided that as soon after the 5th of March as practicable the Secretary of the Navy shall notify the member of Congress representing a district in which a vacancy at the Academy exists, and the member of Congress shall make a nomination. If he fails, then the Secretary of the Navy may appoint.

Now, it appears to me that in this amendment, beginning at the last line of page 66 and going onto page 67, you commit the appointment of all the midshipmen directly to the President and eliminate entirely the member of the House of Representatives.

Mr. HALE. No.

Mr. SPOONER. To what page does the Senator from Texas refer?

Mr. BAILEY. Pages 66 and 67.

Mr. HALE. Let me say to the Senator that, just as it is now, the appointments are all finally to be made by the President.

Mr. BAILEY. I understand they are, but is it the understanding now on the part of the committee that the two appointments for the State at large will be made by the President upon the recommendation of the Senators from the State?

Mr. HALE. The President will have nothing whatever to do with them. It will be just as it is in the Army. The language is the same. They will be selected by the Senators and will appear for examination, and if they pass, will then be appointed by the President.

Mr. BAILEY. If the Senator will observe the language, it says:

They shall be appointed by the President and shall, with the exception of the 15 midshipmen appointed from the United States at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States respectively from which they are appointed.

There is the appointment by the President. There is not anything in the proposed law, as there is in the present law, which requires their designation by the member. The only inquiry I desire to make is this: Is it the understanding of the committee that this simply changes the designation and provides for more appointments, but all are to be made as at present?

Mr. HALE. Undoubtedly. The Senator need have no apprehension whatever about that.

Mr. SPOONER. Does the law now provide that they shall be appointed on the recommendation of the member of Congress?

Mr. HALE. It is more a regulation than anything else. It has always been done.

Mr. SPOONER. That is now the law?

Mr. HALE. It is in the law.

Mr. SPOONER. After this passes it will not be in the law. I do not care about it——

Mr. HALE. The committee has no doubt whatever about it. It has followed exactly the same rule followed in regard to the Army.

Mr. SPOONER. But the Senator from Texas is absolutely right about it. If it is in the law that it shall be done upon the recommendation of the member of Congress, and if this bill passes, it eliminates that element.

Mr. HALE. Has the Senator any fear that the President will interfere with what is understood and what is the law and what has been the invariable practice?

Mr. BAILEY. I wish to say that my whole object was to have it stated on the floor of the Senate what was the purpose. Now, I will say for the information of the Senator that a man who had examined this bill no longer than yesterday told me that the other construction was the one which was going to be placed upon it.

Mr. HALE. There is no question about it.

Mr. BAILEY. I wanted it understood in the Senate.

Mr. HALE. I am glad the Senator asked the question. There is no question about its practical operation—not the least.

Mr. SPOONER. I suppose not.

Mr. HALE. On page 47, line 4, after the word "and," I move to strike out "naval cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. On page 66, line 16, after the word "of," I move to strike out "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. On page 66, line 21, after the word "the," I move to strike out "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. On page 59, line 21, I move, after the word "yards," to insert "and the bureau," so as to conform to the other provision.

The amendment was agreed to.

Mr. HALE. On page 12, after line 20, I move to insert what I send to the desk. It is not a new appropriation. It is simply a matter of bookkeeping.

The SECRETARY. On page 12, after line 20, it is proposed to insert:

That the unexpended balance remaining in the Treasury on June 30, 1902, from the appropriation "Ordnance and ordnance stores, 1900," or so much thereof as may be necessary, is hereby reappropriated and made available during the fiscal year ending June 30, 1903, for expenditure in fulfillment of contracts heretofore made and properly chargeable to said appropriation.

The amendment was agreed to.

Mr. HALE. The Senator from Wisconsin has an amendment which he desires to offer.

Mr. SPOONER. I move to amend the bill on page 8, line 9, after the word "select," by inserting the words "on the Great Lakes."

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. After the word "select" in line 9, page 8, it is proposed to insert the words "on the Great Lakes;" so as to read:

Naval training station: The Secretary of the Navy is hereby directed to appoint a board, composed of naval officers, whose duty it shall be to select on the Great Lakes a suitable site for an additional naval training station, and, having selected such site, etc.

Mr. HALE. There is no objection to the amendment.

The amendment was agreed to.

Mr. SPOONER. I ask the Senator in charge of the bill to allow the same words to go back into the caption.

Mr. HALE. Of course, there should be added the words "Great Lakes" in the caption. It is not essential, but it is better to put in the amendment. Then it will read, "Naval training station, Great Lakes."

The PRESIDENT pro tempore. If there is no objection, the vote by which those words were stricken from the bill will be reconsidered.

Mr. HALE. They were in the bill originally.

The PRESIDENT pro tempore. They were in the bill originally.

The motion to reconsider was agreed to.

Mr. MALLORY. Mr. President, I offer the amendment I send to the desk.

The SECRETARY. On page 43, after line 21, it is proposed to insert the following:

Public Works, Bureau of Equipment: For construction of a fireproof building for Bureau of Equipment at Pensacola Navy-Yard, $100,000.

Mr. HALE. Is that estimated for in the regular estimates?

Mr. MALLORY. It is estimated for in the Book of Estimates.

Mr. HALE. Then I do not object.

The amendment was agreed to.

Mr. HALE. I move, on page 43, line 22, to change the total appropriation from $392,200 to $492,200.

The amendment was agreed to.

Mr. MALLORY. I also have another amendment.

The PRESIDENT pro tempore. The Senator from Florida offers an amendment, which will be stated.

The SECRETARY. After line 19, on page 54, insert the following:

Navy-yard at Pensacola, Fla.: One bookkeeper, at $1,200; one shipping clerk, at $1,000; in all $2,200.

Mr. HALE. Is that estimated for?

Mr. MALLORY. It also is estimated for.

The amendment was agreed to.

Mr. HALE. I move, on page 54, line 21, to change the total appropriation from $103,932.28 to $106,132.28.

The amendment was agreed to.

Mr. BAILEY. Mr. President, I wish to call the attention of the Senator from Maine and the Senate to the fact that, while it is true that the appointment of cadets to the Military Academy at West Point is made under a provision exactly the same as the one under this bill, with the necessary change of phraseology to make it relate to the Military Academy rather than to the Naval Academy, still, in the general law, as it appears in the Revised Statutes, there is a different provision relating to the appointment of naval cadets from that which covers the appointment of military cadets.

It was because I knew of the existence of that different provision that I ventured to call the attention of the Senator to it. There was some question here, and I simply desire to put into the RECORD that provision of the law in reference to notifying members, so that it shall be understood that the members of the House and the Senators are to be notified in the same way. I refer to section 1514 of the Revised Statutes, and it reads in this way:

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the 1st day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

I simply desire that it shall go into the RECORD.

Mr. HALE. I am glad the Senator has called attention to it.

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

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

The bill was read the third time, and passed.

LONDON DOCK CHARGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

Mr. NELSON. Mr. President——

Mr. STEWART. I ask the Senator from Minnesota to give way until I can have disposed of the motion to reconsider the Choctaw treaty.

Mr. NELSON. That will involve a long debate.

Mr. STEWART. Will I never get it disposed of?

Mr. NELSON. I have been waiting——

Mr. STEWART. The Department is very anxious for it. It is tied up here.

Mr. NELSON. I have been waiting for three months, and I finally got a unanimous-consent agreement——

Mr. STEWART. The Department has been waiting for a year to settle this matter; for several years, in fact. It has got this agreement, and the matter can not be acted upon until the motion to reconsider the bill is disposed of.

Mr. NELSON. I do not feel that I can yield at this time.

Mr. STEWART. I ask unanimous consent that to-morrow morning, immediately after the routine morning business, the motion to reconsider the Choctaw treaty may be taken up.

The PRESIDENT pro tempore. There is already a unanimous-consent agreement for to-morrow morning.

Mr. GALLINGER. Mr. President——

Mr. STEWART. I shall object to any more unanimous-consent agreements if they are going to interfere with business.

Mr. GALLINGER. Mr. President, I wish to call attention to the fact that the unanimous-consent agreement was given subject to other matters of which notice had been given. I had given notice that I should move to proceed to the consideration of a bill which went over yesterday, and the notice remains on the Calendar at the present time. I do not want to lose any rights, although I do not wish to obstruct the consideration of the pending bill this morning. I want it to be remembered, however, that there was a condition attached to the unanimous-consent agreement, and that applied to the bill I have in charge.

The PRESIDENT pro tempore. The Chair so understands. The bill is before the Senate as in Committee of the Whole, and is open to amendment.

Mr. PLATT of Connecticut. Is there an amendment pending?

The PRESIDENT pro tempore. The bill will be read. It has not been read heretofore.

The Secretary proceeded to read the bill.

The PRESIDENT pro tempore. The Secretary will at the same time read the proposed amendment of the committee.

The SECRETARY. In line 5, after the word "charge," it is proposed to insert:

Or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port.

Mr. NELSON. Mr. President, the amendment to the existing law as proposed by this bill is printed in italics. There are only two slight amendments to the bill. The reason why the matter was printed in italics is simply to show the change in existing law. It is not an amendment reported by the committee. There are only two amendments.

The PRESIDENT pro tempore. It appears here as an amendment. It ought not to have been printed in that way.

Mr. NELSON. There are only two amendments.

The PRESIDENT pro tempore. The Secretary will complete its reading.

The Secretary read as follows:

Or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, or which charges are contrary to said laws, statutes, or customs; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And.

Mr. PLATT of Connecticut. That is part of the bill as reported?

The PRESIDENT pro tempore. That is part of the bill; so the Senator from Minnesota says.

Mr. NELSON. There are only two amendments.

The PRESIDENT pro tempore. Does the Senator from Minnesota say that this is the bill as reported from the committee, and that the words in italics do not constitute a proposed amendment?

Mr. NELSON. No; there are two amendments. I will call the attention of the Senate to them. After the word "landing," in line 9, page 2, the committee propose to amend the bill by inserting the words "lifting, weighing." The report of the committee shows that.

The PRESIDENT pro tempore. Then the Senator will be obliged to propose the amendment now.

Mr. NELSON. Those are the amendments recommended by the committee.

The PRESIDENT pro tempore. Does the Senator propose the amendment?

Mr. NELSON. Yes; I propose the amendment.

The PRESIDENT pro tempore, The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In line 9, page 2, after the word "landing," it is proposed to insert the words "lifting, weighing."

Mr. NELSON. That is an amendment recommended by the committee.

The PRESIDENT pro tempore. The bill was improperly printed. It appears as if the entire matter in the bill in italics is a proposed amendment. It is not, the Senator says. It is the law as it would read if this bill should pass, with some trivial amendments which the Senator from Minnesota now proposes.

Mr. NELSON. The matter was printed in italics for the purpose of calling the attention of the Senate to the change in the existing law—the amendment of the Harter law.

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

The amendment was agreed to.

Mr. NELSON. The next amendment of the committee is after the word "thereof" in line 15, to insert:

Or which charges are contrary to said laws, statutes, or customs.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the word "thereof" in line 15, page 2, it is proposed to insert:

Or which charges are contrary to said laws, statutes, or customs.

Mr. NELSON. The report of the committee shows these are the amendments recommended by the committee.

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

The amendment was agreed to.

Mr. NELSON. Those are all the committee amendments.

The bill as amended by the Senate as in Committee of the

Whole upon the recommendation of the Committee on Commerce is as follows:

Be it enacted, etc., That section 1 of an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893, be, and it is hereby, amended so as to read as follows: "That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability from loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge, or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, or which charges are contrary to said laws, statutes, or customs; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect."

SEC. 2. That this act shall take effect from and after the 1st day of July, 1902.

The PRESIDENT pro tempore. Are there any further amendments to the bill as in Committee of the Whole?

Mr. HALE. Mr. President, of course the fundamental trouble with this bill is, as its terms show, that it proposes that men who ought to know their own business shall not make contracts. It proposes that if shippers having in view the long-established usages of docks and the unlading of vessels in London make a contract that in addition to their freight money—which is entirely a matter between them, and which is a matter of competition—there shall be put on what are known as the London dock charges, charges that have come about from the natural growth of business, such a contract shall be illegal. Years and generations ago, when business was small and ships were limited in their capacity, they went into the Thames and unloaded over the side and lighters took the cargo and carried it off, and the whole thing was under the charge and control of the dock men.

As ships increased in size, as cargoes were multifarious in their kind, and as the shipowner found that in great ships of 5,000, 6,000, and 8,000 tons there would be 500 or 600 different articles from different shippers, it was found impossible to unload over the side. Therefore it was settled that certain dock charges to cover everything should be paid for by shippers instead of the old charges paid direct to lighters and dock men. This in the course of the growth of business was acceded to and agreed upon in 1888, and it has been the law and the rule of business ever since.

Now, the millers and the lumbermen are not suffering. It has not occurred to them that they are suffering. They have increased their exportations almost double in the twelve years. They have monopolized and do to-day the English market for flour. Against seventeen thousand million pounds of flour only 178,000 pounds are furnished by the rest of the world; and in the twelve years the price paid for freight by millers has come down from 18 cents a hundred pounds to 9 cents. There is no oppression here. There is nobody who has suffered. All this has worked without friction admirably. The old dock business has gone out and the whole thing is done upon the docks; the transfer is made there; it is all managed through the companies, and all charged to the shipper instead of its going over the side to the lighter and the dock men. This has gone on for twelve years, and as to how it has worked, after the investigation that he made of the subject, our ambassador, Mr. Choate, says:

The ultimate question must be whether the dock charges imposed by the London clause are really unjust to the shipper, and on that question an acquiescence of twelve years by the shippers, without forcing it to the attention of the Government, has a decided bearing.

It ought, Mr. President, to have a decided bearing.

It has been said that this is exceptional and applies only to London. The same kind of a provision, which has become necessary by crowded docks and immense vessels transporting various kinds of cargo, is used at Liverpool, Glasgow, Southampton, Hull, and Bristol. It is not called the London clause, because it is the usage at the other towns. Some of the largest companies of the world, like the great Peninsular and Oriental Steam Navigation Company, have, as a matter of convenience, a clause in all of their charters similar to this. So it is not a discrimination that is made against America in favor of the rest of the world, but it has all been done in the interest of the convenient transaction of business.

Now, Mr. President, there is another thing to be said about this measure. The Senator from North Dakota [Mr. McCUMBER] struck at an underlying weakness. If these men should get this bill passed it would not do them the least good. They can not ship their flour and their lumber without a trade with the ship companies, and it has got to be a mutual trade. The Senator from North Dakota inquired of the Senator in charge of the bill whether if this was done it could not all be put into the freight, and the answer was, undoubtedly it could, but that they would take their chances on competition. There is the same competition now. Any company that chooses may make its freight rates so low that the dock charges, included and added to the freight, amount only to what another company will agree to do it for.

But the Senator says that all the companies have combined and they will not make any change; that they insist upon this dock clause being added. If we take it off and declare that men shall not make a contract, shall not agree to pay dock charges, the same companies who now combine, as the Senator says, will agree that their freight charges shall include the dock charges, and this attempt will be futile, just as it is always futile to attempt to legislate against men in their own business making their own contracts.

See how the bill closes:

And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Mr. NELSON. Mr. President——

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

Mr. HALE. Certainly.

Mr. NELSON. I wish to call the Senator's attention to the fact that that is exactly the form of legislation which was adopted in the case of the Harter act, where they had been in the habit of putting clauses in bills of lading exonerating the shipowners from liability for storage or in carrying cargo.

Mr. HALE. Oh! That involves public policy affecting the liabilities of common carriers. That is another question. Here it is only a question of what in a particular contract a man agrees to pay. This does not involve the liability of a common carrier. That has been settled at common law. Clauses which are in constraint of trade have been decided to be against good legislation. But this is simply providing that if men make a contract as to what they shall pay a common carrier, put it into the agreement, and get their goods transported on the contract they have signed, those words shall be considered of no effect.

Mr. President, the Senate is not in the habit of passing such legislation. I am inclined to think that in this contest between the steamship companies and the millers and lumbermen the millers and the lumbermen can take care of themselves without the intervention of an ironclad act which says that they are children, and they can not make a contract that they shall be obliged to stand by. From what I know of the millers and the lumbermen in the contest between them and the men who must transport their articles, I would risk it to them that without any ironclad law like the one here proposed they will be able to take care of their interests.

The Senator says we will take the chances of competition on the freight. Mr. President, there is the same competition now. One company says we will transport this for 9 pence a hundred pounds with the dock charges added, another company says we will transport it for 8 pence with the dock charges added, and another says for 7 pence with the dock charges added. The answer the Senator makes is that there is a combination and that they all agree upon everything. They will do just the same thing afterwards. You can not pass legislation which will be of any avail of that kind that shall control and interfere with and cripple the rights of men to make contracts with each other touching different kinds of business that come nigh to each other and are connected. If the Senator should get his bill through without a word of objection, in six months the friends who are behind him in this matter and whom he is representing would find that they had not saved one penny.

Mr. NELSON. I will say to the Senator that we will take our chances on that.

Mr. HALE. Undoubtedly the Senator will take his chances on it, and while he says he will take his chances he is asking the Senate to pass an anomalous bill declaring that if men make a contract for the transportation of their goods to London the words in the contract that they have put in and signed shall not be of effect, but shall be illegal.

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

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Maine yield?

Mr. HALE. Certainly.

Mr. BERRY. I should like to ask the Senator from Maine if he is correct that the shipowners will immediately add it on the freight charges and no benefit will go to the mill men and the lumber men, how could it hurt the shipowners in any way? How could it do them any damage if that be true?

Mr. HALE. I do not want to see the statute book deformed

by any such legislation, and it is not the kind of legislation the Senator from Arkansas generally believes in.

Mr. BERRY. I will say to the Senator from Maine that the reasons which actuate him are not the reasons which actuate the shipowners. They care nothing about the statute book being deformed by the passage of such a measure, but they are opposing it.

The Senator says that this is not the kind of legislation I generally believe in. The difficulty here is that all the shipowners who ship goods from Atlantic seaports have united and combined to force this clause into the bill of lading or freight bill.

The Senator says that the millers and the lumbermen are able to take care of themselves. They have no remedy whatever. They can not ship their goods unless they insert the clause in the bill of lading. They are forced to do it. There are no other ships to carry their goods and they are absolutely helpless.

Now, one word more, and then I shall not interrupt the Senator further. He says that the shipowners will add it to the freight bill. Mr. President, I heard all the testimony; I heard the agents of the shipowners representing all of the combine, and my judgment is that they will not add it to the freight bill, because the parties who do business in London will not permit them to do it. If they do it, then these goods will go to Liverpool and other ports and will not go to London. The shipowners know that they can not add it to the freight bill.

Mr. HALE. It will make the aggregate only just what it is now. The Senator at my left, as I said, struck at the underlying weakness of this measure. You can not control and regulate—I repeat what he said Saturday—this competition, and you can not control and regulate a combination between the shipowners among themselves as to freight or as to dock charges.

Mr. BERRY. If the Senator will permit one word, I do not know whether we can control these combinations or not. The Senator says we can not control them. There are a great many people in this country who think that every effort ought to be made to control these combines and to regulate them. Whether the Government will be able to do so or whether they are stronger than the Government is a question that will be settled further on.

Mr. HALE. Mr. President, this does not touch the question of controlling great trusts. There is no trust here; nobody pretends that there is. It is only a case where men are engaged in a common business. They come together; and certain matters of freight at certain ports, no matter who does the freighting, are just as surely fixed as the hours of the tide that comes and goes. It is not a trust; it is only an agreement between men engaged in the same business.

Now, what strikes one with wonder is that if this abnormal kind of a law, a deformity, as I call it, in the law, is such a pressure, such a grievance, how is it that it has been borne, Mr. Choate says for twelve years, and two years more make fourteen years?

Mr. NELSON. Will the Senator from Maine allow me?

Mr. HALE. I never have heard of anybody suffering——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. There has been a protest made against this practice all the time. Repeated efforts have been made by negotiation time and again to get the vessel owners to abstain from it.

Mr. HALE. That is right.

Mr. NELSON. Perhaps in the last Congress no effort was made to secure legislative relief.

Mr. HALE. No.

Mr. NELSON. Before that the effort was made. They have been struggling against it all the time. I do not want the Senator to convey the impression that they have consented to it in silence.

Mr. HALE. They have tried to remedy it in a business way, just as business men do remedy such things. If I am buying an article from a retail dealer, I do not ask the law to come in and declare that I shall not pay what I agreed I would pay. If I think he is asking too much, I try to get him to cut it down.

Mr. McCUMBER. Will the Senator from Maine yield to me?

Mr. HALE. I yield to the Senator.

Mr. McCUMBER. I should like to ask the Senator a question upon a straight legal proposition. As I understand his argument, it is that there will be the same charges in some other form and that the shippers will get no particular remedy from this legislation. Conceding that, does the Senator state as a legal proposition that Congress, having supervision over interstate and foreign commerce, can not under that general power prohibit a clause in a bill of lading of the kind complained of here, and provide, further, that if it does appear in a bill of lading in the future it shall be disregarded?

Mr. HALE. I doubt very much whether Congress has the power.

Mr. McCUMBER. I will say for myself that I think it has the power.

Mr. HALE. I doubt very much whether Congress has the power to declare that a contract shall be void which relates not to the liability of a common carrier, not to his obligation, but to the rate at which goods are to be transported. I have very great doubt whether Congress or the courts can interfere to sustain that contention.

Mr. SPOONER. Will the Senator allow me?

Mr. HALE. Certainly.

Mr. SPOONER. Of course goods are billed by carriers of this country to foreign ports. Have we not a right to control our own carriers? What was the Harter Act but an exercise of that power?

Mr. HALE. That act went very far, of course. My point is that the bill provides not for a regulation, but that where a contract is made between the parties it shall be unlawful.

Mr. SPOONER. But has not Congress the power in the regulation of interstate and foreign commerce to render unlawful a contract which is against public policy, which is discriminative?

Mr. HALE. It may be so, as——

Mr. SPOONER. Is it not true that these London dock charges interfere with the commerce of this country?

Mr. HALE. Not by any means.

Mr. SPOONER. Is there not a discrimination——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. SPOONER. One moment, please. Is it not practically a discrimination against this country?

Mr. HALE. No.

Mr. SPOONER. In other words, to what other countries does it apply?

Mr. HALE. To all Canada. There is just the same regulation exactly. It is not a discrimination.

Mr. BERRY. The North Atlantic ports.

Mr. HALE. All North America.

Mr. BERRY. No; all North Atlantic ports.

Mr. NELSON. No, not North America; not the Gulf ports.

Mr. SPOONER. What is the objection to this bill?

Mr. HALE. The question might be asked with reference to any bill, no matter how absurd its provisions should be, What is the practical objection to it? The practical objection is that the usage has been going on without trouble; that it has adapted freight to modern requirements; that as ships have grown large and cargoes have become more assorted this London dock charge has proved to be the best way of increasing the facilities for ships entering the Thames and discharging and getting away. The voyage is done more quickly under this arrangement, which is the compounding of certain dock charges.

Mr. SPOONER. If my friend will permit me, the ships have grown large in other countries as well as in this country. Cargoes have become assorted in other countries as well as in this country. Why is it that this London dock charge, which is exacted from the United States, is not exacted of ships' cargoes from France, Russia, and other countries?

Mr. HALE. I have stated that in one of the largest companies in the world, the Peninsular and Oriental Steam Navigation Company, they have the same kind of a clause for the convenience of shippers.

Mr. NELSON. Mr. President——

Mr. HALE. And it not only applies to London, but, as I have said, it applies to these other towns—Liverpool, Glasgow, Southampton, Hull, and Bristol.

The PRESIDING OFFICER. It becomes the duty of the Chair to lay before the Senate the unfinished business. It has passed the hour of 2 o'clock.

Mr. NELSON. I ask the consent of the Senator from Alabama [Mr. MORGAN], if there is no one ready to speak on the unfinished business, to let us go on and finish this bill.

Mr. CLAY. I understand that the Senator from Washington [Mr. TURNER] desires to proceed.

Mr. MORGAN. The Senator from Washington [Mr. TURNER] has the floor and desires to go on.

Mr. HALE. It will come up to-morrow morning.

ISTHMIAN CANAL.

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

Mr. TURNER. Mr. President, an isthmian canal to unite the waters of the Atlantic and Pacific oceans has been the dream of science and the hope of commerce ever since Spain, by her discoveries, gave the American Continent to the world and to civilization. That which has been written about the project, beginning at a period very soon after Spanish occupation of the Isthmus, represents in exploration, research, experiment, scientific study,

and lucid exposition almost as much of human effort as that which has been done in the immediate direction of its accomplishment, and in value to the world it represents immensely more.

As a result we approach the realization of this world-wide beneficence with a flood of light which makes it easy of accomplishment, and which makes it no less a pleasure than a duty for this nation, possessed of power and wealth beyond anything known or dreamed of elsewhere, and which has a special and peculiar interest to be subserved, to give fruition to this world-wide want, to this benefaction for which the world has so long hoped and of which it has so long dreamed. It would be tedious and pedantic for me to undertake to review here and now the vast literature of the question, embracing, as it does, the history of exploration, research, and report from the earliest times, the record of many concrete attempts to realize the project, accompanied in each instance with lamentable failure, and the speculation and demonstration of the inestimable value to the world of its accomplishment.

It would be equally tedious and valueless to review the literature of our own country and our own times dealing with the special and peculiar interest which we have in the enterprise, because that is well known to everyone in public life. It is not only well known, but it is so cogent and powerful that it has raised the question of action by this nation above and beyond the controversy of faction and party, a thing rarely seen in any country where policies are settled and determined by standing political organizations. But so it is, and as a result every political party stands committed to the building of an isthmian canal by this nation, and there are but few, if any, in either branch of Congress who do not profess and feel the most earnest and zealous interest in the commencement and carrying on along proper and correct lines of that great and inestimable work. Of course there are selfish interests which would retard it and, if possible, prevent it.

Men have not yet reached, and probably never will reach, that stage of benevolence and philanthropy which enables them to look with favor on any project, however beneficent, which interferes with their own personal profit and advantage. But aside from this interest, which all can readily identify without specific mention, and which I have no disposition to criticise, because I consider its opposition natural, there is no body in this country, I venture to say, or at least but few, who do not agree and insist that the United States must build an interoceanic canal at the Isthmus and who do not agree and insist that the period of study and reflection has passed and the period of action has arrived, and that the work must be entered on by this nation in earnest and at once.

I can not assume that there is any disposition on the part of any one in the Senate to disappoint this insistent sense of the people of the country. But that sense, nevertheless, may be easily disappointed. By divided counsels and an obstinate adherence to ill-conceived opinions we may let slip the supreme opportunity. There is upon this proposition, as upon every other ever presented to the human mind, room for controversy and discussion, and there is not lacking, as before stated, the selfish interest to stir up controversy and to incite to discussion. But there is a saving common sense to cut with the sword of reason the Gordian knot of doubt and indecision which obstructionists have tied, and it is to that saving grace that the friends of an isthmian canal confidently appeal.

After three centuries of agitation and futile effort realization of the mighty project is in sight. Shall captious criticism against that which is possible and feasible and which lies immediately under our hand and requires but the assenting word of the Senate to make an assured fact be permitted to blind us to the sure means of realization? Shall we cease doing that which we know to be good in the vain hope that somehow, somewhere, some time in the indefinite future we may be able to do something better? Shall we play the greedy mongrel and drop our bone in the water in order to grab at the other bone which we see reflected in the water's surface? For one I do not propose, if I can help it, that selfish and greedy interests shall be permitted to throw us back into a position of doubt and uncertainty and chaos. We would emerge therefrom, if ever, after long years of controversy with the chance of losing the present coign of national vantage which we occupy, and with the certainty that in the end we can do no better than if we now go forward in the pathway that reason and common sense and common prudence unerringly point out to us.

No nation is interested equally with ours in an isthmian canal. No nation of late years has given the subject so much research and study. Commission after commission has been appointed, composed of our most eminent men, to visit the Isthmus, study conditions there, and to report concerning the several routes and the feasibility and practicability of each. The verdict has been uniformly in favor of the Nicaragua route, unless the supplemental report of our last Commission be considered an exception. This has been for two reasons. No difficulties of an engineering character out of the ordinary are presented on that route, and the cost of construction there is less than elsewhere. Both these facts were recognized by our last Canal Commission, and induced an unanimous report from it in favor of Nicaragua, but the Commission was unable to resist the allurements of the bargain counter, and with a view of saving $5,000,000 in a $200,000,000 transaction, it changed its former sound conclusion, and in its supplemental report gave the preference to the secondhand, discredited, and abandoned project at Panama. The reasons for this change of front have been discredited by the testimony of the Commissioners themselves and by that of everybody else, taken by the Senate Committee on Interoceanic Canals, and this is notably true of the chief reason for preferring Panama, to wit, that by so doing we can save $5,000,000.

Proceeding on the well-known facts of the case, the House of Representatives of the Fifty-sixth Congress passed the Nicaragua Canal bill by a vote which was practically unanimous, but the Senate of that Congress thought it well to await the then promised and long-delayed report of the Isthmian Canal Commission, and that Congress lapsed without Senatorial action. The Commission having subsequently made its report, the House, at the present session of Congress, again passed the Nicaragua Canal bill by a practically unanimous vote, and the question is now presented to the Senate whether it will concur in that action, and thus give certainty and finality to this darling hope of the civilized world.

Mr. President, every commission ever appointed in this country, every man of scientific attainments who has ever studied the question, has declared in favor of the entire feasibility of the Nicaragua route, and that a canal by that route can be constructed as cheaply, to say the least, as by any other route. No one questions, or has ever questioned, either of these facts. De Lesseps himself, the father of the Panama Canal, gave testimony in favor of the Nicaragua route when he said before the committee of the House of Representatives that if a canal with locks was to be built Nicaragua was undoubtedly the preferable route. Since a sea-level canal has now been shown to be impracticable, it must, I think, be conceded that Nicaragua stands on a par, at least, so far as desirability, practicability, and cost goes, with any route across the Isthmus that has ever been considered or is known to man. I think that we may go a step further and say that every other route than Nicaragua and Panama are now eliminated from the equation. Insuperable engineering difficulties and inadmissible cost both stand in the way of the other projects which have been, from time to time, considered and discussed.

The bill for the construction of the canal on the Nicaragua route being on our table, and having behind it the unanimous voice of the House of Representatives, we should, if disposed to build any canal at all, concur in the adoption of that bill unless the alternative proposition, now advanced for the first time, to purchase the Panama derelict and construct a canal on that route has manifest, palpable, and overruling advantages which require and compel its adoption. It has no such advantages, but from every point of view at which it can be looked its disadvantages, as compared with the Nicaragua project, are manifest, palpable, and overruling.

I now invite the attention of the Senate to some of the considerations which seem to me to require us to concur in the action of the House in providing for the construction of the canal by the Nicaragua route, and which render wholly inadmissible the counterproposition to purchase the Panama remnant with a view of attempting to piece it out to completion.

The question of original cost is in favor of Nicaragua. The contrary has been reported, but the facts do not bear out the report. Let us look into the question somewhat in detail. The Nicaragua Canal will cost, according to the estimates of the Commission, $189,864,062. It will cost, according to the same estimate, to complete the Panama Canal $144,233,358. It will cost to purchase the rights of the French company in the Panama Canal in its present incomplete condition $40,000,000. These figures, if correct, would make the Panama Canal cost $184,233,358, as against $189,864,062 for Nicaragua, or an advantage in cost in favor of the Panama project of $5,630,704. But when we look into the two projects in detail this apparent advantage is found to have no foundation in fact. On pages 468 and 469 of Senate Document No. 253, part 2, present session, will be found the following testimony of Admiral Walker:

The CHAIRMAN. In the plan at Panama, did the Commission agree that no dam at Alajuela was necessary?

Admiral WALKER. It was thought best not to estimate for a dam at Alajuela. It was believed by most of the Commission, perhaps all of the Commission, that one was not necessary, but that if in the future there was any trouble about water in the dry season or any trouble with floods in the wet season, that a dam at Alajuela could be readily put in and would serve to control the floods and also to store water.

The CHAIRMAN. Did you ascertain what would be the cost of such a dam

Admiral WALKER. We made no estimate of that. I think the French have an estimate.

The CHAIRMAN. What is the French estimate?

Admiral WALKER. I don't remember what it is; it will cost money to build, of course, but it is a perfectly easy dam to build; it is on rock and across a narrow gorge.

Senator HARRIS. About what would that cost?

Admiral WALKER. I can not say what it would cost. The French have an estimate for it; I don't remember what it was. I do not think we made an estimate on it, but it would cost a million or two, perhaps more. The dam put in there would probably be a concrete dam.

The CHAIRMAN. On page 99 of the report you sum up the whole cost of building the Panama Canal at $144,233,358. Does that include the dam at Alajuela, or conduit?

Admiral WALKER. It does not.

The CHAIRMAN. So that if that must be built hereafter, the cost of that will have to be added to it.

Admiral WALKER. If that was built hereafter, it would be an additional cost. There is no estimate in our report for a dam at Alajuela.

On page 91 of the report of the Isthmian Canal Commission, Senate Document No. 54, present session, in discussing the water supply at Panama in the dry season of the year, the Commission uses this language:

The annual flow of the Chagres and the topography of the country are favorable, however, to a very large increase of the supply, if that be found desirable in the future. A reservoir can be constructed at Alajuela with a capacity for storing an additional volume of water four times that now provided for daily consumption.

It is quite evident that the members of the Commission contemplate the possibility at least of being required at some time to relieve and reinforce the Bohio Dam by a dam at Alajuela. The members of the Isthmian Canal Commission are eminent men in their profession, but they are no more so than the international commission of engineers appointed under article 31 of the by-laws of the new Panama Canal Company, which latter commission made its report as late as November, 1898. The membership of the international commission was drawn from France, England, Germany, the United States, Russia, and the Republic of Colombia. I invite the attention of the Senate to what the last-named commission had to say concerning the importance and necessity of a dam at Alajuela. I read from the report of the international commission found in Senate Document No. 303, of the present session, at pages 64, 65, and 66 of said document.

The elaborate discussion of the conditions to be fulfilled in order to harmonize the regulation of the Chagres freshets with the exigencies of water supply for the canal has established the necessity of making provision for two large reservoirs or artificial lakes. The first one, comprising the central region of the canal and containing one of the levels thereof, would be formed by the building of the Bohio Dam (P. K. 24), and would have a maximum flood height fixed at elevation 20 (65.6 feet) or thereabouts. It would cover an area of 5,500 hectares (13,600 acres), and be able to impound, between elevations 17 meters (55.8 feet) and 20 meters (65.6), a reserve of about 150,000,000 cubic meters (5,297 million cubic feet). This storage capacity would be reduced to about 100,000,000 cubic meters (3,532 million cubic feet) by a fluctuation of only 1.75 meters (5.7 feet).

The second lake would be formed in the Upper Chagres Valley by the building of a dam at Alajuela. That dam would form the source of supply of the feeder in case it is decided to build the latter.

At the height adopted for this dam a lake would be formed on the upper river which, at the mean elevation of the storage reserve of the freshets, would cover an area of about 2,600 hectares (6,425 acres), and would allow the impounding, with a change of level of about 4 meters (13.1 feet), of 100,000,000 cubic meters (3,532 million cubic feet), thus completing, with the reserve in the Lake Bohio, the 250,000,000 cubic meters (8,829 million cubic feet) which should be held back during the greatest freshets.

The advisability of building the Alajuela Dam, with its storage reserve, even in the case that a feeder should become unnecessary (on account of Lake Bohio forming the summit level), results from two main considerations: First: The abandonment of Lake Alajuela would lead to the concentration of all the surplus flood waters in the Bohio Lake, which would be possible only by giving the dam an increase of several meters more in height, a scheme unanimously looked upon as overbold, or by lowering the minimum level of the lake as well as that of the bottom of the central cut by several meters, which is not admissible. Second. The abandonment of the upper lake, which constitutes the first regulator of the Chagres floods, would allow that river to enter furiously that portion of the canal territory occupied by the Bohio Lake, where are found, for several kilometers near the point of ingress, bends and natural narrows where the total volume of the freshets would certainly produce currents detrimental and dangerous to navigation. It is true that resource could be had to a suspension of navigation at critical times, but it would be a regrettable alternative of a nature to throw a certain amount of discredit upon the efficiency of the canal; it is certainly preferable to avoid this objection by a relatively small additional outlay. Moreover, it is important to notice that the building of this dam will provide a considerable motive power which will be advantageously applied in the working of the canal itself. The expense incurred would thus be plainly justified by the financial return to be obtained therefrom.

From this same report, at page 92 of Senate Document No. 303, I find the cost of the Alajuela Dam and spillway estimated at $2,356,700. I do not imagine, taking the two reports together, and weighing the careful manner in which Admiral Walker testified concerning Alajuela, that anyone can have much doubt that a dam at that point is an essential to the success of the Panama Canal. We thus have the additional sum of $2,356,700 to be charged up as part of the cost of the Panama project. An additional charge of $1,000,000 and more against the Panama route is found in the fact that the Isthmian Canal Commission, in its report of the cost of completing the Panama Canal, failed to take account of the necessity of building a temporary dam at Bohio to divert the waters of the Chagres River while the permanent dam there was being constructed. I invite attention to the testimony of Admiral Walker on that subject, found at pages 469 and 470 of Senate Document No. 253, part 2:

The CHAIRMAN. Do you think it is possible to build a permanent dam at Bohio without fencing off the waters of the Chagres River in the rainy season?

Admiral WALKER. A temporary dam would do that. The French scheme, you know, was to put in a temporary dam and let the waters of the Chagres go through the cut made for the locks; whether that would be enough is a question; if not, it would have to be raised so as to escape by the Gigante Spillway.

The CHAIRMAN. But a temporary dam in some form would be necessary in order to enable you to build the permanent dam?

Admiral WALKER. I should rather leave that to the engineers. I do not pass an opinion on that. I should think most probably a temporary dam would be necessary.

The CHAIRMAN. What would be the cost of a temporary dam there that would fence off the waters of the Chagres and enable you to build a permanent dam?

Admiral WALKER. I can not give an estimate on the cost. That is out of my line.

The CHAIRMAN. It would cost more than $1,000,000?

Admiral WALKER. Perhaps.

The CHAIRMAN. That is not in your estimate of the cost of the Bohio dam?

Admiral WALKER. No, sir.

The CHAIRMAN. You have omitted entirely any temporary structure?

Admiral WALKER. That is what I understand.

An additional charge must be made against the Panama project for 1,466 shares of the Panama Railroad stock held by the general public. When the Government destroys the commercial value of that property it must take up the stock held by private individuals. The Commission assumes that that can be done by paying the holders par for their stock, but this is doubtful. The Government of the United States can not resort to the squeezing process as individuals sometimes do. When it winds up the Commercial Company it must pay shareholders at least their pro rata proportion of the value of the assets of the company.

Mr. Drake, the vice-president and secretary of the Pamana Railroad Company, testified before the Senate Committee on Interoceanic Canals that the property was worth $13,000,000 less $2,500,000 of mortgage indebtedness, and he testified, further, that the road was paying, and would pay, large dividends, and that these would be much increased during the construction of the canal by the United States, and that the company had the exclusive right to operate and maintain a railway there until the year 1966. This testimony will be found on page 248 of Senate Document No. 253, part 1, and it shadows forth the nature of the claim which these 1,466 individuals will make against the United States when it undertakes to retire their stock. They must be paid their pro rata of $11,500,000, the present net value of the property, which would make their stock worth $164.28 per share, and they must be paid such additional sum as represents the value of the right of the shares to participate in large dividends for sixty-six years more, including the enormous dividends to accrue from canal construction. This last right will be certainly claimed, and probably held, to be worth $135.72 per share, making the cost to the Government of retiring this individual stock $300 per share, or in the aggregate $439,800.

Next, the Government must pay and retire the bonded indebtedness of the railway company. This is placed by Mr. Drake at $2,500,000, but it appears from the supplemental report of the Isthmian Canal Commission that there is to be added to this sum $996,000 advanced to the Colombian Government in payment of the annual subsidy of the railway to that Government under its concession up to November 1, 1910, which advance was made on good consideration and can not now be reclaimed. The Colombian Government having disposed of these bonds, they must be paid off and retired. The sum total of these bonds of the railroad according to the report of the Commission is:

Ordinary bonded indebtedness	$2,490,918
Advanced to Colombia	993,000
Total	3,483,918

But this is not all in the way of cash payments we are to be called on to make. Colombia, in the draft of a treaty presented by her, stipulates with us that she shall be paid the full par value of the 50,000 shares of stock which she holds in the New Panama Canal Company, the aggregate par value of said shares being $1,000,000. This means that we are to pay said sum, since neither we nor Colombia have any control over the $40,000,000 paid to the French company; and if we guarantee the sum to Colombia, of course we must pay it. I will now recapitulate the several sums which I have mentioned:

Cost of Alhajuela Dam	$2,356,700
Cost of temporary dam at Bohio	1,000,000
Retiring 1,466 shares Panama Railroad stock	439,800
Retiring bonded indebtedness of Panama Railroad Company	3,486,918
Retiring 50,000 shares New Panama Canal Company stock	1,000,000
Total	8,283,418

Mr. CLAY. If the Senator will permit me in that connection, I understand that the Panama Canal Company own a certain amount of the stock of the Panama Railroad Company, and in making this purchase for $40,000,000 the Government of the

United States will not get anything except the stock in the Panama Railroad Company owned by the Panama Canal Company. Is it not also true that there will be outstanding shares in the Panama Railroad Company owned by private individuals that we will not purchase at all?

Mr. TURNER. Yes.

Mr. CLAY. To what amount?

Mr. TURNER. All the stock of the Panama Railroad Company we get is that which is owned by the Panama Canal Company.

Mr. CLAY. That is what I thought.

Mr. TURNER. That stock amounts to 68,534 shares, leaving out 1,466 shares of stock in the hands of individuals, which, as I have shown, must be retired at a cost of $439,800, if they are willing that it shall be retired on any terms whatever, making an additional outlay, as I have before stated, of $8,283,418.

This sum, added to the former sum estimated by the Commission, makes the cost to us of the Panama Canal $192,516,776, or $2,652,714 more than the estimated cost of the Nicaragua Canal.

I have gone into this matter in detail, not because I believe the matter of a few millions of dollars is of any great moment in the settlement of this question, but to satisfy the scruples of those who attach importance to that feature, and who have been led to believe that in the matter of cost the advantage is with the Panama route. For myself I agree with Mr. Edward P. North, the eminent civil engineer, who declares that the United States would be justified "in building the Nicaragua Canal if the Panama Canal could be completed and given to the country."

I have not taken into account other large expenditures which the adoption of the Panama route will entail, because, while they are of importance and will run up into the millions, I have no means of even approximating the sum which they will require. Colombia in the canal treaty tendered to us, and which we must accept if we buy the Panama Canal, restricts us to a canal zone 5 kilometers in width on each side of the canal and excludes therefrom the city of Panama and the city of Colon, which exclusion covers the bays, harbors, and public works therein in front of each city. This will render necessary the construction of a port at each entrance to the canal, if vessels are to have anchorage pending transit, under the protection of the canal treaty. How much this will cost no one knows, but it seems reasonably certain that it will be large—probably several millions of dollars.

The United States is also to be required to build and maintain hospitals and works of drainage, sanitary, and healthful purposes along the line of the canal and its dependencies. This stipulation is no doubt a wise and just one, because the Isthmus of Panama is the hotbed of all the virulent diseases known to tropical countries, and when that section becomes more thickly populated there will be a constant and never-ending conflict between science on the one hand and disease and death on the other. But the necessity for such works does not in any way lighten the burden of the expenditure, which it can be seen will be very considerable in the matter of first cost and never ending in the matter of maintenance. It does, however, give room for pause with thoughtful men, and induces in their minds a doubt whether works of such magnitude, bringing to this point constantly from all quarters of the world so large a number of unacclimated people, ought to be undertaken under such forbidding conditions of health and mortality. But that is a consideration which it is not my purpose to discuss.

The United States, for the same reason, is to be required to supply the cities of Colon and Panama with pure and healthful water, and to that end is to build necessary aqueducts and drainage works to supply water and to drain the cities. How much this will cost is a pure matter of speculation. We are absolutely without data on which to figure. Much will depend on the distance necessary to go for pure water, and much upon the ease with which the situation of these cities will permit them to yield to sanitary drainage. We know nothing about either problem. The cost may be anywhere from two million to ten millions of dollars.

I beg leave to insert here, without reading, article 5 of the canal treaty proposed by the Republic of Colombia, from which it will be seen that the additional expenditures at Panama, to which I have referred, must be incurred and paid if we take over the uncompleted Panama Canal.

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 of 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.

I beg Senators to bear in mind that these additional expenditures at Panama are not offset by similar additional expenditures required to be made at Nicaragua. The problem there was considered by the Canal Commission anew and in its entirety, and the estimate of cost includes harbors at either end and necessary works for the preservation of health, the latter, however, being simple and comparatively inexpensive on that route. There are no cities on that route to require expensive waterworks and drainage systems, and, of course, no estimate of cost for such works was made by the Commission. If such cities shall grow up in the course of time, the duty will devolve on Nicaragua of providing for their wants.

The friends of Panama allege only those grounds of additional expenditure on the Nicaragua route over those considered and estimated for by the Commission, to wit: (a) Land damages caused by flooding, etc.; (b) right of way; (c) settlement for outstanding concessions. But it should be remembered that the items (a) and (b) apply equally to both routes, and while not specifically mentioned in the estimate of the Commission for either route, are covered by the 20 per cent allowed for contingencies. The item (c), viz, retirement of outstanding concessions, need not trouble anyone. There is not a valid outstanding concession on the Nicaragua route, nor has there been any pretense of such a concession which could stand in our way. Our concession comes from Nicaragua, and that sovereignty will stand between us and any interruption of canal work and between us and any claim for compensation, except as to the claim of the old Maritime Canal Company. The whole matter is covered by Articles X and XI of the canal treaty proposed by Nicaragua, which read as follows:

ARTICLE X.

Nicaragua covenants with the United States and guarantees that no concession, grant, or license for the purpose of trade, commerce, transportation, navigation, or for the construction of a ship canal in or through Nicaraguan territory, has been made to any other government, corporation, syndicate, or person, natural or juridical, which in any manner encumbers or conflicts with the lease and the rights and privileges hereby granted.

ARTICLE XI.

Although maintaining that, upon the principles of justice, no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liabilities on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

It is true that the Maritime Canal Company, when its concession was declared forfeited by Nicaragua, protested against that action and procured the diplomatic intervention of this Government; but the forfeiture was so manifestly just and legal that Nicaragua stood her ground, and the forfeiture was maintained. She thought proper, however, in presenting a canal treaty, in view of the former action of this Government, to insist on section 11 of the treaty, whereby the United States is made to assume the obligations of dealing with any claim of her own citizens. The extent to which this claim is likely to embarrass us is seen from the testimony of the officials of the Maritime Canal Company taken before the Committee on Interoceanic Canals. Mr. T. B. Atkins, the secretary of that company, testified:

Senator KITTREDGE. In the event the United States selects the Nicaragua route for the canal and agrees, as a part of the negotiations, to pay a certain sum to Nicaragua and Costa Rica for the concessions, what, if any, action would your company take in reference to attaching or seeking to hold that money?

Mr. ATKINS. Well, I can not speak for the others, but so far as my judgment of their disposition is concerned, I should say not any.

Senator KITTREDGE. Are you able to speak for the other stockholders and directors?

Mr. ATKINS. No, sir. I assume that the Government would not make such a proposition to Nicaragua and entirely disregard the rights of the Maritime Canal Company.

Senator KITTREDGE. In other words, you understand that the United States will not enter into any negotiations for the purchase of concessions from Nicaragua or Costa Rica without taking into account and adjusting your claim?

Mr. ATKINS. I do not understand anything. I assume merely that the Government of the United States would act equitably in the whole matter, and whatever they might consider equitable I believe that the company would accept.

Capt. Jacob W. Miller, one of the prominent stockholders of that company, testified as follows:

Senator HANNA. The Maritime Company, with which you say the Government has to deal, still claims, as I understand, the validity of its concessions from Costa Rica and Nicaragua?

