

below, it reflects on high all the breadths of the horizon and the shining of Heaven's bright effluence.

We come to-day, then, with all our sorrow, with all our struggle after manhood, we come to confess that God has blessed us in making us friends, in making us acquaintances, in making us fellow-servants of NELSON DINGLEY. And as we lay him aside, lay aside the body from which the spirit has fled, we have no doubt about the life, no uncertainty where to place it, we are not doubtful as to the mind, the tutelage it had, or the way in which it adapted that tutelage and made God's leadership his own.

For the life grew into every kind of moral adaptation and soundness, and we recognized at once that he was a child of the living God when he took these things into his very life. For it would be true to say, not that he had certain principles, not that he had morality, not that he had a spiritual view of society and the universe, but that he was morality, that he was these principles incarnate. That is the reason for our trust in him; that is the reason for our affection for him; that is the reason that when we come in this way we can hardly shut back the tears as we lay our last tribute here in this legislative Chamber in memory of NELSON DINGLEY, the devoted husband and father, the loving and affectionate brother and friend, the loyal and true-hearted citizen, the legislator, the statesman and leader of his time.

Prayer was then offered by the Chaplain of the House, Rev. HENRY N. COUDEN, as follows:

Father in heaven. Almighty. Maker of heaven and earth, in whose all-encircling love we dwell, it is with an overwhelming sense of the nation's loss that we gather here to-day. Behold, the form which but yesterday moved with grace and ease among us is cold and prostrate. The eyes which looked with intelligence upon us are closed, the lips which spoke to us wisdom are hushed, and the heart that throbbed with patriotic fervor and tender emotions is still. Yet we would not murmur nor complain. We pray for fortitude, courage, strength, patience, faith, hope, and renewed confidence.

Thou art good, and we are profoundly grateful for the life, work, and splendid example of the Christian statesman. Our lives are richer for having known him, our nation stronger, more complete for his incalculable service; he will live in the hearts of those who knew him, in the evolution of our national institutions, and his example will be an inspiration to those who minister the affairs of government in generations yet to come.

Comfort us in the blessed thought that death is not an extinction of being, but an epoch—an event in the grand eternal march of existence.

"Weeping may endure for a night, but joy cometh in the morning."

Who has not learned in hours of faith
The truth to flesh and sense unknown
That Life is ever Lord of Death,
And Love can never lose its own.

Solace the broken heart, heal the bitter wounds, assuage the swift-flowing tears of those to whom he was nearest and dearest in the living truth—that though he may not return to them, they shall surely go to him, there to dwell in his presence forever, and psalms of praise we shall ever give to Thee, through Jesus Christ, the world's Redeemer. Amen.

The hymn "Jesus, Lover of My Soul" was sung by the choir. The benediction was then pronounced by Rev. Dr. NEWMAN: May the love of God, the grace of the Lord Jesus Christ, the fellowship, strength, and comfort of the Holy Spirit, be with each of us for ever and ever. Amen.

The President of the United States and his Cabinet, with the other attending officials, and the Senate of the United States, retired from the Hall