Captain MILLER. Yes; they have done that as a matter of form, of course. I think in addition to that, if I remember correctly, that the president of the Maritime Company, Mr. Hitchcock, before he died, wrote a letter to the Secretary of the Interior stating that the Maritime Company was willing to accept anything proper in equity, in the building of the Nicaragua Canal, that the Government should see fit to give. My recollection is that such a letter was written.

Senator HANNA. Do you mean by that that there would be no claims on the part of the Maritime Canal Company or the construction company against the Government if it should undertake to finish the canal?

Captain MILLER. Well, not beyond what the Government owes us in equity.

Senator HANNA. And how much is that?

Captain MILLER. I think the claim was $5,000,000—the money we have actually expended.

Senator HANNA. And you still consider that a valid claim?

Captain MILLER. I think it is valid to the extent of justice and equity for money actually expended in keeping before the American people for eighteen years what we consider the American canal.

Senator KITTREDGE. The Maritime Canal Company looks to the Government of the United States, as I understood your statement. Is that right?

Captain MILLER. As I said before. I am not an officer in that company. I should say, personally, as a shareholder——

Senator KITTREDGE. As a stockholder of the construction company?

Captain MILLER. Of both companies; I should say that I wanted to see the canal built, and I think everyone wants exactly the same thing. All we have done in that company is to keep the Nicaragua project before the people. We do not ask for anything except what the Government wants to give us.

Senator KITTREDGE. Still they have a claim, as you understand it, which they, perhaps, would press against the United States?

Captain MILLER. We have spent $4,500,000 in eighteen years of patriotic work for America and an American canal, and we think the Government ought to give it back to us.

Senator KITTREDGE. You think the Government ought to give you back the money you have spent, with interest?

Captain MILLER. Yes, sir; we think we ought to have that.

It will be seen, then, that the claim in its entirety which may be made against us by the Maritime Canal Company is between four and five million dollars; that that claim is not asserted as a legal claim, but merely as a broad equity; that it is not in fact a legal claim, and that it will depend on the discretion of Congress whether it ever pays one cent to the Maritime Canal Company.

The Senate may see from the foregoing how thin and insubstantial this bugaboo is which our friends who favor Panama have raised and which to their affrighted imagination has taken the shape of a cloud on our title to the Nicaragua concession which it will require $20,000,000 to dissipate. I repeat again that no expenditure is required in the construction of the Nicaragua Canal not estimated for by the Isthmian Canal Commission, nor is there any claim, legal or equitable, standing in the way of our acquiring perfect right there which it will require one cent to wipe out and satisfy. On the other hand, if we acquire the Panama Canal, $20,000,000 would be a modest estimate of the sum required to be spent in the completion of the canal and the supplemental works required over and above the estimate of the Isthmian Canal Commission.

The cost of maintenance after construction is another feature which recommends Panama to the Isthmian Canal Commision and which has been urged to predispose the Senate in favor of that project. Some advantage may be confessed in favor of Panama in the matter of cost of maintenance. The canal is shorter than that over the Nicaragua route and the number of locks less. But the cost of maintenance on both routes is placed at a very high figure by the Commission, and it much exceeds the estimates of those who have had great experience and who are equally competent with the Commission to make an estimate, and it much exceeds the known cost of maintenance in other and similar canals now in successful operation.

The Commission estimates the cost of maintenance for the Panama Canal at $2,000,000 per annum; for the Nicaragua Canal at $3,300,000 per annum. Taking the Panama Canal at 50 miles in length, this estimate is equivalent to $40,000 per mile per annum for maintenance. Excluding 120 miles of slack-water navigation, created by the Conchuda Dam on the Nicaragua Canal, which slack water extends from the dam to the west side of Lake Nicaragua and which can need but little, if any, expenditure for maintenance, the estimate of the Commission for maintenance of the Nicaragua Canal is equivalent to $45,000 per mile per annum.

The extreme liberality of these estimates will be seen when we compare them with the actual cost of maintenance for existing canals. The annual cost of maintenance and operation of the Suez Canal is $13,000 per mile; that of the Kiel Canal is $8,600 per mile; that of the Manchester Canal is $9,500 per mile. The Suez Canal is a sea-level canal, but the two last-named canals are lock canals, and the cost of their maintenance includes depreciation in machinery and repairs thereof and the salary of employees to work the locks, the same as will exist with a canal at the Isthmus. The conditions under which they are operated are in some respects more favorable and in some respects less favorable than those which exist at the Isthmus, but, assuming that they are all more favorable, it is hard to understand why there should be so great a disparity as these figures exhibit.

I have not noticed in this connection the St. Marys Falls Canal in Michigan, because, as noted by the Isthmian Canal Commission, its short length, large proportion of mechanical structure, and immense traffic place it in a class by itself and render comparison with it of little value. Yet it is worthy of mention that the cost of maintaining and operating the 1½ miles of that canal, with its great proportion of mechanical structure, and with an annual traffic three or four times as great as that of all other canals in the world combined, is only from $46,000 to $60,000 per mile.

As against the estimate of the Isthmian Canal Commission we have that of Mr. Lyman E. Cooley, of Chicago, the constructor of the Chicago Drainage Canal, based on the data for the deep waterway from Lake Erie to Hudson River, at New York, as given by the Board of Engineers on Deep Waterways, 1900, and according to this estimate of Mr. Cooley the cost of operating and maintaining the Nicaragua Canal will be $1,400,000. We also have the estimate of Mr. Charles T. Harvey, who planned, constructed, and operated the St. Marys Canal, which is, for the operation and maintenance of the Nicaragua Canal, $1,000,000. I beg leave to insert here, without reading, the very interesting and valuable letter of Mr. Cooley on this subject.

CHICAGO, ILL., *March 21, 1902.*

DEAR SENATOR: In further response to your letter of 16th instant in regard to maintenance and operation of the Nicaragua Canal, it will be instructive to exhibit in parallel columns the significant data for the deep waterway from Lake Erie to the Hudson River at New York, as given by the Board of Engineers on Deep Waterways, 1900, and for the Nicaragua Canal by the high-level plan, as suggested in my testimony of February 24 before your committee.

The Erie-Hudson waterway is via Lake Ontario and the Mohawk Valley, and is to be 30 feet deep, with locks 740 by 80 by 30 feet. The Nicaragua waterway is to be 35 feet deep, with locks 740 by 84 by 35 feet.

Item.	Erie-Hudson.	Nicaragua.	Ratio.
Summit level, L. W	574.5	105	-------
Lockage ..... feet	839.2	210	4
Number of locks	38	6	6⅓
Standard canal ..... miles	102.4	34	3
Canalized river, lake, and harbors, 250 to 1,000 feet wide ..... miles	96	36	1⅓
Open lake and river ..... do	278.6	55	-------
Total length ..... do	477	193	-------
Estimate	$284,000,000	$189,000,000	1½
Traffic ..... net register tons	20	7	3
Operation and maintenance	$2,930,000	$1,100,000	2⅔

The above comparison is made by inspection, as the details from which operation and maintenance are made up are not exhibited in the report. The doubts have been thrown against the Nicaragua Canal. The Nicaragua Canal will be less subject to deterioration in prism, structures, and canalized rivers, owing to freedom from frost, more stable soil, and comparative freedom from floods.

The comparison indicates that the flat estimate for the Nicaragua route will be about three-eighths of the estimate of $2,930,000 for the operation and maintenance of the Erie-Hudson route, or $1,100,000 in round numbers. No large increase will be required for Nicaragua when once the canal is opened and the country developed. There will be an increase in some items, due to the longer season of navigation and a relative decrease in others for climate reasons, as noted. The estimate for Nicaragua may therefore be increased to $1,500,000, assuming that the estimate of $2,930,000 is proper for the Erie-Hudson route.

A trial estimate may be made up by items as follows:

Locks and structures: Take one-half of 1 per cent on structures and 5 per cent on equipment, for maintenance and depreciation; service for duplicate locks, lighting, etc., total	$450,000
Dredging: Maintenance and betterment of intermediate channels and harbors	200,000
Aids to navigation: Lights, beacons, buoys, signals, telegraph, and telephones	100,000
Pilotage: Based on experience of ship channel, Quebec-Montreal, 160 miles	100,000
Towage: Based on assumption of 1,000,000 to 2,000,000 tons sailing vessels	100,000
Police: Based on 2½ times requirement of sanitary district of Chicago during construction	150,000
Administration and general expenses	200,000
Contingent items	100,000
Total operation and maintenance	1,400,000

It is to be noted that duplicate locks swell the estimate. These are not required for any traffic in sight, but for insurance against possible accident. The dredging estimate contemplates progressive development of intermediate channels and harbors. The item of aids to navigation is probably more than sufficient, owing to use of searchlights in night navigation, a practice growing on our lakes and rivers. The items of pilotage and towage depend on traffic and deductions from toll bills. Police depends on turbulence of population. I apprehend that it will be little more than required in the States.

From the foregoing the probable cost will lie between $1,000,000 and $1,500,000 per year.

Hoping that the foregoing will answer your purpose, I am,

Yours, truly,

LYMAN E. COOLEY.

Hon. JOHN T. MORGAN,
Washington, D. C.

Mr. President, it is only fair to say that if the estimate of the Canal Commission is high for maintenance and operation at Nicaragua, it is correspondingly high for maintenance and operation at Panama, and that the same relative disparity would still

exist between the cost at Nicaragua and at Panama. But in view of other considerations, which I shall now proceed to mention, it makes a considerable difference whether the disparity is $1,300,000 or is only four or five hundred thousand, or less, as the foregoing figures seem to indicate.

According to Article XII of the treaty proposed by Nicaragua, the United States is to pay Nicaragua $25,000 per annum for the right to construct and maintain the Nicaragua Canal; and we have every reason to expect that the rental to Costa Rica, which that Government will demand for the small portion of its territory encroached on, will be nominal and merely for the purpose of perpetuating and maintaining evidence of its sovereignty over the territory employed.

Our annual rental to both countries will not amount to more than $30,000 per annum. Colombia, on the other hand, by Article XXV of the treaty proposed by it, demands as the price of the Panama Canal, an annuity to be agreed upon by the two governments at the expiration of fourteen years from the ratification of treaty, based upon the principle of compensation for the use of the zone granted for canal purposes, for the proprietary rights over the Panama Railroad, for the $250,000 in gold per annum which it now receives from the railroad and which it will cease to receive, and for other rights, privileges, and exemptions granted to the United States, and for the increase in the administrative expenses of the Department of Panama consequent on the construction of the canal.

Until the expiration of the fourteen years, during which entire time the canal will be in course of construction, it contents itself with the lump sum of $7,000,000, which is equivalent to an annuity of $500,000 per annum. If the two Governments are unable to agree on the amount of the permanent annuity when the time comes to fix it, the question is to be left to arbitration, and the president of The Hague Arbitration Tribunal is to be selected as the fifth and controlling arbitrator. The sum thus ascertained is to control for one hundred years, and at the end of that period, and at the end of each succeeding one hundred years thereafter, the annuity is to be fixed in the like manner.

The sum to be paid down to Panama, to wit, $7,000,000, is identical with the sum demanded by Nicaragua and Costa Rica, but there is an important difference in the character of the two payments. In the case of Nicaragua and Costa Rica the payment is a bonus pure and simple. In the case of Panama it is in the nature of a rental for fourteen years, and fixes an annual sum during the period of construction, below which it would be unreasonable to expect an arbitrator to go after the canal had been completed, but offering no obstacle to the allowance of a much larger sum based on the considerations mentioned in the treaty. Undoubtedly no lesser sum will ever be accepted voluntarily or awarded by arbitration, but there is every probability that a larger sum may be awarded as the result of arbitration.

Colombia will be able to show before an arbitration tribunal that she was disadvantaged in the sum of $500,000 per annum by her grant to the United States in two, only, of the grounds fixed as the basis of compensation. She loses $250,000 per annum from the Panama Railway, and she loses her agreed percentage of the tolls to be collected by the New Panama Canal Company, which percentage, that company agreed, should never be less than $250,000 per annum. She will still have left as the basis for a still higher award the onerous and dangerous character of the grant to another sovereign government, the exceptional character of the rights, privileges, and exemptions granted that government, and the increase, by reason thereof, of the administrative expenses of her own Government. Five hundred thousand dollars per annum is the least sum that we may expect, with the strong probabilities that $500,000 more will be added thereto, and with the possibility of an indefinitely increased sum as the centuries roll around.

It seems to me, in view of the foregoing, that we may safely assume that the annuity to be paid Colombia, added to the cost of maintenance and operation of the canal there, will bring the cost of maintenance and operation of the Panama Canal fully up to that of the Nicaragua Canal. If this be true, then I have shown, and I think beyond the power of successful refutation, that there is no advantage in favor of the Panama Canal, either in the matter of original cost or in the matter of the cost of maintenance and operation. And since the Nicaragua bill is here with the unanimous voice of the House of Representatives behind it, since no man has ever been able to allege anything against the entire feasibility of that project, since it is conceded on all hands to be more valuable to us from a commercial and military standpoint than any other canal, and since we can build it for less money than any other, and maintain and operate it for as little, why should we not now pass the House bill and have done with the matter? I shall wait with much interest and curiosity a fair and unbiased statement of the reasons for any different course of conduct.

Mr. President, while it is admitted that there are no engineering difficulties out of the ordinary to be encountered in building the Nicaragua Canal, the same thing is not admitted of the Panama Canal. The Isthmian Canal Commission admits the great difficulties connected with the building of the Panama Canal, but with characteristic American optimism the members dismiss these difficulties with the suggestion that given time and money enough everything is possible. But I respectfully suggest that in this they are mistaken. We have just had an appalling illustration of the insignificance of man and all his works. There are forces of nature against which he is as powerless as an insect, and it is claimed by many who are skilled and experienced in works of engineering magnitude that there are such forces which will ever prevent the successful construction and operation of a canal at Panama.

I am not an engineer, but there are engineers of equal merit with those on the Isthmian Canal Commission who look on a canal at Panama with the utmost distrust, and who predict greater difficulties than the Commission is willing to admit in construction and certain disaster at some time in operation. I shall not go into this matter to any great extent, but will content myself with contrasting the views of the international commission appointed by the New Panama Canal Company to investigate and report on the Panama project, to which I have before referred, with the optimistic views of our own Commission, and with showing by the report of the international commission that our own Commission, in order to bring the Panama project within a reasonable limit of cost, has adopted methods and means which the international commission deemed dangerous and wholly inadmissible.

It should be remembered that this international commission was provided for in the articles of the New Panama Canal Company, and that it was made international in character in order that the company might have the world to draw from in the selection of its membership, and in order that the world might be assured of the verity and correctness of its findings and conclusions. Its report was made only four years ago. Speaking of the difficulties of the canal problem at Panama, the international commission uses this language:

The building of a maritime canal across the Isthmus of Panama encounters, from a technical point of view, two main difficulties. These are, on the one hand, the chain of the Cordilleras, which must be crossed by a cut about 110 meters deep (361 feet) if a sea-level canal is contemplated, or by a very considerable cut, but little less than 70 meters deep (230 feet), if a canal with locks is intended. On the other hand, there is the river Chagres, a torrential stream, subject to sudden freshets, of which the canal must necessarily follow the valley for a great portion of its length and against which it must be protected by a proper regulation of the flow in order to insure the safety of navigation.

A third difficulty of a general nature presents itself when a canal with locks is considered; the question of water supply assumes, on account of the extent of the several needs to be provided for, an importance suggested by the fact that the accumulated flow of the Chagres itself and of the other streams on the line of the canal becomes insufficient during a certain portion of the year.

The first two difficulties increase as a lower and lower level of the canal is sought, and acquire their maxim of intensity in the case of a canal without locks.

On the contrary, the third difficulty, which appears only with a canal with locks, becomes greater as the summit level is raised.

The first difficulty, relative to the excavation of the great cut at the summit separating the two watersheds, does not raise any special technical question; it is simply the work to be done by manual labor, which may require more or less time and expenditure, but which, being without any inherent element of impossibility on account of the well-known character of the material, does not require any special study. It is the practical problem of a large excavation to be made within a restricted space.

PRINCIPAL DIFFICULTY ENCOUNTERED BY A CANAL WITHOUT LOCKS.

The second difficulty, due to the presence of the river Chagres upon the same territory as the canal, is, in view of possible consequences of a more serious order. The rectification of the bed of the river for the purpose of utilizing it for the canal can not be contemplated. The irregularity of the flow and the violence of the large freshets are incompatible with a solution of that kind. To turn the stream completely from its course and to direct it to the Pacific slope, far from the location selected for the canal, an idea formerly advanced and in part considered, would be a colossal undertaking, requiring an amount of labor which would render it impracticable. It is a solution upon which it does not seem possible to dwell. It therefore becomes necessary to make of the river and of the canal two neighbors, whose character and wants are to be harmonized. This is a solution which seems very difficult when considering a canal without locks. In fact, from whatever point of view it is considered we must acknowledge that it is necessary to prepare parallel to the canal an artificial waterway capable of discharging under occasional flood conditions a very large flow per second, and this even when the waters of a large portion of the watershed have been temporarily stored in a reservoir to be provided.

An artificial bed established at a higher elevation than the canal itself would prove to be not only a work very difficult to execute, but also to be a danger, a permanent menace, to the canal itself.

We can consequently state that the principal obstacle to the execution of a canal without locks results less from the difficulties entailed by the execution of a deep cut at the summit than from those which spring from the proximity of the Chagres in the region to be crossed before reaching that summit. It will not, perhaps, be too much to maintain that herein lies an obstacle insurmountable to a conception of that kind.

In discussing the problem of the control of Chagres River and the supply of water for the upper level of the canal in seasons of

drought the International Commission is wholly at variance with our own Commission. The International Commission says:

MODE OF SUPPLYING WATER TO THE CANAL.

The question of water supply for the canal has given rise to the most varied and complete studies. The technical commission decided that they could not admit the principle of a mechanical supply as a final solution. Whatever precautions might be taken, such a solution, independently of the great permanent expense entailed, would be too precarious to be admitted for the operation of a canal of such a magnitude. Hence only two solutions were left as possible—either direct supply by the Chagres, transformed into a lake, which itself would constitute the summit level of the canal (this arrangement had been adopted by the commission of 1890), or supply through a feeder from a point in the upper valley where a reservoir could be formed by the building of a dam, the flow line of which should be so calculated as to carry the water supply to the summit level at the proper elevation.

DIRECT FEEDING BY THE CHAGRES.

Concerning the first of these methods, it was ascertained by local examinations and investigations that the solution pointed out by the commission d'etudes could not be applied; that in the whole of the Lower Chagres Valley—between Gamboa and the sea—only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level.

That location is that of Bohio Soldado (P. K. 24 of the canal line), where the above-named commission had located a secondary reservoir to form the second level of the canal in their plan. The character of the formation at that point in the thalweg of the Chagres allows the building of an earth dam of a certain height; but, after carefully studying the geological formation of the underground strata, which was clearly revealed by numerous test pits, the technical commission unanimously agreed that it would not be prudent to build on that location a dam forming a reservoir of a depth of more than 20 meters (65.6 feet) above the river bed, which at that point is at about the mean level of the sea.

Considering the importance of that structure in relation to the safety of the canal itself, it was deemed that here, more than anywhere else, it was necessary to be very cautious, and consequently the maximum elevation of 20 meters (65.6 feet) was fixed upon as that of the level of the lake to be formed by the building of the Bohio Dam.

Under these conditions, if it is desirable to adopt the Chagres itself as a feeder by utilizing the central lake formed as above stated as the summit level of the canal, the maximum elevation of that level must be 20 meters (65.6 feet) or thereabouts. From this it follows that with a minimum depth of 9 meters (29.5 feet) in the canal, and allowing for a certain variation in its level, due to the variable supply it may receive, the bottom of the summit level, of which the deep cut would be a part, must be established in the neighborhood of elevation 10 (32.8 feet).

Such is the result to which we are led in considering direct feeding through the Chagres if we do not wish, in determining the proportions to be given to the main structure of that plan, to deviate from the prudent rules which the commission consider as absolute.

And further:

SOLUTIONS OF THE SECOND TYPE.

The solutions considered under the second type, in which the summit level is a part of Lake Bohio traversed by the Chagres, are reducible to two.

In the one a single lake only is to be built—Lake Bohio—and it must provide for all necessities—the water supply and operation of the canal and the regulation of the freshets of the Chagres. In this system, the bottom of the summit level being established at elevation 10 meters (32.8 feet), the maximum level of its water surface, which would be also that of the lake, could reach elevation 24.50 meters (80.4 feet) in the large freshets, and the Bohio Dam should be raised to elevation 27.50 meters (90.2 feet), which would be about 30 meters (98.4 feet) above its foundations.

In the other a first lake would be formed on the Upper Chagres by the Alajuela Dam. The function of this lake would be to store up all water needed for supplying and operating the canal, as well as a great portion (the largest) of the excess of the freshets. In that case, the bottom of the summit level remaining practically at the same elevation as before, the maximum level of Lake Bohio would not exceed elevation 20.50 meters (67.3 feet), and the dam would remain very nearly within the limits established for all the plans of the first type. This solution is the only one meeting the conditions for the regulating of the freshets without giving the Bohio Dam such proportions as are considered too bold. On that account principally, and also by reason of the advantages which, in any event, the Alajuela Dam presents by providing a considerable hydraulic power and by permitting a preliminary regulation of the Chagres before entering the canal territory, it has appeared proper to adopt this solution preferably to the first.

It will thus be seen that the International Commission, after the most mature consideration, rejected as dangerous and impracticable the project of a dam at Bohio with an elevation of more than 67.3 feet. This being its conclusion, if Bohio Lake was to be the upper level of the canal, it would be necessary to excavate the canal through Culebra hill down to an elevation of 32.8 feet, an enormous work, taking much time and a large sum of money. Our Commission has surmounted this difficulty by boldy raising the height of the Bohio dam to 100 feet, thereby raising the elevation of the cut at Culebra and avoiding the time and expense of excavation therein.

I read on this point from the report of the Isthmian Canal Commission at pages 90 and 91 of its report:

No location suitable for a dam exists on the Chagres River below Bohio, and while this location is not without difficulties, it has the great advantage that about 3 miles southwest of the dam, near the head of the Rio Gigante, a tributary of the Chagres, there exists an excellent site for a spillway, by which the discharge from the lake can be kept well away from the dam and accessory works, and may be made extremely large without inconvenience either to the canal itself or to the country below the lake. The height of this spillway would regulate the height and area of the lake. After careful consideration of the requirements for flood control and for storage against deficiency in the dry season, and also of the effect upon the amount of excavation required for the canal through the continental divide, the Commission has decided to fix this height at 85 feet above mean tide and to make the spillway a fixed weir 2,000 feet long. The area of the lake at this height is 38.5 square miles or 1,073,318,400 square feet. Using coefficient 3.5 in the weir formula, it is computed that with a depth of 5 feet over its crest the weir will discharge 78,260 cubic feet per second. In reaching elevation 90 the area of the lake will be enlarged to about 43 square miles and it will impound over 5,680,000,000 cubic feet of water.

The quantity of water discharged over the weir while the lake is rising from elevation 85 to elevation 90, assuming circumstances of flow similar to those observed in the flood of 1893, is computed to be about 4,000,000,000 cubic feet. (See Appendix E.) The total quantity of water impounded and discharged before the lake will rise above elevation 90 is therefore nearly 10,000,000,000 cubic feet. It provides for unimpeded navigation during all floods not exceeding 75,000 cubic feet per second. The velocity of the currents in the narrowest part of the lake would not exceed 2 feet per second. Floods may occur, however, which will cause the lake to rise above elevation 90. From the data available it is not possible to compute with precision the exact height which a flood may hereafter attain, but the extreme possible effect of a flood discharging 140,000 cubic feet per second for a prolonged period would be to raise the water over the spillway to 92.5 feet. All great floods are of short duration, and such a flood is absolutely without precedent, being as improbable as any other convulsion of nature. The crest of the dam has, however, been placed at 100 and the top of the lock walls and gates at 94, to make them entirely safe from overflow by even such a flood, the ill effect of which would be limited to the temporary obstruction of navigation by swift currents in the narrowest part of the lake, where the velocity might reach 5 feet per second. Under extreme conditions the lake might be lowered to 82 to provide water for operating the canal during the dry months. The excavations will be so adjusted as to give a depth of 35 feet at that level.

Mr. President, I do not say that a dam 100 feet high at Bohio is dangerous. I do not know anything about it. But the International Commission says it is dangerous, and although such a dam would have enormously reduced the cost of the Culebra excavation and conduced to an earlier completion of the canal, that Commission declined to recommend it to the New Panama Canal Company. Moreover, the dam which we are proposing to build is of the same type of dam which the French had in contemplation—an earth dam. It is true that this is to be lined with a concrete core for some distance above its foundation, but, as stated by Admiral Walker in his testimony, this is for the purpose of preventing seepage of water and not with a view of strengthening the dam.

Another material difference between the International Commission and ours is concerning the extent to which it may be necessary to care for surplus water in flood season. The first-named commission deemed that reservoirs must be formed having a storage capacity of 8,829,000,000 cubic feet. It says on that point:

The greatest known freshet may be assumed as having produced at Bohio at the time of its maximum, a discharge of about 3,000 cubic meters (106,000 cubic feet) per second. It is admitted that it is safe to allow the escape, through the overflow weirs of the Bohio Reservoir, to the right and to the left of the canal, a total volume of 1,200 cubic meters (42,380 cubic feet) per second.

The estimates that may be made of the régime of the freshet under consideration lead us to assume that the time during which the output was greater than 1,200 cubic meters (42,380 cubic feet) was about forty-eight hours, and that the mean output during that time was 2,600 cubic meters (91,800 cubic feet) per second. The volume to be impounded would then be 1,400 cubic meters (49,400 cubic feet) per second during forty-eight hours, or 242,000,000 cubic meters (8,546 million cubic feet); say 250,000,000 cubic meters (8,829 million cubic feet). A flood of that magnitude at Bohio can take place only in the event of the determining climatic conditions acting with intensity over the entire watershed, and we can estimate, from a study of the data at hand, that in that case 52 per cent of the total output admitted at Bohio would come from the portion of the watershed above Alajuela; this gives for the considered period of forty-eight hours an output of 234,000,000 cubic meters (8,264 million cubic feet) coming from the upper region. It will then be always possible to retain in the Alajuela Reservoir 100,000,000 cubic meters (3,532 million cubic feet) or 150,000,000 cubic meters(5,297 million cubic feet), in accordance with whichever of the above plans is adopted. The regulation of the Chagres freshets is therefore absolutely insured by the arrangements just described.

Our Commission, it will be seen from the extract from its report heretofore quoted, estimate the storage capacity of Lake Bohio at only 5,680,000,000 cubic feet, and makes no provisions other than that furnished by Lake Bohio for caring for or storing the surplus water.

Mr. President, I do not know which of these eminent commissions is right, nor, I imagine, do many members of this Senate. I do know, however, that with a safe and feasible project immediately under our hand, which will cost less than Panama, and which will answer all our purposes better, it would be the height of folly to take on ourselves the possibility of danger and disaster involved in the latter project. We have some experience in Congress with engineers' estimates. Very few of them are within limits and many projects favorably reported on require to be modified and recast at large increase of cost. Such, I venture to say, will be necessary with this one if we take over from our French friends the Panama derelict. We will in time come to the well-considered scheme of the international commission for two lakes, one at Alajuela and one at Bohio, for a dam at the latter place with an elevation of only 67.3 feet, and with a consequent deepening of the Culebra cut to a depth of 32.8 feet above sea level. The cost, approximately, will be $50,000,000.

I invite the attention of the Senate to the criticism of Mr. Charles T. Harvey, the eminent engineer who designed and constructed the St. Marys Canal, upon the plans of the Isthmian Commission as outlined in its report. I read from a letter of date March 29, 1902, written by that gentleman to Senator MORGAN, and forming a part of Senate Document No. 303 of the present session:

Under this caption the most fundamental points of difference between the "P" and "N" routes come under review. In the case of the former, the

original plans of Count De Lesseps had the merit of minimizing the risks of serious breaks in the canal proper, except such as might arise in the problem of controlling the Chagres River, but the plans of the new company include the creating of a high-level artificial lake, of some 43 square miles area, by the interposition of a dam 2,546 feet long, 228 feet high above bed rock, so far as latter has been found by boring—the whole to be of earth, except a narrow masonry core intended more to prevent seepage than to prevent superlateral resistance—to the rear water pressure. Three dangers might each cause the overthrow of this structure: First, percolation under its base; second, the sudden bursting of restraining reservoir dams farther up in the Chagres River Valley; third, seismic disturbances in that locality.

The first two may be averted by engineering skill and unlimited expense, but the latter is beyond human prevention, and this, it seems, is a local menace with startling recent proofs of pendency. The report of the Canal Commission, page 168, reads as follows:

"For Panama the records show 28 earthquakes. Of these, 12 occurred in the three years 1882-1884. During the earthquake of September 7, 1882, a part of the cathedral at Panama was thrown down, and the headquarters building of the canal company was cracked. The railroad had its tracks and roadbed in places thrown out of line, and the masonry of three or four bridges and culverts were damaged. At Los Cruces the church was thrown down; at Colon some lives were lost and crevasses were opened, and the Jamaica telegraph line was broken."

To this Mr. Haupt adds in his evidence (p. 551) that in 1882 Colon was rent with a seam across the town and the railroad bridge at Barbacoa was shifted out of position.

These points being in the vicinity of the proposed dam, the extraordinary risk to its permanency is at once apparent. Should it give way, the eastern section of the canal would be obliterated with a roar and a rush awful beyond description. Not a person between it and Colon would probably be left alive to tell the tale, and ships in the canal might be buried out of sight by the débris or hurled as shapeless wrecks into the ocean.

Having been in the vicinity of the Johnstown dam disaster, and having witnessed the devastation caused by the concurrent breaking of a series of reservoir dams in the Lehigh River Valley, where I have seen canal boats carried out of the canal near the river and landed miles away from its line, with the crew drowned in the flood, I have a very acute dread of such catastrophies from actual observation of their effects.

These occurred in the heart of the old State of Pennsylvania, with engineering ability of the highest grade near at hand. How much greater the danger from like causes in the almost unknown recesses of Panama!

I have examined the testimony of Messrs. Haupt and Plume, in their recent evidence, and in view of the facts they state as to the treacherous nature of the main strata in the vicinity to be relied upon for dam foundations, and the imperfect result of the examination of the same by the French engineering corps, my conclusion is that the risk incident to that feature of the "P" route is one that the United States can not afford to assume, much less any contracting syndicate or individual; and for myself, I would not, under any probable circumstances, be willing to be connected with it professionally or otherwise. The risk is beyond human assurance, and therefore too great. This conclusion renders consideration of various other difficulties inherent to the "P" route superfluous.

Mr. President, I pass now from financial and engineering problems, concerning which I confess I know but little, to those concerning which I know more, or with which, at least, I am more familiar. I maintain that it is not possible for us to acquire an indefeasible title to the Panama Canal within any reasonable time or for any reasonable sum of money unless the judicial system of France is more remarkable than even the Dreyfus trial would lead one to suppose it to be. We may assume, I imagine, that the fundamental basis of all judicial systems is the administration of natural right and natural justice. If the stockholders and bondholders of the old Panama Canal Company can be cut off by any court in France from the right to insist that the New Panama Canal Company shall go on and complete its contract, made for their benefit, to construct the Panama Canal, and to operate it, and to pay to the liquidator of the old company, for their benefit, 60 per cent of the net proceeds of operation, then the judicial system of France is not founded on right and justice, but upon wrong and injustice. And this right has been cut off, it is said, by an order of a court of first instance, corresponding to our courts of ordinary superior jurisdiction, made in advance of a sale, without notice to bondholders and stockholders, authorizing a sale without limitation as to price and without any showing whatever as to the necessity or propriety of a sale.

Mr. MORGAN. I beg leave to suggest that the sale was required to be made to a sole purchaser—the United States. No other purchaser is permitted to purchase the property.

Mr. TURNER. Yes, sir.

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

Mr. MORGAN. Stockholders and bondholders.

Mr. CLAY. Stockholders and bondholders. They had a charter from the French Government, as I understand the Senator. The old company, after having expended about $260,000,000, completed about one-fifth of the canal, and then the old company failed in business. The new company became the purchaser of the rights, privileges, and franchises of the old company. As I understand the Senator, they agreed in a contract to carry out the terms of the charter of the old company, and not only to complete the canal, but after it was completed they agreed then to pay to the stockholders and bondholders of the old company 60 per cent of their net profits.

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

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

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

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

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

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

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

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

Speaking of the charter to which I have just referred, a more remarkable exercise of power, unrestrained by any of the safeguards which every judicial system attempts to throw around private right, was never exhibited in any country. It can not possibly stand as a proper and sufficient order in any appellate tribunal, and there are several such in France to which it may be appealed, while there are half a million stockholders and bondholders of the old company qualified to become actors in such appellate proceedings, and, unless very different from the men of other countries, ready and willing and only waiting for the necessity to take such action.

When the old Panama Canal Company, under the control of De Lesseps, failed, the company was forced into liquidation and came under the control of the civil tribunal, lower court, for the department of the Seine, sitting at Paris, which court appointed a liquidator for the company, and also a liquidator for the bondholders. The powers and duties of a liquidator under the French laws are understood to be very much the same as those which belong to a receiver under our system, but if so the necessity for two separate liquidators is not apparent. However, that is not material to the proposition which I have in mind. The liquidator of the old company, under the direction of the court, took possession of the books, papers, assets, and property of the company, and to the best of his ability cared for and preserved them. The bonded indebtedness was about 850,000,000 francs, and the paid-up stock subscription represented about 400,000,000 francs.

The company owed a considerable sum which was not secured, but was possessed of money and choses in action more than sufficient to meet all indebtedness, and was likewise possessed of the Panama Canal concession and the uncompleted canal, and everything pertaining thereto, including construction plant, lands, and buildings, and the Panama Railroad. The old company being hopelessly insolvent and the entire property in danger of destruction by the lapse of its concessionary rights at Panama, a new corporation was formed to take over the property and complete the canal, called the "Compagnie Nouvelle du Canal de Panama."

Mr. MORGAN. That is the present company.

Mr. TURNER. The present company, and the liquidator of the old company, acting by authority of the court, subscribed to the money capital of the new company and also contributed to the new company the uncompleted canal at Panama and everything pertaining thereto. This contribution and the obligations flowing therefrom were made a part of the articles of the new corporation, thus evidencing the contract in the highest form and making its full and complete execution one of the objects of the incorporation and rendering the new corporation a trustee for the benefit of the bondholders and stockholders of the old company.

Mr. MORGAN. If the Senator will allow me, I should like to state right there, as I see he has not the figures, that the subscriptions to the New Panama Canal Company are 65,000,000 francs, and of that sum the liquidator, representing the old company, took 17,000,000 francs of stock in the new company.

Mr. TURNER. This contribution and the obligation thereby

created are thus declared by article 3 of the charter of the new company:

ARTICLE 3.

Mr. Jean Pierre Gautron, a judicial administrator near the civil tribunal of the Seine, residing in Paris, Rue Tronchet, No. 13, "acting in the name and as sole liquidator of the 'Compagnie Universelle du Canal Interocéanique de Panama,' under the powers conferred by a judgment of the civil tribunal of the Seine under date of February, 1889," has intervened in these presents:

Mr. Gautron appointed to the said office of liquidator by a judgment of the council chamber of the civil tribunal of the Seine dated July 21, 1898, who, in his above said capacity, brings to the corporation—

First. All rights whatever accruing to the company in liquidation by virtue of the laws of the Government of the United States of Colombia, under dates of May 18, 1878, and December 26, 1890, as well as of the decrees, acts, or matters that have taken place since in the operation of those laws, with all the advantages stipulated in said laws and decrees, together with all the lands and real estate granted to the Interoceanic Company in liquidation or acquired by the said company.

All of which on condition that the provisions of the laws and extensions of the concessions shall be complied with and that all outstanding debts of the liquidation to the Colombian Government shall be discharged.

Second. The completed works, yards, workshops, buildings, hospitals, equipment whether set up or not, materials and supplies, etc., belonging to the "Compagnie Universelle du Canal Interocéanique" in liquidation, as well as all securities that may have been deposited by the said company in liquidation.

Third. The plans, estimates, surveys, documents of all kinds collected by the "Compagnie Universelle du Canal Interocéanique" and having any connection whatever with the survey, construction, or operation of the canal or of its owners, as well as the benefit of all contracts with third parties.

Fourth. All rights of every nature, shares in ownership, and others, of every and whatsoever kind, that may belong to the "Compagnie Universelle du Canal Interocéanique" in liquidation in the Panama Colon Railway, operated by an American company styled the "Panama Railroad Company," whose principal office is in New York, these rights being transferred such as they stand and exist, and Mr. Gautron, in his capacity, binding himself to vest this corporation therewith in the form required by the law of the United States of America.

These rights and property such as they stand and exist and in the condition in which they are.

The present corporation shall become owner of the property and rights hereby ceded and contributed on and from the day when it shall have been finally constituted; except, however, what is to be stated hereinafter in regard to the Panama Railroad.

These cessions and contributions are made by Mr. Gautron under the following reservations and provisions, namely:

First. There shall be allotted to the liquidation a share of 60 per cent in the net profits of the undertaking, such profits to be determined in accordance with articles 51 and 52 hereinbelow.

Mr. CLAY. The Senator thinks we would have to pay 60 per cent——

Mr. TURNER. Yes, sir; I think so.

Mr. CLAY. If we buy their charter?

Mr. TURNER. Yes.

Second. There shall be set apart for the Government of the United States of Colombia, in conformity to the extension law of December 26, 1890, 50,000 of the shares hereby created, said shares to be free from all liabilities.

Third. The rights of every nature on the Panama Railroad belonging to the liquidation and contributed by Mr. Gautron under section 4 of this article shall become vested in the present corporation from the day of the meeting, the convening of which is provided for under article 75 hereinafter, without any pecuniary consideration, but under the resolutory proviso that the canal shall be completed within the time stipulated in the act of concession. Should the canal not be completed within the said time, the said rights would revert to the liquidation.

If, contrary to expectation, the above-mentioned meeting should not make the requisite provisions for the completion of the canal, or, if the provisions made by the meeting could not be carried out, the said rights on the railroad would remain the property of the present corporation, but the latter would be held to pay to the liquidation a sum of 20,000,000 of francs by way of indemnity, and the share in the profits allotted to the liquidation would be one-half of the profits of the present corporation, and no amount shall be set aside out of such profits except those provided for in paragraphs 2 and 3 of article 51, hereinafter.

In consequence the said rights shall remain inalienable in the possession of the new company until the said sum of 20,000,000 shall have been paid, or until the canal shall have been entirely completed.

Fourth. Until the final completion of the canal Mr. Gautron, in his name, shall have the faculty of appointing a supervising committee consisting of three members selected, as far as practicable, among the Government engineers for bridges and highways and treasury inspectors, who will look into the progress of the work, the condition and conservancy of the equipment and buildings, as well as the books appertaining thereto.

The compensation of this committee shall be charged to the new company.

Articles 51 and 52, referred to in the foregoing article, read as follows:

ARTICLE 51.

The annual proceeds of the enterprise are to be first used in satisfying—

First. The participation stipulated by the Government of the United States of Colombia for its benefit, under the provisions of the concession law.

Second. The expenses of maintenance and operation, the costs of management, and generally all corporate charges; the interest and amortization of all loans that may have been contracted.

Third. The setting aside of one-twentieth of the net profits, after meeting all the above-mentioned liabilities, for the purpose of establishing the reserve fund required by law.

Fourth. Five per cent of the corporate stock, the proceeds of which shall be appropriated by the general meeting, on the motion of the board of directors, for the creation of a sinking fund which shall be provided for in article 55 hereinafter, and also for the payment of interest on unredeemed shares.

ARTICLE 52.

The surplus of the annual proceeds, after the various deductions provided for in the foregoing article, shall constitute the net proceeds or profits of the enterprise.

Five per cent of such profits shall be set aside for the benefit of the board of directors of the corporation.

The remainder shall be apportioned as follows:

Up to 40 per cent to the shares in existence;

And up to 60 per cent to the "Compagnie Universelle du Canal Interocéanique" in liquidation.

The new company, organized under this arrangement, took possession of the property, procured extensions of the concessions, and has prosecuted the construction of the Panama canal, and is doing so at this moment, and it declared to the Senate Committee on Interoceanic Canals, through its secretary and representative here, Mr. Edward Lampre, only a few weeks ago, that it was a solvent, going concern, capable of completing the canal, and expecting to do so if it did not make a sale to the United States. It does not require a profound knowledge of the jurisprudence of France to enable one to say that, on this state of facts, the laws of that country do not give the Compagnie Nouvelle the unrestricted right to sell the canal for any sum that it pleases, as claimed by Mr. Lampre, or that the broad order of the court of first instance in the liquidation proceedings, being appealable, is not worth the paper it is written on in the higher courts of France.

I have made no special study of the jurisprudence of France, but I know from my elementary reading that, like our system of equity jurisprudence, it is founded on the civil law, has the same conception of trust obligations, and works them out and protects them in much the same manner. Here we have two trusts for the benefit of the old Panama Canal Company—its creditors and its shareholders. One, the liquidation, which is being carried on under the immediate eye of the court; the other, declared by the Compagnie Nouvelle in its charter, and which any court of equity in this country, on the application of any party in interest, would enforce, and which there must be tribunals in France armed with the power to enforce.

Mr. MORGAN. To prevent any possible misapprehension in the statement from the omission the Senator has made, I should like to say that the shares in the old Panama Canal Company bore interest from the date of subscription, or from the date they were paid up, at the rate of 5 per cent, and the bonds bore from 5 down to 3 per cent, according to the circumstances of their issue.

Mr. TURNER. Yes. It is claimed by the representative of the new company now in this country that the legal title to the property, full, complete, and without limitation or condition, is in his company, and that it can dispose of it as it pleases and confer perfect title without power in the courts of France to interfere. Such, I am quite certain, would not be the law under our judicial system.

The old company and the stockholders and bondholders of the old company would be declared to have an equitable right and title in the property of which they could not be divested without their consent. It is impossible to conceive that they have not an equivalent right under the laws of France, although it may not there be called an equitable title. If the new company were itself bankrupt and unable to carry out its contract for the benefit of the old company, and the security of the old company was thereby endangered, different principles would then apply. In that case a sale of the property might be properly ordered as the only thing which would protect the creditors and stockholders of the old company; but it would be ordered for the sole and exclusive benefit of the old company and its cestuis qui trustent, and the new company, which had confessedly failed in its contract and was endangering the property by its failure, would have no standing whatever to come in as a beneficiary.

But this is not the attitude of the parties. The new company is a going concern, claims to be able to complete the canal, and is even now working to that end. It would be a monstrous judicial system, with injustice as its purpose and unreason as its guide, which would permit that company, solvent and sound as it claims to be, at its own will and pleasure, and for such consideration as it chooses to accept, to disable itself from carrying out its solemn obligation for the benefit of the old company entered into when it took over the property of that company. That property represented an expenditure of $250,000,000, and the parties must have contemplated that it was worth something in the neighborhood of that amount. They must have contemplated that the new company would spend in the completion of the canal somewhere in the neighborhood of $150,000,000 more. They must have thought that the canal when completed would be worth at least $250,000,000, and that it would pay fair returns on that capitalization.

It is not unfair for us to assume now that the completed canal would be worth $250,000,000, and that it would pay fair dividends on that sum of money. Such dividends applied fairly to the stock and the bonds of the old company would give them both large value. It must have been in contemplation of such results that the old company turned its property over to the new company. How is it possible, then, under any system of law, that the new company, still able to complete the canal, still proceeding diligently in that direction, can be permitted to throw up its

hands and dispose of the trust property committed to it for a sum no part of which can, by any possibility, reach the stockholders of the old company, and which, spread out among the bondholders, will give them but an insignificant moiety of what they have a right to expect, and what they would in fact receive, if the canal were completed?

I wish now to call the attention of the Senate to the manner in which these valuable rights of the old company and its beneficiaries have been dealt with by the lower court of the Seine. I read the petition and order of the court under which the offer was made to sell the Panama Canal to the United States for $40,000,000.

I beg to detain the Senate again while I read this order of the court in full, because it is upon this order that the new company predicates its right to sell the canal to us for $40,000,000:

[Translation.]

Extract of the minutes of the clerk of the civil tribunal of first instance of the department of the Seine, sitting at the Palace of Justice, Paris.

The civil tribunal of first instance of the department of the Seine, in session in the Palace of Justice in Paris, rendered in the chamber of the council the decision the tenor of which is as follows:

The tribunal assembled in the chamber of the council in view: First, of the request presented by Gautron in his official capacity, signed by Biéville, attorney, and the tenor of which is as follows:

To Messrs. the president and judges composing the chamber of the council of the civil tribunal of the Seine:

Mr. P. Gautron, liquidator of the Compagnie Universelle du Canal Interocéanique de Panama, residing at the seat of the liquidation, Rue de la Chaussée d'Antin No. 42, Mr. Biéville, acting as his attorney, has the honor to state to you that the judgment of the civil tribunal of the Seine, dated February 4, 1889, which declared the dissolution and the placing in liquidation of the Société du Canal Interocéanique de Panama, had appointed Mr. Joseph Brunet as liquidator of the said company, with the most extended powers, especially to cede or contribute to any new company all or part of the corporate assets, to make or ratify with the contractors of the Panama Canal all agreements for the purpose of insuring the continuation of the works and of contracting loans and furnishing all guarantees thereto.

That the tribunal said that in case of the disability of the appointed liquidator his place should be filled by the usual methods.

That it thereupon authorized him to solicit in the same way all special powers which should be necessary for the fulfillment of his mission, and, if he judged it useful, the addition of one or more liquidators.

That Mr. Achille Monchicourt was named assistant liquidator of the Compagnie Universelle du Canal Interocéanique de Panama by the judgment of the chamber of the council dated February 13, 1890.

That after the resignation of Mr. Brunet, Mr. Achille Monchicourt solicited and obtained the addition of Mr. Gautron, joint liquidator, by the terms of a judgment of the chamber of the council of July 21, 1893.

That in consequence of the death of Mr. Achille Monchicourt Mr. Gautron remained the sole liquidator.

That the liquidation of the Compagnie Universelle du Canal Interocéanique de Panama is at this moment confronted with negotiations entered into by the Compagnie Nouvelle du Canal de Panama with the Government of the United States of North America and with the eventuality of the transfer of the concession and canal works either to the Government of the United States or to a foreign company.

That this transfer could not be validly made by the new company, except with the concurrence and assent of the liquidation of the Compagnie Universelle du Canal Interocéanique de Panama and of the representative of the bondholders and creditors of the liquidation.

That the liquidation may find itself in disaccord with the Compagnie Nouvelle as to the price to be asked or the conditions to be proposed to the eventual purchaser.

That there exists a difference of interests between the liquidation and the new company upon the subject of a division of the proceeds of said transfer.

That an immediate discussion might bring about no result and would be of a nature to injure the result of negotiations pending with an eventual purchaser.

That it is essential to submit the questions in dispute, which may arise, to the decree of amicable arbitrators charged with deciding all questions relating to—

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

Secondly. The division of the proceeds of the sale, should such sale be effected.

That the right of liquidators of companies to compromise is contested by certain legal authorities as exceeding acts of their administration.

That it is therefore necessary to solicit from the tribunal the authority of Mr. Gautron to consent to an arrangement, under the circumstances above stated, and in the case of a sale of the concession and the canal works as well as all of the assets of the Compagnie Nouvelle.

Wherefore the petitioner prays that it may please the President and judges to authorize him, in his capacity of liquidator of the Compagnie Universelle du Canal Interocéanique de Panama, to pass an agreement with the Compagnie Nouvelle du Canal de Panama upon all matters of dispute which may arise in connection with

Firstly. The determination of the price and the conditions to be proposed to the eventual purchaser of the concession and canal works and all the assets of the new company.

Secondly. The division of the proceeds of the sale between the new company and the liquidation of the Panama Canal Company, should such sale be effected.

Under all reserves.

And this will be justice.

DE BIÉVILLE.

In view, secondly, of the decree of the president of the tribunal being as follows: The above request shall be communicated to the attorney for the Republic in his office, and we appoint Vice-President Laporte to make his report.

Paris, July 31, 1901.

BAUDOUIN.

In view, thirdly, of the conclusions of the attorney for the Republic, which are as follows: The attorney for the Republic does not object.

Rendered in the attorney's office, August 2, 1901.

PEZOUS.

In view, fourthly, of the various documents submitted.

Having heard Vice-President Laporte, in his report, the attorney for the Republic in his conclusions, and after having deliberated in conformity with law, judging in first instance:

Whereas by a judgment of this Chamber, dated July 21, 1893, Achille Monchicourt petitioned for and obtained the addition of Gautron as coliquidator of the Compagnie Interocéanique de Panama;

Whereas in consequence of the death of Achille Monchicourt, Gautron remained the only liquidator; whereas, from the documents submitted, it appears that it is necessary to authorize Gautron to consent to a compromise in compliance with his request.

For these reasons:

Authorizes Gautron, in his official capacity, to consent to a compromise with the Nouvelle Compagnie du Canal de Panama upon all litigious questions which might arise relating—

Firstly. To the determination of the price and the conditions to be proposed to the eventual purchaser of the concession and the canal works, and all the assets of the new company.

Secondly. To the division of the proceeds of the sale, if that sale should be effected, between the new company and the liquidation of the Panama Canal.

LAPORTE, LE BERQUIÉR, and FLOQUET.

Ordered and decreed in the chamber of the council of the civil tribunal of the first instance of the department of the Seine, sitting in the palace of justice, in the city of Paris, by Laporte, president; Berquiér, judge; Planchenault, special judge, in the presence of Mr. Pezous, substitute for the attorney for the Republic, assisted by Floquet, clerk.

August 2, 1901.

In consequence, etc.:

The minute was signed by the president, the reporting judge, and the clerk.

Recorded at Paris, the 19th of August, 1901, folio 94.

Division first, received 9 francs, 38 centimes, decimes included.

VARINOT.

A true copy.

FLOQUET.

Mr. President, it will be seen that no fact was presented to the court as the basis for its order which, consistently with the principles I have been discussing, could justify the court in making it. The order was founded on the bare, naked statement of the petition that the new company was negotiating a sale of the property to the United States, that a sale could not be legally consummated without the concurrence and assent of the liquidator, and that the order of the court was necessary to authorize the liquidator to consent.

There was no statement that the new company was insolvent, that it could not complete the building of the canal, that it was endangering the property held by it for the benefit, in part, of the old company, or that a sale of the property was the only way or the most satisfactory way in which the remnant left could be preserved for the benefit of those entitled to share in its distribution. Nothing of the kind. The petition proceeded on the remarkable theory of Mr. Lampre, declared before the Senate committee here, that the new company ought to be and was entitled to be relieved at its pleasure of its obligations to the old company, and that it was not even compelled to make full restitution to the old company of what it had received from that company, but was entitled to a share of the sum which it might receive on a sale of the property. The lower French court accepted this theory, and not only authorized the sale, but directed an arbitration to determine the extent to which the new company might share in the results of its own misfeasance, malfeasance, and breach of trust. A more remarkable and indefensible judicial order was never made. It carries on its face its own insufficiency. It is impossible that it can stand on an appeal to the higher courts.

Mr. CLAY. I ask the Senator whether or not the stockholders of the old company were parties to this proceeding?

Mr. TURNER. Certainly not. None of them was present in court.

Mr. CLAY. Would a decree of that sort have any effect within the law?

Mr. TURNER. I should say not.

Mr. STEWART. Mr. President——

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

Mr. TURNER. Certainly.

Mr. STEWART. Is there anything in the French law that tolerates such a proceeding?

Mr. TURNER. I should certainly think there can not be.

Mr. STEWART. I have not met with anyone who has examined the French law with regard to that question. The proceeding was very anomalous.

Mr. TURNER. Certainly, it was a very anomalous proceeding.

Mr. MORGAN. There is one fact I should like to call to the attention of the Senator from Washington, and that is that quite a number of these bonds, particularly the lottery bonds, are held by citizens of the United States—women and children and the estates of dead men, who were never represented in that court in any sense of the word—and those bonds are held here now. The committee have received letters—at least I have—from persons who represent those people, stating that they are holders of large numbers of these bonds and wanting to know what we were going to do about them. I do not know.

Mr. TURNER. It is impossible, moreover, to conceive that

there is not one out of the 200,000 stockholders in France, thus cut out of any possible reimbursement, or one out of the like number of bondholders, thus defeated in their just expectations, who will not feel justified in prosecuting an appeal from the order. It seems manifest, then, that we can not get title to the Panama Canal as the result of the present offer, based as it is on the irregular and insufficient order of sale made by the lower court of the Seine. And it is equally manifest that upon the facts held out by the new company, to wit, that it is solvent and capable of completing the canal, no order can ever be made by any court of France without the concurrence of each individual stockholder and bondholder of the old company, which can authorize the new company to sell the canal to the United States or to any other purchaser.

Mr. FAIRBANKS. Mr. President——

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

Mr. TURNER. Certainly.

Mr. FAIRBANKS. If I may interrupt the Senator—I am not as familiar with the record as he is, he being a member of the committee which has had under consideration this important subject, and I inquire merely for information—I should like to ask the Senator whether that remarkable and irregular order, to which he refers, has been appealed from by any of the creditors?

Mr. TURNER. I am not aware that it has been, but I understand that the proceeding is still pending. If there shall be a sale under that order, it will be necessary to go into court for confirmation of the sale. If there be such a confirmation by the lower court, then an appeal would lie.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Georgia?

Mr. TURNER. Certainly.

Mr. CLAY. I desire to ask the Senator if the old stockholders were interested in having this contract carried out, could this new company file a petition and violate the principles of the agreement between the old and the new company and dispose of the interest of the old company without the old company being made a party? Has any such proceeding ever been heard of in law?

Mr. TURNER. That is what the company is claiming. I do not think there is any such system of jurisprudence in existence anywhere in the world.

Mr. FAIRBANKS. I ask the Senator further whether or not there was not a confirmation of just such an order of sale?

Mr. TURNER. A confirmation of this order of sale?

Mr. FAIRBANKS. Yes.

Mr. TURNER. Not that I have ever been informed of. There is certainly nothing in the record to indicate anything of that kind. The fact is, there has been no sale, and there could have been no confirmation of a sale until a sale had taken place.

Mr. MORGAN. That is the point.

Mr. FAIRBANKS. But there was a sale of the old property to the new company.

Mr. TURNER. That was in 1891, and that was a fair, equitable, and just arrangement; the only arrangement that could save the old company anything, and the court did confirm that sale, of course. Otherwise the new company would not have this property to offer to us.

Mr. FAIRBANKS. There was no appeal from that?

Mr. TURNER. No.

It is of little value to speculate concerning what might be done if the New Panama Canal Company were to confess itself insolvent, go into court and surrender the property, and permit the court to make the most advantageous disposal of it possible for the benefit of those to whom it belongs in equity and good conscience. It is not doing anything of that kind, and does not propose anything of that kind, and therefore the only thing left for us to do is to consider its offer in the light of conditions as we find them—conditions which it has no disposition or purpose to change.

I beg leave to call the attention of the Senate to parts of the testimony of M. Lampre, the secretary of the New Panama Canal Company, given before the Senate Committee on Interoceanic Canals, for the purpose of showing the position taken by that company concerning its rights and powers in connection with the sale of this property:

The CHAIRMAN. What were to be the terms of the sale?

M. LAMPRE. Forty million dollars, covering every property of the company.

The CHAIRMAN. When payable?

M. LAMPRE. Nothing has been said as to the payment to the present time.

The CHAIRMAN. That is entirely indefinite?

M. LAMPRE. Entirely indefinite, according to what steps will be taken here.

The CHAIRMAN. That term being left indefinite, it would probably require some negotiations hereafter to arrange the period of the payment and to advise us on that point?

M. LAMPRE. Most likely.

The CHAIRMAN. You spoke of the copy being left with the American ambassador in Paris.

M. LAMPRE. Yes, sir.

The CHAIRMAN. Was that left as an official paper?

M. LAMPRE. Exactly; signed by the president of the board.

The CHAIRMAN. Did the president of the company have the authority of the Government of France to deposit that official paper?

M. LAMPRE. Not from the Government of France, but he has full authority from the stockholders' meeting, which was held on the 21st of December last. We had a stockholders' meeting then, and the stockholders' meeting approved of a resolution for the company to negotiate with the United States Government.

The CHAIRMAN. I was speaking of the Government of France.

M. LAMPRE. The Government of France has nothing to do with the question at all. We have a private company bound in no way whatever with the Government of France, only bound to act under the laws of the country, and the laws of the country are that whatever step a private corporation takes it is well and good when confirmed and approved of by the stockholders' meeting.

The CHAIRMAN. Whatever they choose to do they can do if the stockholders' meeting approves it?

M. LAMPRE. Quite so.

The CHAIRMAN. That is your idea of the laws of France?

M. LAMPRE. Exactly.

(From pages 4 and 5, Senate Document No. 253, present session, Part I.)

The following is from the same document, pages 17, 18, and 19:

Senator FOSTER of Louisiana. Let me see if I understand exactly the transaction between the old and the new company. I understand that the old company went into liquidation and a liquidator was appointed.

M. LAMPRE. Exactly.

Senator FOSTER of Louisiana. Of course he represents the stockholders, creditors, and bondholders?

M. LAMPRE. That is right.

Senator FOSTER of Louisiana. Representing these parties, he transferred all the right, title, interest, and property of the old concern to your company, and that was duly ratified and homologated by the judgment of the court?

M. LAMPRE. That is the whole subject, sir.

Senator FOSTER of Louisiana. As the consideration of the transfer, your company was to pay to the liquidator, representing the creditors, bondholders, stockholders, and shareholders, 60 per cent of the benefits of the canal?

M. LAMPRE. That is correct.

Senator FOSTER of Louisiana. Then your company purposes to transfer all your right, title, and interest to this Government for, say, $40,000,000?

M. LAMPRE. Yes.

Senator FOSTER of Louisiana. Now, what guaranty will your company give, in the event of the purchase of the canal by this Government, that the 60 per cent of benefits which the old company was to derive as a consideration will not be a part of the obligation which this Government assumes?

M. LAMPRE. I understand the question.

Senator FOSTER of Louisiana. I tried to make it clear.

M. LAMPRE. The guaranty we will give is that very agreement I was just telling you about, according to which the liquidator and the old company accept of the question to be settled, the division of the amount each might get to be settled by a board of arbitration. To my understanding, the division of the amount we might get from the United States has nothing to do with the United States itself. I beg pardon, if I am too crude.

Senator FOSTER of Louisiana. We think you are perfectly clear.

M. LAMPRE. It is a matter to be settled only and exclusively between the liquidator and our own company. It is settled under the present agreement.

Senator FOSTER of Louisiana. Under your law, has not any creditor or bondholder or any holder of stock the right to go into court and object to any settlement that the liquidator might make?

M. LAMPRE. The liquidator has authority.

Senator FOSTER of Louisiana. The liquidator, as I understand, has authority, or you have authority, to make this arbitration.

M. LAMPRE. He has authority from the court.

Senator FOSTER of Louisiana. Under your law, does not his act require a homologation by the court?

M. LAMPRE. I understand your question, Senator. But that thing has been foreseen, and there is at the present time a judgment of the court giving the liquidator that very authority to enter upon that contract, agreement, with the new company, so that the thing is quite clear and certain now. He has got a special judgment, special authority and authorization from the court to enter upon a contract with us.

Senator FOSTER of Louisiana. To enter upon this arbitration?

M. LAMPRE. An arbitration contract, an agreement, under which we alone would have to deal with the United States.

Senator TURNER. What court is that?

M. LAMPRE. The French court.

Senator TURNER. What is the rank of the court? Is it a court of last resort, or is its judgments subject to review by other courts?

M. LAMPRE. The first court.

Senator TURNER. A court of first instance?

M. LAMPRE. Exactly.

Senator TURNER. Then its judgment is subject to review if any stockholder wills to open it up?

M. LAMPRE. It might be, but I do not expect any trouble from that source.

Senator TURNER. Now, let me ask you this question: When you took this canal project over from the liquidator, was it a contract to complete the canal and operate it?

M. LAMPRE. Yes; that was the contract.

Senator TURNER. And to turn over to the old stockholders 60 per cent of the net proceeds?

M. LAMPRE. It was.

Senator TURNER. That was your contract?

M. LAMPRE. It was.

Senator TURNER. If the bonded indebtedness amounts to 800,000,000 francs or more, there would be none of this $40,000,000 to turn over to the old stockholders at all, that being the first lien, of course?

M. LAMPRE. This is how the thing stands: The stockholders, as I said——

Senator TURNER. The stockholders would be out and injured?

M. LAMPRE. That is a matter for the liquidator to decide.

Senator TURNER. Would they have a standing in some court to come in and say that the liquidator had no authority to contract to turn over this property to a foreign government and cut them out from the possibility of any benefits whatever from the construction and operation of this canal?

M. LAMPRE. Well, you know any claim may always be set forth, but I am convinced——

Senator TURNER. Is it not quite likely that they would urge a claim of that kind?

M. LAMPRE. It might happen, but I am convinced there would be no difficulty about it at all under these conditions.

Senator TURNER. What right would any court have, in justice and equity, to cut these old stockholders out of any possibility of any benefit?

M. LAMPRE. The law itself, sir; because it is the law in France that when a corporation fails the first interests in that corporation to satisfy are the interests of the bondholders. The stockholders, who are only associates, who are debtors to the bondholders, have no right to get anything unless the bondholders are completely disinterested.

Senator TURNER. I understand that; but having failed, the liquidator, in the interest of the stockholders as well as the bondholders, made this contract with the new company. Now, what right has any court to say to that liquidator, "You may make a contract which will cut these stockholders off from any possibility of any benefits whatever?"

M. LAMPRE. The law itself.

Senator TURNER. Does the law give them that right absolutely?

M. LAMPRE. Yes.

Senator TURNER. Without any compensation or consideration to them whatever?

M. LAMPRE. Quite so.

The following is from the same document, pages 22, 23, 24, 25, and 26:

The CHAIRMAN. The object of the Panama Canal Company—the new company—according to its by-laws, and according to its charter, according to all of its professions here, was to build and complete that canal.

M. LAMPRE. It was.

The CHAIRMAN. Is that the present object?

M. LAMPRE. It is still the object; but at the present time the object is the sale or transfer to the United States. That is what we contemplate at the present time, but, this failing, of course the object of the company stands.

The CHAIRMAN. You know the internal workings of this company. When they set forth to form the new organization to build a lock canal instead of the old sea-level canal, was it or was it not the purpose of the company really to build a canal, or was it to make a show in regard to the property by which and through which they could sell it to somebody else?

M. LAMPRE. No, sir; the honest, clear, straightforward, and clean purpose was to build the canal.

The CHAIRMAN. This agreement, then, between the liquidator and the new company, and this judgment of the court transferring the property to them, was for that purpose, was it not?

M. LAMPRE. Yes; for that purpose.

The CHAIRMAN. Was there any purpose at that time, either expressed or implied or understood, that this new company was formed for the purpose of getting hold of that property to sell it to somebody else?

M. LAMPRE. No; the object of the company at that time was to complete the canal; but I must state that in the charters, or by-laws, as I would say, for private corporations it is always contemplated that at any time the corporation may sell out to anybody.

The CHAIRMAN. That is your judgment about it. I want to get at facts—just the square, naked facts.

M. LAMPRE. Will you please repeat the question?

The CHAIRMAN. We form our own judgment about what the facts amount to, and we try to do it properly and correctly. We have a right to our judgment upon the facts, not to accept yours absolutely.

M. LAMPRE. Oh, yes; I do not presume it.

The CHAIRMAN. Now, I want to know if it was the purpose of your company as you have stated it here.

M. LAMPRE. The purpose was to build the canal.

The CHAIRMAN. I understand you to go upon the idea (if I am incorrect about it you can correct me) that under the power of this charter and by-laws your corporation has a right to do anything with this property that it is not prohibited from doing.

M. LAMPRE. That is it.

The CHAIRMAN. That is your view?

M. LAMPRE. That is the very thing. That is the law under which we act.

The CHAIRMAN. That is so strange to us that we shall be obliged to take some time to consider it before we come to that conclusion.

M. LAMPRE. It is quite a different thing, I understand, in the United States.

Senator MITCHELL. You understand that there was this difference in the law heretofore?

M. LAMPRE. Yes; I understand it.

The CHAIRMAN. So you claim now that you and your company have the right to sell this property to the United States because you are not prohibited from doing it?

M. LAMPRE. Exactly.

The CHAIRMAN. Under that charter?

M. LAMPRE. Exactly; and we have the right to do it (that is what we claim) without even the assent or interference of the liquidator of the old company; but, to make things quite clear, we have got this agreement with him.

* * * * * * *

Senator TURNER. What principle of law authorized that court to render a decree cutting the stockholders of the old company out of the benefits of your contract with this liquidator for their benefit?

M. LAMPRE. I do not get the question quite well, Senator.

Senator TURNER. You contracted as a part of your charter, I understand you to say, that you would build this canal and operate it and pay the liquidator for the benefit of the old company 60 per cent?

M. LAMPRE. Yes.

Senator TURNER. Now, if you sell out to the United States, of course you can not carry out that obligation to the old company or to the stockholders of the old company.

M. LAMPRE. No. I understand.

Senator TURNER. And there will be nothing to go to them. This contract with the liquidator relieves you of the obligation for the benefit of the stockholders of the old company?

M. LAMPRE. Yes; but we shall have to let them share in the amount we may obtain.

Senator TURNER. Now, I want to know what principle of law of France would authorize the liquidator to make a contract which would cut the old stockholders out from the benefits of the provisions of that contract.

M. LAMPRE. The general principle under which receiverships are organized.

Senator TURNER. Your company is not in the hands of a receiver, is it?

M. LAMPRE. No.

Senator TURNER. It is still operating?

M. LAMPRE. Still operating.

Senator TURNER. It is still obligated to carry out this contract made for the benefit of its stockholders?

M. LAMPRE. Exactly.

Senator TURNER. What right has this liquidator to relieve it of its obligation to the old stockholders?

M. LAMPRE. I would like to make it clear that the stockholders' meeting of corporations in France is the only authority to decide this business. The court has nothing to do, I wish it to be understood, if possible, with what we, the standing corporation, do. That is the business of the stockholders' meeting.

Senator TURNER. The stockholders of this new company have no right to relieve the new company of this obligation to the stockholders of the old company? They can not by a mere vote relieve themselves from the obligation of their contract?

M. LAMPRE. I do not see that. They can, indeed.

Senator TURNER. You predicate their right upon the action of your stockholders, the stockholders of the new company?

M. LAMPRE. Yes.

Senator TURNER. To contract with the liquidator for the benefit of the stockholders of the old company?

M. LAMPRE. Yes.

Senator TURNER. Now, the action of the stockholders of the new company can not relieve that company from that obligation?

M. LAMPRE. I understand the question itself, but you see I stated in the course of this hearing that we are guided solely and only by our charter, and the charter does not forbid in any way that we should make a transfer or sale of our rights to anybody whatever.

Senator TURNER. But I understood you to say that your charter did contain this contract with the liquidator?

M. LAMPRE. It does contain it.

Senator TURNER. Under which you were to construct this canal and operate it?

M. LAMPRE. The liquidator has authority to relieve us from that contract, and he has agreed to what has been just passed upon.

Senator TURNER. What I ask you is what principle of law authorizes this liquidator to relieve you of the obligation for the benefit of the old stockholders without securing anything to them?

M. LAMPRE. That is the business of the court to decide, and the court has decided it.

The CHAIRMAN. I think you had better make that clear, because I do not believe the Congress of the United States will want to join your company in inflicting an act of absolute injustice upon these old stockholders.

Senator TURNER. Does that decree undertake to cut off the stockholders from pursuing your successor, as they would have a right to pursue you, to compel the performance of the contract by which you got title to the canal?

M. LAMPRE. I do not think that I understand the question. You mean about the 60 per cent?

Senator TURNER. No. Does that decree which you say authorizes you to make this sale cut off——

M. LAMPRE. The rights of the liquidator?

Senator TURNER. The rights of the stockholders of the old company to insist that your company shall carry out the obligation which you undertook to carry out toward them? Does it specifically cut them off?

M. LAMPRE. It does not say so.

Senator TURNER. Then it is a question of judgment as to whether they would have a right not to be cut off if they should insist on it?

M. LAMPRE. You see, sir, our obligations were to give the liquidator 60 per cent out of the profits. We have no profits.

Senator TURNER. Your obligations were to construct the canal and give 60 per cent?

M. LAMPRE. Sixty per cent out of the profits when the canal would be completed; but in the present condition of affairs there is no profit to divide. There will be a fixed amount, whatever it may be, to be divided between the old company and ourselves; and that will be divided according to the decision of that arbitration court under the authority of the agreement passed between the liquidator of the old company and ourselves—an agreement passed under the authority of the court.

It will be seen from this testimony what the general character of title is which we are expected to take to the Panama Canal and for which we are invited to pay $40,000,000. The new company, with its admitted obligations to the old company outstanding and unsatisfied, insist that it has full right, within and of itself and without reference to any other power or authority whatever, to make us full, complete, and indefeasible title, free from liens, equities, obligations, or incumbrances of any character. But to save trouble and contention, and not because it admits any right in the liquidator of the old company or in those for whom he is trustee, it has procured an order of the lower court of the Seine authorizing the liquidator to consent to a sale on any terms that he may see fit, and the liquidator has consented to the sale for $40,000,000.

Mr. STEWART. Who were the parties to that proceeding whereby the order was made? Was the old company brought in?

Mr. TURNER. The liquidator of the old company alone petitioned for this order without any of the parties being brought in.

Mr. STEWART. That is not American law.

Mr. TURNER. I will now state what this order was. This order, made by a court of first instance, without either the stockholders or the bondholders before it, without any showing of the necessity or propriety of a sale, without any representation of the value of the property to be sold or the price expected to be realized for it—this order, with all these infirmities and subject to appeal at the hands of any one of half a million interested parties in France, all of whom have the strongest motive to appeal, is the only thing that bolsters up or supplements the extraordinary claim of power and authority over the property made by the New Panama Canal Company.

That company, with the aid of the Republic of Colombia, may indeed turn over to us the manual physical possession of the Panama Canal if we embrace its offer, but it will not and can not make us title to the property, and it never will be able to do so. That will be done, if ever, only when the new company shall have confessed its failure and retired from the field, and some tribunal, having the old company and all of its beneficiaries before it, shall, for good cause shown, have authorized a sale to us for the exclusive benefit of that company and its beneficiaries. That much is certain to the apprehension of any trained legal mind.

Now, suppose we go on in the face of these legal difficulties and pay $40,000,000 for such title as the Compagnie Nouvelle can make, what will be our situation? The courts of France are under no obligation and would have no right to consider us in a light different from that in which they would regard any other purchaser of property impressed with a trust. Within such time as their laws may permit, and agreeably to their procedure, either by appeal or collateral attack, the order of sale, made in such flagrant disregard of the rights of stockholders and bondholders of the old company, will be declared erroneous, if not void, and will be vacated and set aside. This may not occur until we have paid our money and taken over the property.

In that case the parties insisting on restitution of the property must make to us restitution of the money, but only to the extent that they may have received our money. They can not be called upon to restore any part of the money which may have been retained by the new company. That company is not in court nor are its funds in custodi legis, nor is the old company responsible for its bargains. If the old company or its beneficiaries come to us with clean hands we can not refuse to do equity because we may have bought a gold brick from the New Panama Canal Company. The forum to which the beneficiaries of the old company will appeal for restitution of their rights will not be the courts of France. It is doubtful even whether the laws of that country measure their abstract right or whether that measure is not to be found in the laws of Colombia, where the property affected is situated.

But I assume that their relation to the property under the laws of Colombia would not be more favorable than it is under the laws of France, and hence that consideration is not very material now. But however their right may be measured and whatever its character, there are only two countries in which it may be enforced when we shall have gone into possession of the canal. One of these countries is Colombia, where the property is situated; the other is the United States, where the party whose conscience is bound and whose action is to be contested has its being. Our title to land and property in Colombia is strictly within the competency of her courts to determine. Colombia insists on retaining full sovereignty over the canal strip. When the courts of Colombia shall declare that we took the canal subject to the equities of the bondholders and the stockholders of the old company, there are only two courses left open to us. We can defy the sovereign power of Colombia and maintain our possession by force or we can settle with the bondholders and stockholders on the best obtainable terms.

We will say that the canal, when completed, will be worth only $200,000,000. Sixty per cent of the value of a completed canal, which is the beneficial interest of these people, would be worth, on that basis of value, at the minimum figure, $120,000,000. Would we outrage the moral sense of the world by refusing to recognize the authority of the municipal courts of Colombia to determine the status of property within her borders? Clearly not. We would go down into the Treasury, as we have been doing now these many years, and pay such sum as might be necessary to relieve ourselves of this blunder of our wise and profound statesmen.

The principles governing their rights are so clear that the claimants might not resort to the sovereign power of Colombia in the first instance to have them declared and enforced. Trusting to our perception of elementary legal principles and to our sense of justice, they would probably apply to us directly for redress, and we would be glad to have them do so, and would provide them a forum in which all questions between them and us could be adjusted and settled. We would do this to avoid the embarrassment and humiliation of submitting rights almost sovereign in character and involving the accomplishment of cherished policies of government to the municipal courts of another country. But whether the tribunal adjudicating the rights of the beneficiaries of the old canal company be a court or a commission of the United States or a court of the Republic of Colombia, the character of the rights of the beneficiaries will be the same, and it will require the same measure of compensation in either case to quiet, satisfy, and dispose of them.

I beg the careful attention of the Senate to these propositions. I respectfully insist that they are not the figment of a lively imagination, but that they rest on the logical application to undisputed facts of well-grounded legal principles, to be worked out in the future by an evolution almost as certain as any in nature, because founded on a law of nature, namely, that all men follow where self-interest leads. The only factor in the chain of reasoning which has the least element of uncertainty is that which relates to the action of the bondholders and stockholders of the old company; but since they are men, and men follow their own interests when they know what they are, and these men well know what their interests are, the element of uncertainty as to that factor is reduced to a minimum.

We can of course obtain possession of the Panama Canal through the medium of a sale by the New Panama Canal Company, but there are superior equities which involve the entire beneficial interest in the canal which we have knowledge of, which a sale to us will not cut off, and which will certainly rise up to confound and confuse and embarrass us in the carrying forward of this work in which we are so much interested. That we should take such a burden on our shoulders when we can accomplish the results sought for less money, even if title were clear, and with equal, if not greater, benefits, by proceeding on absolutely safe lines in another direction, is a proposition so unreasonable that I do not believe the Senate will embrace it or seriously consider it.

Mr. President, I have discussed only one phase of the legal difficulties involved in the acceptance of the offer of the New Panama Canal Company to sell to us the uncompleted Panama Canal. There are many others of great importance which ought to be presented in extenso, but which I shall not undertake so to present because of the time already consumed by me in the tedious and necessary discussion of that phase which has seemed most important. Ourr elations as a stockholder in the Panama Railroad Company, a New York corporation, need consideration. I have heard the question asked, "Can the United States become a stockholder in a corporation of one of its States?" I think that question may be answered in the affirmative. But can the United States become a majority stockholder with a view of destroying the commercial value of the property of a State corporation? That is a more difficult question. I do not think she can. If she becomes such stockholder in fact, can she use the power thereby acquired to destroy the value of the assets of the corporation to the injury of her associates in the company?

Can she lawfully build up a rival instrumentality to that belonging to the corporation of which she is a member, use the latter in its building, and by her ascendant vote stifle the protests of her associates? These are questions that may not have been of moment in France, but they are of moment to us and must receive answer whenever we step into the shoes of the French company. New York will have something to say in reply to these questions. Her courts undoubtedly will speak, and they will speak the language of truth and justice, and since they may lawfully control the conduct of their own domestic corporations, the United States must accept and obey the injunctions which they will lay down. It will not be necessary to sue the United States. She will not appear in the transaction save as a stockholder. The president and secretary and board of trustees will be individuals subject to the municipal jurisdiction of the State, and the coercive power of the State will be applied through them.

The minority, moreover, may appeal to the courts of Colombia, where the property is situated and where the United States may be made a party to the litigation without question or objection. The first question litigated in the courts of one or both of these jurisdictions, and probably in both at the same time, will be, Can the United States, consistently with her obligations to her associate stockholders in the railroad company, engage in an enterprise which will destroy the value of the common property? Next, Can she use her majority vote in the control of the railroad company for the purpose of devoting the railroad to the building and equipping the rival enterprise? When she shall have secured an affirmative answer to these two questions, if she shall ever do so, the next question will be, Upon what terms may she, consistently with her obligations to the associate stockholders, employ the railroad in building, equipping, and operating the canal? Certainly it can not be contended that one stockholder in a railroad company, even though he be a majority stockholder, may, at his own will and pleasure, fix rail rates upon services rendered for him by the railroad. He can not, at his own will and pleasure, and because he wishes to favor a rival enterprise in which he is interested, cause the company to be disincorporated and to go out of business.

The most favorable view that anyone can take of the transaction involves our conducting the railroad until 1966 as a commercial enterprise, paying during the period of construction enormous freights and rentals in order that the individual stockholders may receive their pro rata of the earnings in dividends, and after the period of construction, during the remainder of the life of the railroad concession, paying the like dividends to the individual stockholders as compensation for having destroyed the earning power of their property. This might all be avoided, of course, by buying out the individual stockholders, and I presume they would all be willing to sell; but if they are wise, and I presume they are, twenty times the par value of their stock would not be more than sufficient to induce them to forego the rich prospect which our mistake had presented to them.

Another question akin to these, although presenting a more diplomatic than a legal question, is: "Can we safely deal for the purchase of all the property of the French canal corporation without the consent of France?" The charter was granted under

her law; the objects of the company were national as well as international, and she has reserved to herself in the laws aiding the company peculiar and exceptional advantages. In the law of June 8, 1888, France required that all raw material employed in the accomplishment of the work should be of French origin, and that all machinery employed should be made in France. That law stands to this day. Can we, without a breach of comity, deal with the corporation in such a way as to defeat the governmental objects had in view when France chartered the company, among which, but not the most important of which, is the right reserved to supply the machinery and raw materials? It is settled law in this country that a corporation by a sale of all its property may not become a felo de se, and thereby defeat the public object which formed the consideration for its creation.

If the law be the same in France, may not the French Government interpose to prevent the sale of the canal property to us? Or if the law as to corporations be not the same there as with us, is not the principle sufficiently broad and universal, especially in view of the reservations made by France in her own favor, to give her just cause of complaint if, without consulting her, we deal with this creature of hers to her detriment? It certainly seems to me that these questions must be answered in the affirmative. These considerations are not weakened by the fact, upon which some stress has been laid, that in 1880 the French Government, when questioned by our Government concerning its interest in the proposed Panama Canal, declared that France "in no way proposed to interfere therein or to give it any support, either direct or indirect." The interference of France or the giving the enterprise support was not necessary to the retention of its interest in the enterprise as a creation of the French law or to its right to insist that this thing to which it had given life for its own purpose might not be stricken down by some other nation. It is to be remembered, moreover, that this declaration of France was eight years before the law of 1888, whereby that country did, in fact, interfere and give the enterprise support, and whereby it reserved to itself the compensating advantages to which I have referred.

Another fact to be remembered is that the declaration had reference to the operation of the Old Panama Canal Company; and it may very justly be said that the failure of that company, involving so disastrously the interests of the French people, put an entirely different aspect on the proposition. And this may be said with the greater force when we remember that the new company was formed to rescue and rehabilitate these imperiled interests and to give them substantial value, and that France, by numerous acts of legislation in aid of the new company, has shown her great sympathy and interest in that purpose, and when we remember, further, that if we now buy the canal for $40,000,000, provided we can lawfully do so, every dollar, substantially, put by the French people in the Panama Canal is gone from them forever and without the shadow of a hope of recovery.

Who knows anything about the views of the French Government on this question of sale? Who has ever asked France to express her views on the subject? No one. Mr. Lampre tells us that it is French law that a private company in France may sell its property and go out of business without consulting the French Government, and upon this statement, which may be correct in ordinary transactions, but which takes no note of international law and the reciprocal rights and obligations of nations toward each other, we are gravely invited to make a headlong dash, blindfolded, into a sea of difficulties and complications with a country toward which we are under the most sacred obligations of comity and friendship. France may not object, but she has not said so, and I respectfully insist, so long as she maintains any reserve whatever, that we have no right to deal with one of her creatures in a matter which so vitally concerns her just interests.

Mr. President, it would be a waste of words to enlarge on the value to this country and to the world of a ship canal at the Isthmus. That is well known and acknowledged by all. If the hope of the country in that regard is defeated, it will not be by reason of any doubt on that point by any Senator. But I will say a word before concluding concerning the point of view from which it is regarded on the Pacific coast. The completion of the canal will at once give that coast relief from the onerous burdens imposed on it by the transcontinental railways, and those burdens have been and still are very great. In saying this I would not be thought unmindful of the benefits which the transcontinental railways have conferred on the Pacific coast. Without them the greater part of that section would still be a barren wilderness.

But the fact that they have been instrumental in building up an empire does not give them the right to blight its expansion, to control its every motion, and to say that it shall have no relief from conditions which were well enough in the formative period, but which have long since become intolerable. With advance beyond the primitive needs of a pioneer people comes the demand for all the aids in industrial progress, including cheap and adequate transportation facilities, necessary to put that people on an equal plane with their brothers everywhere throughout the length and breadth of the land. The transcontinental railroads either can not or will not yield to that demand. The truth is, probably, that in some instances they can not and in others they will not. It is probably impracticable to expect them to transport the wheat and lumber, the two principal export products of the Pacific coast, across the continent for a compensation which will leave the producer anything over and above the cost of production.

But they can haul a bushel of wheat across the State of Washington for as small a charge as they make for hauling a keg of nails from Pittsburg to the Pacific coast. It is possible for them to fix a west-bound rate on those things which the Pacific coast must purchase in the East which will bear some relation to the value of the service rendered as compared with charges for similar services rendered in other sections of the country. It is possible to give the cramped and stifled industries of the Pacific coast a distributing rate from the point of production under which they can live, instead of discriminating against them grossly, as they now do, for the purpose of compelling the people to procure the product of such industries at the expense of a long transcontinental haul.

It is possible for them to find a good profit for easy service in the growing local traffic of that great country if they would but conserve and promote it instead of reaping an inadequate profit in the performance of a most arduous service, such as is involved in a transcontinental haul of everything that the people of the coast are compelled to buy or which they produce for the purpose of sale. To compel this long haul, to crush out every effort to escape from its necessity, is the present policy, as it has always been the past policy, of the transcontinental railroads. It is impossible for a fair-minded man of average intelligence to make even a cursory examination of the commodity and class rates of the transcontinental railroads without finding undoubtable proof of the truth of my assertion.

It is not my purpose, however, to discuss in this connection the transcontinental railway problem. I may do so at a later period and in another connection. I have referred to the matter here for the purpose of indicating to Senators the fact that the Pacific coast has a special interest in this great enterprise, while at the same time it has an equal interest with the balance of the country in it, considered with reference to its importance in the national defense and in stimulating the general commercial activity of the nation. Its beneficial effects on the Pacific coast will be immediate and profound. It will immediately add 10 per cent in value to our productions. It will diminish by 10 per cent the cost of living for our people. It will add 20 per cent to their annual accumulations. It would do this even if the enterprise should not add a ship to our national merchant marine or bring a single additional customer to our merchant princes. This is our special interest; but it is one, I venture to say, which will be overborne and lost sight of very soon after the canal is completed in the benefits conferred on the other sections of our country.

In the ultimate benefits to be garnered from the enterprise the Atlantic coast will far outstrip the Pacific. To the Atlantic coast the canal means access to new fields of commercial activity and added and improved facilities for controlling those fields already within the range of its energies. It not only brings the west coast of Central and South America to the doors of New York, Boston, Philadelphia, Baltimore, and New Orleans, but it puts those cities on an even and in some respects a superior footing with their Old World rivals for the control of the trade of the Orient. They become at once the most important factors in the development of the trade with China and Japan; and that development, if the isthmian canal be made, will line the Pacific Ocean with larger and more magnificent fleets than any which now plow the turbulent waters of the North Atlantic.

The enterprise means all this to the Atlantic coast. But it means no new fields of activity to the people of the Pacific coast. It even destroys to some extent the well-founded hope in which they have indulged, that their advantageous situation would ultimately give them the control of the trade of the Orient. But it gives them a present outlet for the products of the field, the forest, and the mine which find their greatest demand in the markets of Europe and the value of which at present is minimized by harsh and forbidding conditions. It insures to them in addition the opportunity of developing and exploiting their resources for their own benefit and of building up within and for themselves a trade and commerce which shall make them a self-supporting instead of a dependent people.

For this prospect of reaping the fruits of the present, they are willing to give up much which present conditions hold out to them the hope of realizing in the future. Moreover, they are young and strong and active and patriotic. They are for that which the interest of the nation requires, recognizing that they

will grow with its growth and languish with its decay. And recognizing that nothing will promote our national growth or protect our national integrity more than an isthmian canal, they have laid their mandate on their representatives in Congress and demand of them that they shall do that in aid of the enterprise which is practicable and feasible and will produce results. And hence I am for the House bill which is now on our table. I am for it because I am in earnest in desiring a canal, and because I feel that we shall have no canal for long years to come if we do not enact that bill into a law.

Others who are equally as earnest in favor of a canal may not agree with me, and in case their views shall prevail and the House bill be defeated, time only can determine between us. But why involve the project in doubt? Why raise any question whatever? Why take any chances? The project provided for in the House bill is safe and sure, is economical, and is fruitful of the commercial and military results which we are all anxious to gather. We can make no mistake if we adopt that bill. I respectfully insist that those who really and truly want a canal at the Isthmus, and who want it now, can only give adequate and forceful expression to their wishes by supporting that wise, sensible, prudent, and well-considered measure.

Mr. MORGAN. Mr. President, I wish to cite an authority on the subject of the liability of the New Panama Canal Company for the obligations of the old company, which liabilities we would incur if we buy this property, as I conceive and as I firmly believe. It is from our former colleague in the Senate, Mr. Pasco, who is a member of the Isthmian Canal Commission. On May 11, 1900, all of the Commission appeared before the Committee on Interoceanic Canals and were examined in regard to the progress they had made and their opinions upon different questions, including the law question which has just been discussed. That law question was suggested by a paper which was presented to the Government, to Mr. Hay, and also to the chairman of the committee in the House of Representatives by the New Panama Canal Company for the purpose of recommending the Panama route to the people of the United States. The entire document is in print and in the archives of the Senate. Mr. Pasco was under examination. Colonel Ernst was——

Mr. FAIRBANKS. If the Senator would kindly give the pages of the record from which he reads it will aid those who wish to follow him.

Mr. MORGAN. I will.

The CHAIRMAN. You do not know whether that $13,000,000 was derived from the property they bought at the sale or whether they went into their pockets for it?

Mr. PASCO. I do not know.

The CHAIRMAN. On page 31 of this document, if you will turn to it, subdivision 14, they account for the relations with the old stockholders.

Colonel ERNST. Mr. Chairman, if you care to hear it, I was told that they had not sold any property down there. Those old dredges did not belong to the company. They belonged to some contractors, and were sold to the Maritime Canal Company. They told us they had not sold any property at all.

The CHAIRMAN. They probably collected unpaid balances of stock in France.

Colonel ERNST. I understand there were some unpaid balances that that receiver did get hold of.

The CHAIRMAN. Yes; that is where the money came from, a large part of it. Now, I will read subdivision 14, on page 31:

Mr. FAIRBANKS. Of what document, please?

Mr. MORGAN. The document that was submitted by the Panama Canal Company to Mr. Hay and also submitted at a different time, within a day or two of it, to the chairman of the committee; I do not know whether it was a select committee or whether it was the Committee on Commerce of the House. I will bring the original report:

XIV. The security holders of the old company have no vote, voice, title, or ownership in the property of the new company or in the administration of its affairs. By private contract merely the new company has agreed that after all expenses of operation, maintenance, exploitation, dividends, reserve funds, etc., are provided for, a specified share of the surplus income shall be paid to the liquidator of the old company for the benefit of his constituents; but this agreement has no effect upon or relation to the absolute ownership and administration of the canal by the new company.

That was the proposition submitted by the Panama Canal Company to this Government.

That is to say—

This is what I said about it—

That is to say, they have got the legal title and hold it in trust.

Mr. PASCO. Mr. Chairman, although that is stated to be a private contract, it was a part of the terms upon which the new company was organized; and they were bound under that contract to pay this amount out, so that the old company still has this interest in the control of assets and profits of the new company.

The CHAIRMAN. That is all I wanted to ask you, Mr. Pasco.

Mr. Pasco goes on:

So that this interest still exists in the old company to that extent, whether it may be worth little or much.

The CHAIRMAN. And it was upon that predicate that this court went on and appointed a manager here, when the former board resigned.

Mr. PASCO. At a subsequent date?

The CHAIRMAN. Yes; on January 6, 1900

Mr. PASCO. They took the bargain with that burden, and of course it is still upon them.

The CHAIRMAN. Mr. Navarre says:

"The board of management has resigned and I have been appointed by a decision of the court sole temporary manager of the New Panama Canal Company, instead of the board of management, and with its powers."

So that that court sits there with the cause still in fieri for the purpose of controlling matters, even to the appointment of the manager of the canal, for the benefit of these old stockholders. The property has been sold, and there is no property there. There is nothing but the old stockholders with their claims; and upon that predicate the court went on and appointed a manager.

Mr. PASCO. The old stockholders have still got that interest, through their liquidator or receiver, in the assets of the new company.

I merely wanted to quote that to show that there were some changes of opinion among these commissioners upon various questions, but none whatever upon the engineering. So they assert. The change that took place, as has been argued here time and again, and I think it is impossible to deny it, was effected in consequence of the fact that this was supposed to be a better bargain than the estimate which was made by the Commission for the construction of the Nicaragua Canal. But on this question of law Mr. Pasco then stated his view. After the preliminary report of the Isthmian Canal Commission was made—this same Commission—in which they affirmed all of their previous findings, and the attorney, I will call him of the Government, who was the attorney or the lawyer of the Commission, had decided that these incumbrances rested upon this property, they had then before them everything that had been done in the way of judicial proceedings by the court of France.

I do not state this, Mr. President, for the purpose of making any accusation against Mr. Pasco either as to his judgment or otherwise, but it seems to me that when an attorney makes up an opinion upon a record and states it thus to a commission and afterwards the commission in their preliminary report act upon it, it is rather late to withdraw it or to change it after that. If that fact stands in this record, if that is true, then we can not buy the property from this new company without buying the incumbrance which rests upon it, for it is a trust estate in the hands of the new company. burdened with all of the equities that belonged to the estate at the time they took it, and no court can discharge them from that except in the case the Senator from Washington [Mr. TURNER] mentioned, where the trustee company becomes insolvent and that is the best which can be done with their assets.

That was not the fact here. This new company in a letter to the President, which I will read before this discussion closes—I have brought it into the RECORD here time and again—boasts of its solvency and ability to command money, and says that it is perfectly able to go on and complete the contract. Mr. President, a more fallacious and deceptious and outrageous statement was never made for the purpose of deceiving man or government than that.

I have not made in this case, and I do not expect to make, any other than a few discursive remarks, with the exception of the first argument or statement I made some weeks ago in respect of the evidence, and on the other day a statement of the character of the people and of the country with whom we were dealing and what we might expect from a people of that character in such a country as that, a country of revolution, that has not been quiet one moment in the last forty or fifty years—a country which is always in conflict, with mobs continually defying the law, doing as they please with government and private property and private persons, including citizens of the United States who have unfortunately been there at the time of their outbreak.

In order to get evidence on that point which I think is superior to any statements which have yet been made here, on yesterday I asked the Senate to print extracts from Five Years in Panama, a book written by Dr. Wolfred Nelson, corresponding member of the Natural History Society of Montreal, Canada, who went to Panama in 1881 and resided there until 1886, practicing his profession in company with his brother, who was also a doctor, and who was either at Panama or Colon, he does not say which in his book. The other gentleman is dead.

After Dr. Nelson got home, long before this controversy arose, he was making statements to his friends as to the condition of affairs down there, and his statements were so interesting and so valuable that they insisted he should publish them. In order to do so he again visited the Isthmus of Panama twice and took photographic pictures of the different objects which he mentioned in his book. Of course they are not in this print.

Now, Mr. President, without reading it, I desire to incorporate this as a part of my remarks, but I wish to read a certain portion of it for the purpose of bringing in another paper that I also wish to have brought to the attention of the Senate. Dr. Nelson says:

I have been told by a gentleman who is competent to give an opinion, and in whose word I have implicit confidence, that the code of civil procedure of the United States of Colombia is excellent. It is claimed that it is quite the equal of the historic "Code Napoleon," than which there is not better law. The law on the statute books and its application in Panama are opposite conditions. I can best make this point plain by citing a case.

I do not care to read that case or any other case he cites,

although he cites several of them, but I wish to come to another part of the law which obtains in that Isthmus, now under what we might call a constitutional agreement. Before bringing it to the attention of the Senate I will read one or two sections from it. It is printed here both in English and in Spanish. He put it in both languages in order that his translation of it could not possibly be shown to be incorrect:

ART. 34. A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church, is required to provide subsistence to the woman and his children by her until she marries canonically.

In Papers Relating to the Foreign Relations of the United States, published by authority of the Government, part 1 of the publication of 1888, on pages 416, 417, 418, and 419, there is a concordat, and I will read the agreement by which that was made the law of that country and is still the law:

NATIONAL LEGISLATIVE COUNCIL,
Bogota, February 24, 1888.

Considering (1) that in the celebration of the foregoing convention the Government has acted within the powers conferred upon it by article 56 of the fundamental law of the Republic;

(2) That by this agreement, which satisfactorily and consistently settles all pending questions between the church and the state in conformity with the new national régime, and at the same time responds to imperious necessity and public well-being, which demanded the definition of the mutual relations between the civil and the ecclesiastical powers; and

(3) That its stipulations conform strictly to the provisions of articles 38, 41, 47, 53, 54, and 55 of the constitution,

It is decreed:

Article 1. That the foreging convention is hereby approved and incorporated in the present law.

Article 2. The amount to be paid out of the treasury of the Republic to fulfill its obligations thereby created is hereby appropriated and will be included in the budget for the present fiscal period.

Given at Bogota this 24th day of February, 1888.

CARLOS CALDERON, R.,
President.
JOSE MARIA RUBIO, F.,
Vice-President.

ROBERTO DE NARVAEZ,
MANUEL BRIGARO,
Secretaries.

EXECUTIVE GOVERNMENT,
Bogota, February 27, 1888.

Let it be published and executed.
[L. S.]
Countersigned.

RAFAEL NUNEZ.

VICENTE RESTREPO,
Minister of Foreign Affairs.

If I were to do the subject and myself justice I would read this concordat. There never was a more perfect strangulation of all civil power by an ecclesiastical concordat than this. I do not refer to it because I have the slightest objection to any man in the world being a Catholic or a member of the Catholic Church. I think it is a very excellent church. But when the ecclesiastical powers at Rome, by a concordat agreed to by the government of any state, have the authority to exercise such powers as are contained in this concordat over the people, there is no possible chance, while that remains the law of that land, for any man who migrates from the United States, whatever his color or condition may be, to have the privileges or to exercise the rights of an American freeman. It is impossible.

With the permission of the Senate I will incorporate this paper in my remarks.

The PRESIDENT pro tempore. The Chair hears no objection.

The paper referred to is as follows:

Mr. Walker to Mr. Bayard.

LEGATION OF THE UNITED STATES,
Bogota, March 7, 1888. (Received April 6.)

SIR: As a subject which may be of interest to the State Department and important to some of our citizens coming to this country to reside, I have the honor to inclose herewith a copy in Spanish of the "concordat," recently celebrated between the Holy See of Rome and the Colombian Government, with a careful translation. In making this translation I regretted that I did not have access to the original Latin text in which it was drawn up and signed, but had to content myself with the Spanish translation, which in some of the articles is vague and ambiguous. The first clause of the seventeenth article is so much so that in my translation I was forced to be paraphrastic rather than literal.

As a part of the same subject I herewith transmit a copy with translation of law 30, passed by the legislative council on the 25th of February last, which virtually annuls all civil marriages celebrated at any time in the past, unless the ceremony was also performed canonically. The annulment of the marriage, however, does not illegitimatize the children of such marriage.

I am, sir, etc.,

JOHN G. WALKER.

CONCORDAT ENTERED INTO BETWEEN POPE LEO XIII AND THE REPUBLIC OF COLOMBIA.

[Concluded December 31, 1887. Ratified by the legislative council of Colombia February 24, 1888.]

In the name of the most holy and indivisible Trinity, the Supreme Pontiff, Leo XIII, and the most excellent Rafael Nunez, President of the Republic of Colombia, by their respective representatives, to wit, on the part of his holiness the most eminent Monsignore Mariana Rampolla del Tindero, cardinal presbyter of the most holy church St. Cecelia and papal secretary of state and on the part of the Republic His Excellency Joaquin Velez, envoy extraordinary and minister plenipotentiary near the Holy See, who, after a mutual exchange of credentials, have concluded the following convention:

ARTICLE 1. The Catholic, Roman, apostolic, is the religion of Colombia, the public authorities of which shall recognize it as an essential element of social order, and they bind themselves to protect it in all its rights and privileges and to cause it and its ministers to be respected.

ART. 2. The Catholic Church shall be free and independent of the civil authorities and shall freely exercise all its spiritual authority and jurisdiction, conforming in its administrative government solely to its own laws.

ART. 3. Canonical legislation shall be free of the civil, and shall form no part of the latter, but will be respected by the latter.

ART. 4. A church represented by the hierarchical authorities is recognized by the State as a true and legitimate entity, with capacity to exercise and enjoy all rights pertaining to such.

ART. 5. The church has the right of acquiring, possessing, and administering real and personal property in accordance to general laws, and its lands and establishments shall be no less inviolable than those of the citizens of the Republic.

ART. 6. Ecclesiastical property may be taxed in the same manner and to the same extent as the property of private individuals, except edifices for public worship, theological seminaries, and the residences of the clergy, which are exempted from all taxation, occupation, or appropriation to other uses.

ART. 7. The secular and regular clergy shall not be required to perform public duties incompatible with their ministry and profession, and at all times shall be exempt from military service.

ART. 8. The Government shall enact such laws as will protect the sacerdotal dignity whenever, for any cause, a minister of the church may figure in criminal trials.

ART. 9. Diocesan bishops and parish priests may claim from the faithful the emoluments and ecclesiastical fees canonically and equitably established, either by the immemorial custom of the diocese or by the rules of religious service; and in order that such acts and obligations may produce civil effects and that the temporal authority may lend its support the bishops shall proceed in accord with the Government.

ART. 10. Competent ecclesiastical authority has the right in Colombia to establish religious orders of both sexes, to be governed by suitable constitutions; but in order to secure the enjoyment of the rights of a lawful corporation and the protection of the laws, they must present to the civil authorities the canonical authorization issued by their ecclesiastical superior.

ART. 11. The Holy See will lend its support and cooperation to the government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right in whatever concerns religion and morals, and inspect and revise the text-books in use in the same.

The Archbishop of Bogota shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects, said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcates ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to Catholic doctrines the respective diocesans may withdraw from the offending professors and masters the privilege of teaching any such branches.

ART. 15. The Holy See has the right to fill vacancies in archbishoprics and bishoprics, but the Holy Father, as an evidence of special deference, and to the end of preserving perfect harmony between the church and the State, agrees that in filling such vacancies the previous consent of the President shall be obtained. To that end when such vacancies occur the President may recommend directly to the Holy See such ecclesiastics as in his judgment unite in themselves the gifts and qualifications necessary for the episcopal dignity; and the Holy See on its part, before making the appointment, shall always communicate the names of the candidates for promotion, in order to ascertain whether or not the President considers the candidates civilly or politically disqualified for such positions. Vacancies in the bishoprics shall be filled as soon as possible, and in no case to remain unfilled for more than six months.

ART. 16. The Holy See may erect new dioceses or change the limits of those existing whenever it is thought opportune and useful for the better care of souls, previously consulting the Government and admitting such suggestions as may be reasonable and just.

ART. 17. All persons professing the Catholic religion desirous of contracting marriage should have the ceremony performed according to the rites of the church.

The civil effects of marriage in respect to the persons and property of the contracting parties and their descendants can only be secured when the marriage is performed in accordance with the prescriptions of council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in case of marriage in articulo mortis, when this formality might be difficult of observance, it may be dispensed with and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

ART. 18. In order to give marriages celebrated at whatever period, according to the prescriptions of the council of Trent, civil effect, suppletary evidence of ecclesiastical origin will be given preference.

ART. 19. Matrimonial causes affecting the marriage relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriage to the temporal.

ART. 20. The armies of the Republic shall enjoy the indulgences known as castrenses, to be regulated by the Holy Father in a separate act.

ART. 21. Following the divine offices there shall be offered up in all the churches of the Republic the following prayers: Domine salvam fac rempublicam; domine salvum fac praesidem ejus et supermas ejus auctoritates.

ART. 22. The Government of the Republic recognizes in perpetuity as a consolidated debt the value of the redeemed annuities (censos) now in the treasury and of the estates belonging to the church fraternities, charitable foundations, chapels, establishments for instruction and benevolence erected by the church, which at any time may have been inscribed in the public debt of the nation. This recognized debt is to bear interest without diminution at the annual rate of 4½ per cent, payable every six months.

ART. 23. The income arising from sequestrated benefices and tithings pertaining to charitable institutions, chapels, monasteries, and other separate foundations is recognized and shall be paid to those who have the right to receive them or to their legal representatives. This payment shall be made without diminution, as is provided for in the last preceding article, to commence with the year 1888. In case any such bodies have become extinct the amounts due them by a previous arrangement with the Government shall be applied to pious and charitable objects without in any case contravening the intention of the founders.

ART. 24. In view of the present condition of the national treasury of Colombia and the benefit derived by the church from the observance of this convention the Holy See makes the following relinquishments:

(*a*) The value of the principal of the sequestered property belonging to the aforesaid extinct convents and religious bodies of both sexes, not included in the foregoing articles, and which has not in any manner been recognized. (*b*) Whatever is due to such extinct organizations for rents or interest already accrued or in whatever manner resulting from said sequestration previous to the 31st of December, 1887.

ART. 25. In consideration of the foregoing favor the Government of Colombia agrees to secure, in perpetuity, an annual net sum, hereby fixed at 100,000 Colombian dollars, to be increased when the said treasury is in a better condition, said payments to be applied to the uses of the dioceses, chapters, seminaries, missions, and such other civilizing works of the church, and in such manner as may be agreed upon between the high contracting parties.

ART. 26. The surviving members of the extinct religious communities shall continue in the enjoyment, for their maintenance and other necessities, of such revenues as may have belonged to them by virtue of previous laws and decrees.

ART. 27. In like manner shall be paid the rents and incomes set aside by anterior laws and decrees for the support of public worship in churches, chapels, and other religious places not included in article 22. If concerning this point there should be doubt or difficulty, the Government shall communicate with the competent ecclesiastical authorities, to the end that a good understanding may be arrived at.

ART. 28. The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

ART. 29. The Holy See, in order to secure public tranquillity, declares for its part that persons who purchased ecclesiastical property during the past changes in Colombia or who have redeemed annuities (censos) in the national treasury according to the provisions of the civil law at the time in force shall not be disturbed in any manner by the ecclesiastical authorities, a favor extended not only to those who performed the acts, but to those who, in the exercise of whatsoever functions, may have taken part in the same in such manner that the first purchasers as well as their legal successors and those who have redeemed annuities (censos) shall enjoy in peace and security said property, its products and emoluments, stipulating, however, that the Republic shall not in future repeat similar acts of seizure.

ART. 30. The Government of the Republic shall arrange with the respective diocesan bishops all that relates to cemeteries, reconciling the exigencies of their civil and sanitary character with the veneration due the sacredness of such places and with ecclesiastical prescriptions. In case of misunderstandings on such subjects they will be arranged between the Holy See and the Government.

ART. 31. Agreements between the Holy See and the Government of Colombia for fostering Catholic missions among barbarous tribes shall not require the after approval of Congress.

ART. 32. The present convention repeals and renders null and void all laws, orders, and decrees in whatsoever mode or period they were promulgated in such parts as may contradict or are inconsistent with this convention, which shall remain the permanent law of the State.

ART. 33. The ratification of this convention shall take place within six months from the date of its signature or sooner if possible.

In faith whereof the said plenipotentiaries sign and seal this convention. Done at Rome the 31st day of December, 1887.

M. CARDINAL RAMPOLLA.
JOAQUIN F. VELEZ.

Mr. MORGAN. I ask leave also to incorporate the other paper, extracts from Five Years at Panama, by Dr. Nelson.

The PRESIDENT pro tempore. The Chair hears no objection to that request.

The matter referred to is as follows:

EXTRACTS FROM "FIVE YEARS AT PANAMA," BY WOLFRED NELSON, CORRESPONDING MEMBER NATURAL HISTORY SOCIETY, MONTREAL, CANADA.

My residence of five years at Panama, 1880 to 1885, as a practitioner of medicine, together with my knowledge of Spanish and French, gave me ample facilities for studying the natural and unnatural in my surroundings. Since I gave up my residence on the Isthmus, I have made it four visits, the last two in March and April of this year, when I made the negatives furnishing the illustrations for this book.

[Page 5.]

Colon "as is" is not Colon "as was." The Colon of May 29, 1880, when I landed there, was totally destroyed by fire on the 31st of March, 1885, during a revolution on the Isthmus, involving a loss of $12,000,000. It was the only settlement on the island, which on some charts is called Manzanillo. It is of a coralline formation, built by those indefatigable toilers of the sea. It is three-quarters of a mile long by about one-third of a mile wide, with a surface slightly above the sea level, perhaps as much as 3 feet, and is connected with the Spanish main by a railway embankment.

[Pages 6 and 7.]

Beyond the church is the Panama Railway hospital, facing a dense growth of the water-loving mangrove. Its rear looks out on the sea.

The land side of the island was occupied by the working classes, a thoroughly cosmopolitan lot. They were of all kinds—black, white, yellow, native, and foreign.

Before dismissing Colon let me revert to its climate once more, as climate means health or sickness. Upon getting to Panama the dean of the medical faculty, a Colombian, neatly divided the seasons as follows. He said to me: "First you have the wet season, lasting from about the 15th of April to the 15th of December, when people die of yellow fever in four or five days. Next you have the dry or healthy season, from December 15 to April 15, when people die of pernicious fever in from twenty-four to thirty-six hours."

Five years as a practitioner of medicine at Panama amply confirmed his views, and it is the best division of the seasons that I know of. And apropos of climate, sickness, and dying, a few words about Mount Hope or Monkey Hill, as the latter has become the final resting place of thousands. It is the cemetery on the Colon side of the Isthmus. Mount Hope is its baptismal name, and "Monkey Hill" is its everyday appellation. It is reached by rail. Funeral trains are as much an institution as passenger or goods trains. Since the advent of De Lessep's canal men, on the 28th day of February, 1881, thousands upon thousands have been buried there. During two seasons of epidemic it is said that the burials averaged from 30 to 40 per day, and that for weeks together.

[Page 15.]

I reached Panama on the 29th day of May, 1880. It then had a population estimated at 15,000, the majority being black—negroes, Indians, mulattoes, and a blending of both races, with some Chinese. Perhaps there were as many as 2,000 whites on the Isthmus. The principal trade of the Isthmus was then, as it is now, in the hands of foreigners, with foreign enterprise and foreign capital.

[Page 17.]

The yellow fever on the Isthmus of Panama is a peculiar malignant disease. I can recall 41 admissions to the Charity Hospital in a few weeks following my arrival on the Isthmus in 1880. Not a single man escaped. Of seven and twenty admissions to the officers' ward of the canal hospitals on the Panama side one man only escaped. In case after case in practice death was the rule and recovery the exception. While it is true that some total abstainers on the Isthmus have been swept away by yellow fever, I can recall three desperate cases, one being my own, which had been abandoned and in which death was looked for. All recovered, thanks to abstemious habits.

[Page 48.]

Well do I recall a scene during my visit to the Isthmus in February, 1886, when I saw Count De Lesseps inspecting the canal plant under the spiritual guidance of a German bishop, M. Thiele, of Costa Rica. A lane leading from the main thoroughfare to the seashore back of the Protestant cemetery had both of its sides lined with piles and piles of rubbish and old bedding or that on which people had died. The natives in Panama and in the Spanish West Indies, after death, throw away cots, mattresses, pillows, and often the eating utensils of the "late departed."

As many on the Isthmus, both native and foreign, die of yellow fever and smallpox, this practice means simply a constant perpetuation of the infectious and contagious diseases named. The authorities never do more than publish an item on reform in La Cronista or La Estrella de Panama. This is deemed ample, as it gives the people something to think about, and yet these authorities fondly fancy that they are the sanitarians of the century. I remember an old well near the gas works, one of those huge stone wells which the Spaniards were so fond of building. That well had been filled in with just such bedding, and at last it coned up above it. That is their way, and a very bad one it is, too.

[Page 51.]

HABITS OF THE NATIVES.

The Indians and the negroes in Colombia are not greatly given to marriage. They simply get mated. I use the word advisedly. The women of the poor or laboring class do not care for matrimony, their stated objection being that if they were true and lawful wives their husbands would illtreat them, whereas as long as they are mated the man will be on his good conduct. To one who knows something of the history of the Indian tribes and their African allies in that part of the world, there is much sound reasoning in their view. These women know the men of their class thoroughly, and they deem matrimony little better than serfdom.

[Page 63.]

The Isthmus, like other tropical countries, abounds in snakes. During the time that my brother, the late Dr. George W. Nelson, was resident surgeon of the canal hospitals on the Panama side one of the orderlies, a Jamaica negro, thought he would have a snake hunt within the hospital grounds. He was successful in finding the snake, but, despite his dexterity, he was bitten between the toes and died the next day.

[Page 66.]

The Gulf of Panama is noted for its islands. The early history is full of stories regarding them and the many gallant and daring exploits that have taken place on the shores and waters. The gulf is about 100 miles long, and opposite the city of Panama perhaps 20 miles across. The modern city of Panama is situated at its upper end. The gulf is remarkable for its currents and tides, the latter rising and falling from 16 to 24 feet, according to the age of the moon. The Gulf of Panama and the ocean for a great distance to the westward from its mouth are notorious for their freedom from all breezes. The gulf lies, indeed, in the equatorial belt of calms, and sailing vessels can never make much use of the port of Panama.

[Pages 66 and 67.]

Owing to the doldrums at times, variable winds at others, and strong currents sailing vessels have been two and three weeks beating up the Gulf of Panama.

Apropos of doldrums, I remember the case of the British ship *Straun*, a Canadian-built vessel. She cleared from Panama for Chile early in May in the year 1884, if I remember rightly. She got back to Panama one hundred and five days later. Upon getting out in the gulf she struck the doldrums and beat up and down. Once she got across the line, and for weeks was beating about latitudes 4, 5, and 6 amid constant showers of rains, storms, and puffs of wind. The captain, who was well known to me, had taken on provisions for one hundred days, more than enough to take him to Chile.

These began to fail and the ship's bottom, from being in those sluggish, warm waters, had become foul. The crew spent the greater part of their time in catching and torturing sharks. At last he had to put back to Panama. He had been at sea actually one hundred and five days from the time he cleared from off Isla de Naos. This will give my readers some idea of the doldrums, or region of calms, on that side of the Isthmus, which are one of the most serious drawbacks to any ship canal in that section. Of course I merely refer to sailing vessels. Steamship officers have estimated that at times the currents in the gulf run 3 to 4 knots an hour. I have known of a vessel, making Panama with a cargo of coal, being nearly a month beating up.

[Pages 67 and 68.]

The growth of marine life in these waters is astonishingly rapid. I have seen and sent barnacles an inch and an inch and a half long to that well-known scientist, the Rev. Dr. Samuel Lockwood, of Freehold, N. J. These barnacles had grown on the bottom of a sealer that had been cleaned in the Gulf of Panama and cleared for the Galapagos Islands, off the coast of Ecuador, almost under the equator. She came back at the end of four months, when her bottom was so foul she had to be cleaned again, and I received some of the barnacles from her captain. Vessels engaged in that trade should be cleaned every three months, if they are to make good time and save their coal.

[Page 68.]

Near these islands at dead low water there is excellent and safe anchorge Flamenco, or Dead Mans Island, is within a few hundred yards of Naos. It is largely rocky; its southestern face is a huge cliff, and on its land side, or

that facing Naos, is the cemetery from which it takes the name of Dead Mans Island. It is a well-filled cemetery, too. There no end of sailors and officers have found final anchorage beyond the storms and squalls of life. Many of these brave fellows have been the victims of yellow fever. On the face of the island toward the city of Panama one sees a handsome monument which was erected to the memory of the officers and men of the U. S. S. *Jamestown*, who fell victims to yellow fever while anchored there in the year 1858. Eighty of her officers and crew are buried there. She was sent to the North Pacific and kept there for two years. Then she was ordered to the Hawaiian Islands. No sooner did she get into a warm, tropical climate than yellow fever again developed. Such is the vitality of the germs of that awful disease.

[Page 72.]

Facing the village of Restingue is a small island called El Moro. At low water it is connected with Toboga by a sand bar, for it is a Siamese twin of the insular variety At high water both are islands. El Moro is a mound like island, about a quarter of a mile long and broad, and some 300 feet high. On its face toward Restingue are the old workshops and dwellings put up by the Pacific Steam Navigation Company. In 1849 and 1850 Toboga was the port of Panama. At times as many as 700 skilled workmen were employed on the islands who were almost without exception Scotchmen. These men were recruited from time to time. Finally the company had to abandon El Moro and transfer their men and workshops to the port of Callao, in Peru, as their workmen were swept away on El Moro by pernicious malaria and yellow fevers.

The transfer cost the company an enormous amount of money, but to save the men they had to make it. The climate to-day is the same as it was when Patterson, the founder of the Bank of England, planted his colony about two hundred years ago on the Isthmus of Darien. He called the city the New Edinburgh, and he considered the Isthmus the "key to the universe." Macaulay tells us how a band of some 1,800 sturdy Scotchmen inside of fifteen months were reduced to three or four hundred, and then the climate and their enemies forced them to leave; and it is related that when they embarked they were too weak to hoist the sails of their vessels, and that the Spaniards, who were largely interested in their expulsion, assisted them.

[Page 115.]

The seasons of the Isthmus are two in number, the wet extending from about the 15th of April to the 15th of December. The amount of rain that falls is astonishing; it has been given as 128 inches per annum. This, when compared with the small rainfall in Egypt of 9 inches, where M. De Lesseps built his ditch through the sands of Suez, is suggestive.

When the rains come in early and regularly, it means a fairly healthy wet season; that is, of course, for the Isthmus. When the rains are irregular or late, it means a sickly season, and in the hot days between rains yellow fever develops case after case. Then the rain comes on and there is a marked diminution in the number of cases. Again, after hot, sunny days without rain, a new crop of yellow-fever cases results.

[Page 116.]

The rain often seems to fall in solid sheets of water, the streets being flooded from curb to curb. Such storms clear away as rapidly as they come up, when the sun will light up the green and temporarily clean streets of Panama. Of course, it does not rain all the time, but heavy rains may come on at any moment, and during these months out-of-door work must temporarily cease. With the deep cuts on the canal they play sad havoc, as an immense amount of earth that has been thrown out naturally washes back into the cut. The canal company modestly estimate this at 5 per cent.

Following one of these storms a deep cut on the Colon side of the divide was filled, covering the machinery and all. The long wet season on the Isthmus has been a most serious drawback to canal construction, but as all know who are familiar with the early history of the Panama Canal this practically was entered upon without any previous knowledge whatever further than that there was an isthmus to divide to reflect glory upon France and give unlimited dividends to bondholders. But of the Panama Canal more anon.

The dry season begins about December 15. By many it is considered the pleasantest season of the year, and it is the so-called healthy season. The majority of things are comparative in this world, as we know, and, as a witty actor in "Nadjy" has said, "Everything depends upon something else." It seems to be that way on the Isthmus. It will be well to bear in mind that neat division of the seasons by the dean of the medical faculty at Panama. He said in the wet season the people died of yellow fever in four or five days, while during the dry, or so-called healthy season, they died in from twenty-four to thirty-six hours of pernicious fever. If strangers do not recollect this, the seasons will.

[Page 118.]

In a country like that, where all is perpetual summer, the average temperature about 80, and the average humidity nearly as great, vegetation is of very rapid growth; and, apropos of humidity, there are places on the upper levels of the Isthmus where it nightly is 100°, the point of saturation. But these conditions make vegetable decomposition as rapid as the growth. The result of the whole is the creation of an intense miasmatic poison. People living on the Isthmus are all malarious, either in one form or the other, and it is impossible to avoid this. It is true that a few escape malaria while resident there, but they no sooner get into temperate climates than it develops. The sallow faces of a great many tell of paludal poison.

My friend Dr. L. Girerd, late chief surgeon of the canal company, instituted a series of most interesting experiments. He examined the blood of newcomers—canal men—and found it in a perfectly normal condition. At the end of a month he examined it again, when he invariably found the malarial bacillus. He was a profound microscopist, and his work in connection with yellow fever was most creditable. Regarding the latter he made a culture of its specific poison, or micro-organism, if you will, and inoculated himself, having a mild form of the disease. There is another factor that has a bearing on this subject of malaria on the Isthmus. It is the admixture of salt and fresh water in the lagoons and rivers in addition to the vegetable decomposition already referred to. This admixture of water is considered to be of great importance in creating intense forms of malarial poison, particularly on tidal coasts like that of the Pacific.

[Pages 120, 121, 122, 123, and 124.]

The formalities attending the opening of cemeteries on the Isthmus are somewhat peculiar.

While I was on the Isthmus the new government cemetery was opened with great formality.

The enthusiasm regarding that new cemetery was something astonishing, and the only thing that surprised me was that some individual did not promptly step to the front to contend for the honor of being the first buried. Between the opening in July, 1884, and the 12th of April, 1886, when I made a special visit to the Isthmus, that cemetery had received 3,884 bodies for burial in the ground, and several hundred had been placed in the stone niches, or bovedas. Not only had the new cemetery been filled, but in a section of ground back of the cemetery, in what was part of a large field, there were some dozens of graves. That latter had been opened without any brass bands or government speeches, or any attendance of the consular corps.

The old cemetery was on the left. It was a small place of about three-fourths of an acre, and it received all the poorer classes and patients from the charity and military hospitals and the canal hospitals. Owing to its small size it was dug up year after year; bones and skulls, fragments and coffins, clothing, and all sorts of things were turned out. The liberation of untold millions of disease germs in that country will make clear to thinking people why the Isthmus is so unhealthy. From time immemorial the Isthmus of Panama has been recognized as one of the plague spots of the world. It can vie with the west coast of Africa in pestilential disease.

But for the fact that it is on one of the world's greatest highways between the Atlantic and the Pacific, the systematic unburial of the dead, under the direct sanction of the Federal Government (they do nothing to check it while knowing all about it), and the consequent distribution of the germs of yellow fever and smallpox would be of little moment. I say "would be of little moment," for if the people of those Republics are willing to commit suicide in that form, so be it. But owing to the importance of the Isthmus, called by Patterson the "Gate to the Pacific and the key to the universe," these insane and insanitary procedures should be stopped.

The practice that I have referred to regarding the old cemetery and the unburial of the dead came to an end for a time. Together with the late Mr. John Stiven, of Panama, I denounced the system through the columns of the Star and Herald, of Panama, and La Estreila de Panama. So vigorous was our language that it led to the construction of the new cemetery, and people interested in the matter of public health hoped that that most pernicious of practices had ceased. Unfortunately such was not the case. On the same side of the road, adjoining the cemetery just mentioned, was the cemetery, a large quadrangle of bovedas. Facing the highway was a stone fence and an old-time arched gateway of stone. Entering it, one had a full view of what was within. It was a quadrangle of niches or bovedas. Picture to yourself four sides of a square having three tiers of openings in them, one below, one between, and one on top, each opening being large enough to receive the coffin of an adult, and the whole whitewashed and backed by a substantial stone wall. Within the inclosure were several monuments of some people who had been buried permanently.

I used the word "permanently" advisedly. The exact custom which obtains there is as follows: These niches are rented for the space of eighteen months. The coffin is placed within, and the end is closed either with brickwork or with a marble slab having a suitable inscription. At the end of eighteen months, failing a prompt renewal of rent, the coffin and contents are evicted. The eviction is of the most thorough type; it would put an Irishman "to the pin of his collar." The individual holding the concession has his men working within the grounds. If the rent has not been renewed they remove the little marble slab or brickwork and the coffin is taken out and dumped back of the cemetery. Such was the custom prior to our denunciation of that form of unburial of the dead.

In the fall of 1882 I made the acquaintance of a special correspondent of the Brooklyn Eagle, who had seen much in many places and under many circumstances. I promised to show him something that, I took the liberty of thinking, he had not seen previously. He was a pushing, vigorous fellow, and willing to go anywhere and see anything, as long as it gave him some descriptive matter for his paper. I took him back of the cemetery now under consideration and directed his attention to seven and sixty coffins, in all sorts of positions and with all sorts of contents. My readers will be kind enough to remember that the people who are buried in the bovedas invariably belong to the better classes. I took him about among the broken coffins, and the whole coffins, and the skulls, and the bones, and the ashes, and everything else. There they were, just as they had been thrown out.

In the great majority of cases the lids of the coffins were off or had been broken, and within were the restos or remains of former prominent citizens, the majority of whom, of course, were natives. In one coffin were the remains of a woman, and she had had a magnificent head of hair. I must say that the entertainment rather upset the Brooklyn Eagle man, and he was unwilling to stay and hear more about it. The fact that I had made a good collection of crania which I had sent home to Canada ceased to interest him, and he was very glad to get away from the place, admitting that he never had seen the like.

[Page 125.]

As already stated, it was hoped that when the new cemetery was opened the disgraceful scenes of the past were over forever, but such has not been the case. The present concessionaire is (or was) Señor Nicanor Obarrio, who holds a direct concession from the Government, and he it was who had the new cemetery built under that concession.

As I have already informed my readers, it had been more than filled between the dates given. While on the Isthmus during March, 1888, I went out to see how things were in the new cemetery, and you can fancy my astonishment when finding that all the numbers on the graves had been doubled. That large plot had been filled, and over each grave was a simple wooden cross, painted black. Above was the number of the year, "1884," and on the arm of the cross the number of the grave. As I have said, all the numbers had been doubled. For instance, you would have, say, "3640" on the arm of the cross, below that "1888," and above it in a scroll "1886." The wherefore of it was as follows: In 1886, 3640 was the first occupant, but, as the cemetery had been dug over from end to end, he had been evicted, and twice 3640 was the number of the grave in 1888. Not only were all the numbers in that main cemetery duplicated, but they were digging over the cemetery at the back.

I am fully aware of the fact that this seems a remarkable statement, so remarkable, indeed, that when relating it to some new acquaintances in the British island of Trinidad they looked at me with that polite incredulity that seemed to indicate that they thought that much traveling had not improved my veracity; and it was only when I produced some photographs there and then, showing the graves with double numbers and the digging up of the old graves, that they could believe me. One of my photographs was a revelation to them. In digging up these graves the diggers occasionally came upon a coffin that was in fairly good order. A number of these had been placed upright, leaning against the back wall of the cemetery. These second-hand coffins were for sale to anyone who wanted a luxury of that kind. But for the fact that I had my photographs with me, I feel confident that my statements would not have been accepted as true. But there they were. There was the row of coffins, the double numbers on the crosses—"1886" above and "1888" below.

Now, from a sanitary standpoint, what does all this unburial result in? It results, to my mind, if I understand anything about the matter, that from this criminal practice of liberating untold millions of germs of disease the Isthmus is made a disease-producing and disease-distributing center.

I particularly wish to emphasize this statement, and shall do so in this way: That Colombian cemetery receives nearly all of the dead from the canal hospitals. An immense number of the deaths among their men is from specific yellow fever, properly so called. As that is a land of perpetual summer, perpetual sunshine, perpetual moisture, these germs when liberated find a congenial soil. As the yellow-fever germ is one that flourishes at a temperature of 72°, and as the average temperature is 80°, it goes without saying that these germs never die out there.

Another fact in this connection. Smallpox never is absent in those countries. From time to time there are outbreaks, and two years ago, following the unburial of the dead in the cemetery that I am now describing, there was one just beyond the cemetery at La Boca de la Rio Grande, and there were a great many deaths. My readers must bear in mind that thousands are unburied there annually to this very day and this very hour.

While I was at Panama a number of foreign physicians tried to bring about a different state of affairs. We wrote letters to the press. While the attempt exposed the situation and its dangers, no good came of it. The series of letters to which I make reference was published in the Star and Herald by George E. Gascoigne, M. D., C. M., M. R. C. S., England; Benjamin Stamers, L. R. C. P. and S., Edinburgh, and the writer. As I have already stated, if people wish to commit suicide, from a practical standpoint, let them do it; but let them do it in a way that will not endanger others.

My readers will at once appreciate the danger to all countries doing business with the Isthmus of Panama, or by way of the Isthmus of Panama, as hundreds of thousands of packages of freight cross the Isthmus from the Pacific to the Atlantic and from Atlantic to Pacific, and are distributed in all directions, even to trans-Pacific ports. That these packages are the bearers of disease is well known. The west coast of the Republic of Mexico owes the epidemic presence of yellow fever to the Isthmus of Panama, and all students of that awful disease are well aware that it was by way of the Isthmus that it was distributed up and down the coasts of Central and South America, in many of the ports of which it is permanently domiciled. It is quiescent at times, if you will, but when the suitable conditions obtain, with an unacclimated population, it asserts its sovereignty.

I have shown how physicians vainly endeavored to bring about a reform. Certain it is that nothing can be expected of the Government of the Republic of Colombia as at present constituted.

There is but one way of handling these things. It is by international pressure. We are all aware of the fact that when a small power in Europe is likely to disturb the peace its neighbors say, "We will have none of it," and that is the end of it. Now, there is a power controlling one of the world's greatest highways, and, while it absolutely depends upon other countries for its traffic, it is a disease producer and a disease distributor.

To prevent the slightest mistake in connection with this statement, I refer my readers to the report of the board of health of the State of Louisiana for the year 1882 and the first six months of 1883. On pages 239, 240, and 241 will be found a long letter from Dr. Daniel Quijano Wallace, then president of the board of health of the State of Panama. It was in reply to a letter from Dr. Joseph Jones, then president of the board of health of the State of Louisiana, in which he regrets the deficient organization of the sanitary service of the State of Panama. In the eighth paragraph of that long letter President Wallace speaks as follows:

"It is sad to confess that of the 33 powers represented at the sanitary conference in Washington, Colombia was the only nation that had no sanitary service properly organized, and that did not officially register and publish the prevailing diseases, the death rate, and information relative to public health."

At the close of paragraph 2 is the following:

"I communicate that the actual sanitary condition of the ports of Panama and Colon is, in general, good, as at present no epidemic disease reigns, it being well known that smallpox, the yellow fever, and the paludal fevers, in their infinite varieties and forms, never are absent in these intertropical regions where they are truly endemic."

"Comuniquese les que el estado sanitario actual en las puertos de Panama y Colon es por lo general bueno, pues no existe al presente epidemia reinante ninguna, siendo como es conocido que la viruela, la fiebre amarilla y las fiebres palustres, en sus infinitas variedades y formas, nunca feltan en estas regiones intertropicales en donde son verdaderamente endemicas."

I give both the original Spanish, as published in that report, and the English, that there may be no doubt in the minds of my readers as to the oft-repeated statement regarding the sanitary condition of the Isthmus of Panama. Dr. Quijano Wallace is a Colombian by birth, a man of excellent education, and we served on the State board of health jointly for a time. You will be kind enough to remember that a son of Colombia makes the above statement. The date of Dr. Wallace's letter is, Panama, October 13, 1882.

Apropos of yellow fever and epidemics, the following statement will be somewhat interesting:

"In September, 1884, the harbor of Colon was full of shipping. The latter became infected. The *Effecthia*, a brig, lost all her crew but the cook. Two French steamers of La Compagnie Generale Transatlantique, named the *N. Bixio* and the *Fournel*, lost 20 men. The Royal Mail steamers *Larne* and *Nile* also lost a few between September and January, 1885. One hundred and seventy cases had occurred there with a mortality of over two-thirds. I saw the records when in Colon in February, 1885. I visited Colon purposely to see things for myself. The English ship, the *City of Liverpool*, had six cases on board. She was at the dock, and within 20 feet of her stern was a large pile of rock ballast from Bohio Soldado, being that sold by the Panama Railway to all vessels requiring it.

"The *Grace Bradley*, an American three-masted schooner, was in the berth next to the *City of Liverpool*. She had discharged her cargo of ice and was taking in the ballast. Two of her crew sickened with the disease and died. She sailed for a Southern port, United States of America, with a foul bill of health from United States Consul R. K. Wright, jr., of Colon. She arrived at the Southern port late in the fall, discharged the ballast on flat cars that dumped it into the sea, and proceeded direct to Philadelphia. This infected ballast will some day speak louder than words to the people of the South. It comes from an infected port. Ballast of this kind caused three cases of yellow fever in New Orleans in 1882. The ballast was thrown on a street there."

I have reprinted the above from one of my articles on yellow fever, my object in doing so being to illustrate the value of some bills of health issued to the shipping by the civil authorities on the Isthmus. The *Fournel*, the vessel referred to, lost her captain and nine or ten men. They wished to clear her, and applied to a doctor in Colon, personally known to me, and he issued a foul bill of health. The steamship company would not accept it, but referred the matter to the general agent in Colon. He in turn approached the Government; the then acting President issued a clean bill of health, and the vessel went to sea from a hotbed of the disease.

In the month of September, 1884, the canal company buried 654 officers and men. Perhaps a day may be coming when cremation may be introduced on the Isthmus of Panama, and it would be an effectual way of getting rid of such disease-producing bodies. The disposal of the dead has been attracting the attention of scientists for some time past, now that graveyards and cemeteries are recognized sources of disease, particularly within the Tropics. In the January number (1888) of the Nineteenth Century there is a paper of considerable value on this very theme by Sir Henry Thompson, from which I shall briefly quote:

"Medical and physiological science, too, is daily diving deeper into the cause and origin of disease, and modern discoveries tend to show that infectious diseases, and especially those which are distinguished as zymotic, are due to minute organisms, to which the names of "microbes" or "bacteria," or the more general term of "germs," has been given, and which have a force and vitality capable of resisting many agencies destructive to ordinary life, and even bidding defiance, under favorable circumstances, to the all-conquering power of time itself. It has been clearly proved that these organisms, so far from being destroyed or rendered harmless by the burial of a body, the life of which has been destroyed by them, flourishing exceedingly on the products of decomposition and putrefaction, may at any time be brought to the surface and again set free on their devastating course by the action of earthworms or by any other cause that may disturb the soil.

"This is particularly the case with splenic fever, the germs of which will even affect the grass growing over the buried bodies of cattle that have died from it, and will infect any living animal that feeds upon this poisonous herbage. Malarious fevers, and especially Roman fever, so fatal in the Italian marshes, are well known to be due to bacteria which exists in the very soil itself; and it is generally believed by scientific men who have made infectious diseases a study that scarlet fever, typhoid fever, smallpox, diphtheria, malignant cholera, and many kindred diseases are communicable from the decomposing remains of persons who have died of these disorders and been buried in the ordinary manner."

[Page 148].

I shall cite but a single instance in connection with the building of the Panama Railroad in the high level to show what railroad cuts within the Tropics mean. After they had got on the other side of the "divide" toward Panama and opposite Paraiso, a 40-foot cut was made. Owing to the peculiar soil there, when the first rain came the surface became saturated with the greasy soil moved into the cut, burying the railroad to a depth of some 20 feet. This, remember, on a simple cut of 40 feet. One such lesson was ample for the experienced men directing the construction, and a new bed was promptly laid over the old one.

I have already said that the Isthmus furnished nothing in the shape of food; everything had to be brought from the United States or abroad. The laborers came from Ireland and from Jamaica; there were a lot of coolies and no end of Chinamen, Colombians, and Indians. The great bulk of the material likewise had to come from abroad. Tomes in his work gives a graphic and truthful sketch of the swamps and the jungle, and feelingly treats of the climate, regarding which he says:

"When to this was added a climate which disposes, from its prostrating heat, to indolence, and an atmosphere the malignant breathing of which is poison, the result which has been accomplished seems almost superhuman."

He also summarizes his view regarding climate at follows:

"The unhealthiness of the climate has been one of the most serious obstacles against which the enterprise has struggled. I need not dwell upon the causes which produce those diseases which are epidemic on the Isthmus. The alternation of the wet and dry season, a perpetual summer heat, and the decomposition of the profuse tropical vegetation must of course generate an intense miasmatic poison, and I was not surprised when the oldest and most experienced physicians employed on the railway declared to me that no one, of whatever race or country, who becomes a resident of the Isthmus escapes disease.

"I am indebted to the same gentleman for some interesting facts. From him I learned that those who are exposed to the miasmatic poison of the country were generally taken ill in four or five weeks, although sometimes, but rarely, not for four or five months after exposure; that the first attack was generally severe, and took the form of yellow, bilious, remittent, or malignant intermittent fever; that although none were exempt, the miasmatic poison affected the various races with different degrees of rapidity; that the African resisted the longest, next the cooly, then the European, and last in order the Chinese, who gave in at once. * * *

"The system never habituates itself to the miasmatic poison, and complete recovery from fever during a residence on the Isthmus is impossible. The sufferer may arise from his bed of sickness, but totters up and stalks about a mere ghost of his former self. It is thus that I never met with a wholesome-looking person among all those engaged upon the railroad. There was not one whose constitution had not been sapped by disease, and all, without exception, are in the almost daily habit of taking medicine to drive away the ever-recurring fever and ague. The railroad company are so far conscious of the debility engendered by a residence on the Isthmus that they refuse to employ those laborers who, having gone in a healthier climate to recruit, return to seek employment. It is found that such are unprofitable servants, and yield at once to the enervating and sickening climate. The enterprise requires all the vigor of unweakened sinews and of pure, wholesome blood. * * *

"A terrible fatality attended the efforts of the railroad company to avail themselves of the assistance of the Chinese laborers. A ship arrived and landed on the Isthmus some 800 after a fair voyage from Hongkong, where these poor devils of the Flowery Kingdom had unwittingly sold themselves to the service of the railroads, perfectly ignorant of the country whither they were going and of the trials which awaited them. The voyage was tolerably prosperous, and the Chinese bore its fatigues and sufferings with great patience, cheered by the prospects of reaching the foreign land, whither they had been tempted by the glowing description of those traffickers in human life, who had so liberally promised them wealth and happiness. Sixteen died on the passage and were thrown into the sea.

"No sooner had the 800 survivors landed than 32 of the number were struck down by disease, and in less than a week afterwards 80 more were laid by their side. The interpreters who accompanied them attributed this rapid prostration to the want of their habitual opium. This drug was then distributed among them and with the good effect of so far stimulating their energies that two-thirds of the sick rose again from their beds and began to labor. A Maine opium law, however, was soon promulgated on the score of the immorality of administering to so pernicious a habit, and without regard, it is hoped, to the expense, which, however, was no inconsiderable item, since the daily quota of each Chinese amounted to 15 grains, at the cost of at least 15 cents.

"Whether it was owing to the deprivation of their habitual stimulant, or the malignant effects of the climate, or homesickness, or disappointment, in a few weeks there was hardly one out of the 800 Chinese who was not prostrate and unfit for labor. The poor sufferers let the pick and the shovel fall from their hands and yielded themselves up to the agony of despair. They now gladly welcomed death and impatiently awaited their turn in the ranks which were falling before the pestilence. The havoc of disease went on and would have done its work in time; but it was sometimes merciful and spared a life, and was deliberate though deadly. The despairing Chinese could wait no longer; he hastily seized the hand of death and voluntarily sought destruction in its grasp.

"Hundreds destroyed themselves, and showed in their various modes of suicide the characteristic Chinese ingenuity. Some deliberately lighted their pipes and sat themselves down upon the shore of the sea and awaited the rising of the tide, grimly resolved to die, and sat, and sat, silent and unmoved as a storm-beaten rock, as wave rose above wave, until they sank into the depths of eternity. Some bargained with their companions for death, giving their all to the friendly hand which, with the kindly touch of a trigger, would scatter their brains and hasten their doom. Some hung themselves to the tall tree by their hair, and some twisted their queues about their

necks with a deliberate coil after coil, until their faces blackened, their eyeballs started out, their tongues protruded, and death relieved their agony. Some cut ugly crutch-shaped sticks, sharpened the ends to a point, and thrust their necks upon them until they were pierced through and through, and, thus mangled, yielded up life in a torrent of blood.

"Some took great stones into their hands and leaped into the depths of the nearest river and clung with resolute hold to the weight which sunk them, gurgling in the agonies of drowning to the bottom until death loosened their grasp and floated them to the surface lifeless bodies. Some starved themselves to death, refusing either to eat or drink. Some impaled themselves upon their instruments of labor; and thus, in a few weeks after their arrival, there were scarce 200 Chinese left of the whole number. This miserable remnant of poor heart-sick exiles, prostrate from the effects of the climate and bent on death, being useless for labor, were sent to Jamaica, where they have ever since lingered out a miserable beggar's life.

"The railroad company was hardly more fortunate with another importation of live freight. A cargo of Irish laborers from Cork reached Aspinwall, and so rapidly did they yield to the malignant effects of the climate that not a good day's labor was obtained from a single one; and so great was the mortality that it was found necessary to ship the survivors to New York, where most of them died from the fever of the Isthmus, which was fermenting in their blood. The laborers now employed, to the number of 3,000, on the road are of the mixed native races, chiefly from the province of Carthagena, negroes from Jamaica, and coolies from the East Indies."

[Pages 163, 164, 165, 166, 167, 168, 169.]

I have been told by a gentleman who is competent to give an opinion, and in whose word I have implicit confidence, that the code of civil procedure of the United States of Colombia is excellent. It is claimed that it is quite the equal of the historic "Code Napoleon," than which there is not better law. The law on the statute books and its application in Panama are opposite conditions. I can best make this point plain by citing a case. In one of the hotels beyond the market a man had been killed, and it was supposed that he had been killed by an Italian. The matter was turned over to the Panama police. For days they could get no information of the murderer. At last it was reported that he was on one of the islands in the bay in hiding. Policemen, armed with Remington rifles, were sent down to find him. They saw the man hiding behind some brushes, fired, and killed him. They brought the body up to the city at dead low water and landed it on the edge of the reef. They fastened a rope to his heels and dragged him over the ledges of rock for fully half a mile. Upon reaching the Taller the body was thrown into a cart, taken out to the cemetery, and buried. Following that, the judicial inquiry was next in order.

Another case in point was that of a soldier, who, while on duty watching some of the unfortunates in the chain gang, was annoyed by a woman. She persisted in bothering him, when he leveled his Remington and shot her on the spot. It was a main thoroughfare. The bullet went through her, went through a woman back of her in the line of fire, and broke the leg of a third. The first two died and the third had her leg amputated at the charity hospital. Immediately following there was a terrific hue and cry; the friends of the "late departed" ran the man down; he was cast into prison and tried, and, despite the facts in the case, his imprisonment consisted of exactly thirty days in a common jail.

The above-mentioned cases are no doubt extreme ones, but to my knowledge they happened. The laws upon the statute books are excellent, but it will be true to say that justice there, like kissing, is a matter of favoritism. At other times renderings in courts are brought about by magical influence that I can not dilate upon.

In speaking about the battery of Panama I referred to the fact that it forms the upper part of the Panama prison. Of all the dreary places that prison really is the worst. It is a huge mass of masonry with gratings, facing a small plaza. The men sleep side by side on a rough board platform. The place is constantly filled by the most disgraceful of odors, owing to the fact that there are no closets. Imprisonment there is little better than death.

Some years ago a keg containing $50,000 in American gold reached the Isthmus. While in charge of the Panama Railroad Company in Panama, the keg disappeared. A number of Americans were arrested and thrown into prison—seven of them, all told. I had occasion to see one or two of them in my professional capacity, and found them shut up in a small vaulted room with a narrow slit in the wall facing the sea. When the door communicating with an outside passage was closed they were in a damp, noisome vault. Their imprisonment was simply iniquitous, for there was no proof against them, and yet those unfortunate men were shut up there for months without being brought to trial, or having any specific charge formulated against them. It was thought then, and it is thought now, that their arrest was simply to screen the real culprits. Despite the fact that representations were made to the American Government, those men languished in that prison for months without redress. After a time they were put "in liberty," to use the term in vogue there, and never received any indemnity. That is another illustration of Colombian justice.

And I may also state that one or two British subjects were likewise locked up for months and months without any specific charge being brought against them, and despite the fact that the British consul protested against it.

Of the Americans who were in prison at that time several are on the Isthmus of Panama to-day, and from the fact that they hold responsible positions it seems safe to infer that the public never suspected them. That money was stolen between Saturday night and Tuesday morning. The Saturday referred to was a holiday, and the Monday following likewise was a holiday, and on Tuesday morning the money was gone. Of course it made a great excitement. It was $50,000 in American gold that had been sent to the Isthmus to be transferred to an American man-of-war, then in the harbor, to pay her crew. The money disappeared, and the individuals referred to were arrested and cast into prison.

The persons to whom suspicion pointed went as free as air. It is said that the money left Panama on an outgoing steamer for California; that an individual left his house at 4 o'clock in the morning, got into a boat, accompanied by a heavy package, and went off in the steamer. Subsequent crookedness in the same man's career would lead one to believe that suspicion pointed its finger in the right direction. Certain it is that from that day to this nothing has ever been heard of that $50,000, and the Americans who were cast into prison never got any indemnification, and doubtless they were as innocent as children unborn.

I simply cite this case as to the peculiarities of law, not tabulated in the civil code of Colombia.

There is no capital punishment in Colombia; ten years is the maximum imprisonment if a man kills a dozen men. It was the isthmian experience that the only individuals who got the maximum punishment for murder were foreigners.

I can remember one case where a Jamaican had murdered a woman and he got the full sentence under the law. During my long residence there I never knew a native of the country to receive it. On the other hand, I can recall a case where an unfortunate American, who had been trading in a schooner to some of the ports north of the Isthmus, on the Atlantic side, had been detected in fraud and arrested. It was alleged that a prominent merchant in Cologne had lost some $700 or $800 by the fraudulent practices of this American. I have already told you of the soldier that received thirty days for killing two women. This American was brought to trial, and, owing to the fact that his prosecutor was absolutely devoid of conscience and that he possessed great political influence, the unfortunate man was consigned to a fate worse than death, by a sentence of three years in a Panama prison.

Every effort was made by his consul to obtain a diminution of the sentence by showing extenuating circumstances, but nothing came of it. If he lived it was to be three years in one of those noisome vaults, breathing the foulest air, owing to the fact that a small cask received everything through the day, to be emptied only at night, and to be fed on a diet not fit for a dog. Such was his sentence. Fortunately death relieved. He went in a well, strong man. Such surroundings, such air, and such food terminated in disease, and his troubles were over. This case is well known upon the Isthmus. I do not mention names, but I could do so. It was iniquitous from beginning to end.

Such of the prisoners as are fit for hard labor are sent out in the streets of Panama to sweep them and to do any sort of work that may be necessary. All of those that have been committed for murder wear a chain. It is secured below by an anklet and above by a piece of rope. They work under a guard of soldiers of the type of that man who shot the two women. One night when in my room at the Grand Hotel I heard a clank, clank, clank, and I looked out to see some of the unfortunate fellows going by in the dark carrying a late comrade out to the cemetery. A man with a lantern led and the military guard followed.

While on the subject of laws, some legislation that was enacted this year may prove interesting to my readers. I have thought it well to quote the law in Spanish, word for word as it was published, and below it to give a careful translation:

"ART. 34. El matrimonio contraido conforme a los ritos de la religion Catolica anula ipso jure el matrimonio puramente cidil, celebrado antes por los contrayentes con otra persona.

"ART. 35. Para los effectos meramente cibiles, la Ley reconoce la legitimidad de los hijos concebidos antes de que se annule un matrimonio civil a virtud de lo disquesto en el articulo anterior.

"ART. 36. El hombre que habiendose casado civil mente, se case luego con otra mujer con arreglo a los ritos de la religion Catolica es obligado a suministrar alimentos congruos a la primera mujer y a los hijos habidos en ella, mientras esta no case catolicamente."

This is the translation:

"ART. 34. Marriage contracted according to the rights of the Catholic religion of itself annuls (ipso jure) a purely civil marriage previously celebrated by the contractants with other persons.

"ART. 35. For the purely civil effects of the law, it acknowledges the legitimacy of children conceived prior to the annulation of a civil marriage by virtue of the provision of the preceding article.

ART. 36. The man who having married civilly marries subsequently with another woman, according to the rights of the Catholic religion, is obliged to provide maintenance for the first wife and for the children had by her so long as she does not marry according to the Catholic rite.

While describing the churches of Panama I referred to the fact that the Church of Rome had been dispossessed and that the priests and sisters of charity had been driven out of the country and that the church had been dispoiled presumably for the benefit of the Government. Of late years Rome has been feeling her way very cautiously, strengthening her hands at every turn, until to-day she feels her strength to be such that, according to the laws quoted above, civil marriages of the past have been annuled. If there is one thing more than another regarding which the Church of Rome has been as "firm as a rock" it has been on the question of divorce—that once married nothing could undo the marriage save the cause of adultery.

It would now seem that, according to the laws of Colombia, the civil marriages that have been in force for many long years can be broken by anyone who wishes to put from him his wife, if the marriage was not according to the Catholic rite. To all lovers of liberty, properly so called, this retrograde movement in Colombia, whose boast is that her laws are the counterpart of the great Republic of the North, will cause both surprise and pain, especially when they think that Rome has struck this blow at the most sacred of institutions.

Under the laws of Colombia the press was at full liberty to discuss any subject. Strange to say, this law has been repealed, and under severe penalties the press is prohibited from publishing anything that reflects upon the civil administration of the Church of Rome. In fact, to such a pass have things come on the Isthmus that the press is no more free than is one of those unfortunates in the prison at Panama. All of this seems the more incredible when we bear in mind that it is a purely republican form of government. The influences back of the Executive are well known. Things have taken such shape in that country that to be a Free Mason means that a man can not be buried in consecrated greund, and the why and wherefore of introducing the iniquitous laws dissolving civil marriage are well known to those in Bogota.

From my recent visits to the Isthmus, and from information received from there while away, I personally am of the opinion that this iron-handed legislation, this violation of the rights of individuals and of the press, can have but one end—a revolution that will shake that country to its center; and rightly so. It is impossible to suppose that any intelligent people who have been as free as the air of heaven can reconcile themselves to legislation of this type, which is unworthy of the autocrat of all the Russias.

[Pages 170, 171, 172, 173, 174, 175, 176, 177, 178.]

On the morning of September 7, 1882, I awoke fancying that some one had got into my room at the hotel and had shaken my bed or got under it. I sat up in bed, looked about the room, but could see nothing, for there was but little moonlight. I couldn't understand the thing, and stepped out on the hotel balcony. While standing on that balcony trying to account for the cause that had awakened me, the whole building trembled violently, and there was a groaning, crunching noise that I never shall forget.

The balcony that I was on was some 45 feet above the street. Before the earthquake, and when taking my room on that floor of the hotel, I had looked around to see what to do in case of fire. As soon as the terrible vibration began I stepped over the railing of the balcony and down on the railing of the balcony of the adjoining house, then jumped to the floor and ran its full length as rapidly as I could. On getting to the end there was a house some 10 feet below me. The only idea I had at the time was that I did not like to die like a rat crushed in a cage. Having had no experience with earthquakes within the Tropics, I did not then realize that it was one. Following the violent shake, all was quiet, and I retraced my steps, climbed up the balcony, and got to the upper balcony of the hotel. My neighbor in the room adjoining mine was Señor Don Pedro Merino. He had tried to escape from his room by a door leading into the upper hall, but the door was jammed and he could not open it. He came to the door of my room, saying that in all his experience in Central America he never had felt so violent a shock. I went into my room, and as soon as I realized it was an earthquake I looked at my watch. It was 3.20. My bath tub had been partially filled with water the night before for my morning bath.

The oscillation of the building had thrown a part of its contents over the

floor, bottles were knocked down, others were broken, and the ceiling and walls were cracked. In some places parts of the former had fallen. The wall of that strong building at the back, where it was fully 2 feet thick, showed a crack of nearly 2 inches. We dressed as hastily as possible to get out into the open, and when we got down into the lower hall found the servants gathered there. The building that we lived in was the Surcursale, or annex of the Grand Hotel, and was on the highest point of the city. Hence it felt the vibration more than buildings lower down. When we found the Colombian servants they were sadly frightened. It would seem that when the first shock came they opened a front door to rush out into the street, but did not do so, as the tiles on the house came down in a perfect shower. Immediately following the shock, and before we had walked down to the main plaza, the whole city was alive with exclamations of terror and the streets were full of excited people, many of whom had candles. We got into the plaza a little after half past 3. It doesn't take people long to dress when earthquakes are about.

I shall never forget the scene in the plaza. It was black with people who had reached there in safety and had got in the open and away from the buildings that were expected to fall. There was still a little light, and the moon was in its last quarter. The hum of voices there and the excitement was something astonishing. There they were, people of all classes—black and white—some dressed, and some very hastily dressed, and some had brought chairs with them. An elderly lady, belonging to one of the oldest and most distinguished of Colombian families, was found dead sitting in her chair. It was an old case of heart disease, and it simply required the excitement to kill her.

The upper part of the wall making the front of the façade of the cathedral had been shaken into the plaza; huge masses of masonry had fallen down upon the stone steps in front of the old building, breaking them and driving them into the earth. The cabildo, or town hall, was wrecked. The lower part was a cloister of the old-time Spanish type, with columns and arches. Above there had been another series of arches, giving a front balcony with its roof. The latter with its columns had been thrown into the plaza, and many of them were broken into fragments, while a part of the main roof of the building had been shaken down and off. Its front was wrecked. The canal company's building, while it showed no visible damage, was badly cracked, and a repetition of a shock of equal intensity probably would have thrown part of it down. As soon as a little daylight came in it was found that the arches of the cathedral had been badly damaged.

With the return of daylight all seemed to recover some courage, for if there is anything that unnerves one, it is to feel the earth violently tremble under one and hear buildings groan. There was a vast deal of damage done in the city; walls had been thrown down, and there had been some accidents. A doctor of law in his fright had jumped from a balcony and broken his leg. In a house on the Calle Real a man and his wife had left their bed just as the upper wall of an adjoining building came through the ceiling, burying it under the débris. I should also say that at the cathedral a number of the saints had been shaken from their niches in its front. The old tower of the Chappel of Ease, opposite the Quinta of Santa Rita, had been shaken down, burying a wooden shanty from which the family had just escaped. The only fatality in the city of Panama was that of the old lady who died in the plaza.

As the morning advanced we all became more collected, and speculation was rife as to the exact starting point of the earthquake, the majority fancying that the wave had traveled southward from Central America. At that time the cable ship *Silvertown* was in the harbor, a huge vessel belonging to the India Rubber, Gutta Percha and Telegraph Company, of London, England. She had just completed the laying of the cables of the Central and South American Telegraph Company, from Peru to the Isthmus and thence to Mexico. The chief of the cable staff, Mr. Robert Kaye Gray, R. F. G. S., was on shore. After hearing all that was to be ascertained regarding the earthquake and examining a number of buildings, together with my quarters in the hotel, which he considered had suffered most, he expressed the opinion that its origin was local. The cable of the West India and Panama Telegraph Company from Colon to the West Indies, and thence to Florida in the States, had been broken. Thus we were shut off from that side, and could get no news from the outside world. The Central and South American cable had been successfully laid, but it still was in the hands of contractors, or Mr. Gray's company.

The interests of the cable company proper were represented by Mr. J. H. Stearns, a gentleman whose patent for duplex telegraphy has made him well known in the scientific world. Thanks to the courtesy of these gentlemen, I was able to send a press dispatch—the very first—over their cable to New York. I sent the Herald 485 words. Later on we got information as to what had happened in other places. The crews of the vessels at anchor off the islands of Flamenco and Naos were roused from their sleep—such as were not on duty—and supposed that the vessels had grounded or were dragging their anchors. The island of Toboga, 9 miles from Panama, had had a severe shaking, and part of the substantial cliff had fallen into the sea. Some people came over to Panama from the Colon side, and then it was that we learned that the shaking in Colon had been there worse than on our side.

From the city of Colon to Baila-Mona the Panama Railroad had been rendered almost useless. In places the roadbed had sunk; in others it was completely thrown out of line, and for two and twenty miles this condition of things obtained. The long bridge, of over 600 feet, at Barbacoas was thrown slightly out of line.

In speaking of Morgan and the Chagres River, reference has been made to Cruz of those days, or Las Cruses of to-day. The latter settlement is not very far from one of the central railway stations on the Isthmus. Previous to the earthquake there had been a substantial stone church there. That building literally had been shaken to pieces. Its ruins were photographed by M. Demers, chief of the photographic service of the Panama Interoceanic Canal Company. Not a piece of the wall 4 feet high was standing. We learned subsequently that several lives had been lost in a small village between Colon and Panama.

With Colon on the Atlantic my readers are tolerably familiar. The majority of its buildings were of wood. The violence of the shock was such that piles of plank, put up in the usual way, were shaken down, and, bad as our experience was in Panama, certainly the earthquake violence there was greater. It was such that people who attempted to walk were thrown off their feet. There were also a few accidents. As usual, under such terrible circumstances, the majority absolutely lost their heads. Strong men, who under ordinary circumstances would have undergone almost anything, were as helpless as children. When daylight came upon the scene in Colon, it was found that a great rent crossed the island from near the substantial stone freight sheds of the Panama Railroad Company right along the front street to the earthen embankment connecting the island with the mainland. Later on a fissure was discovered running along the right bank of the Chagres. It was traced some three miles and varied in breadth from several inches to a mere crack, closing below in abyssmal darkness.

I was told by Mr. Burns, an intelligent American contractor, who was then mining in the hills between Colon and Panama, that men in his camp were shaken off their feet, and that a mule fell and rolled over and over. That was the earthquake of the first day. The next morning about 5 o'clock there was another one. I did not dare stay in the hotel, as it was so badly damaged. The lofty buildings practically were abandoned, and all who could go out of town went out into the open country, sleeping under tents or any shelter they could get. Business was absolutely at a standstill; the sick forgot their illnesses, and the only subject of conversation was los temblores or the earthquakes. A friend, now resident in St. Thomas, had offered me a shakedown over the Colonial Bank. While nobody was afraid, the sociability was intense. The next morning, at 4.53, there was a violent shake, and we hurriedly dressed and got out into the street. As usual, the whole town was alive; all our fears had been reawakened, and a feeling of impending disaster impressed everybody. When daylight came we were out in the plaza St. Anna, and well do I remember the first penciling of light along the horizon and the quiet delight with which we welcomed it.

While severe earthquakes during the day are bad, in the darkness of night they really are appalling. On the second night after the earthquake I accepted an invitation from another friend, whose building was not so lofty as the bank in which I had passed the previous night. He adopted an ingenious device, well known in earthquake countries. In subsequent press letters I dubbed them "Stearnes earthquake detectors." He stood two soda bottles and a number of mineral bottles on their mouths. Any shock would upset them and give an alarm. The tremor that night was but a slight one, and on the third night I slept in the hotel proper in a way, for we were all so unstrung by the intense nervous strain that restful sleep was out of the question. The building of the cable company, in which I passed my second night, was so damaged that one of its walls subsequently had to be stayed up and secured. At the time the Panama Canal Company had a maregraph at Colon, and it was found that there had been a species of tidal wave, as indicated by the perpendicular tracings made by that instrument.

As I have stated, the Panama and West India Company's cable was broken, and the other cable was not open to the public, as it had not been transferred by the directors to the company, and consequently we were shut off. There is a general impression that "news travels by post," but, as an exception to the rule, I may here state that, upward of a month subsequently, we received information on the Isthmus to the effect that a tidal wave had swept some of the islands on the Atlantic side in the vicinity of the Gulf of Darien. It swept across them, washing away ranchos and inhabitants, and some 65 people perished. But, as I have said, we only learned this a month later. It would seem that the center of seismic disturbance had been a little to the south of the Isthmus of Panama and almost opposite the old Isthmus of Darien. Hence the tidal waves that swept the islands in the archipelago in that direction and the earthquake wave which so violently shook the Isthmus.

I kept records during the "shakes." After the fifth day there were no strong, but many minor, ones. I have notes and records of them by the dozen.

The third violent shock was about the fourth day; it occurred about 11 o'clock p. m., when, in common with others, I was tremendously pleased to get into the Plaza Triompha and out in the open. The only idea that seems to actuate one under such circumstances is to get away from buildings or anything that can fall upon one. While we were in the plaza—everybody talking to everybody, for on such occasions formalities do not exist—there were violent shakings, and in a street near us there was a rush and considerable excitement caused by a hysterical woman shrieking.

On the afternoon of that day an old acquaintance of a friend of mine had visited his house and, it being late at night, asked the privilege of staying there. She was allotted a room and a hammock. On the morning subsequent to this last shock they found she was not awake and thought she had overslept herself. Later, finding she did not move, they approached her hammock and found her dead; another case of heart disease, her death being caused by excitement.

While making no professions of bravery, I have yet to learn that I lack the courage common to most men, but for weeks after that experience, when in the quiet of my room at night, surrounded by cracked walls, whenever I allowed my mind to dwell upon the awful scene, I would shiver from head to foot. It was an awful experience. If there is any one thing that utterly unnerves one it is an earthquake of that type—one that will shake buildings to pieces, partially destroy a railroad, and create the havoc and destruction of that terrific earthquake of the 7th of September, 1882.

As soon as it was possible to collect reliable data I sent a series of letters to the Montreal Gazette, and they were published in extenso. Following their publication there was a lot of scientific discussion in the old country as to what would be the effect of an earthquake on a completed canal. Scientists took the ground that the embankment on the side whence the wave came would suffer most, and that an earthquake of that violence would seriously damage any canal.

As soon as possible I instituted careful inquiry as to the history of the early earthquakes on the Isthmus, for when I became a resident there I had no knowledge of earthquakes, nor had I ever heard of any in connection with that neck of land.

From the typical "oldest inhabitants" I learned that the earthquake in the fall of 1858, that had so damaged Cartagena, on the Atlantic, had done a great deal of damage in the city of Panama. I also learned that upward of a century ago the country had been terrifically shaken from Santa Fe de Bogota to Panama, and that about 100,000 lives had been lost. Some ten years prior to the earthquake of 1882 there had been a violent shock, the greatest force being felt in the State of Antioquia, to the south of the Isthmus. A pueblo, or village, called Cucuta, was literally shaken, and upward of 5,000 people lost their lives. It will be seen that earthquakes in Colombia are not modern inventions.

A remarkable feature in connection with that earthquake period at Panama must not be overlooked. It would seem that my dispatch to the New York Herald was cabled abroad, and it all but produced an earthquake among M. de Lesseps's shareholders. He at once informed the world that there would be no more earthquakes on the Isthmus. Strange to say, despite the utterances of this celebrated man, the earthquakes kept on, to the unstringing of our nerves and to the contradiction of even so distinguished an individual as Count Ferdinand de Lesseps.

Another statement in connection with this and I have done. Such of my readers as are familiar with the historic Paris Congress of May, 1879, that was called together to consider the Panama Canal, will remember that M. de Lesseps denounced any Nicaragua route as impracticable, owing to the fact that it was a land of earthquakes, and that the only route was that at Panama.

The only interpretation that one can place on such a statement is that M. de Lesseps had settled on the Panama route before calling the scientists together. And such was the case. That he, as an intelligent man, could have made such a broad statement savors of absolute ignorance regarding the past of the Isthmus, as that indefatigable traveler and great authority, Humboldt, refers to the particular formation of parts of Colombia and the terrific cataclysms that must have obtained there in early days.

Within the last few days I note that the adjoining Republic of Ecuador has been violently shaken by earthquakes, and so violent were they that they produced a panic among the people. What effect such earthquakes would have upon a tide-level canal are best imagined and description is unnecessary.

[Pages 230 and 231.]

The present status of the Panama Canal may be defined by stating that, after seven years' work and an expenditure estimate of over $220,000,000, M. de Lesseps has abandoned his pet tide-level scheme, and at the eleventh hour adopted locks. About one-fifth of the work originally planned has been done. The fixed charges of the company to-day on their shares and bonds and the maintenance of the Parisian and isthmian offices exceed $22,000,000 per annum. This does not include the turning over of a single shovelful of earth.

A word regarding the Eiffel contract, regarding which one hears so much. It is probably one of the most remarkable documents that was ever drawn up between a contractor and a corporation. All of the provisions are absolutely in favor of the contractor. He exacted a huge deposit, for as much as $1,000,000, or 5,000,000 francs, were placed to his credit in the hands of two banking firms in Paris before he commenced any work at all. Then his staff that was sent to Panama was paid six months in advance by the canal company. One of the engineers on that very work told me, while in Panama in March, 1888, that the contracts called for 10 gates at $1,000,000 each, while the masonry and wherewithal to constitute a lock was to be a separate charge. Thus we have ten millions for 10 gates, and, say, five millions for masonry; total, fifteen millions. The fact never to be lost sight of is this: That M. de Lesseps has stated that they are to be temporary locks. These are his own words.

With his usual nonchalance, in comparison with which an arctic temperature is midsummer, he has assured his countrymen and countrywomen (for there are upward of 30,000 female shareholders in the canal) that while the locks are working he will go on digging down to tide level alongside of his lock canal. This is probably one of the most remarkable statements that has ever emanated from human lips, and for a variety of reasons. Picture to yourself a lock-level canal built through the ever-yielding clayey soils of the Culebra. Let us say that that is done. There is no water on that level with which to aliment or feed a canal.

Pockets are to be constructed on the side of that hill as mountain reservoirs. By strengthening their walls with a backing of iron plates they hope to make them strong enough and large enough to hold M. de Lesseps's promises—I really beg his pardon—I mean water, to aliment the upper levels of the Panama Canal. This water has to be pumped from distant streams. Let us say the pumping apparatus gets out of order, then we have no water and the canal will be useless on that occasion. On the other hand, let us say that the reservoirs are full, and that there is one of those sociable little earthquakes, such as have been alluded to, and the walls of the reservoirs give way, break into the main ditch, and sweep away the locks.

Again, let us say that everything goes along just as they have stated—smoothly and the like. Then, according to M. de Lesseps, in that narrow mountain gorge in the Culebra he is going down to tide level. In view of the fact that the sides of the Culebra move into the cut at the rate of some 18 inches per annum—and that on a cut of less than 8 feet—what can one expect will happen to his lock canal after he has got below its level?

In short, the building of a tide-level canal alongside of the lock canal is a physical impossibility, and there are no modern underwriters that would put a dime of insurance on vessels going through a canal at that time.

[Pages 232 and 233.]

As we are all aware, M. Eiffel is building a thousand-foot tower, to be completed for the opening of the Paris Exposition in 1889. As M. de Lesseps boasts that he has behind him half a million of share and bond holders, perhaps they will ascend that tower and stretch their eyes toward the west to look for the Panama Canal, in the same way that the Spanish King gazed froma window and said that he thought Panama could be seen, owing to the cost of its walls.

The engineer in the Eiffel employ, from whom I obtained many of the details just used, told me there never will be a canal on the Isthmus, with or without locks. When the present money is exhausted a crash is inevitable.

In fact, I made bold to make a forecast while at the American Association for the Advancement of Science, at its meeting in Cleveland on the 15th of August, 1888, when, in my paper before the section on engineering, I stated that within six months the company would be in hopeless bankruptcy and that M. de Lesseps's famous petite gens de bas de liane would be hopelessly ruined.

The bursting of this South Sea bubble No. 2 will shake France to its center. Add to this the commercial stagnation in Europe and the ever-increasing darkness in the political horizon and you have a group of facts sufficient to appall all having any interest in the Panama Canal. La Belle France is laden down by a huge debt, already three times that of the United States of America. This is constantly increasing, and the bursting of the canal bubble will hasten a financial crisis in France that unquestionably will affect all having commercial relations with her.

Despite the rose-colored statements to the contrary, very little real work is being done on the Panama Canal at this writing. Work has been stopped on a number of sections, the nominal excuse being that they are completed. But such is not the case. Work has been stopped because the company is without means to pay the contractors. At this time lawsuits aggregating several millions for damages and for breach of contract are hanging over the Panama Canal Company. A lot of its plant on the Isthmus was advertised for a judicial sale, and among other things that were enumerated in the list were the canal company's hotel and their works and plant at the Boca. That was for a judgment of $400,000. The case, I believe, has been settled, and a number of contractors who have been dispossessed and whose contracts had been given to others for advanced rates have sued the company. One of these contractors, M. Murraciole, a Frenchman, recovered 1,000,000 francs damages.

[Pages 235 and 236.]

The famous bureau system is what has obtained on the Isthmus up to the present time, with changes and amplifications without number. There is enough bureaucratic work and there are enough officers on the Isthmus to furnish at least one dozen first-rate republics with officials for all their departments. The expenditure has been something colossal. One director-general lived in a mansion that cost over $100,000; his pay was $50,000 a year, and every time he went out on the line he had his displacement, which gave him the liberal sum of $50 a day additional. He traveled in a handsome Pullman car, especially constructed, which was reported to have cost some $42,000. Later, wishing a summer residence, a most expensive building was put up near La Boca. The preparation of the grounds, the building, and the roads thereto cost upward of $150,000.

The way money has been thrown away is astonishing. One canal chief had built a famous pigeon house while I was on the Isthmus recently. It cost the company $1,500. Another man had built a large bath house on the most approved principles. This cost $40,000. Thousands and tens of thousands have been frittered away in ornamental grounds, for all had to be beau, utility being a second consideration.

M. Rousseau was sent to the Isthmus in 1886 by his Government to report upon the Panama Canal. His inspection was to be preliminary to the emission of a lottery loan, providing his report was favorable. M. Rousseau was a keen, practical man. While it was quite true that theatrical effects were introduced, he was not deceived.

During my last visit to the Isthmus I went over the work, notebook in hand, and made 60 photographs. I can summarize all by stating that the effect was more than depressing. The canal company take credit for $30,000,000 worth of machinery on the Isthmus of Panama. The greater part of this machinery has been left out in the open, and a prominent engineer told me that two-thirds of it is absolutely useless, and it would not pay to take it away for old metal. Five millions of dollars have been spent in creating a very pretty, well-kept tropical town at Christophe Colon. Sidings are covered with valuable engines and all kinds of movable plant which are out in all weather and going to ruin.

The canal hospitals on the Panama side are without doubt the finest and most perfect system of hospitals ever made within the Tropics. There are upwards of seventy buildings, and their cost has been over $4,000,000. The service alone is simply huge.

Mr. MORGAN. This concludes what I had intended to say in this connection, Mr. President, my purpose being to bring these papers to the attention of Senators, with this exception: Senators who vote for this canal to be located in Colombia will understand the people with whom they are to deal and the Government they are to deal with, and the thralldom which is placed on that Government by the conditions of the present law in the Republic of Colombia.

In this article Dr. Nelson deals with a number of subjects, and he is in close accord with the sworn testimony of witnesses who were heard before the committee. I have been surprised that even an ignorant witness, such a man as Mr. Plume, who was a mere trackmaster for six years on the Panama Railroad, should have referred in almost the same language to the very same identical facts that Dr. Nelson had published in 1886. And so in regard to other matters connected with his testimony.

Dr. Nelson deals with the country at large, and in particular he deals with it as to the formation of the country, geological structure, rainfall, climate, the structures and habitations, churches, hospitals, the health and the causes of diseases, the bills of mortality, the cemeteries, the earthquakes, the winds, the civil laws and their enforcement, as well as the ecclesiastical law which I have just incorporated in my remarks. Is he to be believed? In the letter in which I was introduced to this gentleman there was a reference to a very distinguished man of this city—Bishop Henry Y. Satterlee. I wrote to him to ask him about this man's character and whether he knew him. On the 9th of June, 1902, Bishop Satterlee replied as follows:

MY DEAR MR. SENATOR: In response to your letter I would say that I have known Dr. Wolfred Nelson for a great many years, as he was my parishioner for several years when I was rector of Calvary Church, New York.

He is a man in whose integrity, truthfulness, and Christian character I have always had perfect confidence.

Very sincerely, yours,

HENRY Y. SATTERLEE.

Hon. JOHN T. MORGAN,
United States Senate.

I am not bringing before the Senate newspaper accounts and squibs for the purpose of trying to produce a sudden impression upon the minds of Senators, but I am bringing sedate facts here that are established by perfect testimony, if human testimony can be considered perfect. This gentleman was not writing about canals. He was giving a narrative of what he saw, without prejudice and without passion, and without purpose except to write a book for the instruction and information of his friends, so that we can rely upon what Dr. Wolfred Nelson has said about Panama, and if it is to be relied upon it is an absolute impossibility for the Congress of the United States ever to venture to locate a canal in that region.

Now, on the subject which has been mooted here and which has been drawn into question since the committee closed its hearings, for the point was not made while the committee had the subject under consideration—that of earthquakes in different places—there is a great account, and I have no doubt an important one, given through the newspapers, of an earthquake in Guatemala which occurred some time early in the last month. I find here printed to-day the advance sheets of the Consular Reports, June 10, 1902, the following statement from James C. McNally, consul-general, dated at Guatemala city, May 9, 1902:

RAILWAY CONSTRUCTION IN GUATEMALA.

The work of constructing the Northern Railway from El Rancho to Guatemala city is progressing most encouragingly. The grading has been completed to Sanarate, about 50 miles from Guatemala city, and from there the work will be rapidly pushed forward. I am informed that the road will be finished within the time specified in the contract, and that six months from now trains will be running between Puerto Barrios and Sanarate. From the latter place to Guatemala city a stage line will be established.

The completion of the Northern Railway will be of great benefit to Guatemala, as it will considerably shorten the time to New Orleans. Only about six days will then be required to reach the United States from this city, while the trip on the Pacific side takes from seven to twelve days longer. Freight transportation also will be cheaper than by the Pacific route. The railroad was not at all affected by the recent earthquakes, and work on it is progressing in a businesslike way.

JAMES C. MCNALLY,
Consul-General.

GUATEMALA CITY, *May 9, 1902.*

Now, if that earthquake in Guatemala, which is said to have killed 5,000 or 7,000 people, did not stop the work on a railroad

built close to the scene of it, it seems to me we are wasting our time in hunting up conjectures about what will happen either in Panama or Nicaragua in respect of earthquakes. The evidence which comes to us officially of these matters, and also such evidence as Dr. Nelson has stated in the paragraphs I have quoted from his book, shows that a country may have a long state of repose, and perhaps we might call it an accident if an earthquake ever should overtake a railroad or a canal dug in almost any part of the world.

We have no security that this Capitol will not be shaken down some day by an earthquake. We felt the effects of earthquakes in Washington until they were very sensible to me, to say the least of it, but I never had any apprehension about what would happen to a canal or railroad that might be usefully dug at Charleston or at New Madrid, in the northeastern part of Arkansas and the southeastern part of Missouri.

It is my duty, Mr. President, to this case and this occasion to try to bring forward substantial facts upon which the Senate can act reliably in respect of a matter that we must all be cautious about, and we must look forward with a great deal of scrutinizing attention as to what may be the difficulties under which the canal may have to be constructed and thereafter be maintained and operated.

If there is any one duty which I feel I owe to my country on this occasion above all others it is to fairly represent and truly state, with every shade of coloring that might be necessary to bring out the exact state of facts, those matters which bear upon the question of the selection of this route and the construction of the canal and its maintenance after it is built. I would not for anything in this world leave behind me the reputation of having, in the face of evidence, selected a route that in the slighest degree gratified my personal ambition or that I thought would make more in favor of my own section of the Union than another.

So far as the Panama route is concerned, it is to be run only by steamships. Sailing vessels will have nothing to do with it. The statements made by Dr. Nelson from personal observations through six years of the effect of the winds in the harbor at Panama show that the route is not available for sailing ships, and every single member of this Commission admitted that the canal was being built with reference to steamers only and not with reference to sailing ships.

Mr. President, I have the honor to represent a State here which has the largest deposits of coal anywhere near the Gulf of Mexico. Coal can be taken from the Birmingham region in Alabama at a dollar a ton and delivered on board of a ship for a dollar and a quarter a ton. It is as fine steaming coal as there is in this world. If I were to consult the peculiar interests of Alabama I would strike every sailing ship out of competition with Alabama in the consumption of that coal.

If the steamships will also adopt oil for fuel for their boilers, as they will, what country can exceed Texas in her opportunities of winning money by abolishing the sailing ships of the world, and having all commerce conducted on steamships? There at Beaumont, where the earth itself, without the danger of a strike, forces the oil to the surface, and where it is piped out to the sea, and where ships can come and load their tanks with oil without the necessity of doing anything but going to anchor, is the finest field of exploitation for making money out of a peculiar advantage that exists anywhere on the American continent; yet I suppose that the Senators from Texas would scarcely vote to strike down the Nicaragua Canal because it is the only one projected that can accommodate the sailing ship.

While on that subject I wish merely to draw the attention of the Senate to the fact that by the acceptance of the Panama route, as is shown by the evidence incontrovertibly, and as is admitted by every member of the Commission, we strike the sailing ships out of existence so far as the commerce of the Pacific is concerned, unless they double Cape Horn.

Now, what is it that we strike down? What is the value of it? The number of sailing ships in the United States, and particularly ships that are upon the coastwise trade, is very much larger than the number of steamers. There are more of sailing ships now upon the ocean under the American flag that could pass through the canal to trade with the Pacific Ocean than there are of steamers. We at least cut our fleet half in two by selecting the Panama route, and refuse them access by canal to the Pacific Ocean. Can we afford to do that? Can we possibly afford to make that discrimination against so great an industry as the sailing fleet of the United States?

Why should we throw them away and deny them these privileges and benefits? For the sake of making $5,000,000 in a trade with the Panama Canal Company? Is that the consideration? That is all I have heard of. We do not do it for the sake of getting a country that is healthier, or a line that is shorter, for the Panama route is not shorter for sailing ships by fifteen days or for steamers by at least two days, if not four. Why do we throw away these benefits for the purpose of taking up a canal that cuts off the sailing ship, makes a longer route, and absolutely destroys our coastwise trade, which will hereafter in days that we are not dreaming of, I am afraid, fall into the hands of some foreign monopoly?

SUFFERERS BY EXPLOSION OF AMMUNITION CHEST.

Mr. CULLOM. I ask unanimous consent for the present consideration of House bill 5094.

Mr. MORGAN. Without prejudice to the present order of business?

Mr. CULLOM. Of course, without prejudice to the pending business.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that $15,845.23, the sum found just by a board of officers convened at Chicago, July 17, 1894, under Special Orders, No. 72, issued by command of Major-General Miles, of the Department of the Missouri, which sum is recommended by him, with the concurrence of the then Major-General Commanding the Army, be appropriated to pay the awards of the said board, according to the schedule as set forth in their report made on November 3, 1894, and published in Senate Executive Document No. 21, third session Fifty-third Congress.

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

MERZELLAH MERRILL.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5882) granting an increase of pension to Merzellah Merrill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merzellah Merrill, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

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.

PROTECTION OF THE PRESIDENT.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 3653) for the protection of the President of the United States, and for other purposes. The Chair will state that the amendment of the House of Representatives is to strike out all after the enacting clause of the bill and to insert a substitute.

Mr. HOAR. Mr. President, I would suggest that the Senate nonconcur with the amendment of the House of Representatives and ask for a conference; but I understand that one member of the committee rather prefers that the amendment should be referred to the Committee on the Judiciary. If that be so, I shall not make any objection to it taking that course.

Mr. BACON. Ordinarily, Mr. President, I would concede that the suggestion of the Senator from Massachusetts [Mr. HOAR] is correct, but this is practically an entirely new bill. It is really the bill that the House of Representatives had framed before the Senate had ever acted upon its bill. The House substitute their own bill, simply using our enacting clause, and that is all there is of it. I think that, under these circumstances, the amendment of the House of Representatives should be referred to the Committee on the Judiciary.

Mr. HOAR. As a single member of the committee I have no special choice, but my own impression is—and I may as well state it publicly—that if the bill be referred to the Committee on the Judiciary, it is probable, considering the lateness of the session and the condition of public business, that it can not be disposed of at the present session, but will probably have to go over to the next session. If the Senator from Georgia, who is a member of the committee, prefers that the amendment of the House of

Representatives shall be referred to the committee, I am willing that it shall take that course.

Mr. BACON. I should think the Senator had better move the reference of the House amendment; otherwise we shall have a conference over an amendment of the House of Representatives, which is really a new bill, without the Senate ever having had it under consideration.

Mr. HOAR. I will move that the amendment of the House of Representatives be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR. I will repeat I do not believe that the committee will be able, with the other matters that are pressing in the closing days or weeks of the session, to deal with this subject so that the bill can be acted upon before next winter.

STANLEY & PATTERSON.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 11591) for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that it appears that Henry M. Denniston, pay director in the United States Navy, did, on the 5th of February, 1901, make and issue a check, No. 456714, bearing date the 5th of February, 1901, upon the assistant treasurer of the United States at New York, in favor of Stanley & Patterson, for $2,680.21, in payment for electrical supplies furnished the United States Navy Department; and said check was, on the 5th of February, 1901, mailed by Henry M. Denniston to Stanley & Patterson, at 32 Frankfort street, New York City, N. Y., and was lost in transmission through the mails and has never been received by Stanley & Patterson; and the provision of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, applies only to checks drawn for $2,500 or less.

The bill provides that Henry M. Denniston, or his successor in office, shall be instructed to issue a duplicate of said original check to Stanley & Patterson, under such regulations in regard to its issuing and payment as have been prescribed by the Secretary of the Treasury for the issuing of duplicate checks under the provision of section 3646, Revised Statutes of the United States.

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

The preamble was agreed to.

EXECUTIVE SESSION.

Mr. GALLINGER. 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 seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 11, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 10, 1902.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Jacob A. Augur, Fourth Cavalry, to be colonel, June 9, 1902, vice Whitside, Tenth Cavalry, appointed brigadier-general, United States Army.

Maj. Clarence A. Stedman, Tenth Cavalry, to be lieutenant-colonel, June 9, 1902, vice Augur, Fourth Cavalry, promoted.

Capt. William D. Beach, Ninth Cavalry, to be major, June 9, 1902, vice Stedman, Tenth Cavalry, promoted.

First Lieut. Charles E. Stodter, Ninth Cavalry, to be captain, June 9, 1902, vice Beach, Ninth Cavalry, promoted.

Infantry Arm.

Lieut. Col. Charles H. Noble, Sixteenth Infantry, to be colonel, June 9, 1902, vice Lincoln, Tenth Infantry, appointed brigadier-general, United States Army.

Maj. John A. Baldwin, Twenty-second Infantry, to be lieutenant-colonel, June 9, 1902, vice Noble, Sixteenth Infantry, promoted.

Capt. Abner Pickering, Second Infantry, to be major, June 9, 1902, vice Baldwin, Twenty-second Infantry, promoted.

First Lieut. Preston Brown, Second Infantry, to be captain, June 9, 1902, vice Pickering, Second Infantry, promoted.

ATTORNEY.

William H. Atwell, of Texas, to be United States attorney for the northern district of Texas. A reappointment, his term expiring June 17, 1902.

MARSHAL.

Thomas B. Reid, of Wisconsin, to be United States marshal for the eastern district of Wisconsin. A reappointment, his term expiring June 14, 1902.

RECEIVER OF PUBLIC MONEYS.

John Jones, of Michigan, to be receiver of public moneys at Marquette, Mich., his term of office having expired. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Benjamin D. Crocker, of Washington, to be collector of internal revenue for the district of Washington, established by Executive order, dated June 9, 1902, under section 3141, Revised Statutes of United States, consisting of the State of Washington and the Territory of Alaska.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 10, 1902.

POSTMASTERS.

Albert W. James, to be postmaster at Cobden, in the county of Union and State of Illinois.

William R. Cady, to be postmaster at Rogers, in the county of Benton and State of Arkansas.

Leander H. Miner, to be postmaster at Ferndale, in the county of Humboldt and State of California.

Albert P. Merriam, to be postmaster at Phoenix, in the county of Oswego and State of New York.

Geradus L. Van de Steeg, to be postmaster at Orange City, in the county of Sioux and State of Iowa.

John D. Paddock, to be postmaster at Malvern, in the county of Mills and State of Iowa.

Lon G. Hardin, to be postmaster at Ames, in the county of Story and State of Iowa.

John Haig, to be postmaster at Le Roy, in the county of McLean and State of Illinois.

Mark Swedberg, to be postmaster at Luverne, in the county of Rock and State of Minnesota.

George T. Boon, to be postmaster at Chetopa, in the county of Labette and State of Kansas.

William B. Arbuckle, to be postmaster at Villisca, in the county of Montgomery and State of Iowa.

Logan G. Hysmith, to be postmaster at Wilburton, in the Choctaw Nation, Indian Territory.

Edgar S. Clock, to be postmaster at Islip, in the county of Suffolk and State of New York.

George L. Davis, to be postmaster at Fonda, in the county of Montgomery and State of New York.

Alonzo C. Sluss, to be postmaster at Tuscola, in the county of Douglas and State of Illinois.

William A. Hutchinson, to be postmaster at Oak Park, in the county of Cook and State of Illinois.

James H. Maull, to be postmaster at Georgetown, in the county of Sussex and State of Delaware.

Milton A. Ewing, to be postmaster at Neoga, in the county of Cumberland and State of Illinois.

James R. Morgan, to be postmaster at Maroa, in the county of Macon and State of Illinois.

Thomas W. Price, to be postmaster at Astoria, in the county of Fulton and State of Illinois.

Roger Walwark, to be postmaster at Ava, in the county of Jackson and State of Illinois.

William A. Stotlar, to be postmaster at Herrin, in the county of Williamson and State of Illinois.

Watson D. Morlan, to be postmaster at Walnut, in the county of Bureau and State of Illinois.

George S. Avery, to be postmaster at Galena, in the county of Jo Daviess and State of Illinois.

William W. Robey, to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota.

James H. Lincoln, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois.

Fred A. Swartwood, to be postmaster at Waseca, in the county of Waseca and State of Minnesota.

Charles E. Callaghan, to be postmaster at Rochester, in the county or Olmsted and State of Minnesota.

Frank Rockwell, to be postmaster at St. Charles, in the county of Kane and State of Illinois.

David A. Courter, to be postmaster at Hinsdale, in the county of Du Page and State of Illinois.

William Stickler, to be postmaster at Lexington, in the county of McLean and State of Illinois.

Allen H. Webster, to be postmaster at Cuba, in the county of Fulton and State of Illinois.

John A. Childs, to be postmaster at Evanston, in the county of Cook and State of Illinois.

William H. Hilton, to be postmaster at Durant, in the Choctaw Nation, Ind. T.

Andrew E. Sheldon, to be postmaster at Paxton, in the county of Ford and State of Illinois.

John A. Bingham, to be postmaster at Vandalia, in the county of Fayette and State of Illinois.

Thomas F. Addington, to be postmaster at Yukon, in the county of Canadian and Territory of Oklahoma.

John M. Hamilton, to be postmaster at Batavia, in the county of Genesee and State of New York.

Joseph A. Leggett, to be postmaster at Troy, in the county of Rensselaer and State of New York.

Charles A. Snyder, to be postmaster at Middleburg, in the county of Schoharie and State of New York.

Stephen B. Lovejoy, to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota.

L. L. Whitestone, to be postmaster at Culpeper, in the county of Culpeper and State of Virginia.

Nellie M. Theriott, to be postmaster at Park City, in the county of Summit and State of Utah.

J. W. Utterback, to be postmaster at Cordell, in the county of Washita and Territory of Oklahoma.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 10, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, is reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 4103. An act granting a pension to William C. Hickox; and

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway;

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry.

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

S. 6021. An act granting an increase of pension to Esther D. Haslam.

TRANSFER OF ADMINISTRATION OF FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union on the pending measure.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union on the pending measure, which is House bill 11536.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 11526, to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes. General debate having closed, the Clerk will read the bill by paragraphs for amendment.

The Clerk read as follows:

That the President is authorized to transfer by Executive order any of the forest reserves to the control of the Department of Agriculture, and when so transferred all the laws relating to the same under the Department of the Interior shall apply to their regulation, administration, and control in all respects under the Department of Agriculture, and all powers heretofore vested in the Department of the Interior in relation to such reserves shall be exercised by the Department of Agriculture as to any of the reserves so transferred under this act: *Provided*, That the President shall not transfer any reserve under this act until the Secretary of the Interior and the Director of the Geological Survey shall certify that the boundaries thereof have been fully examined and are by them deemed to be substantially the proper permanent boundaries: *Provided further*, That the power of the President to eliminate from such transferred reserves any portion thereof shall not be abridged, and in case of the elimination of any part of such transferred reserves by the President such portion eliminated shall be retransferred to the Department of the Interior as public land: *And also further provided*, That as to surveys and surveying, and as to exchanges of lieu lands, patents, titles, and claims, the jurisdiction of the Department of the Interior shall be still retained: *And also further provided*, That any officer of the Department of Agriculture whose duty it is to receive money, with reference to the forest reserves transferred to that Department, in pursuance of this law, in the place of the Commissioner of the General Land Office and receiver, as mentioned in the act of June 4, 1897, shall give bond in such sum as may be fixed by the Secretary of Agriculture.

The following amendments recommended by the committee were read:

In line 13, page 2, strike out the words "patents, titles, and claims" and insert "entries, claims, patents, and titles."

Add at the end of the section the following:

"*And also provided*, That hereafter no forest reserve in any State shall be created, enlarged, or extended without the approval or written request of the governor of such State, made prior to the creation, enlargement, or extension thereof."

Mr. CANNON. Mr. Chairman, I would like to make a motion which, I think, if it prevails, will save time. I would like to test the sense of the committee on a motion to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause of the bill, which motion takes precedence of the committee amendments.

Mr. CANNON. Mr. Chairman, I would be glad to be recognized. I would say to the gentleman from Iowa I would like perchance to talk in connection with this bill, not strictly on the bill, but on matters associated with it, the condition of appropriations and revenue.

Mr. LACEY. Mr. Chairman, at some time during the closing days of the session it is always desirable that the chairman of the Committee on Appropriations should give us the benefit of this summing up; and if it suits the convenience of the Committee of the Whole, it would be a good time at this time.

Mr. CANNON. It is hardly the summing-up statement that comes at the closing of the session, I will say to my friend, although if I get to that part of it it will bear upon that question. The present state of appropriations is what I want to speak of in connection with the business of the House, and incidentally in connection with this bill, as it is a part of the business of the House. But that part of the speech is not strictly, of course, on this bill.

The CHAIRMAN. The Chair will state that there is some question as to whether a motion to strike out the enacting clause is debatable at all except by unanimous consent in Committee of the Whole, but the Chair understands the gentleman from Illinois to ask unanimous consent to speak upon the motion, and incidentally upon matters of appropriation.

Mr. LACEY. How much time does the gentlemen from Illinois want?

Mr. CANNON. I am inclined to think I can get through in thirty minutes. If when the thirty minutes are over and I have not got through and the Committee of the Whole seem to think that I ought to have a little more time, they will grant it to me, and if they do not it will be pretty conclusive evidence that I ought to stop. [Laughter.]

Mr. LACEY. Will not the gentleman from Illinois withdraw his motion and let the gentleman from New Mexico [Mr. RODEY] make a motion that he had to make, and then the gentleman from Illinois present his later on?

Mr. CANNON. I would be glad to do that, but to save time I think my motion had better be made now, and then, after it is debated, to have the matter voted upon, because I believe a good deal in taking a vote after the question is debated.

Mr. LACEY. I have no objection, Mr. Chairman. I hope the committee will have none.

Mr. CORLISS. Mr. Chairman, I understand the gentleman from Illinois does not propose to discuss the pending matter before the House. I have listened with a good deal of attention and always enjoy listening to the distinguished gentleman from Illinois, but there are gentlemen on this floor who have not had an opportunity to speak, and I hope the gentleman will not take up unnecessary time in talking about matters foreign to the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the committee for thirty minutes on his motion. Is there objection?

Mr. CORLISS. Mr. Chairman, I would like to ask if it is the understanding that at the end of the thirty minutes this measure be voted upon without further discussion?

Mr. LACEY. Not at all; the question of striking out the enacting clause is too vital a question to be disposed of without debate.

Mr. CORLISS. How much time does the gentleman think it would take?

Mr. LACEY. I do not know; we want ample time to dispose of this bill.

Mr. CORLISS. An hour?

Mr. LACEY. That will depend upon the action of the committee.

Mr. CORLISS. I do not feel disposed to object, but I want to ascertain how much time is likely to be consumed.

Mr. LACEY. I will say to the gentleman I want to get the bill out of the way as early as possible.

Mr. HULL. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. HULL. As I understand, this bill is not limited as to time, and it must proceed until it is disposed of?

Mr. LACEY. My friend from Michigan wants to call up another measure, and I want to say to him that this bill will be got out of the way as speedily as possible.

The CHAIRMAN. At this point, in order to avoid possible misunderstanding later, the Chair calls attention to the fact that whether a motion to strike out the enacting clause is debatable at all, or, if so, to what extent, is a matter upon which the precedents are conflicting. In the second session of the Thirty-third Congress (February 7, 1855, Globe, p. 616) Mr. Thomas A. Hendricks, of Indiana, in the chair, sustained the point of order made by Mr. John S. Millson, of Virginia, and ruled that "the motion is not debatable." In the Thirty-fifth Congress, first session (December 22, 1857, Globe, p. 154), Mr. John S. Phelps, of Missouri, in the chair, a similar ruling was made, and on an appeal the decision of the Chair was sustained.

On the other hand, in the Forty-seventh Congress, second session, the point of order having been made by Mr. Hiscock, of New York, was submitted by the Chair to the Committee of the Whole and not being sustained, the motion was apparently treated as debatable without limit (Hinds's Precedents, p. 941). This ruling was made without much discussion or citation of precedents, and was manifestly wrong. As the motion to strike out the enacting clause is not in order at all in Committee of the Whole until general debate has been closed, it certainly can not be, under the rules properly construed, the subject of general debate. Such a motion is in order after the first paragraph of the bill has been read for amendment under the five-minute rule. It is now made at that point.

The present occupant of the chair is of opinion that it should be treated for this purpose as in the nature of, or at least analogous to, an amendment and debatable accordingly, and in this view is apparently sustained by the observation of Speaker Blaine in the first session of the Forty-third Congress (RECORD, p. 2338), who, in ruling that such a motion when made in the House was debatable, said:

> There is no express rule prohibiting its being debated in Committee of the Whole. The impression prevails that it is not debatable from this fact that the motion is usually made in Committee of the Whole after debate has been closed or when the five-minute debate is in order. The motion in Committee of the Whole to strike out the enacting clause would never by any usage of the House be debated over five minutes on each side, and generally not debated at all.

The Chair holds that the motion is debatable five minutes on either side, and after that only by unanimous consent.

The gentleman from Illinois [Mr. CANNON] asks unanimous consent of the Committee of the Whole to occupy thirty minutes. Is there objection?

Mr. RICHARDSON of Tennessee. Will the remarks of the gentleman have application to the pending bill?

Mr. CANNON. They will; and I will say to the gentleman in that connection that I want to make a statement as to the present state of the appropriations and revenues.

Mr. RICHARDSON of Tennessee. I may have something to say on that question myself. I did not think this was hardly a proper time to discuss appropriations and matters of that kind on this bill.

Mr. CANNON. I hope to make my remarks appropriate.

Mr. RICHARDSON of Tennessee. The gentleman is then going to address himself to the pending bill?

Mr. CANNON. Oh, certainly.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? The Chair hears none.

Mr. CANNON. Mr. Chairman, I crave for thirty minutes of the attention of the committee; and first on this motion to strike out the enacting clause; and it is necessary, if the committee will bear with me in discussing the propriety of that motion, to speak of the public service, as it now is, in the Office of the Commissioner of the Land Office and the Interior Department—the abuses of the service, if any, as now carried on, and the service as it now is; in the Agricultural Department—its nature and the abuses of the service, if any there are, and the necessity for the proposed change, if any. Now, I will very briefly state the conditions.

In 1789, just after the adoption of the Constitution, the office of the Commissioner of the General Land Office was created. It continued from that time down until 1849, when it was placed under the Secretary of the Interior, where it still remains. It is a great service. It has covered the public lands and kindred services from the time it was organized to the present. It is thoroughly organized.

Here let me state that there are now in the Land Office at Washington, as employees, 388 persons, at a cost of $502,430 per annum. In addition to that, touching depredations upon the timber lands—the public lands throughout the Republic—there are 69 special agents—69 persons who are watching depredations upon the lands of the United States—timber lands alone. Incidentally this service covers trespasses on the public lands, also destruction of timber, also forest fires; but substantially the service relates to trespasses and the despoiling of the timber. This service cost $185,000 per annum.

In addition to that, on the forest reserves—46,000,000 acres in round numbers—there are 349 persons employed by the Government—rangers, agents, superintendents, who are engaged touching those forest reserves—forest fires, the sale of dead and down timber, the use of timber and stone by the settlers and by the miner, and so on. One very important object of the work of these 349 persons in the forest-reserve service is the forest fires, and, incidentally, the whole service in connection with that subject. Those 349 persons cost $300,000 per annum.

Now, it will be seen that almost $1,000,000 is the cost of the General Land Office alone and these persons that I speak of—an annual charge.

Now, in addition to that; there are in this great office of the Secretary of the Interior what is called the Secretary's office—that is the staff of the office, if you please, embracing many bureaus in the office of the Department. The Secretary's office proper has 241 people in it, costing per annum $314,410. It is a complete staff of assistant secretaries, chief clerks, appointment clerks, a complete disbursing office for the whole interior service—patents, Indians, pensions, surveys, and so on. So that in theory and in practice during almost a hundred years this service has grown up and is adjusted in a certain way.

Now, the Land Office proper is divided into 11 divisions. It is unnecessary I should name these specifically, but in a general way I may say that among these 11 divisions there is a law division, there is a claims division, there is a patent division, there is an entry and preemption division, there is a mineral division, there is a swamp-land division, there is a division that pertains to Indian reservations, there is a railroad division, and there is a forestry division under which is made this expenditure of $030,000 for the force in the field alone. If there is a trespass on the public lands, whether it be in the forest reservations or outside, there is the legal machinery, there are the agents, there is the "whole shooting match." It is like "Topsy;" it growed, and it has been growing for a century.

Now, in these forest reservations there are 46,000,000 acres. There are applications pending to add to these forest reservations 54,000,000 acres, but there are 46,000,000 acres now. Outside of Alaska, not appropriated or reserved—I mean free lands—in acreage outside of Alaska, outside of the Indian reservations, outside of the forest reservations, there are 546,000,000 acres. So that I am safe in saying that while there are 46,000,000 acres in the various reservations, there are three times 46,000,000 acres of the same kind of land not in the various reservations—in the mountains and in the valleys. So that you have 46,000,000 of acres in forest reservations, 546,000,000 of acres outside of Alaska of general public lands, and two times as much in timber outside of the forest reservations as in the forest reservations. Here is an imaginary line between the two.

Now, I say this much to call your attention to the status. Now, what does this bill propose to do? I have it here. It proposes to authorize the President of the United States to transfer the administration of the forest reservations, the care and sale of timber, the use of timber by the settler and the miner, the care and preservation of the forests, the sale of timber, all of these things, to the jurisdiction of the Agricultural Department, leaving in the Interior Department the other 514,000,000 of acres, over 100,000,000 of timber, the same kind of timber and stone that there is in these forest reservations, under the jurisdiction of the Interior Department, and they propose in addition to leave the question of lieu lands in the reservations with the Commissioner of the General Land Office.

You understand what lieu lands are. In these forest reservations there are many, many thousands of private owners of lands. Under the law they can exchange those lands by conveying them to the Government for an equal acreage outside of the forest reservation. That is to be left with the Interior Department. Then, in all the forest reservations, mineral titles may be obtained and are constantly being exploited and developed. That is left under the jurisdiction of the Interior Department. Now, then, here is the divided jurisdiction that this bill proposes to make, and in making it, it proposes to make at the very beginning a complete staff of officers in the Agricultural Department, or what would result in it, to receive the moneys from the sale of timber.

Under the law as now in force, if there is a sale of timber or stone the receivers of the General Land Office, scattered all over the country, receive that money, without cost to the Government or without additional cost. This bill authorizes the Secretary of Agriculture to make an officer of that kind, and that means a

complete staff of receivers upon every forest reservation, and frequently at various points upon the forest reservations. That is to follow by regulation and a little later on by appropriation.

Now, it has been alleged from time to time, and no doubt truly alleged, that the administration of the public lands and of the timbered and forestry land and of our park systems throughout the great West have not been perfect. In the nature of things they could not be perfect. On the average they are 2,000 miles away from Washington. How could they be perfect? Yet I am here to say that, in my judgment, in the main this jurisdiction and duty has been exercised fairly well. I think it might be improved. I believe it is being improved. Some people believe that we do not give enough money for this service. Perhaps we do not, and yet it is a service that costs a good deal, you will see.

Now, what is the proposition? I have stated it already. To take these forest reserves—part of the jurisdiction—away from the General Land Office, away from the Interior Department, and drop it into the Agricultural Department. What is the argument for it? Oh, they say, we have got a Forestry Division already organized there in the Agricultural Department. Well, that is true. Let me show you how much of a one you have and what it does. A Division of Forestry rests in appropriation alone—there has never been any organic act—a Division of Forestry was appropriated for in the Agricultural Department in 1887, and an appropriation of $8,000 was made. What for? For science in forestry.

That is the only function it has ever had—not administration, not sale of timber, not sale of stone, not sale of dead and down timber, not the policing of the use of timber by miners and settlers, but pure and simple forestry; how best to reforest, how best to preserve forests. That is the service. Well, from 1887 to this time see the growth. For the coming year the Bureau of Forestry in the Agricultural Department is to cost $291,860, almost as much as the whole personnel of the Commissioner of the General Land Office in Washington.

Mr. SHAFROTH. Let me state to the gentleman, if you will permit me, that the number employed in the Agricultural Department is 39.

Mr. CANNON. I am speaking of the whole service. They have many hundreds of people, I have no doubt. We have never been able to get a statement. The House put a clause on the agricultural appropriation bill that, if it was not stricken out in conference, will compel a statement of the expenditure of every dollar of this appropriation. I have got to draw on my imagination for its expenditure. College professors, students, wise men, and so on, and so on, throughout the length and breadth of the country, who investigate. I am not here to say it is not necessary; I am not here to abuse it. I am not here to abuse the scientific people anywhere.

They have added great things to the United States; they have added great things to civilization. Henry, with his telegraph; Morse, the Yankee, with its development—invention here, there, everywhere—eminent physicists, great men. Some of them could not set a hen, it is true. Some of them could not make a faint imitation of a hoe handle; most of them are entirely impractical in everyday life, and most of them if turned out to depend upon the twist of their own wrist to live would starve; yet that is their specialty, that is their calling.

It takes all kinds of people to make up a world, and the investigators, the inventors, the scientific people have stood adding great things to civilization. They are great in their lines. Of course we have the usual curse, because there is no great achievement anywhere, in war or peace, that requires brain or brawn but what as the men achieving move along they attract into their wake the alleged experts, the alleged scientists, in journalism the alleged journalists, in law the alleged lawyers, in medicine the alleged doctors.

There are some pretenders, do you not see, where there is one real doctor, and sometimes, I think, where there is one real lawyer, where there is one real scientist, where there is one real inventor. They pop up and say, "Look at us scientists; here we go." And they are industrious to fasten upon the public teat. Now, I do not think this Bureau of Forestry in the Agricultural Department belongs to that class. I have not had the pleasure of meeting Mr. Pinchot, who is at its head. I am told he is a graduate of Yale, a man of perhaps 40 years of age, a man with a comfortable fortune, a man who has studied this question at home and abroad, an exceedingly astute, accomplished man. I am glad he seems to be made of the right kind of stuff, notwithstanding he was born with a gold spoon in his mouth. I have no abuse for him. God bless him and speed him in his work; but it is scientific work. My friend is estopped to say that this Bureau over there has nothing to do.

Mr. GROSVENOR. I should like to ask——

Mr. CANNON. In a moment.

The Bureau is a cheat and a fraud if it has nothing to do. If every dollar of this $300,000 for that scientific Bureau is not needed, and if every man in it is not earning his money and doing great work for civilization, then it is a fraud and a cheat.

It is for science, it is for essays, it is eminently respectable, and I have no doubt eminently able; but I do not want to take from this other great office, that has grown for a hundred years, that costs this great amount of money, that has its disbursing officers and its law division, that has all the records, that has jurisdiction of all the balance of the public lands, including the timber; that has this great force, that has concurrent jurisdiction in many matters even in the very forest reserves that are proposed to be transferred. I do not want to take them and transfer them over to this division of scientists in the Agricultural Department, that has no law division, that has no disbursing office adapted to this service, that is not familiar with these questions—nay, nay.

That is a proposition that can not meet my assent, because in my judgment it but duplicates the expense, clashes the jurisdiction, brings disorder where there is now some degree of order; and having divided the mountain to cure alleged maladministration, you will have two sets of people to watch and supervise, running and glorifying side by side; and if this bill should pass, there come trooping after in the deficiency bill next winter and in the regular agricultural bill hereafter the necessary accompaniments for this service, disbursements, law, trespasses, all that kind of thing.

Mr. GROSVENOR. What I wanted to ask was this: Under this system of lieu lands which the gentleman has described, a great many controversies arise?

Mr. CANNON. Certainly.

Mr. GROSVENOR. That is, the title to the land selected very often fails by reason of prior claims and mineral rights that have been established.

Mr. CANNON. Yes.

Mr. GROSVENOR. Now, the Government has already taken the title to this land. Where are you going to settle these questions? Which bureau of this concern will have jurisdiction of it?

Mr. CANNON. In the lieu-land matters and mineral-land locations, the Interior Department; in the sale of stone and timber, in the sale of dead and down timber, in the use of these forests by the settler and by the miner, with trespasses upon them, you go to the Agricultural Department, without a law officer in it.

Mr. GROSVENOR. And into a scientific department.

Mr. CANNON. And into a scientific department. You mix the two. You take a horse that was beautifully built for careful stepping, a high stepper, clean limbed, well groomed, mane and tail flowing, tail up in the air, and put upon that kind of a horse duties that are practical, that relate to matters of trespass, matters between everyday men in everyday life, and you say to this fine-groomed horse, "Bear this burden," that should be borne by a horse, if you liken a human being to a horse, that is there every day and Sunday, that will stand without hitching, that will bear a burden if necessary, that will ascend the side of a mountain and pull a man up after him hanging onto his tail, and always ready for duty, and if necessary will work single or double, and will pull a dray as well as a coach.

Oh, no; your horse is not the kind of horse to do for that character of service. There is no time to stop to catch a bug. The catching of a bug is important. To watch the growth of trees is important. It is important to know whether some bug with an unpronounceable name is bred in the leaves of a certain tree, and what will cure it. That is scientific; but in plain, practical, everyday affairs, with matters relating to the settler, with matters relating to the miner, with matters of lieu-land men and with trespassers, you have got to have a practical set of people. Well, you may say now, we have science in the Interior Department. Yes; quite important. But you want to have with it a scientific division.

Why, I tell you what we can do. The gentleman from New York by law could lift up Mr. Pinchot, with all his scientific staff, and set him down in the Land Office of the Interior Department. Why, already we have a bureau of forestry in the Interior Department. There is an eminent scientist at the head of it, with practical men doing practical work. Forestry is there, practical forestry is there. Why divide it? Why build up these useless bureaus that I believe are absolutely unnecessary. "Oh, but," says my friend, "the President recommends this." Yes, in general terms. But the President did not have in mind the multiplication of offices. What he really recommends was more efficient work touching forestry. It is his privilege to recommend; it is his duty to recommend.

Oh, but my friend from Iowa, Brother LACEY, you are as disloyal to his recommendation as I am, because he recommends the transfer of forestry to the Agricultural Department; but equally as strong he recommends the transfer of the Geological Survey, costing a million a year. You are silent about that. You skip that, and read low when you come to that. [Laughter.]

Mr. LACEY. I would like to ask my friend this: Of course that matter is not connected with other land surveys and it will not be involved in this bill. What does he think about it—whether it would be a good plan to transfer the Geological Survey to the Agricultural Department; yes or no?

Mr. CANNON. It would be much better than to transfer the Youst Reservation, because——

Mr. LACEY (continuing). Perhaps that ought to go also.

Mr. CANNON (continuing). Because the Geological Survey does not have a law office; it does not deal with trespassers or the sale of timber, but makes surveys, studies geology, delves down into the earth, so to speak, and tells us prophecies of what the hidden mysteries are. It also does topographical work. It has got no duties to perform that can not be performed by the Agricultural Department or under its direction and without the creation of a law division or without any of these other questions.

Now, just a word further as to the President's message. I am not a hero worshiper; but I am glad, as we had to lose McKinley, formerly our colleague here, who by the hand of the assassin was taken from us, I am abundantly thankful that Theodore Roosevelt succeeded him. I believe in him and sustain him. Touching all questions involving policy I am with him; but it is his duty to recommend, and in recommending he recommends and deals with ten questions not involving policies of the party where he recommends or deals with one that does. This in no sense involves the policy of the Republican party or of the Democratic party. It is not a partisan service, and the only question for us to ask is ought it to be done; would we get better service than we do, and would it duplicate the present service; would we have a clash of jurisdiction; would we have the expense doubled, and would we have responsibility divided?

When you answer those questions you will know whether the enacting clause ought to be stricken out of this bill or not. In my judgment such action should be had. Oh, but, says somebody, have not you got lax administration in the Land Office? Well, I think there is some poor administration there. I think there always has been; I think there always will be. We are not going to have the millennium anywhere, including the General Land Office, during my remaining years; so that there will be something of imperfection; but if there be imperfection there—and I say so without abusing the present head of that great office, because I have served with him and he is a strong and able man—I say they can improve an imperfect service there, and if there be a lax service it is a matter of administration to correct it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I do not want to weary the House, but still I should like to have a few more minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to conclude his remarks.

Mr. CANNON. I only want a few minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague may be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Now, I have helped report appropriations for almost twenty years for this service, and I will be frank with you, there never has been a year passed by but what the Commissioner of the General Land Office, whoever he was, whoever was Commissioner, under Cleveland, under Harrison, under Cleveland again, under Hayes, under Roosevelt, but what has protested with this great increase of duty, with the increase of the forest reserves, with the increase in population and the great number of questions arising, but what he has protested he ought to have an increase of appropriation to properly administer it.

Congress would increase it from time to time. Perchance we have not given the increase that ought to have been given, and yet it has been a fairly good service. I want to keep it so. My friend from New York [Mr. WADSWORTH], with this bureau of scientists, ought to keep them at their trade. They have grown in five years from $8,000 to $300,000. How much good they have done I do not know, but I hope a great deal. I know there are bright people upon the board, but keep them to their trade. You had as well set a minister that has graduated at a theological school to pounding iron as to set this bureau over there to practical work in connection with these reserves.

Ah, but do we not need their work under this same administration? Yes, and we are getting it in the division of forestry in the General Land Office. We have got the scientific men there, and it is quite within the power of the Executive, if the Commissioner of the General Land Office ought to be changed—and I do not say or intimate that he ought—it is quite within his power to put a man there that will fill the bill. And so of the head of every bureau of every division. Let us have better administration. When you split up this matter, when you parallel and duplicate appropriations and jurisdictions, you increase expenditures and divide responsibility.

Now, I think I have said about all on that that I want to say. A word in conclusion, and it bears upon this question, because if this mountain is divided and half is taken to Mahomet instead of Mahomet being brought to the full mountain, if the good of the service requires it in the General Land Office, I undertake to say that inside of five years this service of the 46,000,000 acres of forest reserve will be costing this country at least $5,000,000. Bring Mahomet, if you have got him there, over to the mountain, because here is the mountain fully developed.

Here is the law department and here are all the records. It would be better than to divide the mountain, if you would take the General Land Office and all its organizations and transfer it over there to the Agricultural Department and include the Geological Survey. You do not propose to do that. This policy, in my judgment, is evil and only evil, and expensive; aye, extravagant.

Now, upon that word extravagance bear with me just a few moments. It has been on my mind for a week or two to call attention to what this Congress is doing by way of appropriations. I want to remind you of what the Secretary of the Treasury said in his last annual report as to revenues and expenditures for the current fiscal year, and I want to give you what the budget will be as near as we can get at it, when the gavel falls a few weeks in front of us, and what the probable revenues will be to meet the appropriations we are making. I will put two or three little tables in my remarks, with the consent of the House.

Take the estimate of the Secretary. At the beginning of this Congress the revenues—he estimates them in detail for the current year 1902 at $688,000,000 in round numbers.

After we have cared for the sinking fund, which is $53,000,000, and have paid everything, we will have an apparent surplus of $47,000,000. That is for the year that expires June 30 of the present month, $47,000,000 for the current year.

For the coming fiscal year we will have $639,000,000 of revenue, the closest estimate we can give, taking into consideration the act passed this session removing the last of the Spanish war taxes. And now, upon the basis of the existing status of the appropriation bills—that is, take the appropriation bills just as they stand to-day, incomplete, it is true, but it is perfectly safe to say that they will not be materially reduced—taking the status of the bills that have passed and become laws and those pending in conference, and what have you as an aggregate of the regular annual bills in their present stage? They amount to $590,686,404.61. The permanent annual appropriations amount, including interest for the coming year, to $69,000,000, almost $70,000,000. That makes $660,000,000 that our appropriation bills will carry; I mean the regular bills and the permanent appropriations.

Now, for the miscellaneous appropriations of this session, including the omnibus claims bill, the provisions for new buildings, only the provisions necessary to begin and carry on the buildings until the 4th of March next, miscellaneous items, a great lot of things, these will amount to $10,000,000 at least. The deficiencies already provided for this year amount to $21,838,000, with more to follow. This makes a grand total of $691,445,000.

Now, while the deficiencies will doubtless be paid in the main during the current fiscal year and from its revenues, yet it is hardly probable that a less sum on account of deficiencies will have to be provided for next session on account of the next fiscal year, 1903, and paid from its revenues.

The requirements of the sinking fund for 1903 are estimated at $54,000,000. But count out the sinking fund. We can pay it or not, as we choose. We are many, many years in excess on the sinking fund. We are paying it this year; next year we shall not pay it, probably. Putting that $54,000,000 out, not taking it into the calculation, the apparent excess of appropriations at this session—exclusive of the sinking fund—over the total estimated revenues for 1903 is $51,925,128. It can not be less than that. We are marching up to it.

Mr. WADSWORTH. Do you mean to say the deficiencies will amount to that?

Mr. CANNON. I mean that the apparent excess of appropriations will be $51,000,000. A friend near me asks, "Will it all be spent?" No; but I will tell you just about what will be spent. There is always a considerable margin between the actual expenditure for a fiscal year and the total appropriations of a session of Congress, and judging from the past, the apparent excess of appropriations this session over estimated revenues will be quite offset by this margin. There you have it, without the Panama Canal or a Nicaragua Canal, without the omnibus fish-hatchery bill, without the cable bill, without a hundred other things, some of them meritorious, some of them not meritorious, all pressing for appropriations.

If we should authorize the Panama Canal, there you have $40,000,000 out of the surplus at once. If we should have a cable, there are great expenditures at once. Without regard to those,

from the present standpoint, from the present action of Congress as it is to-day, it will take every cent of money that we receive the coming fiscal year to pay the expenses that we appropriate for, those in sight, without the extraordinary matters to which I have referred.

Gentlemen may ask why I am worrying them about this matter. Because it is in sight; because I want to come to this side of the House and say, from the partisan standpoint, that when we are caring for the public service we must from this on call a halt; because as sure as the sun comes up and the sun goes down this is to be the result.

"But," says some one, "there will be enough—yes, and perhaps to spare." "Oh, we have a great surplus," say some. Yes; but it will vanish like the dew in the morning sun. If we should buy the Panama route or locate the Nicaragua route, there is not enough in the surplus to pay the required expenditure of construction. If we should provide for the sinking fund (though we do not have to) that would take $54,000,000 more. I tell you, gentlemen, the party in power, and the whole Congress, which takes in both sides, should weigh carefully and long the appropriations and the legislation that authorize expenditures before we march up in our legislative authorizations to exceed what the revenue will be the coming year.

Now, I have just submitted these facts and estimates to you—not as an alarmist, not for party capital. Oh, gentlemen on this side, there is no party capital in it. I have submitted to you plain, cold statements of fact. Let us pull together on both sides of this House, in the interest of all parties and of good government. Let us cut the garment according to the cloth.

Now, let me test by this statement a hundred schemes that are trooping and coming to this House and the Senate. Good heavens! Brother WADSWORTH, possibly the scientists may "in the sweet by and by" develop fish that will climb trees and live on dry land. I do not know about that. [Laughter.]

Mr. WADSWORTH. What has that to do with the Department of Agriculture?

Mr. CANNON. But until the scientists have done that we have gone far enough in that direction.

And I will say to the gentleman from Michigan [Mr. CORLISS], in whose statesmanship and ability and patriotism I have great confidence, that it is a grave problem whether the Government should undertake, at an expense of $15,000,000, to construct a single cable to the Philippines or whether we had better let the citizen do it—whether it is not always better to let the citizen do that which can be equally well done by him than for the Government to do it. [Applause.]

Mr. CORLISS. Will the gentleman permit an inquiry?

Mr. CANNON. Certainly.

Mr. CORLISS. Does not the gentleman know that had the Government of the United States during the past four years owned a cable across the Pacific connecting our possessions she would have saved twice the amount of the cost thereof in the expenses that have been rendered necessary because we have not had such communication?

Mr. CANNON. I did not intend to discuss the matter; but I think my friend from Michigan is away off in his statement. I do not think that the tolls have been $30,000,000 or anything like it, but I will not discuss that. I merely referred to it in passing. You may say, Why do not you speak of the Panama and the Nicaragua Canal? Well, we will discuss them in time. I am for an isthmian canal, but I want to recollect old Davy Crockett's maxim, "Be sure you are right, then go ahead." But these are larger matters that involve great questions of statecraft which I will not discuss, but they are coming, trooping in the aggregate 50,000,000 upon that Calendar and upon the Senate Calendar, which, if they never are vitalized by enactment, the 80,000,000 of people in the United States never will suffer one ten thousandth part of an ounce. Now, Mr. Chairman, I once went to a revival meeting. [Laughter.]

Mr. WADSWORTH. This is another joke.

Mr. HOLLIDAY. When?

Mr. CANNON. When I was a boy, and the speaker talked about the necessity of getting religion, and exhorted us, and finally called me out by name. Said he, "JOE CANNON, why don't you start?" I replied, "Well, there is to be a party up at Lusk's next week—old Salmon always gave a dance once a year, on New Year's—and I want to go there, and I want to do this, and I want to do that and the other."

"Young man, young man, start now! You may not have a chance to-morrow!" [Laughter.]

Now, then, I am for starting now. This bill confuses jurisdiction; it begets extravagance; the public service does not demand it, and the best thing to do with it is to cut its head off right back of its ears and strike out the enacting clause. [Applause.]

The statements referred to above are as follows:

Fiscal year 1902.

The revenues of the Government for the current fiscal year are thus estimated upon the basis of existing laws:

From customs	$250,000,000
From internal revenue	282,000,000
From miscellaneous sources	40,000,000
From Postal Service	116,633,042
Total estimated revenues	688,633,042.00

The expenditures for the same period are estimated as follows:

For the civil establishment	$110,000,000
For the military establishment	115,000,000
For the naval establishment	70,000,000
For the Indian Service	11,000,000
For pensions	137,000,000
For interest on the public debt	29,000,000
For postal service	116,633,042
Total estimated expenditures	588,633,042
Or a surplus of	100,000,000

The requirements of the sinking fund for the fiscal year 1902 amount to $53,000,000, and, when met, will reduce the estimated surplus of revenues of $100,000,000 for the year to $47,000,000.

Fiscal year 1903.

It is estimated that upon the basis of existing laws, December 2, 1901, the revenues of the Government for the fiscal year 1903 will be:

From customs		$250,000,000
From internal revenue		290,000,000
From miscellaneous sources		40,000,000
From postal service		132,020,630
Total estimated revenues		712,020,630
Estimated reduction in foregoing revenues under act of April 12, 1902:		
Internal revenue	$68,000,000	
Customs on tea for half year	4,500,000	
		72,500,000
Net estimated revenues, 1903		639,520,630

The regular annual appropriation bills in their present stages appropriate	$590,686,404.61
The permanent annual appropriations for 1903, including interest on the public debt and customs service, but excluding the requirements of the sinking fund, are estimated at	69,921,220.00
	660,607,624.61
The miscellaneous appropriations of the session, including the omnibus claims act, provision for the new buildings that have been authorized, etc., will probably aggregate	10,000,000.00
The deficiencies already provided for this session amount to	20,838,134.22
	691,445,758.83

The deficiencies will be paid in the main during the current fiscal year, and from its revenues, but it is not probable that a less sum on account of deficiences will have to be provided for next session on account of the next fiscal year, 1903, and paid from the revenues of that year.

The requirements of the sinking fund for 1903 are estimated at $54,000,000.

Apparent excess of appropriations, exclusive of sinking fund, at this session over total estimated revenues for 1903, $51,925,128.

The usual margin between actual expenditures for a fiscal year and the total appropriations at a session of Congress will equal the apparent excess of appropriations this session over estimated revenues.

Available cash balance, exclusive of gold reserve in Treasury June 9, $201,526,342.

Mr. LACEY. Mr. Chairman, I find that my friend from Illinois is now just as he was at the revival meeting to which he refers. He is "unwilling to make a start;" he is unwilling to take a first step in the way of scientific control of the forests of the United States. He says he will not follow the Administration. [Laughter.]

Mr. CANNON. Well, the President and I are pretty close together.

Mr. LACEY. It has been reported that the President once said of the gentleman who has just taken his seat that he "loved him so well that he felt sometimes that he met with unrequited love" [laughter], and in the present instance, Mr. Chairman, here we have my friend, who is the most useful man in this House, simply endeavoring to prevent something that he does not fully understand and endeavoring to divert the action of the House by laughing at scientific terms and scientific purposes.

It has been told about a great scholar that when a fishwife, in Billingsgate, called him all manner of evil names, he turned upon her and denounced her as an "isosceles triangle and a rhomboid," and it almost broke her heart. [Laughter.] She said "no woman had ever been so abused since the world began;" and if my friend can find some scientific term, the Latin name of a bug, to laugh at, he can divert the attention of this House from some serious purpose and thus prevent it from making a step in the direction of a more scientific consideration of the interests of the United States. We have made the start. We have a scientific division of forestry.

We have it in the only scientific department of this Government, the Agricultural Department, and it is only a few days since that this House set its seal of approval upon the scientific

work of that Department by ordering 200,000 extra copies of a horse book prepared by scientists of that Department. We have a Department there that is doing good. It is not very expensive. It is true that it costs something, but we can not have anything good in this world without some expenditure.

That Department, the gentleman tells us, started in with $8,000 of expenditure. If he would go back one year further he would find that there was no such Department and expenditure at all. To-day $291,000 are appropriated by this Congress for forestry, and the gentleman says that we should not have the forests administered by a scientific bureau, but they should be administered by a law division of the Land Office, by the clerks and lawyers sitting at their desks in the Interior Department, instead of by scientific trained men who will go and put themselves upon the ground and examine the necessities of the forests that they are to take care of.

I do not yield to my friend in his admiration for the President of the United States, and it is fortunate that we at last have a President who knows the United States of America west of the Missouri River. The situation there is perfectly familiar to him as a ranger, as a forester, as a cattleman, as a farmer, as a hunter, as a full-blooded, live American citizen. Let us read now what he says on that subject. It is very brief. In his message he says:

At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from Iowa be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. LACEY. I will be very brief, Mr. Chairman. I will not abuse the courtesy of the committee. I took more time yesterday than I really wished; but after the speech that we have heard here from my friend from Illinois [Mr. CANNON] there must, of course, be some time taken to answer it. The President says:

These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint. It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the departments of War and the Navy.

We have Indian lands. Questions of title over the Indian lands are not settled by the Commissioner of Indian Affairs, but they are settled by the law officers of the Land Office, and the law officers of the Land Department are controlled by mandamus and by subsequent proceedings in the courts of justice. There is no difficulty about the present proposition at all. We have two bureaus—one of them in the Land Office that is trying law suits, and another in the field that is looking after the intelligent management of the forestry of the United States of America.

My friend laughs about fisheries, and talks about "fishes that will climb trees," and all that. Well, now, that is very amusing; but this country has awakened to the necessity of taking care of the fisheries. It has awakened to the need of taking care of the natural resources of the country. We have wasted and squandered the natural gas in Ohio and Indiana until it has been taken out of the houses and factories in many parts of the State. We are wasting the oil in many localities. We have destroyed the timber with fire and with the ax, absolutely without any regard to the future.

If an intelligent system of forestry had been adopted fifty years ago, it would have been worth untold millions to this day and generatio.n Where do you get your shingles from to-day? From Oregon. They are shipping shingles from Oregon to Nebraska, Iowa, and New York. We have destroyed by fire the best forests of this country. Forests have been burned down almost in an hour that it took thousands of years to grow. With the same utter disregard of the future we have so crippled our natural resources that the people of the United States have turned their attention at last, slowly but earnestly, toward their preservation and protection. I am sorry to hear my friend from Illinois taking the position that he now assumes.

I am accustomed to sit at his feet and listen to the words of wisdom as they fall from his lips. But I regret to find him of late so often disputing and controverting matters outside the jurisdiction of his committee, talking about subjects that he has not carefully examined, and occasionally marring the symmetry of his political record by going wrong. He has done so in this particular case, I am sorry to say. Out in Montana when Lewis and Clarke were crossing the mountains about one hundred years ago they found a river which had an Indian name that, translated into English, meant "The River-That-Scolds-All-Others." That river bore this name until finally it was given a more pronounceable name for modern use.

Now, I do not want my friend to degenerate into anything of this kind. There are many things that need to be opposed and stricken down. There are many times when a halt is necessary to be called; but he who calls a halt on everything finally fails to produce a halt on anything.

Now, this is a very simple, plain proposition. We have two bureaus of forestry, or rather a Bureau of Forestry on the one hand and a Division of Forestry upon the other. We are paying the expense of both. We are making appropriations for the management and operation of both. Which is the better of the two?

Mr. MADDOX. Does your bill incur any additional expense in caring for them?

Mr. LACEY. I endeavored to answer that matter fully yesterday, and I will briefly answer it again. We have two sets of men in charge of forestry, one in the Department of Agriculture, scientific, skilled men, and in fact nearly all of the skilled foresters in the United States. The Adirondacks, which have cost the State of New York $4,000,000, have been administered under the supervision and general management of this Bureau. The proposition to make a forest reserve in Georgia, North Carolina, and Tennessee, and to protect the Appalachian chain with a fringe of timber, has been looked after by the Department of Agriculture.

All the various forestry matters have been considered by that Bureau. But we have a Division of Forestry in the Land Office that takes care of the timber, and that employs the rangers who put out fires. This bill will simply transfer those rangers, who will look after that timber, watch it, and protect it. It transfers them to the Department of Agriculture to work for the Bureau of Forestry instead of staying in the legal branch of the Government, the Land Office of the Interior Department.

Mr. KLEBERG. The gentleman will permit me to interrupt him. Of course I agree perfectly with the distinguished gentleman from Iowa, but the criticism that is made, especially by the gentleman from Illinois, was in reference to the difficulty in receiving and disbursing this money from timber sold.

Mr. LACEY. I will say to the gentleman that under proper regulations, instead of that making trouble it merely simplifies the matter. Instead of going to the land office of the district in which the land is situated the purchaser of timber will get a post-office order, which can be sent to the Agricultural Department, and practically it is a saving to anybody who wants to buy the timber. It simplifies and cheapens the operation instead of increasing it, and would take away the commission now paid to the registers and receivers of the land office.

Now, my friend from Illinois has charge of the appropriations that keep up the Interior Department, for the Geological Survey. These appropriations are safe in his hands, and I am glad to be able to say to his credit they have been generous and liberal. But he does not have charge of the appropriations for the Department of Agriculture; and it is perfectly natural that he should fear that if the operation of this passes out from his hands it would not be well taken care of. I might be just as jealous as he is. This bill would transfer from the Committee on Public Lands these matters, where they now are, to the Department of Agriculture, and to a committee to which I do not belong.

Now, we should not consider these personal matters in this way, but should consider them with a view as to what is best for the future interests of the whole people of the United States. The Administration has not asked this without due and full consideration, and both the Department of the Interior and the Department of Agriculture ask it. It adds no dollar of expense to the Government in any form whatever. It ultimately would dispose of and eliminate the expenses of the bureau in the Interior Department, and is therefore in the interest of economy.

I want to read what the Secretary of the Interior says about it in his report:

Forestry is a business which can not proceed without skilled men with a practical knowledge of the best ways of handling and protecting forests. As with lumbering, its success depends on work in the field, and especially upon intimate knowledge of local conditions and requirements. It is of the first importance to employ in the forest service men of high local reputation for character, ability, and knowledge of the woods, in addition to such practical trained experts as may be available. Men thoroughly versed in lumbering and woodcraft are essential.

The time for the introduction of practical forestry on the forest reserves has fully come. States and private owners of forest land are already cooperating with the Government for the better handling of their holdings to the extent of more than 5,000,000 acres. Some of the forest reserves are not less favorably situated for practical forestry than the best of these lands, and it is of the first importance both to the interests of the forest and to the interest of the West to give the reserves the best practical treatment without delays It was found necessary about two years ago to apply to the Agricultural Department for working plans for conservative lumbering on the reserves and for reports upon all subjects requiring special knowledge of forestry,

except the mapping of the forests, now thoroughly well done by the Geological Survey.

* * * * * * *

Forestry, dealing as it does with a source of wealth produced by the soil, is properly an agricultural subject. The presence of properly trained foresters in the Agricultural Department, as well as the nature of the subject itself, makes the ultimate transfer, if found to be practicable, of the administration of the forest reserves to that Department essential to the best interests, both of the reserves and of the people who use them.

To that I yield my hearty approval. I believe it is in the interest of economy, and ought to be adopted; and I will not, Mr. Chairman, weary the patience of the committee any longer after the length of time accorded to me in the debate on this bill on yesterday.

Mr. BARTHOLDT. I would like to ask the gentleman a question.

Mr. LACEY. I yield to the gentleman from Missouri for a question.

Mr. BARTHOLDT. It was not my privilege to listen to the gentleman on yesterday, but I would like to ask my friend whether he has submitted any figures showing the profits of forestry in foreign countries?

Mr. LACEY. I have not submitted those figures, nor do I believe they would be a safe basis for us to rely upon, because the situation is very different and prices of timber quite unlike. But in Germany, the country to which my friend no doubt refers in his question, and also in France, they have found forestry not only practical, but profitable, and the Government has made the handling of timber lands a permanent source of their revenue, bearing all the expenses of their maintenance and becoming an asset instead of a liability.

The chairman of the Committee on Agriculture has handed me a statement which will answer the inquiry of the gentleman from Missouri, and I will insert the same in my remarks, as follows:

Forestry in foreign countries.

Year.	State.	Total forest area.	State forests.	Actual expenditure on management of State forests.		Percentage of gross income expended.	Percentage of profit.
				Total.	Per acre.		
		Acres.	*Acres.*				
1898	Saxony	958,230	416,953			38	62
1898	Wurttemberg	1,451,979	483,357			35	65
1898	Baden	1,352,597	231,082	$685,972	$2.97	43	57
1898	Bavaria	5,814,310	2,350,193	3,701,000	1.60	50	50
1899	Switzerland	2,134,988	94,280	124,740	1.32		
1898	Prussia	20,314,727	6,846,733	8,408,000	1.23	50	50
1900	France	22,925,117	2,691,581	2,801,949	1.04		
1898	Belgium	1,250,524	62,551	43,597	.68	22	78
1874-1893	Austria	23,996,266	2,573,100	1,434,000	.56	72	28
1885-1894	Hungary	18,732,600	3,512,700	1,690,385	.34	61	39
1899	British India	64,689,300	51,192,000	3,450,000	.07	59	41
1898	Sweden	49,390,325	18,640,800	358,500	.02	18	82
1900	Russia	812,640,600	643,067,880	5,086,181	.008	18	82
1898	Finland	51,840,000	33,631,200	122,429	.004	25	75

Mr. SHAFROTH. Mr. Chairman, there seems to be a misapprehension as to the character of these so-called forest reserves. They are not forest reserves, although they bear that name. They were created at the instance of Western members of the House and Senate not as forests, but only to preserve by shade the snows which fall there from melting until midsummer, when the water is so much needed in the valleys below for irrigation of farm lands. They are located not in low places, but high up on the mountains.

Every gentleman in this House knows that timber will not grow in high altitudes. Very little but scrub timber grows there, and as you go higher you get to the line that is called the "timber line," where not a stick of timber grows. These reservations that the gentlemen talk about as forest reserves are not forest reserves in fact, and a forestry bureau is not needed to administer them with success. This bureau that is in the Agricultural Department is an excellent bureau of its kind, but has for its object the scientific work of forestry, the writing of learned essays upon tree planting and culture, and the practical application in experiments of such knowledge. Such experiments would be in planting and cultivatiug rare and valuable woods, such as walnut, maple, beech, oak, and other woods, and in transplanting and cultivating valuable foreign species of wood. Its principal work should be education of the entire people in tree culture and in encouraging the people to raise hard woods.

To talk about planting trees in these forest reserves when they are located from seven to ten thousand feet above sea level is absolutely absurd. Good or valuable timber to any appreciable extent will not grow there. As a matter of fact, there is another reason why forest trees will not grow there—it is because there is not sufficient rainfall. The pine, spruce, and quaking aspen are the only trees that I know of that will grow in the middle section of the Rocky Mountains. Consequently when you talk about putting into the hands of a bureau of scientific men, who have the scientific cultivation of forest trees in view, these lands that are really not forest reserves it is absurd. You might as well say that a learned professor of Greek, because he is in a university, should take care of the whole building.

Mr. SCOTT. Will the gentleman permit a question?

Mr. SHAFROTH. I will, with pleasure.

Mr. SCOTT. I understood the gentleman to say that these forest reserves were set apart in the beginning in order that trees might be preserved and the shade continued for the protection of the snow so that it might not melt until midsummer. A little later on I understood the gentleman to say there were no trees in these forest reserves——

Mr. SHAFROTH. Oh, no; I did not say that; there are trees.

Mr. SCOTT. And that trees would not grow there?

Mr. SHAFROTH. No; there are scrub trees there that grow, and also brush as you get higher in altitude. As you go up you will find the trees become dwarfed until you come to the timber line, and then beyond that you will find brush, and that brush is really more important than trees to preserve the snows.

Mr. SCOTT. Do I understand the gentleman to say that the reserves are confined to the brush altitudes?

Mr. SHAFROTH. No; they are not confined to the brush altitudes. There are some good trees on these reserves, but there is not a large quantity of good, merchantable timber there. They are up a little too high. Sometimes you see a good-sized tree there and sometimes you will find a little section of trees, but there is no valuable timber to speak of. In the forest reserve south of the Yellowstone Park, a report says only 2 per cent of the timber is merchantable I am speaking now of the character of the reserves in the middle section of the Rocky Mountains. What they are in Oregon I do not know. It may be that large trees grow in the high altitudes of Oregon, but I take it as a general rule that altitude will always dwarf a tree, whether in one part of the world or another; and it is universally conceded that these forest reserves which we are talking about are in high altitudes.

Mr. SCOTT. I understand that, but I understand it is not the purpose of this bill to protect these forests for lumbering purposes, but for the purpose of preserving and continuing the water supply. Now, it is just as necessary for such a purpose that the scraggly growth which is on the high mountains should be protected from fire as it is that the lower slopes should be preserved, and it is particularly desirable that all of these reserves should be protected from fire.

Mr. SHAFROTH. That is true, and we have no objection to their protection from fire, but it does not take a bureau of scientists to do that.

Mr. SCOTT. But the Secretary of the Interior in his report says that he has been obliged to apply to the Forestry Division of Agriculture for experts to suggest the proper care of these reserves.

Mr. SHAFROTH. It may be as to a few reservations that forestry questions arise, but not as to the mass of them. These reserves were never created for forest reserves, and in the proper sense of the word they are not forest reserves. They were created simply for the purpose of preserving shade, so that snow would not melt until summer, and that when it does melt it will give abundant water for irrigation.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. SHAFROTH. Mr. Chairman, I would like a few minutes more.

The CHAIRMAN. The gentleman from Colorado asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. Now, Mr. Chairman, the idea of talking about forestry in Germany and forestry in France, and the necessity for it here, and that we are depleting our lands, has no connection with this question whatever. If the Government wants to undertake forestry here, it ought to acquire land near the sea level and reserve whatever timber lands the Government now owns in such an altitude, and then you can put the Forestry Bureau of the Agricultural Department in charge and accomplish great good. But to say that such a bureau should take the reserves located where no good timber can grow, where nothiug but pine, spruce, and quaking asp grow, because they do not require much water, is absurd.

It seems to me that scientific men, men who write books, have no business in taking care of these reservations where forestry can not possibly be made a success. These trees are on the mountain side; some of them grow out of rock where you can scarcely see any earth at all.

The calling of these tracts of land forest reserves is a mistake. They are not forest reserves; there may be a few reserves in the

country—there may be some in the western slope—that contain some valuable timber. But as to those in the middle section of the United States, where I reside, it is absolutely a misnomer to call them forest reserves.

Now, in view of that fact, and in view of the fact that you can not have forestry conducted there, in view of the fact that the altitude is too high for the growing of good timber, in view of the fact that the topography of the ground is such that you can not cultivate trees for forestry purposes in any such reservation, and in view of the fact that there is not rainfall enough (even if the country were level) to raise trees, it is a mistake to put this work into the hands of a bureau that has studied the subject of forestry from the standpoint of German and French forests, and would no doubt do excellent service in a forest created on the Eastern coast or in the Mississippi Valley, but it is an absurdity to attempt to turn over to that kind of a bureau the care of these reserves which have been cared for by the Interior Department for ten years—a Department that has had experience for this length of time in handling the questions arising there, a Department which has been and is competent to take care of the subject.

Mr. NEEDHAM rose.

The CHAIRMAN. The Chair desires to state that this debate is now proceeding by unanimous consent. If there be no objection, the Chair will recognize the gentleman from California [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Chairman, it may not be inappropriate to say a word as to just what this bill contemplates. One might suppose from the speech delivered by the gentleman from Illinois [Mr. CANNON] that this bill contemplates a radical departure in our forestry service.

Mr. Chairman, the bill simply authorizes the President, in his discretion, to transfer by proclamation certain forest reserves whose boundaries have been permanently marked to the Bureau of Forestry, in the Department of Agriculture, for administrative purposes. There is not a mandatory provision in the bill. It simply gives the President the authority which he asks in his message; that is, authority, if he sees fit and the public service should demand it, to transfer certain of these reserves to this Bureau of the Agricultural Department. There can be no valid objection whatever to such a policy. It is a step in the right direction—a step toward better forestry administration; and it seems to me that the bill ought to pass unanimously. I sincerely hope that it will.

The CHAIRMAN. The question is upon the adoption of the motion of the gentleman from Illinois [Mr. CANNON] to strike out the enacting clause.

The question having been taken,

The CHAIRMAN. The noes seem to have it.

Mr. HEMENWAY. I call for a division.

The question being again taken, there were—ayes 37, noes 36.

Mr. LACEY. I call for tellers.

Tellers were ordered; and Mr. CANNON and Mr. LACEY were appointed.

The committee again divided; and the tellers reported—ayes 66, noes 47.

So the motion of Mr. CANNON was agreed to.

Mr. LACEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes, and had directed him to report the same back with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Will the House concur in the recommendation of the Committee of the Whole?

Mr. LACEY. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 73, answered "present" 19, not voting 159, as follows:

YEAS—100.

Adams,	Cowherd,	Gillet, N. Y.	Lessler,
Aplin,	Creamer,	Greene, Mass.	Lester,
Bankhead,	Currier,	Grosvenor,	Lewis, Ga.
Bell,	Cushman,	Grow,	Lindsay,
Bishop,	Dalzell,	Hamilton,	Livingston,
Brantley,	Darragh,	Hanbury,	Lloyd,
Breazeale,	De Armond,	Hemenway,	Long,
Brick,	Draper,	Hill,	Loud,
Bristow,	Driscoll,	Hooker,	McCleary,
Burke, S. Dak.	Edwards,	Howard,	McCulloch,
Calderhead,	Emerson,	Jackson, Kans.	Maddox,
Candler,	Fitzgerald,	Jones, Wash.	Mercer,
Cannon,	Fordney,	Kehoe,	Mickey,
Capron,	Fox,	Kitchin, Claude	Moon,
Conry,	Gardner, Mich.	Kitchin, Wm. W.	Moss,
Corliss,	Gilbert,	Lamb,	Mutchler,
Neville,	Robinson, Ind.	Smith, Ill.	Underwood,
Overstreet,	Robinson, Nebr.	Southwick,	Vandiver,
Padgett,	Rucker,	Spight,	Van Voorhis,
Payne,	Ryan,	Stark,	Warner,
Reeder,	Selby,	Steele,	Warnock,
Reeves,	Shackleford,	Stephens, Tex.	Watson,
Richardson, Ala.	Shafroth,	Swanson,	Williams, Ill.
Richardson, Tenn.	Shallenberger,	Thomas, N. C.	Wilson,
Roberts,	Sims,	Tongue,	Zenor.

NAYS—73.

Ball, Del.	Esch,	Knapp,	Smith, Wm. Alden
Bartholdt,	Finley,	Lacey,	Snook,
Belmont,	Foster, Vt.	Lawrence,	Southard,
Bowie,	Fowler,	Miller,	Sperry,
Brown,	Gardner, N. J.	Moody, Oreg.	Stevens, Minn.
Brundidge,	Gibson,	Morris,	Storm,
Burgess,	Graff,	Mudd,	Sulloway,
Burleson,	Graham,	Needham,	Sutherland,
Burnett,	Griffith,	Newlands,	Tayler, Ohio
Butler, Pa.	Haskins,	Norton,	Thomas, Iowa
Caldwell,	Haugen,	Olmsted,	Tirrell,
Conner,	Hedge,	Perkins,	Tompkins, Ohio
Coombs,	Henry, Conn.	Prince,	Wadsworth,
Cooney,	Hitt,	Pugsley,	Wiley,
Cooper, Tex.	Howell,	Randell, Tex.	Williams, Miss.
Cousins,	Irwin,	Rhea, Va.	Woods.
Cromer,	Kahn,	Rumple,	
Crumpacker,	Kern,	Small,	
Dinsmore,	Kleberg,	Smith, Iowa	

ANSWERED "PRESENT"—19.

Adamson,	Henry, Miss.	Metcalf,	Snodgrass,
Bellamy,	Hildebrant,	Moody, N. C.	Tate,
Bromwell,	Holliday,	Pierce,	Trimble,
Davis, Fla.	Loudenslager,	Slayden,	Wanger,
Foss,	Mann,	Smith, Henry C.	

NOT VOTING—159.

Acheson,	Dick,	Knox,	Powers, Me.
Alexander,	Dougherty,	Kyle,	Ransdell, La.
Allen, Me.	Douglas,	Landis,	Ray, N. Y.
Allen, Ky.	Dovener,	Lanham,	Reid,
Babcock,	Eddy,	Lassiter,	Rixey,
Ball, Tex.	Elliott,	Latimer,	Robb,
Barney,	Evans,	Lever,	Robertson, La.
Bartlett,	Feely,	Lewis, Pa	Ruppert,
Bates,	Fleming,	Littauer,	Russell,
Beidler,	Fletcher,	Little,	Scarborough,
Benton,	Flood,	Littlefield,	Schirm,
Bingham,	Foerderer,	Lovering,	Scott,
Blackburn,	Foster, Ill.	McAndrews,	Shattuc,
Blakeney,	Gaines, Tenn.	McCall,	Shelden,
Boreing,	Gaines, W. Va.	McClellan,	Sheppard,
Boutell,	Gill,	McDermott,	Sherman,
Bowersock,	Gillett, Mass.	McLachlan,	Showalter,
Broussard,	Glenn,	McLain,	Sibley,
Brownlow,	Goldfogle,	McRae,	Skiles,
Bull,	Gooch,	Mahon,	Smith, Ky.
Burk, Pa.	Gordon,	Mahoney,	Smith, Samuel W.
Burkett,	Green, Pa.	Marshall,	Sparkman,
Burleigh,	Griggs,	Martin,	Stewart, N. J.
Burton,	Hall,	Maynard,	Stewart, N. Y.
Butler, Mo.	Hay,	Meyer, La.	Sulzer,
Cassel,	Heatwole,	Miers, Ind.	Talbert,
Cassingham,	Henry, Tex.	Minor,	Tawney,
Clark,	Hepburn,	Mondell,	Taylor, Ala.
Clayton,	Hopkins,	Morgan,	Thayer,
Cochran,	Hughes,	Morrell,	Thompson,
Connell,	Hull,	Naphen,	Tompkins, N. Y.
Cooper, Wis.	Jack,	Nevin,	Vreeland,
Crowley,	Jackson, Md.	Otjen,	Wachter,
Curtis,	Jenkins,	Palmer,	Weeks,
Dahle,	Jett,	Parker,	Wheeler,
Davey, La.	Johnson,	Patterson, Pa.	White,
Davidson,	Jones, Va.	Patterson, Tenn.	Wooten.
Dayton,	Joy,	Pearre,	Wright,
De Graffenreid,	Ketcham,	Pou,	Young.
Deemer,	Kluttz,	Powers, Mass.	

So the recommendation of the committee was concurred in.

Mr. SLAYDEN. Mr. Speaker, I wish to withdraw my vote and to be recorded as present.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called Mr. SLAYDEN's name and he answered present.

Mr. BROMWELL. Mr. Speaker, I am paired with Mr. CASSINGHAM. I do not know how he would vote. I voted "no," and I ask to withdraw that vote and to be marked present.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called Mr. BROMWELL's name, and he answered "present."

Mr. WILLIAMS of Illinois. Mr. Speaker, I was present in the House when the second roll was called, but did not hear my name.

The SPEAKER. Was the gentleman listening to hear his name called?

Mr. WILLIAMS of Illinois. I was.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. WILLIAMS of Illinois, and he voted "aye."

The following pairs were announced:

For the session:

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. METCALF with Mr. WHEELER.

Mr. WRIGHT with Mr. HALL.

Mr. HEATWOLE with Mr. TATE.
Mr. BULL with Mr. CROWLEY.
Mr. SHERMAN with Mr. RUPPERT.
Mr. YOUNG with Mr. BENTON.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. BOREING with Mr. TRIMBLE.
Mr. WANGER with Mr. ADAMSON.
Until further notice:
Mr. BURTON with Mr. BALL of Texas.
Mr. MANN with Mr. JETT.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. CONNELL with Mr. FOSTER of Illinois.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. SKILES with Mr. TALBERT.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. POWERS of Maine with Mr. GAINES of Tennessee.
Until further notice:
Mr. HOLLIDAY with Mr. MIERS of Indiana.
Mr. FOSS with Mr. MEYER of Louisiana.
Mr. GORDON with Mr. SCOTT.
Mr. KETCHAM with Mr. SNODGRASS.
Mr. ALLEN of Maine with Mr. DAVIS of Florida.
Mr. DAYTON with Mr. DAVEY f Louisiana.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. BARNEY with Mr. MCRAE.
Mr. HEPBURN with Mr. COCHRAN.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. LANDIS with Mr. CLARK of Missouri.
Mr. JACK with Mr. SCARBOROUGH.
Mr. BOUTELL with Mr. GRIGGS.
Mr. BROWNLOW with Mr. PIERCE.
Until the 18th:
Mr. EVANS with Mr. HENRY of Mississippi.
For two weeks:
Mr. WEEKS with Mr. SHEPPARD.
Until next week:
Mr. STEWART of New Jersey with Mr. KLUTTZ.
Until Wednesday:
Mr. BATES with Mr. BELLAMY.
For the day:
Mr. HULL with Mr. HAY.
Mr. SHELDEN with Mr. WOOTEN.
Mr. WADSWORTH with Mr. ROBB.
Mr. VREELAND with Mr. RIXEY.
Mr. MARSHALL with Mr. WHITE.
Mr. MAHON with Mr. RANSDELL of Louisiana.
Mr. LITTLEFIELD with Mr. MCDERMOTT.
Mr. LEWIS of Pennsylvania with Mr. MAHONEY.
Mr. KNOX with Mr. LATIMER.
Mr. SIBLEY with Mr. MCANDREWS.
Mr. GAINES of West Virginia with Mr. LASSITER.
Mr. GILL with Mr. HENRY of Texas.
Mr. FOERDERER with Mr. GOOCH.
Mr. DICK with Mr. GOLDFOGLE.
Mr. CURTIS with Mr. GLENN.
Mr. BURLEIGH with Mr. FLOOD.
Mr. BURK of Pennsylvania with Mr. FLEMING.
Mr. DAHLE with Mr. FEELY.
Mr. BOWERSOCK with Mr. ELLIOTT.
Mr. BLACKBURN with Mr. CLAYTON.
Mr. BINGHAM with Mr. BUTLER of Missouri.
Mr. ACHESON with Mr. BROUSSARD.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. COOPER of Wisconsin with Mr. PATTERSON of Tennessee.
Mr. DOVENER with Mr. MCLAIN.
Mr. DEEMER with Mr. ROBB.
Mr. BABCOCK with Mr. ALLEN of Kentucky.
Mr. OTJEN with Mr. THOMPSON.
Mr. RAY of New York with Mr. LEVER.
For the vote:
Mr. FLETCHER with Mr. JOHNSON.
Mr. BEIDLER with Mr. LITTLE.
Mr. JOY with Mr. DOUGHERTY.
Mr. JENKINS with Mr. BARTLETT.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. HUGHES with Mr. LANHAM.
Mr. MINOR with Mr. POU.
Mr. WACHTER with Mr. REID.
Mr. SCHIRM with Mr. THAYER.
Mr. PATTERSON of Pennsylvania with Mr. SMITH of Kentucky.
Mr. MONDELL with Mr. JONES of Virginia.
Mr. HOPKINS with Mr. MOODY of North Carolina.
Mr. TAWNEY with Mr. SULZER.
Mr. MARTIN with Mr. BURKETT.

Mr. MANN. Mr. Speaker, I find I am paired with Mr. JETT of Illinois. I voted, and I wish to withdraw my vote and answer present.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. MANN, and he answered "present."

The result of the vote was announced as above recorded.

DAVID M. M'KNIGHT.

Mr. DARRAGH. Mr. Speaker, I present a conference report on the bill (S. 3992) granting an increase of pension to David McKnight, and ask to have the report and the statement accompanying it printed in the RECORD.

The SPEAKER. The report and statement will be printed according to the rule.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3992) "An act granting an increase of pension to David M. McKnight," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-four;" and the House agree to the same.

A. B. DARRAGH,
E. S. HOLLIDAY,
Managers on the part of the House.
J. H. GALLINGER,
WM. J. DEBOE,
Managers on the part of the Senate.

STATEMENT.

The bill (S. 3992) granting an increase of pension to David M. McKnight passed the Senate at $30. The House amended the same by striking out $30 and inserting $20.

The result of the conference is that the Senate recedes from its disagreement to the amendment and agrees to the same with an amendment as followe: In lieu of the sum proposed insert "twenty-four."

A. B. DARRAGH,
E. S. HOLLIDAY,
Managers on the part of the House.

TELEGRAPHIC CABLES BETWEEN THE UNITED STATES AND THE PHILIPPINE ISLANDS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

Resolved, That immediately on the adoption of this rule, and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce. And after due consideration in the Committee of the Whole, the same shall be reported to the House with amendments; thereupon, without debate or intervening motions, the question shall be taken on pending amendments, if there be any, on the engrossment and third reading, and on the final passage of the bill.

Mr. DALZELL, from the Committee on Rules, submitted the following report:

The Committee on Rules, to whom was referred the resolution of the House numbered 199, have had the same under consideration, and respectfully report the same with the recommendation that the following amendment be agreed to:

Strike out lines 10 to 15, inclusive, and insert "and after four hours of general debate in the Committee of the Whole the bill shall be considered for amendment under the five-minute rule; and any proposition relating to ocean cables shall be considered germane thereto."

And that, as amended, the resolution be agreed to.

Mr. DALZELL and Mr. RICHARDSON of Tennessee rose.

The SPEAKER. The gentleman from Pennsylvania.

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman permit me just for a moment? I am informed that two of the leading opponents of this measure, who occupy seats on the side of the House on which my friend and committee colleague [Mr. DALZELL] sits are absent; and while I have not been authorized by those gentlemen, I have by friends who feel as they do, to ask the gentleman if he is not willing to postpone the consideration of this measure until they return? I only want to say that they are not absent in the interest of this side of the House, or of any interest that I hold very dear personally; but possibly the worst that can be said about them is that they are absent in the interest of their own party. I hope, however, that the gentleman will agree that the consideration of the bill may be postponed until they return.

Mr. DALZELL. Mr. Speaker, I say to my friend from Tennessee that the majority members of the Committee on Rules have been in correspondence with the gentlemen to whom he refers, and that, taking into consideration the state of the public business in the House and the prospects of adjournment, it was not deemed wise or indeed reasonably possible to change the order of business as it had been arranged, and that therefore we thought it necessary to go on at this time with this business. The bill referred to in the rule is what is known as the Corliss bill——

Mr. RICHARDSON of Tennessee. I thought possibly we might be able to take up the irrigation bill first.

Mr. DALZELL. All I can say is that the gentleman was mistaken in that thought.

Mr. RICHARDSON of Tennessee. I am very sorry I was mistaken. It was a very reasonable thought.

Mr. DALZELL. The bill referred to in the rule is what is known as the Corliss bill. The bill provides for the construction of a cable across the Pacific at the Government expense. There are pending in the House, however, and in the Senate, seven different bills upon this subject. I do not understand that there is any objection upon the part of anyone to a Pacific cable. The question really is whether it shall be built by the United States or whether it shall be built by private individuals. So long ago as February, 1899, Mr. McKinley sent a special message to Congress pointing out the absolute necessity for the construction of a cable, whether by private or by public enterprise, and I am told that the War Department of the United States during the past year incurred an expense on an average of about a thousand dollars a day for cable messages between Washington and Manila.

Now, the purpose of this rule is not to confine the House to the consideration of the Corliss bill, so that it may be voted up or voted down, but it is to give the House an opportunity to pass upon the question as to whether or not there shall be a Pacific cable, because under the rule any amendment that relates to the construction of a cable will be germane to this bill. The whole subject, therefore, will be open to consideration by the House, and to the discussion of the several theories that are entertained by the various members of the House. The proposition is that there shall be general debate for four hours and that after that the bill shall be open to amendment and discussion under the five-minute rule.

Mr. RICHARDSON of Tennessee. I believe it was agreed in the Committee on Rules that there should be one hour for debate on the rule. That was a part of our agreement, as I remember.

Mr. DALZELL. I do not recall any such agreement, but my colleague says that there was.

Mr. RICHARDSON of Tennessee. There was.

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

Mr. RICHARDSON of Tennessee. I desire to yield to the gentlemen representing the minority of the committee that reported the bill the thirty minutes that will be allowed in opposition to the rule.

The SPEAKER. To whom does the gentleman desire to yield the time?

Mr. RICHARDSON of Tennessee. I yield the entire thirty minutes allowed to the minority of the Committee on Rules to the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Alabama [Mr. RICHARDSON], to be divided as they see fit.

Mr. ADAMSON. Mr. Speaker, considering the character of the Federal Government, the purposes of its creation and the varied interests of our people, together with their worth, industry, and genius, it is not desirable to embark the Government as such in enterprises involving competition with private capital and individual labor.

If governmental necessities demanded the use of a cable across the Pacific and private capital failed to respond to the demand, it would be right for the Government to stretch forth its strong arm and provide what was needed. That view alone justified support of the canal bill. Some men yet stoutly maintain that private capital would have constructed the canal if the Government had not interfered. Some undertakings are so stupendous in their character, however, that only a mighty government can carry them through, and this House believed the canal enterprise to be one of them.

During three Congresses, and possibly longer, those who desired Government construction of a Pacific cable have contended against those who favored subsidizing a corporation. Many of us, fearing either alternative, looked and longed for private capital to undertake the risk and responsibility, with consequent profits, of securing for our Government proper rates, safeguards, and facilities, with efficient service and reasonable charges to our people.

A company meeting our most ardent wishes has now appeared and is actually engaged in construction, with contracts all made and arrangements perfected to communicate with Hawaii during the present year and extend the line thence to Manila within two years thereafter. That company also has satisfactory arrangements for connecting its Manila office with China and Japan.

At our end of the committee table there has been some division on the general question of Government construction and ownership, but that division has no application to desiring an arbitrary rule to force a hasty consideration of the subject under existing circumstances. In fact, in both the Fifty-fifth and Fifty-sixth Congresses we filed unanimous minority reports opposing governmental interference either by subsidy or construction.

The Commercial Pacific Cable Company, with apparent sincerity and much plausibility, professing to afford the very opportunity which we have long sought, and realizing, as we do, that if we should authorize action now we could not actually begin work until long after that company had landed its wire at Hawaii, we deem it wise to postpone consideration until the short session next December. Then if we are not satisfied with the progress made by that company and the necessities of the Government should demand action, it would be time enough to embark in the enterprise.

Some of us, however, believe, in common with several of our most eminent colleagues at the other end of the table, that our long-sought opportunity has arrived; that a cable is in sight without expense or liability on the part of the Federal Government and prepared to accommodate the commerce of the country with better terms and facilities than a Government cable could do without loss to the Treasury. It would be difficult to find a more desirable situation. An American company with a domestic charter, home capital, and a large majority of American directors, proceeding actually to construct a cable from California via several American islands to Manila without once touching foreign territory.

Our Government is invited to prescribe its own rates for Government business. It is agreed that our Government may take possession of the cable, together with its offices and appurtenances, whenever desirable, or that our Government may buy the cable at its true value at any time. But we are not compelled to do so. When we determine that we need a cable, we can proceed at any time to construct one, paralleling that one, or choosing a route to suit ourselves.

It is also proposed that our commerce shall have a guaranteed rate not exceeding $1 to Manila, China, and Japan, with proportionately lower rates to intermediate points. Expert witnesses, favoring this bill now, stated in the hearings before our committee that the Government could not afford a lower rate than that if it constructed the cable. The most objectionable feature, if not really the only one, of the Commercial Pacific Cable Company's enterprise is that it has contracted for an English-made cable, but Admiral Bradford supported the company's contention that it was necessary in order to secure dispatch, quality, and efficiency.

Admiral Bradford also enlarged on the wise suggestion that the Government could not afford to invest in a plant and cable ship, together with all the enormous outlays necessary to prepare for constructing that cable alone, even if it were certain that we could, without delay, produce a good cable. He thought our Government could not afford to equip itself for this work unless we intended to continue in the cable business and in future construct and maintain cables for the balance of the world. He was clear in his mind that neither our Government nor our people could possibly do the work without great delay and expensive preparation.

In so great an undertaking he was positive we could not afford to indulge in experiments, wisely emphasizing the statement that in so important a work the very best thing we could find in the world would be the cheapest, no matter what it cost. It is unavailing now, however, to discuss the question of domestic as against foreign material, because the contracts have already been made, the work is in progress, and the cable will be finished to Hawaii before Congress reassembles in December, even if we should now authorize the Government to enter the business.

It can not with any show of reason or truth be denied that private capital is ready to proceed with the work. Neither can it be said that our Government stands in such great and urgent need of the cable as to justify precipitate action. The maximum amount ever expended by the Government for cable messages in one year in connection with our Eastern complications did not exceed $400,000—at the old rate of nearly $2.50 per word. That price has already been reduced nearly one-half. When the Commercial Pacific Cable Company completes its line the rate to the public will be $1.

If the Government paid that rate, the greatest volume of business it has ever had would not exceed $166,000, which the Government can still further reduce at its own option if it concludes that a dollar a word is too high a rate. But a saving of $166,000, or even of $400,000, would be a small annual return on an investment of $15,000,000, besides the plant, preparation, management, and maintenance.

The representatives from the War and Navy Departments who appeared before our committee expressed the opinion that the Government business is decreasing and that its volume will perhaps be never again so large as in the past. They also frankly admitted that the main demand for the cable was in the interest of commerce. General Greely so stated at two different hearings.

I submit that the Federal Government ought not to go into business solely in the interest of citizens engaged in trade. Commerce ought to bear its own burdens, and in this case private capital stands ready to assume and carry the burden, and is in reality urging and beseeching the Government to confine itself to its own proper functions and abstain from unnecessary competition with legitimate private business.

It is seriously demanded on the part of zealous paternalists to interfere, not because of any doubt that a cable will be promptly built by private capital, but solely through apprehension that it will be done. Sordid greed unblushingly demands that the Government exert its power to drive out and destroy private enterprise from a field legitimately occupied for the good of our Government and people as well as the profit of the company so engaged.

In order to arouse passion and prejudice the minds of statesmen much reckless statement has been indulged and many vile epithets applied to the gentlemen prosecuting this enterprise by the people who are urging the Government to adopt a tyrannical and unjustified course of wrong and oppression at the instigation of nothing better than selfishness.

All the vituperation and slander gratuitously heaped upon the enterprising gentlemen serving our commerce, our people, and our Government by constructing that cable, and all the wild flights of disordered imagination about monopoly gorgons, horrors. and dragons are strikingly discounted by the fact that the same prominent persons who now demand the passage of this bill have heretofore just as earnestly opposed government ownership, and repeatedly besought us to subsidize their company, admitting frankly that their positions varied with their shifting interests, and that they now desire the Government to construct for their benefit without cost a connection too expensive for them to build, but which the other company now at work is willing to build for its own use and pay for it.

It is remarkable how some people hate monopoly when they are not doing the monopolizing; but there is nothing cooler among the icebergs of the North Pole than the imperturbable frigidity of the avaricious but shifty adventurers who opposed Government construction when they wanted a contract to build, but who now demand that the Government interpose and enable them to compete with the Pacific Commercial Cable Company.

One gentlemen gravely suggested that the Government could use money at a lower rate of interest than private individuals. And it was urged that the Government could extinguish concessions at Manila for about $400,000, which would enable the parties inviting our Government action to revive and use a claim they hold of a so-called concession to build a line to China. They pretend that they can not extinguish the concessions which bar them out of Manila. They make no offer to reimburse our Government the demanded outlay of $400,000 for their benefit, nor has any protest been heard from their outraged consciences at their prospect of a monopoly through the grace and bounty of our Government.

As to the attempted arguments about exclusive concessions and closing up the Pacific Ocean by the unyielding clutches of grasping and exclusive privileges, there need be no harrowing fear allowed to disturb the serenity of any patriotic breast as to the ability of this Government to find a way to accomplish its purposes and enforce its desires whenever it is adjudged necessary to construct a cable in the Pacific Ocean.

But it is not right to drive out private capital, either by brute force or unnecessary competition, and the patriot who so contends is a better friend to his Government and people than the unthinking enthusiast who would load down the Government with matters foreign to its function or invoke its power to crush out the capital, labor, and genius of our people.

The construction of Government cables is not popular, even among autocrats, but, with enlightened economic views, private effort is preferred, welcomed, and encouraged.

They will even grant large subsidies where necessary to avoid governmental responsibility, and resort to the public Treasury only when recourse to all other means fails of accomplishing a necessary public purpose.

The hearings before our committee were enlivened by one great compensating consideration, inasmuch as they disclosed one American manufacturer, Mr. Henry, who, while confidently professing ability to produce a cable equal to the best, thought he could do so for about 10 per cent less price than charged by foreign manufacturers.

The discovery of that establishment giving promise of a glad day when our American manufacturers will sell to us—their neighbors—as cheaply as to strangers in distant lands, and making rare manifestation of that patriotism which will work more cheaply for our Government and people rather than always holding us up for a bonus, ought to bring joy to the hearts of all good men, regardless of the fate of this bill. That discovery, however, ought to drive from its support all those who favor it solely for the purpose and hope of establishing an American plant and using American material [Loud applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER. Assuming that the gentleman had half of the thirty minutes, he has eight minutes remaining.

Mr. ADAMSON. I yield to the gentleman from Alabama such time as he wishes.

The SPEAKER. That gives the gentleman from Alabama the twenty-three minutes remaining.

Mr. RICHARDSON of Alabama. Mr. Speaker, I fully realize the great difficulty and absolute uncertainty that attends every effort of this kind to defeat a rule that has been recommended by the Committee on Rules. I have never had any occasion, Mr. Speaker, to make any complaints since I have had the honor of holding a seat on this floor about any rule of the House. I have been impressed with the belief that an arbitrary rule in this House, in most instances, is absolutely necessary to secure the proper consideration of important subjects and necessary legislation.

Mr. ADAMSON. The gentleman from Alabama kindly yields to me, Mr. Speaker. I forgot to state in the proper connection—and a friend on the other side called my attention to it—the proposition of the Commercial Pacific Company is that the Government may seize and use that cable, with all its officers, equipment, appurtenances, if it deems it necessary, and pay only for the use of it, and at any time in the future the Government desires it may purchase that cable and pay for it at its real appraised value.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. ADAMSON. Yes, sir.

Mr. KLEBERG. Is it not a fact that this very company has already gone to some expense and is prepared to lay the cable? The company, according to the testimony, has made not only some progress, but is actually at work and expects to complete the cable to Honolulu by November, and they say they will complete the cable whether this Government competes with it or not in a rival line.

Mr. WANGER. Will the gentleman from Georgia permit a question?

Mr. ADAMSON. Certainly.

Mr. WANGER. Will you kindly state for our information how this offer of the Commercial Pacific Company is made; is it simply a part of the current literature or is it in the form of a valid, binding contract which can be enforced?

Mr. ADAMSON. I am much flattered by the gentleman from Pennsylvania in intimating that I am capable of giving him information, and I would gladly answer him, but my friend from Alabama [Mr. RICHARDSON] just said sotto voce that he was proceeding to that subject, and I will allow him to answer the gentleman.

Mr. RICHARDSON of Alabama. Mr. Speaker, I was just proceeding to say, when I was interrupted by the gentleman from Georgia, that my impression had been that in the policy that governed the Committee on Rules there were two classes of subjects or questions upon which the committee would act. One was a political question that might be considered of special benefit to the party in the majority. I can understand how a rule can be favored by the Republican members of the present Rules Committee to advance the political interests of the political party in power. The next consideration is where there is a great emergency, and the rule is asked for the public good and where the public good will be advanced by the consideration of the subject.

Now, this question that we are considering—and the gentleman from Pennsylvania [Mr. DALZELL] stated it in very concise and accurate terms—is not a political question, because the Interstate and Foreign Commerce Committee, of which I have the honor to be a member, is divided upon it, both Republicans and Democrats favoring each the majority and minority reports of the committee. It is not a political question, and neither one of the great political parties in this country would undertake for a moment in a national platform to advocate government ownership of utilities. Neither one, I dare say, would do it. It is not one of those questions of such emergency as can be called for the public good, or of advancing it any way.

Now, in past Congresses I understand the question has been presented in two classes, one for a subsidy of three hundred and fifty or four hundred thousand dollars to a private company to build this cable, the other a simple, plain proposition of governmental ownership. Now, it was not believed, as far as I can read and understand from the history of the past, that, if the question of private ownership made its appearance at any time in the coming future, that there would be any opposition to it. I can understand and readily appreciate how reluctant the American Congress would be to enter into a policy of granting to cables a subsidy. Then the whole question is, as stated by the gentleman from Pennsylvania [Mr. DALZELL], whether we shall favor private ownership or whether we shall favor governmental ownership.

Now, in reply to the gentleman from Pennsylvania [Mr. WANGER], who asked the gentleman from Georgia [Mr. ADAMSON] the question as to the character of the contract, the facts are simply these: The Commercial Pacific Cable Company has already entered

into a contract, and that contract embraces every one of the provision which are included in what is known as the post-road act of 1866. I know the suggestion is, and has been heretofore made on the floor of this House, that the post-road act of 1866 does not apply in this case because it relates to land telegraphs, and so on; but this company has embraced and has filed its bond under the advice and instruction of its board of directors, by which it contracts and obligates itself to do this: First, let Government messages go at half rates; to do this without any subsidy or aid; to reduce the cost of messages as they exist to-day from $1.66 from San Francisco to Manila to $1 per word, and also making $1 per word the rate from the coast of California to Hongkong. They propose to reduce it from $1.66 a word to $1.

Now, the next guaranty it makes is that it agrees to let all the Government messages go at half rates. But the important one is that it allows and agrees that the Postmaster-General shall prescribe the rates of this company. It further guarantees and agrees that at any time the Government sees proper it shall take over the property of this private company at its appraised value, two of the appraisers to be appointed by the company and two to be appointed by the Government, and these four to select the fifth man.

Now, Mr. Speaker, the ordinary plain business proposition is that here is a company that has entered into an obligation and contract, and there are men on the floor who know the reputation and standing and character of John W. Mackay, of California, better than I do. They say his word is as good as his bond, and he has obligated his company to do these things. Here is a private company that has entered into a contract. It is a plain business proposition. They have entered into a contract to complete this line from the coast of California to Honolulu, something over 2,000 miles, upon the 1st day of January of next year.

They have already paid $500,000 on that contract, and they have obligated themselves to pay two million and a half more upon it when completed to Honolulu. The undisputed testimony in this case, as given before the Interstate and Foreign Commerce Committee, was, without any question and without contradiction whatsoever, to the effect, as gentlemen will remember, that the line from California to Honolulu would not pay running expenses. Then the question naturally arises, Why is it that this company is willing to expend two million and a half of dollars on 2,000 miles of this cable, when it will not pay running expenses to that point? Why, sir, the sole answer is that they are going to build the cable to Manila by January, 1905, as their contract obligates them to do, and then it will become a paying line.

Now, these are the plain facts, and there is no escape from them. If there is a failure on the part of that company on account of difficulties of working, the breakings, etc., so as to entail great expense, why should not the Government let this private commercial company incur the risk and expense. After they have completed the line, should the Government find urgent necessity, by reason of war or any other great exigency, then let the Government buy the line, paying the appraised value for it. That is the business proposition that is made to this House to-day.

Mr. Speaker, I think I appreciate the conditions that might arise in a case of this kind, when it might become necessary for the Government to construct, own, and operate a cable line. If the interests involved were such that the public safety was at stake, that the success of our Army was concerned—if any of these contingencies should occur which have been referred to in connection with this matter—then the Government might be justified in building this cable. This company also agrees that whenever the Secretary of State sees that the interests of this Government render it necessary, he can step in and not only take the property at its appraised value, but if he does not want to do that, he can put operatives in there, men whom the Government can trust, and run the line in the interest of the Government and pay simply an ordinary, fair rental. Mr. Speaker, that is the proposition as my colleague from Georgia has stated.

Mr. Speaker, this is an important matter. It is a serious precedent that we are invited to establish. This will be the first cable that our Government has been invited to consider the feasibility of constructing, owning, and operating. It is a serious matter to inaugurate Government ownership of a project of this kind, in conflict with private enterprise. If private companies can build these lines, why not let them go on and do it? I say, as a business proposition, why should we want to increase and multiply Government officers? Why should we do it? Certainly, as an economical proposition, there is but one practical view. No man can stand on this floor and say that the passage of this bill is demanded by any special interest of ours or by any military necessity in the Philippine Islands.

I would support this bill without hesitancy if the interests of this Government as a war measure demanded it or if the welfare of our soldiers in the Philippines required it. But nothing of that kind exists. The whole country is at peace, the whole country is looking forward to advanced and increased prosperity. If there be (as in truth there is) a rivalry between different telegraph companies in regard to this project, let them fight it out. It is competition that gives cheaper rates to the people.

Do you know what the figures and the facts are in regard to those that will use this Pacific cable? The estimate is that there are about 400 people who will patronize this cable company; that 300 of these are foreigners and 100 Americans. And you are asked to expend for the Government from fifteen to twenty million dollars on this Pacific cable, to accommodate 300 foreigners and 100 Americans! Those are the facts taken from the telegraphic record. Is there, then, any reason, any propriety, any justice in the Government entering upon such an unreasonable enterprise?

Now, Mr. Speaker, this bill has been under consideration in the Senate, and I desire to read a telegraphic dispatch on this subject sent from this city to the Baltimore Sun:

Senator GEORGE C. PERKINS, of California, who introduced in the Senate a Pacific cable bill similar to that for which the House Committee on Rules has reported a special order in the House, is now opposed to the measure, on the ground that the cable can better be constructed by private enterprise.

Speaking on the subject to-day he said:

"It is in no wise probable that the Government at this time wishes unnecessarily to invest $15,000,000 or $20,000,000 in a Pacific cable. If the Government should either now or hereafter desire to own a cable across the Pacific, the only reasonable thing for it to do is to let the Commercial Cable Company build a cable and then buy it from that company.

"This would save a great deal of trouble, expense, and time.

"It seems to me that the only question is whether the private company means to carry out the enterprise and is able to do so. On this no one who knows the company in this case will doubt. The Commercial Pacific Cable Company is an outgrowth of the well-known Commercial Cable Company, of which John W. Mackay is president and chief stockholder. Mr. Mackay's character and business integrity are beyond question."

With these remarks, Mr. Speaker, on the consideration of the rule, I defer anything else I have to say until later.

Mr. DALZELL. Mr. Speaker, I would inquire how much time is left?

The SPEAKER. The gentleman has five minutes remaining, but has yielded the floor.

Mr. DALZELL. How much time have I left?

The SPEAKER. Twenty-six minutes remaining.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, I have heretofore been opposed to taking up this bill for consideration lest its passage should be construed as in some way committing us to the permanent retention of the Philippine Islands, to which I am unalterably opposed. On reflection, I am not able to find anything in the bill warranting such a construction. I am, therefore, in favor of the present consideration of the bill. I favor government construction and maintenance of all needed oceanic cables, but I shall not discuss the merits of the bill till it comes up for consideration.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. The gentleman from Alabama [Mr. RICHARDSON] did not reserve his remaining time.

The SPEAKER. The gentleman from Alabama yielded the floor without reserving his time.

Mr. ADAMSON. Then I should like leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALZELL. I yield to my colleague [Mr. GROSVENOR] five minutes.

Mr. GROSVENOR. Mr. Speaker, an inspection of this rule as amended by the Committee on Rules and reported to the House will show that the Committee on Rules have no anxiety about the manner in which the ultimate question of a Pacific cable shall be disposed of, for they have left the door open for the fullest and widest amendment to the Corliss bill; even for the substitution of any other scheme of ocean cable.

It is said that some gentlemen are absent from the House and that fact is commented upon for some reason; I hardly know what. I desire to defend the Committee on Rules, if there is any necessity for it, from any possible suspicion that they have any ulterior or sinister design in bringing this question before the House at this time in the absence of those two gentlemen.

Mr. ADAMSON. Mr. Speaker, if the gentleman will permit me—

Mr. GROSVENOR. Yes.

Mr. ADAMSON. I desire for myself to disclaim any intention of making such a reflection on the committee. The extent of my appeal was simply this, that as the gentleman from Iowa [Mr. HEPBURN] and the gentleman from New York [Mr. SHERMAN]

had studied this question so extensively, and as they desired the very opportunity that your rule would give them to perfect this bill, I desired to have the consideration of the matter postponed until they could get back.

Mr. GROSVENOR. I do not think the gentleman, or any other gentleman, intended to reflect upon the committee; but I desire to supplement what I have already said by saying that this question has been pressed upon the Committee on Rules for the last two months, I think I may say. It seems to me as though it had been a year and a half of unceasing pressure brought to bear to have this question brought before the House and finally disposed of.

I think the committee would have been derelict in their duty if they had jeopardized a decision of the question, first, whether we are to have a cable, and second, what sort of a cable we are to have, and had let Congress adjourn without having opportunity to decide so important and indispensable a matter as that. Now, the time has come at last when we must take up business and dispose of it, and let me call the attention of the House to a list of important matters already practically agreed upon as necessary to be considered. This is only a partial list at that. We have pending the appropriation bills. I admit that they are well out of the way and not likely to occupy the time of the House very long.

Mr. FITZGERALD. Will the gentleman yield to me for a moment?

Mr. GROSVENOR. Yes.

Mr. FITZGERALD. Will the gentleman state who agreed to this list?

Mr. GROSVENOR. This is not an agreed list at all—not in the sense implied by the remark of the gentleman. It is a memorandum that I have made for my own use, to suggest the important questions that members are all familiar with.

Mr. FITZGERALD. I understood the gentleman to say that these were subjects which it had been agreed must be considered.

Mr. GROSVENOR. Oh, not at all. There has been no agreement that I know of. Then comes the Pacific cable. Then comes irrigation, and if the question of irrigation is to be heard, and if it is to have the length of time requested by its friends, and that seems to be commensurate with the high importance of the subject, then surely we can not afford to trifle with the time which would prevent the coming up of that bill immediately and the postponement of it possibly indefinitely, beyond the recurrence of the greater question which I propose to suggest.

Mr. ADAMSON. Mr. Speaker, I do not want to consume the gentleman's time——

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Oh, yes; my time is not important.

Mr. ADAMSON. I should like to ask the gentleman if anything would be lost by taking up the irrigation bill now in substitution for this and letting this follow when the gentleman from New York [Mr. SHERMAN] and the gentleman from Iowa [Mr. HEPBURN] return?

Mr. GROSVENOR. That is a question for the House to decide.

Mr. ADAMSON. That is what I wish to say.

Mr. GROSVENOR. Then we have a series of general pension bills. We have a most important militia bill unanimously reported from the committee, I believe. Then we have the question of the seal fisheries, which is a very interesting question and one that must be disposed of at this session if there is to be any value in our action. The Hawaiian silver question, an election case, a bankruptcy question that is bringing telegrams from all parts of the United States pouring in upon members of the Committee on Rules; and then the Philippine bill, and then questions growing out of pensions to Indian war veterans. That is only a small portion of the bills that are clamoring for action, and now something has to be done, and this bill had been agreed upon for more than two weeks, and has been pushed out of the way three or four times.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield more time to the gentleman.

Mr. GROSVENOR. This bill has been pushed out of the way several times, and the gentlemen who are now, unfortunately, absent had full notice of the fact. Mr. HEPBURN, as I understood, would be back here to-day. It was distinctly understood that Mr. SHERMAN would be here to-day, but I am told that his friends have heard that it was impossible, on account of some conditions, either of business or of his health, or something of that character.

Nobody regrets the absence from any great national debate of the gentleman from Iowa [Mr. HEPBURN] or the gentleman from New York [Mr. SHERMAN] more than I do. But we had to have some kind of orderly disposition of business, and here it is; and it is for the House to decide, and the Committee on Rules have no personal interest or feeling in the matter.

Mr. DALZELL. Mr. Speaker, under ordinary circumstances I have always refrained from an expression of any opinion in the first instance as to the merits of a proposition involved in a rule reported by the Committee on Rules. I feel, however, under the circumstances of this occasion, that I ought perhaps to depart from that rule, in view of the insistence of gentlemen upon the other side upon the postponement of this measure until the return of the chairman of the committee and the gentleman from New York.

As I said at the opening, as long ago as February, 1899, President McKinley sent to this House a special message insisting upon the importance of the construction of a Pacific cable. From that day until this it has been one of the subjects of almost every Presidential message sent to this House, and it is now a proposition upon which the Administration is insisting in the interest of economy, insisting, not on any particular proposition, but on the construction of a Pacific cable that will enable the United States to carry on reasonable correspondence between its seat of government and its insular possessions. Hence it was thought by the Committee on Rules that it was not proper, whatever might be the individual views of its members as to the merits of this proposition or that proposition, to deny to the House an opportunity to consider the subject.

Having determined upon its consideration, to-day was determined upon as the proper time for the consideration of this measure. The gentleman from Iowa and the gentleman from New York were both aware that this measure was to come up to-day, and I can say to the gentleman from Georgia that while I regret, with him, the absence of those two gentlemen, I can assure him that I regret it for the reason that I am on the same side of the proposition that they would be on if here.

Mr. ADAMSON. Will the gentleman permit me one suggestion?

Mr. DALZELL. Certainly.

Mr. ADAMSON. The gentleman will remember that as long ago as something like a week since it was hoped that this bill would be reached, and the matter that was before it not having been disposed of, carried the thing beyond the time and complicated things.

Mr. DALZELL. The gentleman knows that however desirous we may be to accommodate each other, it is absolutely impossible to arrange business to the convenience of individual members.

Mr. ADAMSON. Of course; but you must substitute one bill for another.

Mr. DALZELL. I want to say a word upon the merits of the proposition, and my attitude toward it. There are substantially two propositions. First, that the United States shall build and operate a cable. That is the proposition which is involved in the Corliss bill. I am opposed to that proposition. I do not believe in government ownership and management of any business that can be as well owned and managed by private enterprise. The history of government ownership of railroads and telegraph abroad as compared with ownership and management by private enterprise on this side of the water is all in favor of leaving such matters to private enterprise.

I am opposed to the Corliss bill; I am opposed to the United States expending $15,000,000 to land a cable in Manila, and one million and a half a year for the purpose of its maintenance, without any hope of an adequate return. I am in favor of the construction of a private cable. The gentlemen on the other side of the House, who have spoken, are advocating here the building of a private cable, which has already been begun by Mr. John Mackay, and they say that he has entered into a contract for the construc- of that cable, that the capital that is invested is American capital, that Mr. Mackay is an American, and all that sort of thing.

Now, my information is—whether it be true or not makes very little difference—my information is that the capital invested in this Mackay company is English capital; and while Mr. Mackay no doubt is really an American, it is a great many years since he has lived among his own countrymen, and it is a great many years since Mr. Bennett has lived in his own country, and I put them into the category of expatriated Americans.

Now, the difference between Mackay's cable and the cable I would build is this: His cable will be made in English workshops, by English workmen, and the money paid to English wage-earners. The cable I would build would be made in American workshops, and the money paid to make it would be paid to American workmen, paid American wage rates. [Loud applause.] Mr. Mackay's cable will be laid by ships that will sail under the British flag, while the cable that I would build would be laid by vessels carrying the American flag, sailed by American sailors, and all the benefits inuring from the expenditure of $15,000,000 would inure to American citizens.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Alabama. Will the gentleman allow me to interrupt him?

The SPEAKER. Does the gentleman yield to the gentleman from Nevada, who first sought recognition?

Mr. DALZELL. I do.

Mr. NEWLANDS. The gentleman referred to Mr. Mackay as an expatriated American. I am sure the gentleman is not familiar with Mr. Mackay's career.

Mr. DALZELL. Oh, well, if the gentleman says that is not so, I take it all back.

Mr. NEWLANDS. The gentleman from Pennsylvania probably derives his impression from the fact that Mr. Mackay's family has lived abroad a good deal, but Mr. Mackay is hardly ever abroad, and when he goes, is only there for a short time.

Mr. DALZELL. Very well, I will take it all back, but my proposition is to have the cable made by American workmen in American workshops rather than in British workshops, and that the company that lays it shall pay American workmen in American money, and not pay British workmen.

Mr. RICHARDSON of Alabama. I understood the gentleman from Pennsylvania to say that the majority of the capital stock in this company belonged to Englishmen. Will the gentleman allow me to read the list of stockholders?

Mr. DALZELL. No, I did not say so. I said I had been so informed.

Mr. RICHARDSON of Alabama. I want to give you information to the contrary, and I will read the names of the stockholders, a list of which I have. It is as follows:

	Shares.
John W. Mackay	5,074
The Commercial Cable Company	2,532
George G. Ward	10
Clarence H. Mackay	10
Edward C. Platt	10
Arthur Beck	10
William W. Cook	10
George Clapperton	10

Of that list only three are Englishmen.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Yes; as far as I am concerned.

Mr. SHACKLEFORD. Did not the testimony before the committee show that John W. Mackay held that stock not for himself, but in a fiduciary capacity for the Eastern Cable Company?

Mr. RICHARDSON of Alabama. I do not recollect it that way.

Mr. DALZELL. Where does Mr. Mackay propose to construct his cable? Where is it going to be made?

Mr. RICHARDSON of Alabama. In England.

Mr. DALZELL. Very well; let us dismiss everything else.

Mr. RICHARDSON of Alabama. At the proper time I will show the reason why he has it made in England.

Mr. DALZELL. Let us dismiss everything but that. That is the reason I shall oppose your proposition. Now, Mr. Speaker, it is a singular thing that no authority seems to exist under the present law either to authorize or to prevent the construction of a cable connecting the United States with foreign territory. And if there was no other legislation proposed we ought to write upon the statute book a law which would prohibit any company, either American or foreign, from connecting the territory of the United States either with its own territory or with any other territory except by due process of law.

There has been introduced in the Senate of the United States a bill which I understand was drawn by the Attorney-General of the United States and which at the proper time I propose to offer, if this matter shall be considered as a substitute for the Corliss bill—a bill which in its first section authorizes the President to make a contract for the construction of a cable in any way that to him may seem best; provided, however, that that contract shall contain certain terms, and which in its second section provides that no company or persons, except as duly authorized, shall be suffered to lay a cable. I shall add as a section thereto a provision calling for a cable of American manufacture to be laid under the American flag.

I say, whatever may be our individual views as to these various theories as to legislation, this is a subject we ought to discuss. If this House is against a Government cable, let us vote it down. If it is against a private cable, let us vote it down; but if under the operation of this rule it is possible to pass a bill to build a cable by an American company that shall result for the benefit of the American workmen and the American people, then this rule ought to prevail, so that we may have an opportunity to pass such legislation. I now ask for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution reported from the Committee on Rules.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were 76 ayes and 56 noes.

Mr. ADAMSON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 108, nays 73, answering "present" 14, not voting, 156, as follows:

YEAS—108.

Adams,	Dovener,	Kyle,	Reeder,
Babcock,	Draper,	Lacey,	Reeves,
Bartholdt,	Edwards,	Lawrence,	Roberts,
Belmont,	Esch,	Lindsay,	Robinson, Nebr.
Bishop,	Fletcher,	Littlefield,	Rumple,
Bowersock,	Fordney,	Lloyd,	Schirm,
Breazeale,	Foster, Vt.	Long,	Scott,
Brick,	Gardner, Mich.	Loudenslager,	Selby,
Bristow,	Gardner, N. J.	McDermott,	Shackleford,
Brown,	Gibson,	Mann,	Shallenberger
Burke, S. Dak.	Graff,	Martin,	Smith, S. W.
Burkett,	Graham,	Mercer,	Smith, Wm. Alden
Butler, Pa.	Grosvenor,	Mickey,	Southard,
Calderhead,	Grow,	Miller,	Stark,
Caldwell,	Hamilton,	Mondell,	Steele,
Conner,	Haskins,	Moody, N. C.	Stevens, Minn.
Coombs,	Henry, Conn.	Moody, Oreg.	Sulloway,
Cooney,	Hill,	Moon,	Sutherland,
Corliss,	Howell,	Morris,	Thomas, Iowa
Cowherd,	Hughes,	Moss,	Tirrell,
Cromer,	Hull,	Mudd,	Tompkins, Ohio
Crumpacker,	Irwin,	Norton,	Vandiver,
Currier,	Jackson, Kans.	Olmsted,	Wadsworth,
Dahle,	Jett,	Overstreet,	Wanger,
Dalzell,	Jones, Wash.	Padgett,	Warnock,
Darragh,	Kern,	Payne,	Watson,
Davis, Fla.	Knapp,	Pugsley,	Wilson.

NAYS—73.

Adamson,	Gilbert,	Loud,	Smith, Ill.
Ball, Del.	Gillet, N. Y.	McCleary,	Smith, Iowa.
Bankhead,	Griffith,	McCulloch,	Snook,
Bartlett,	Hanbury,	Maddox,	Southwick,
Bell,	Hedge,	Metcalf,	Spight,
Bowie,	Hooker,	Mutchler,	Stephens, Tex
Brantley,	Hopkins,	Needham,	Swanson,
Brundidge,	Howard,	Newlands,	Taylor, Ala.
Burleson,	Johnson,	Perkins,	Thomas, N. C.
Burnett,	Kehoe,	Pou,	Underwood,
Candler,	Kitchin, Claude	Randell, Tex.	Warner,
Cannon,	Kitchin, Wm. W.	Richardson, Ala.	Wheeler,
Capron,	Kleberg,	Richardson, Tenn.	Williams, Ill.
De Armond,	Lanham,	Robinson, Ind.	Williams, Miss.
Dinsmore,	Lessler,	Rucker,	Woods,
Emerson,	Lester,	Ryan,	Zenor.
Finley,	Lewis, Ga.	Shafroth,	
Fitzgerald,	Little,	Sims,	
Fox,	Livingston,	Small.	

ANSWERED "PRESENT"—14.

Barney,	Goldfogle,	Pierce,	Tate.
Bromwell,	Henry, Miss.	Rhea, Va.	Tayler, Ohio.
Clark,	Hildebrant,	Slayden,	
Cousins,	Holliday,	Snodgrass,	

NOT VOTING—156.

Acheson,	Deemer,	Ketcham,	Ray, N. Y.
Alexander,	Dick,	Kluttz,	Reid,
Allen, Ky.	Dougherty,	Knox,	Rixey,
Allen, Me.	Douglas,	Lamb,	Robb,
Aplin,	Driscoll,	Landis,	Robertson, La.
Ball, Tex.	Eddy,	Lassiter,	Ruppert.
Bates,	Elliott,	Latimer,	Russell,
Beidler,	Evans,	Lever,	Scarborough,
Bellamy,	Feely,	Lewis, Pa.	Shattuc,
Benton,	Fleming,	Littauer,	Shelden,
Bingham,	Flood,	Lovering,	Sheppard,
Blackburn,	Foerderer,	McAndrews,	Sherman,
Blakeney,	Foss,	McCall,	Showalter,
Boreing,	Foster, Ill.	McClellan,	Sibley,
Boutell,	Fowler,	McLachlan,	Skiles,
Broussard,	Gaines, Tenn.	McLain,	Smith, Ky.
Brownlow,	Gaines, W. Va.	McRae,	Smith, H. C.
Bull,	Gill,	Mahon,	Sparkman,
Burgess,	Gillett, Mass.	Mahoney,	Sperry,
Burk, Pa.	Glenn,	Marshall,	Stewart, N. J.
Burleigh,	Gooch,	Maynard,	Stewart, N. Y.
Burton,	Gordon,	Meyer, La.	Storm,
Butler, Mo.	Green, Pa.	Miers, Ind.	Sulzer,
Cassel,	Greene, Mass.	Minor,	Talbert,
Cassingham,	Griggs,	Morgan,	Tawney,
Clayton,	Hall,	Morrell,	Thayer,
Cochran,	Haugen,	Naphen,	Thompson,
Connell,	Hay,	Neville,	Tompkins, N. Y.
Conry,	Heatwole,	Nevin,	Tongue,
Cooper, Tex.	Hemenway,	Otjen,	Trimble,
Cooper, Wis.	Henry, Tex.	Palmer,	Van Voorhis,
Creamer,	Hepburn,	Parker,	Vreeland,
Crowley,	Hitt,	Patterson, Pa.	Wachter,
Curtis,	Jack,	Patterson, Tenn.	Weeks,
Cushman,	Jackson, Md.	Pearre,	White,
Davey, La.	Jenkins,	Powers, Me.	Wiley,
Davidson,	Jones, Va.	Powers, Mass.	Wooten,
Dayton,	Joy,	Prince,	Wright,
De Graffenreid,	Kahn,	Ransdell, La.	Young.

So the resolution reported from the Committee on Rules was adopted.

Mr. LAMB. Mr. Speaker, I desire to be recorded. I was in my seat and did not hear my name called.

The SPEAKER. Was the gentleman listening?

Mr. LAMB. I was sitting in my seat and did not hear my name.

The SPEAKER. Was the gentleman listening to hear his name?

Mr. LAMB. I was not.

The SPEAKER. Then the gentleman can not vote under the rule.

The following additional pairs were announced:

On this vote:

Mr. LOVERING with Mr. LAMB.

Mr. HENRY C. SMITH with Mr. RIXEY.

Mr. COUSINS with Mr. CONRY.

Mr. ALEXANDER with Mr. BURGESS.

Mr. DRISCOLL with Mr. JONES of Virginia.

Mr. JENKINS with Mr. COOPER of Texas.

Mr. CUSHMAN with Mr. CREAMER.

Mr TAYLER of Ohio with Mr. VREELAND.

Mr. KAHN with Mr. SHELDEN.

Mr. ALLEN of Maine with Mr. FEELY.

Mr. STEWART of New York with Mr. RHEA of Virginia.

On this bill:

Mr. GREENE of Massachusetts (for the bill) with Mr. GREEN of Pennsylvania (against the bill).

For this day:

Mr. CURTIS with Mr. RANSDELL of Louisiana.

For balance of this day:

Mr. HAUGEN with Mr. DE GRAFFENREID.

The result of the vote was announced as above stated.

Mr. DALZELL. I move to reconsider the vote last taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS 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. 10819. An act for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2975. An act granting an increase of pension to Levi Hatchett; and

S. 1037. An act granting an increase of pension to Helen A. B. Du Barry.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6021. And act granting an increase of pension to Esther D. Haslam—to the Committee on Invalid Pensions.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 7, 1902:

H. R. 11535. An act for the protection of game in Alaska, and for other purposes; and

H. R. 9597. An act for the relief of Thierman & Frost.

On June 9, 1902:

H. R. 7319. An act granting an increase of pension to Frances H. Anthony; and

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year.

On June 10, 1902:

H. R. 720. An act for the relief of Lieut. Jerome E. Morse.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MCLAIN obtained leave of absence for ten days, on account of important business.

TELEGRAPHIC CABLES BETWEEN THE UNITED STATES AND THE PHILIPPINE ISLANDS.

Mr. CORLISS. Before the House resolves itself into Committee of the Whole, I desire to ask unanimous consent that the time allowed for general debate under the rule be equally divided between the gentleman making the minority report [Mr. RICHARDSON of Alabama] and myself.

Mr. RICHARDSON of Alabama. I ask the gentleman from Michigan [Mr. CORLISS] to modify his request, so that the time on this side shall be under the control of the gentleman from Georgia [Mr. ADAMSON], as he is my senior on the committee.

Mr. ADAMSON. I hope that the gentleman from Alabama, regardless of seniority, will control the time.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] will state his request.

Mr. CORLISS. I ask that the time allotted for general debate in Committee of the Whole on this question be equally divided, and that one half of it be controlled by the gentleman from Georgia [Mr. ADAMSON] and the other half by myself.

The question being put on the request of Mr. CORLISS, there was no objection; and it was ordered accordingly.

The SPEAKER. In accordance with the rule, the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill named therein, and the gentleman from Iowa, Mr. LACEY, will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by its title.

The Clerk read as follows:

A bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce.

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

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

Mr. CORLISS. Mr. Chairman, we have patiently labored for this hour, and I will endeavor not to weary the patience of the members, but I will ask those who desire to consider this subject carefully for the best interests of our people and our country to kindly give me their ears and then judge as to their course. The proposition pending is for the construction of a Government cable extending from California to Hawaii, thence to the Midway Islands, thence to Guam and the Philippine Islands, with power in the President to connect the lines with those existing or hereafter to be constructed in the Orient. It is to be an all-American cable, laid only upon American soil, made by American cable manufacturers, laid by American citizens, and, as the gentleman from Pennsylvania [Mr. DALZELL] said, under the Stars and Stripes.

I appreciate the fact that a great majority of candid men when first confronted with this proposition will say, as I did, "I am not in favor of the Government assuming control of public utilities; I am opposed to the Government ownership of railroads and telegraph lines. I am not in favor of paternalism." Yet, gentlemen, the time has come when, in order to preserve the rights of our people and to break a monopoly which has even threatened the power of Great Britain, you and I must face this question and decide whether we will preserve for the people the right which was given to them when the Post-Office Department was established, namely, communication with their own possessions, communication with the world, and especially with the Orient, at a rate which will enable us to go onward and not backward in our career.

As stated by the gentleman from Pennsylvania, there is no law upon the statute books, no precedent in existence, by which or through which the President of the United States can regulate this cable company. He is powerless to act. The gentleman from Pennsylvania is mistaken in one respect. He has authority under the recognition of the act of President Grant to prohibit a foreign company from landing upon American soil, but where he is mistaken is in this: The President of the United States, and the Attorney-General has so advised him, has no authority to interfere where that cable extends from our own to our own possessions.

I do not concur in that legal conclusion. This is a public utility. This is a franchise that belongs to the people, and no one, says Judge Macomb, of the United States court in New York, has authority to lay a cable without permission of our Government. So, my friends on this side of the House, you must either act yourselves or you must turn it over, as the gentleman from Pennsylvania says, to the President to determine. One or the other you must do. I can not shift the responsibility of this great question from my shoulders, where it belongs, to the Executive of this nation.

I am not willing that Congress shall deny or refuse to act, nor to extend to the President power to act where it fears or hesitates to act. One word with reference to the subject of the route. It has been laid out by our Government at our expense, by authority of Congress. Surveys have been made at an expense of $200,000, and Admiral Bradford, of the Navy, has testified that it is feasible; that the route has been laid properly; that the cable can be laid without difficulty and maintained. That survey has been completed at an expense to the Government of the United States of $200,000.

No private company can lay this cable without either the evidence in the Navy Department, to enable them to do so, or without resurveying the ground. Are you willing to give any such company the benefit of $200,000 of the public money? I am not. I have named the route which has been laid out by Admiral Bradford. Upon one of those islands we have already expended $500,000 for the erection of coaling stations and naval stations for the protection of our military power in the Pacific Ocean. That is on the island of Guam. What about the cost of this?

I do not ask you to take my word. I am not an expert, but we have the testimony of experts. The testimony of General Greely, Chief of the Signal Department, is to the effect that this cable can be made and laid, including two cable ships, for $10,000,000. That is concurred in by Admiral Bradford. That is supported by the testimony of Captain Squier, to whom I will refer later on, and who, by permission of the War Department, has written a letter upon this subject which I hope every man who is interested in this matter will carefully read.

By this it will be seen that this cable can be made and laid, including two cable ships, from California to Hawaii and Manila for less than $10,000,000. Secondly, we have the proposition of the cable people of this country, who have erected two cable plants in New Jersey. They have supplied our Government with about 2,000 miles of cable. They have expended a very large sum of money, too, in building up this industry; but they find that the foreign cable plants are able to get all of the large contracts of the world, and they are not able to get even the contracts from California to Hawaii for a cable laid, really, within American waters.

Mr. Henry, the engineer and manager of one of the large cable plants of this country, testified before the committee that his company stood ready to construct this cable, and would undertake to do it, within as brief a period as it can be furnished by any foreign company, and they will guarantee that it will be equal to the best cable in the world. As I am upon this subject I want to read Mr. Henry's letter which I have here, bearing date June 7, 1902. I do this because some one will say that we can not make cables in this country.

NEW YORK, *June 6, 1902.*

Hon. JOHN B. CORLISS,
House of Representatives, Washington, D. C.

DEAR SIR: We beg to call your attention to the various statements that have been made in publications and before the Committee on Interstate and Foreign Commerce, that it was impossible to manufacture the Pacific cable in America.

We beg to state that this company stands ready at any time to take a contract for making and laying the trans-Pacific cable, guaranteeing it to be fully equal, if not superior, to any made in the world, and is willing to give bonds to this effect.

Respectfully, yours,
THE SAFETY INSULATED WIRE AND CABLE CO.,
IRA W. HENRY, *Vice-President.*

Mr. HOPKINS. Where is that establishment located?

Mr. CORLISS. On the New Jersey coast.

Mr. BUTLER of Pennsylvania. Whereabouts in New Jersey?

Mr. CORLISS. It is in Mr. GARDNER's district, near Amboy.

Mr. DALZELL. How many cable manufacturing companies are there?

Mr. CORLISS. We have four small ones—that is, small compared with this one and the one located in the district of the gentleman from Pennsylvania [Mr. DALZELL].

Mr. HOPKINS. Six companies in all?

Mr. CORLISS. There are six companies in all, but really only two at the present time capable of producing the real submarine cable. There has been no opportunity to develop this industry in this country, and I say to you, gentlemen, if something is not done that will give the Government of the United States authority to lay this cable, we will have no cable plant on the Pacific coast. I will reach that subject a little later.

As I said before, the great question for you and me to determine is, first, the proposition of government ownership; second, the proposition of Mr. Mackay's company; third, the proposition of the gentleman from Pennsylvania [Mr. DALZELL], to turn the matter over to the President.

Now, I will defer for a moment the consideration of the Government's interest. In England the military influence of a cable is regarded as equal to one-third of the entire power of the navy. I want to call your attention to what other governments have already done within five years. Great Britain endeavored for eight years to break down the monopoly that exists in the Orient. Finally, last May, the British Government concluded to lay a cable on its own account, extending from Vancouver down through the Pacific Ocean, connecting her possessions in the Pacific.

I will print in the RECORD the decrees and concessions relating to the islands of the Pacific. Great Britain, after eight years, concluded to break down the monopoly possessed by an English corporation, the Eastern Cable Extension Company—a corporation that for years has monopolized all this territory. When England found that she was powerless to direct the affairs of this cable company in time of war, she appointed a committee and finally, after years of discussion and investigation, ordered this cable laid from Vancouver, by way of the Fiji and Fanning islands, to New Zealand and Australia.

That was the first break in the monopoly of the corporation to which I refer. That was the cause of the cutting down of the rate to our Government from $2.25 per word to $1.66 per word. It was not done by Mr. Mackay or his influence. Great Britain is a Government that looks into the future. She sets her stakes a hundred years in advance, and her statesmen never falter in their onward march, in their tenacity and courage, looking toward her mastery of the sea. The only menace to Great Britain at the present time for the supremacy of the sea is the United States.

We must follow her example or surrender the possibilities of the future. Great Britain has adopted submarine cable as a part of her military power. She paid $60,000,000 in one lump to buy cables that were owned by private companies. She operates to-day 20,000 miles of submarine cables beside the one that she is building through the Pacific. I have that on authority of General Greely, who certified to the facts.

It may be said that the Government of Great Britain did not own but 2,000 miles of cable, before she commenced building the Pacific cable. She bought the stock of the corporations that held the cables, and holds it as she does the stock of the Suez Canal. She allowed France to build the canal, but she immediately bought the stock, and to-day controls it, just as though she had built it. And she has done the same with reference to cables.

Now, then, let me proceed to the next proposition. What does the Eastern Extension Cable Company have? First, a grant from China, which extends until 1930, which gives to her the absolute and the exclusive right to lay and operate cables and telegraph lines in China. That grant is absolute and exclusive, and has been recognized by Great Britain by an act of Parliament so far as Hongkong is concerned; and no company, corporation, or individual can enter China in any way except through and over the lines of the Eastern Extension Cable Company.

Her allied corporation, the Danish company, owns control in Japan until 1910, under a grant which is exclusive, that will not allow any other company, corporation, or government to enter Japan until after that grant expires. That company is also controlled by the Eastern Extension Cable Company. In March, 1898, about two months before the Spanish war broke out, the Eastern Extension Cable Company obtained from Spain an exclusive right covering all her Pacific possessions. Of that grant allow me to read just one or two words in order that you may understand the purport thereof. The concession of an extension of twenty years, which will expire May 8, 1940. Mind you, they had an exclusive grant, granted in 1897; but this was an extension of it:

Firstly, the concession of an extension for twenty years, which will expire May 8, 1940, in the monopoly enjoyed by the aforesaid company for the working of the Hongkong and Manila cable, until which date no other submarine telegraph cable line can be laid between the points mentioned.

That is the line covering Manila and Kongkong.

Secondly, the extension of the landing privilege, for a period of twenty years, of the cables the concession for which may be granted for the purpose of joining all the Spanish possessions in the Pacific Ocean and of connecting them with other countries, such period to be reckoned from the date on which said new cables are opened for working.

Under that decree, which was certified to me by the War Department as correct, it gives to the Eastern Extension Cable Company exclusive right to land cables in the Philippine Islands and to land them at Guam and the Marshall Islands and the Pelew Islands. We had not possession of them then. We got them under the treaty of Paris. That treaty provides that we shall recognize existing contracts. Germany acquired the Marshall Islands after we acquired the Philippines and Guam, under similar conditions. These exclusive grants held by this company run from ten to thirty-eight years.

Now, what can we do about it? Absolutely nothing, except by the power of the Government of the United States. Under these conditions, fortunately, the right of the Government to lay its own cables was reserved. I will put those provisions in the RECORD, so that you may read them correctly.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. CORLISS. Certainly.

Mr. HOPKINS. Has that question which you have just discussed ever been presented to the Attorney-General for his opinion as to the legality of those contracts?

Mr. CORLISS. I was about to reach that question. It has been held by the Supreme Court of the United States in an identically similar case with reference to a land grant in California when we annexed that territory. It has also been held by the Supreme Court of the United States in a ferryboat case under a grant which was held to be perpetual. It has been held in another case that I can refer to, that these exclusive grants made

by foreign governments before we acquired the territory were binding upon our Government.

Mr. HILL. Will the gentleman allow me to ask him a question?

Mr. CORLISS. Certainly.

Mr. HILL. Referring to the somewhat similar case of the banks of Porto Rico and the Philippine Islands, whether they possessed the right to issue notes, does the gentleman claim that the Government of the United States has not the power to tax those notes out of existence, just as it did in the case of the State banks?

Mr. HAMILTON. That is assuming the sovereignty; a cable is a different matter.

Mr. CORLISS. Gentlemen must permit me to go on.

Mr. HOPKINS. The point that I am putting to the gentleman is whether these contracts are binding upon the Government of the United States, in the opinion of the Attorney-General.

Mr. HILL. I think they can be controlled by the taxing power, the same as the State banks were.

Mr. CORLISS. If gentlemen will kindly permit me, I will be able to give you the information that I have acquired after years of labor, and I hope it will be of benefit to our country.

I read from the opinion of the Attorney-General of the United States, Mr. Griggs, written only a few years ago upon an identically similar question, and John W. Mackay was then in the position that I am now. John W. Mackay wanted to get into Cuba. John W. Mackay was trying to break down the monopoly that was held by the other cable company, and he appealed to our Government and asked our Government to give him authority to build a competing line, and our Government considered the matter and the Attorney-General wrote an opinion upon it, holding that the exclusive rights granted by Spain were binding upon our Government as he must hold these binding.

Now, I will read the opinion of the Attorney-General. I read from the compiled volume of Opinions of the Attorney-General, volume 22, page 418, entitled "Cuba Cables," dated June 15, 1899; and I will only read a small portion covering the subject.

Concessions of this kind, which carry with them exclusive rights for a period of years, constitute property of which the concessionary can no more be deprived arbitrarily and without lawful reason than it can be deprived of its personal tangible assets. In a case of the Supreme Court of the United States (1 Wall., 352) Mr. Justice Field said:

"The United States have desired to act as a great nation, not seeking, in extending their authority over the ceded country, to enforce forfeitures, but to afford protection and security to all just rights which could have been claimed from the Government they superseded."

If, therefore, the Western Union Telegraph Company has an exclusive grant applicable to Cuba for cable rights, which grant has not expired, it would be violative of all principles of justice to destroy its exclusive right by granting competing privileges to another company.

It is suggested, however, in Mr. Mackay's letter that the grant which the Western Union Telegraph Company now holds, by lease or assignment, was obtained by fraud practiced on the Government of Spain, and that for that reason its grant is void.

Such an allegation can not be fairly and justly tried upon a proceeding like this. Neither the War Department nor the Department of Justice has power to summon witnesses or to give a judgment upon this question. It is essentially a question for judicial examination and decision, and to determine such a matter in a proceeding of this kind would not only be irregular, but contrary to the ordinary rules and procedure practiced in such cases. Vested rights, which are property, ought not to be taken from anyone, even upon charges of fraud, except by due process of law. Executive action by the War Department applied to subjects like this is not due process of law.

Mr. Mackay further submits that "the tremendous power of the Government should not be exercised against us."

Mr. Mackay thought our Government would let him steal a great public utility in Cuba. Now he has got the exclusive right in the Philippines—through his English ally—as I will show you a little later, and he wants to steal the public franchise from our people.

The opinion goes on to say:

It is the function of the Government to prevent, so far as possible, all infringements of the vested rights of others. Mr. Mackay, through his company, proposes to set up a competitive cable line, which he concedes will greatly injure the business of the Western Union Company, and, although the latter company produces a grant which, on its face, gives it an exclusive right for a period which has not expired, he requests this Government to stand idly by while he does, with the acquiescence of the United States, the very thing which the Government of Spain, our predecessor in the sovereignty of Cuba, solemnly agreed not to do or permit to be done.

Now, I have cited that with some care, because I realize that the Eastern Extension Cable Company owns to-day the absolute door to China, to Japan, to the Philippine Islands, to the Marshall Islands, and held it by lawful grants from foreign nations before we became interested there, and we can not break down that monopoly except the Government undertakes the work itself.

Mr. NEWLANDS. Will the gentleman allow me a question?

Mr. CORLISS. I prefer to conclude my remarks, and after I have concluded I will answer any question that the gentleman desires. When the Eastern Extension Cable Company found that the British nation proposed to lay its Pacific cable, which would break down the monopoly, they held a meeting at London.

Mr. Mackay went there, whether by invitation or not I do not know, but he certainly went to London last August for the purpose of meeting the Eastern Extension Cable Company, and he there made a contract with the Eastern Extension Cable Company holding this exclusive grant, and that is admitted, and that contract provides that Mr. Mackay should come back to our country and incorporate an American company, which he did, with $100,000 capital, apply to the Government for permission to lay that cable, and he thought he could get it at once by saying that he would not ask for a subsidy.

Mind you, the men who were seeking to get the right to lay this cable in 1896 and 1897, and down to March, 1898, knew they could enter the Philippines Islands without interference; but when they learned that the Eastern Extension Cable Company, just before the Spanish war, had secured this grant, their right to enter was barred. The Extension Cable Company sought out an American who was willing to carry out their designs. It is to build this cable to Hawaii and possibly to the Marshall Islands, instead of Guam, connecting the last link in the cable around the world.

The Eastern Extension Cable Company have 70,000 miles of submarine cable, and I hold in my hand the books issued by that company in which is stated its leading corporations. They are the Eastern Extension Cable Company, the Australasia and China Telegraph Company, the West African Telegraph Company, the European and Azores Telegraph Company, and the Western and South African Telegraph Company. In addition to that is the Northern Telegraph Company running from Japan to Russia and around to the north. That corporation and the companies that are organized with it own and control 70,000 miles of cable, including, in my judgment, the Commercial Cable Company across the Atlantic. Why do I say that? Because their representative is in control and management of it, because they dictate what the Commercial Cable Company does.

If I have time I will touch upon that a little later; and, further than that, they control the Postal Telegraph Company, which is not a corporation. It was a corporation, but its property was transferred over to the Commercial Cable Company, so that they own to-day, with the Commercial Cable Company and the Postal Telegraph lines, communication from Manila around the world to California; and they own it in absolute control, and monopolize it. It is true they take messages from other cable companies. It is true that through Europe they take messages and send them. But they have charged for years a rate that has menaced England's interests until she has taken the step that I ask our people now to take.

Mr. RICHARDSON of Alabama. Will the gentleman object to an interruption?

Mr. CORLISS. I prefer not to yield now. I hope the gentleman will make minute of his question, and I will answer it later.

Mr. Mackay telegraphed to the Secretary of State of the United States in August last that he wanted to lay this cable between California and the Philippine Islands upon the same conditions that were imposed upon other cable lines landing in this country. That is the purport of his message.

When he came back here and organized the Commercial Pacific Cable Company with a capital of only $100,000, and applied to the President for permission to land and lay his cable, he was confronted with the conditions heretofore imposed upon all cable companies landing cables in this country. I want to read some of those conditions. They were conditions imposed by President Grant, and James G. Blaine, and Mr. Olney, and President Cleveland, and all the other great men who represented our country in its executive capacity in matters of this kind, and who have persistently insisted that no company should land or operate a cable combination with any other company holding exclusive control or right upon foreign soil.

I want to read just two of those conditions, because they are significant. They are given by Mr. Mackay in his own proposition. They are embraced in three paragraphs of the proposition given by Mr. Mackay, in which he says in effect, "You let me lay this cable; I will furnish all the money; I will not ask a subsidy; I want no interference; I want no authority." Why? His third proposition is—

To land said cable on American soil only, it being understood, however, that in case the depth around the island of Guam be too great to allow a cable landing on that island, the landing may be made elsewhere.

That is a little dangerous; it leaves it to go wherever he pleases. But here is the danger point:

Not to receive from any foreign government exclusive privileges which would prevent the establishment and operation of the cable of an American company in the jurisdiction of such foreign government.

Now, the condition imposed upon all other companies in the United States expressly provides that no company shall operate a

cable in conjunction with any other corporation holding an exclusive grant. Let me read it. These are the conditions imposed by President Grant and every other President by whom this subject has been considered, and ratified by act of Congress:

That neither the company, its successors or assigns, nor any cable with which it connects shall receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government.

It is a direct violation of that condition when he seeks to make a combination which he admits he has made with this company holding such exclusive rights.

2. That the company shall not consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates.

Now, how does Mr. Mackay get around that? This is his language:

Not to consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates, except to make through rates.

Well, that was all that was necessary to complete the combination. I want to ask members of this House whether they are willing by any vote that they may cast here to give a corporation a right to establish communication with another corporation having these exclusive rights, and then permit that company to combine with the other, which they have done, for the purpose of establishing rates.

That is in direct violation of the antitrust law, and when you vote for it you vote for one of the greatest monopolies and combinations on the face of the globe. It is in direct violation of law to permit that combination. Telegraphic communication is commerce. So the Supreme Court has held. No man knowing the facts should vote to give this Mackay corporation this right.

Mr. RICHARDSON of Alabama. Will my colleague consider now——

Mr. CORLISS. No, I will not consider it now. I want to proceed.

Mr. RICHARDSON of Alabama. I know that the gentleman's purpose——

Mr. CORLISS. The gentleman will pardon me now. I will give him hereafter all the time he wants.

Mr. RICHARDSON of Alabama. I just wanted to call your attention to the matter of those concessions.

Mr. CORLISS. Not now.

I do not wish to occupy the time of the House unduly, but I want to read a letter written by Captain Squier, a letter which should be read by every man on this floor before he votes on this bill.

A MEMBER. Who is Captain Squier?

Mr. CORLISS. Capt. George O. Squier is a graduate of the United States Military Academy, having graduated some seventeen years ago, and is now in Army service. For a great many years he has been the executive officer in the active operation of cable lines and telegraph lines in the Signal Office of our Government.

He is undoubtedly, as Mr. HEPBURN said, the best expert in the United States upon that subject, because he has studied it. He knows the people representing these large interests; he knows what it costs to construct cables; he has laid 1,200 miles of cable connecting the islands in the Pacific; he has laid 5,000 miles of telegraph lines on the Philippine Islands, and he put up all the cables during the Spanish war. He is an authority upon this subject.

He is at this time in Washington, fortunately, after two years' service in the Philippine Islands in charge of the cable ship *Burnside*, and I wish to direct the attention of the committee to the fact that we have been progressing. We have a cable ship capable of laying a strand 1,000 or 2,000 miles long, in operation under the charge of Captain Squier. He has been in those islands for two years. He returned here only a week or ten days ago.

Knowing his superior knowledge and ability to any other man that lives in our country, admittedly the best expert of our Government, admittedly so by Mr. HEPBURN, chairman of our committee; I asked for his judgment, and a statement from him upon the important questions at issue here, and last Monday week he said to me if the Secretary of War would permit he would very gladly give me his judgment and the facts that he has learned from actual experience upon this important subject.

I have it here in writing, answering each question. No man should vote upon this bill until he reads it, and I could make no speech here that would be half as effective as the one contained in this letter.

Mr. SAMUEL W. SMITH. Suppose you read the letter now.

Mr. CORLISS. Very well; I will ask the Clerk to read it at this time. It was written less than a week ago in answer to positive questions, such as I would like to have you gentlemen propound.

The Clerk read as follows:

WASHINGTON, D. C., *June 3, 1902.*

Hon. JOHN B. CORLISS,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 2d of June, containing a list of inquiries concerning the establishment of an American trans-Pacific cable connecting the Philippine Islands with the United States, and asking for my views and judgment upon the points named.

The brief answers submitted herewith in favor of Government control are based upon the present military and naval needs of the United States to preserve her position in the Pacific Ocean, the promotion of American trade and commerce in the East, and the elevation and Americanization of the Philippine people.

It is a long-range view of the subject that is demanded at this time, when a telegraphic line connecting two hemispheres is to be laid for the first time. It is manifestly much less trouble to the United States, as far as the present moment is concerned, to allow a private corporation to lay a foreign-made cable in the Pacific by foreign cable ships, employing foreign skilled labor.

The easiest thing to do, however, is rarely the best thing to do, either for an individual or a nation.

Considering your inquiries in the order named in your letter, they are as follows:

GOVERNMENT OWNERSHIP.

1. It is an excellent principle to permit our private citizens to perform any service for the people which can be consistently and efficiently done, considering the interests involved. The trans-Pacific cable, however, is an enterprise of distinctly national, and even international, importance.

It would be as reasonable to turn over our postal system to the management of a few individuals for private gain as it would be to allow this particular cable to be controlled and managed by any private corporation.

The present monopoly which now controls the telegraphic communications to the Far East via Europe, will be perpetuated and enormously increased by permitting any private corporation which is allied to it in any way, to lay the first cable across the Pacific Ocean to the inestimable damage to the trade and commerce of the entire world for twenty-five years to come. The last link in the telegraphic circuit of the globe across the Pacific Ocean, in combination with the already existing monopoly, will furnish a telegraphic monopoly encircling the entire globe, which will operate to affect the future trade and commerce of the world in a manner not easy to realize.

The only possible method of breaking this monopoly, at present due to peculiar conditions obtaining, is for the United States Government itself to lay the connecting link and operate it at tariff rates in the interest of commerce and trade.

By permitting any corporation to lay the first cable across the Pacific the United States Government will virtually lock the door to the East, while the establishment of this enterprise by the Government will confer an ultimate blessing to civilization and trade, which will remain a monument to the wisdom and sagacity of this Government at a critical time.

2. Importance to the military and commercial influence of our nation.

A fully equipped cable plant in the United States is an absolute necessity at the earliest possible moment. This Government must be able to manufacture, lay, and repair submarine ocean cables, to maintain her military and naval prestige in the Pacific. The highest military and naval experts of the world now agree that exclusively controlled communications largely measure naval strength.

A cable plant is as necessary to the United States as an arsenal, a gun factory, or a navy-yard, and for the identical reasons. France and Germany within the last few years, since the paramount importance of cable communications as a means of national defense in time of war has been brought to the world's attention by the Spanish-American war, the Boer war in South Africa, and the recent disturbance in China, have each formulated a distinct "cable policy" as a part of their national defense scheme.

Germany has established a fully equipped cable plant at Cologne, Germany, and has recently built one of the finest cable ships in the world. France, through aid to private enterprise, has established a fully equipped cable plant at Havre and possesses cable ships fully equipped flying the French flag. Last year one of these ships, the *Francois d'Arago*, commanded by Lieutenant Mascart of the French navy, transported a French-made submarine cable to the Far East and connected the French possessions at Tonkin with Shanghai and will later complete the connection with the Siberian telegraph system, giving France colonial communication to Russia independent of England,

Germany last year likewise transported German-made cable in a German cable ship and connected her newly acquired territory in China (Kiaoutchau) to the telegraph system of the world. To allow the first trans-Pacific cable to the Philippines to be laid by foreign labor and foreign cable ships would be directly contrary to the sentiment of the late President McKinley in his special message to Congress upon this subject, in which he stated that this cable should be laid in such a way as to be "wholly under the control of the United States in peace and war."

Ability to repair and maintain this cable after it is laid by American cable ships is an absolute necessity to its control, and the placing of this great cable line under the control of foreign nations by not providing the means for maintaining it ourselves is a serious menace to our position in the Pacific.

We might as well neglect to provide dry docks and repair shops for our battle ships.

The establishment of a first-class cable plant upon American soil is more important to the United States at this time than the authorization of additional battle ships, for our own naval strategists, as well as those of other nations, agree that the very foundation of successful naval strategy is efficient and exclusively controlled communications, and the lack of them more serious than inferiority in ships.

The United States already has a fully equipped cable ship, the *Burnside*, in the Philippines, and had she possessed this ship in 1898 the naval problem of the Spanish-American war would have been immensely simplified.

3. Monopoly now held by Eastern Extension Cable Company.

The Eastern Extension Cable Company and its allied corporations now own the exclusive privilege of landing cables in the Philippine Islands for a period expiring May 8, 1940, and which also covers all Spanish islands, including Guam and the Marshall Islands, for a period of twenty years after such latter connections are made.

This exclusive monopoly is held to prevent any government or corporation other than the one named from landing cables in the Philippine Islands.

4. Who is furnishing the money for the Pacific Commercial Cable Company, and why?

I have no knowledge of the affairs of the Pacific Commercial Cable Company, or of its intentions, other than the testimony submitted to the Committee of Interstate and Foreign Commerce of the House of Representatives.

I do know, however, that the incorporators of the Pacific Commercial

Cable Company already own an Atlantic cable system, and also own a transcontinental land line system, namely, the Postal Telegraph system of the United States. It is also admitted in the testimony above referred to that this company has entered into an agreement with the Eastern Extension Cable Company and its allied corporations, which now controls telegraphic rates to the East, and holds an exclusive monopoly for landing cables in the Philippines.

It is also well known that the Eastern Extension Cable Company has a large amount of money invested in its present cable system to the Far East, and that the moment a cable is laid across the Pacific by this Government the annual receipts of the present systems via Europe will drop at least a million dollars a year.

It is also of record that the president of the board of directors of the Eastern Cable Company several times in his remarks at the annual meetings of this company in London, as published in the London technical journals, has shown that his company has been fully alive to the menace to their property which the construction of a trans-Pacific cable by any one not allied with them would cause.

It would be but a natural and wise business policy for these allied corporations to exhaust every means for either preventing any cable being laid across the Pacific, or stop all competitors by constructing the first span to Honolulu, or in the ultimate, to lay the entire cable across the Pacific to protect their property and extend their present monopoly to encircle the globe.

I have no knowledge that any money is being furnished by the Eastern Cable Company to the Pacific Commercial Cable Company.

The paramount question does not concern the Pacific Commercial Cable Company or any other private corporation, nor indeed the mooted theory of government versus private ownership. It is really that the situation demands an American-made cable across the Pacific, touching only American soil, controlled in peace and war by the United States, and operated for the people at the lowest possible tariff rates.

This can best be accomplished by the Government itself.

8. Why only one cable is necessary.

Those opposed to Government establishment of the Pacific cable maintain that to protect the communications the Government will be obliged to lay two cables immediately, at an expense of from $20,000,000 to $25,000,000. This is not true. One cable is all that is necessary at present until the demands of commerce construct several more cables.

The British Government itself, after eight years of one of the greatest contests known against this same cable monopoly, has finally decided to lay a Government cable connecting Canada with Australasia, to be owned, maintained, and operated by the Government itself, and this cable is now being manufactured for the British Government, and is under contract to be entirely completed by the 31st of December of this year.

These two trans-Pacific cables, therefore, will mutually protect each other, and in addition there will always be available the same routes, via Europe, as at present, in case of necessity. The argument, then, of the great expense of two cables at the outset has no foundation.

6. Cable monopoly from Hongkong to Manila. Number of lines. Revenue obtained during the past three years from our Government.

The only cable connecting the Philippine Archipelago with the telegraph system of the world is a single line from Manila to Hongkong—a monopoly of the Eastern Extension Cable Company, as referred to above. As to the revenue obtained from this single span of cable, I have endeavored to obtain from the office in Manilla data as to the amount of traffic carried over this system of cable, but it being contrary to the rules of the company to give out such information, it could not be secured. As to the revenue earned during the past three or four years from Government messages, a close estimate is easily made.

According to the annual report of the Secretary of War for the year 1899, the amount paid by the War Department alone for messages to and from the Philippines averaged at that time about $400,000 per annum, every word of which, as stated above, is obliged to pass over this cable. The Government rate at that time was $2.25½ per word, United States currency, so that the entire number of words paid for by the Government per annum would be about 180,000. The tariff rate from Manila to Hongkong—a distance of 628 miles—is 90 cents Mexican currency per word, or an average of 40 cents in United States currency.

The revenue, therefore, to the Eastern Extension Company per annum from the War Department alone, not considering the Navy Department or any commercial business, is approximately $72,000, which is the interest at 4 per cent on $1,800,000. The value of this line laid is, at a liberal estimate, $1,000 a mile, or represents approximately an invested capital of $630,000.

The rate charged by this company over this single span of cable to the public and the Government is nearly twice the rate from New York to London across the Atlantic, and as this company holds a monopoly no competing line has been laid.

6. Cost of cable and operation, etc.

The Pacific cable to the Philippine Islands can be manufactured and laid by the Government for not exceeding $10,000,000.

The cost of operation proper should not exceed $325,000 per annum, not including renewal nor interest on capital.

I believe that this particular cable can be laid cheaper by the Government than by a private company, as the resources of the Army and Navy and other executive departments of the Government would be available for the work.

During the last two years an interisland cable system connecting all of the principal islands of the Philippine Archipelago has been laid by the Signal Corps of the Army. The cable was American made, transported in an American cable ship, and laid in thirty different spans with success. I estimate that the carrying out of this work by the Government has resulted in a saving of at least $300,000 to the Government, and no private company could possibly have carried out this work under the conditions existing.

If the cable is operated by the Government for the people, the principle will be maximum service and minimum cost. If it is turned over to a private corporation, the principle will necessarily be maximum dividends at the expense of the people.

If the Government operates the cable, telegrams will be classified according to the urgency and differential tariffs charged therefor, with a view of operating the cable to its fullest capacity all the time.

Operated as above, this cable would be a paying investment from the outset, but I would be in favor of placing the rates so low as to just pay expenses.

The deficit in the Post-Office Department, according to the annual report of the Postmaster-General for the year 1897 was approximately eleven and one-half million dollars—more than enough to build the entire Pacific cable—and the Post-Office deficit for the five years from 1894 to 1898, inclusive, was nearly $48,000,000—enough to build five trans-Pacific cables, or one complete cable every year of that period.

Yet no one thinks of raising the rate of postage, and it is hardly possible to find a better method of expending a part of the revenues of our Government than in transmitting intelligence among our people, which is really the greatest civilizer on earth. England, realizing this, a few years ago established penny postage throughout her vast empire at an enormous deficit in operating expenses.

I can conceive of no better expenditure of public funds than in furnishing to all our people, to our trade and commerce, the benefits of the lowest possible rates of communication to our colonies in the East and to China and Japan. It is impossible to accomplish this to its fullest extent except by the Government itself.

8. Importance of cable news to the Philippines and facts with reference to subscriptions of officers for cablegrams.

To the American soldier in the Philippines one of his greatest trials is news isolation from the United States. Until a few months ago the only general news of the world which could be distributed to the American garrisons throughout the archipelago was the very brief dispatches furnished through Reuter's agency, which usually related to the Boer war or had a distinct European flavor.

What the American in the Philippines wants is American news, and this demand has been so great that a few months ago a movement was inaugurated, assisted by General Chaffee, by which a monthly subscription was obtained from officers, civil employees, and others throughout the archipelago, and so successful was this movement that an amount of money was raised which now furnishes to Manila daily a condensed news cablegram from the United States.

General Chaffee has thrown open the entire Government interland telegraph system free for the distribution of this daily cable news message, and at noon each day it is distributed to every telegraph station and commanding officer of troops in the Philippine Archipelago. As the Government now has in operation over 5,000 miles of telegraph land lines and 30 separate interisland cables, aggregating over 1,300 miles, this daily cablegram practically reaches all parts of the Philippines.

The cable company furnishes no reduction for this service other than the Associated Press rate. The effect of this enterprise has been wonderful, and the investment involved is now a personal tax upon those who are required to serve in the Philippines.

Very truly, yours,

GEORGE O. SQUIER,
Captain, Signal Corps, U. S. A.

Mr. CORLISS. We ought to look at other governments and what they are doing as a guide for ourselves. We know what England has done. She is laying her Pacific cable to-day. It will be laid by next January. She has agreed to give her trade and commerce a rate over her line of 50 cents a word, connecting all her territories clear to Australia—50 cents a word, one-half what this Mackay combination proposes to charge.

Great Britain does this, first, to absolutely control her military power and to maintain it; second, to extend her trade and commerce. She has nearly encircled the globe with Government cables, except where this company has held her back and prevented. Now, then, what has France and Germany done? France two years ago authorized the payment of $800,000 to a private corporation to build a cable plant in France, which has been built, and has completed for the French Government itself four great Government lines in the last three years. Those lines I have set forth in the report on this bill.

France has gone into China and laid a Government cable from her possessions to Shanghai, in defiance of this corporation and its exclusive rights. It is true she did not get into China, but she landed on an island outside. She put her Government cable right up through the Pacific, connecting her possessions with an island near Shanghai, the New York of China, and there maintains it in communication with the Danish telegraph lines from Japan.

In the last few years she has built four Government lines to South Africa, in order to separate herself from the control of the English corporations and the English Government lines. What has Germany done? Germany has the Marshall Islands. Those in the yellow on the map before you are the German islands, known as the Caroline, the Marshall Islands, and the Pelew Islands. Germany owns those; obtained them from Spain.

There is upon the Marshall and the Pelew islands the same concession that we have to confront. What has Germany done? She has gone to work and constructed a Government cable from the Marshall Islands to the Caroline Islands and thence to the Pelew, and in order to strengthen herself she joined hands with the Dutch Government, and I hold in my hand a certified copy from the Secretary of State of that agreement between Germany and the Kingdom of Holland.

Mr. LESSLER. Denmark you mean, do you not?

Mr. CORLISS. I mean Holland. This agreement is only a few months old. I will not stop to find the date, but it is within six months.

Now, those two Governments, with only those little islands in the Pacific, have made a contract by which Holland undertakes to join her islands with the German islands by two Government cables, and Holland agrees to build over from here to the Pelew Islands, and the German Government agrees to build a Government cable connecting them, and then the two Governments agree to join and extend the line to Shanghai. Why? To get out of the clutches of this English cable company.

The CHAIRMAN. The gentleman has occupied one hour.

Mr. CORLISS. I believe I have the right to control two hours.

The CHAIRMAN. It is the duty of the Chair to call the attention of the gentleman to the fact that he has consumed one hour. Of course, as he controls the time he can resume.

Mr. CORLISS. I do not want to trespass too much upon the time of others, but I wish to conclude my remarks.

The CHAIRMAN. There are some other matters to come up in the House.

Mr. CORLISS. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and Philippine Islands, and other countries, and to promote commerce, and had come to no resolution thereon.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back to the House the bill (H. R. 13676) making appropriations for the support of the Military Academy, with Senate amendments, and with the recommendation that the Senate amendments be disagreed to, and that the House ask for a committee of conference thereon.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House disagree to the amendments of the Senate to the Military Academy bill, and ask for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, a few days ago, when the gentleman made this request, I objected, because I learned that the minority members of the committee had not been consulted and had not agreed to the request. I now understand that they have, and therefore I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HULL, Mr. PARKER, and Mr. SLAYDEN.

SOLOMON P. BROCKWAY.

Mr. GIBSON. Mr. Speaker, I desire to present a conference report and statement on the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, and I ask that they be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee presents a conference report for the purpose of having the same printed in the RECORD. This will be done in accordance with the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "$24;" and the Senate agree to the same.

HENRY R. GIBSON,
H. B. DARRAGH,
Managers on the part of the House.

P. J. McCUMBER,
JOSEPH SIMON,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement of House conferees to accompany conference report on H. R. 10545.

The House fixed the rate of the pension at $30 per month. The Senate reduced this rate to $20 per month. The conference report fixes the rate at $24 per month.

HENRY R. GIBSON,
A. B. DARRAGH,
Managers on the part of the House.

BRIDGE ACROSS CUMBERLAND RIVER, DAVIDSON COUNTY, TENN.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.

The bill was read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

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

BRIDGE ACROSS MISSISSIPPI RIVER, MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5062) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

The bill was read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

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

BRIDGE ACROSS TENNESSEE RIVER, TENNESSEE.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company.

The bill was read.

The SPEAKER. Is there objection?

There was no objection.

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

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

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN CASS COUNTY, NEBR., AND MILLS COUNTY, IOWA.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

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

The bill and amendments recommended by the committee were read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURKETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LATE HON. AMOS J. CUMMINGS.

Mr. PAYNE. Mr. Speaker, after consultation with members on both sides of the House, I am requested to ask for unanimous consent that it be ordered that when the House adjourn on Saturday, June 28, it adjourn to meet on Sunday, June 29, at 11 o'clock, the session to be devoted to eulogies upon the life, character, and public services of the late AMOS J. CUMMINGS, of New York.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn on Saturday, June 28, it adjourn to meet at 11 o'clock on Sunday, the 29th of June, the occasion to be devoted to eulogies upon the life, character, and services of the late Hon. AMOS J. CUMMINGS. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following Executive communication was taken from the Speaker's table and referred, as folows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War relating to an item of disallowance in the accounts of Capt. Marion P. Maus—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4709) granting a pension to Nelson W. Wade, reported the same without amendment, accompanied by a report (No. 2422); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1980) granting an increase of pension to William D. Stites, reported the same without amendment, accompanied by a report (No. 2423); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1981) granting an increase of pension to Thomas Hannah, reported the same without amendment, accompanied by a report (No. 2424); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8944) for the relief of

Daniel J. Ockerson, reported the same without amendment, accompanied by a report (No. 2425); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12590) for the relief of William B. Horner, reported the same without amendment, accompanied by a report (No. 2426); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6338) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion, reported the same without amendment, accompanied by a report (No. 2427); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6336) for the relief of Peter Fisher, reported the same without amendment, accompanied by a report (No. 2428); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13931) for the relief of Herman B. Robb, reported the same without amendment, accompanied by a report (No. 2429); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2909) for the relief of Rev. George W. C. Smith, reported the same without amendment, accompanied by a report (No. 2430); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 330) for the relief of Lawrence H. Knapp, late first lieutenant, Second Oregon Volunteer Infantry, reported the same without amendment, accompanied by a report (No. 2432); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13460) for the relief of the estate of Peter McEnery, deceased, reported the same without amendment, accompanied by a report (No. 2433); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13658) for the relief of Ellen Mansfield and Mattie Mansfield, reported the same without amendment, accompanied by a report (No. 2434); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committtee on War Claims, to which was referred the bill of the House (H. R. 15011) for the relief of William S. Tildon, reported the same without amendment, accompanied by a report (No. 2435); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14596) for the relief of the legal representatives of Sarah J. Montgomery, deceased, reported the same without amendment, accompanied by a report (No. 2436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2731) for the relief of Salvador Costa, reported the same without amendment, accompanied by a report (No. 2437); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 7861, reported in lieu thereof a resolution (H. Res. 299) referring to the Court of Claims the papers in the case of the Cumberland Presbyterian Church, of Charlotte, Tenn., accompanied by a report (No. 2439); which said resolution and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 6723, reported in lieu thereof a resolution (H. Res. 300) referring to the Court of Claims the papers in the case of the Berks County (Pa.) Agricultural Society, accompanied by a report (No. 2440); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5265) to reimburse the University of the State of Missouri, etc., reported the same adversely, accompanied by a report (No. 2431); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 14997) for the relief of Mrs. M. E. Haldeman, and the same was referred to the Committee on War Claims.

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. STEWART of New York: A bill (H. R. 15024) to authorize street railways in the District of Columbia to carry small freight, express, and so forth—to the Committee on the District of Columbia.

By Mr. FINLEY: A bill (H. R. 15025) granting pensions on account of service in the war with Mexico—to the Committee on Pensions.

By Mr. REEVES: A bill (H. R. 15026) to revise the laws of the United States relating to trade-marks—to the Committee on Patents.

Also, a bill (H. R. 15027) to regulate and protect marks, trade-marks, commercial names, and symbols used in commerce, and to enforce treaties regarding the same—to the Committee on Patents.

Also, a bill (H. R. 15028) respecting applicants for patents not residing in the United States—to the Committee on Patents.

Also, a bill (H. R. 15029) to revise the patent laws of the United States—to the Committee on Patents.

Also, a bill (H. R. 15030) to give effect to treaty stipulations relating to letters patent for inventions—to the Committee on Patents.

By Mr. COWHERD: A bill (H. R. 15031) authorizing the Commissioners of the District of Columbia to construct toilet rooms—to the Committee on the District of Columbia.

By Mr. McDERMOTT: A bill (H. R. 15032) to provide for the erection of a monument to the memory of Samuel J. Tilden—to the Committee on the Library.

By Mr. HAY: A resolution (H. Res. 297) asking for information as to court-martials—to the Committee on Military Affairs.

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. FLETCHER: A bill (H. R. 15033) to correct the military record of Benjamin F. Graham—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 15034) granting an increase of pension to Albert M. Coruth—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 15035) granting an increase of pension to William F. Burnet—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15036) referring certain claims of the employees of the workhouse of the District of Columbia to the Court of Claims—to the Committee on Claims.

By Mr. LOVERING: A bill (H. R. 15037) granting an increase of pension to Thomas G. Savery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 15039) granting a pension to Julia A. Rosenberger—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 15040) for the relief of J. H. Smith—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 298) for the appointment of Charles J. Sumner as assistant doorkeeper at salary of $2,000—to the Committee on Accounts.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 299) referring the claim of the Cumberland Presbyterian Church, of Charlotte, Tenn. (H. R. 7861), to the Court of Claims—to the Private Calendar.

By Mr. KEHOE, from the Committee on War Claims: A resolution (H. Res. 300) referring the claim of the Berks County (Pa.) Agricultural Society (H. R. 6723) to the Court of Claims—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APLIN: Petitions of St. Hedwig Society, Polish Alliance, of Alpena, Mich., and Sacred Heart Society, of Mullet Lake, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATE.

WEDNESDAY, *June 11, 1902.*

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

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

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

GREER COUNTY, TEX.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

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

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

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

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

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

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

ENROLLED BILLS SIGNED.

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

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

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

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

PETITIONS AND MEMORIALS.

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

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

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

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

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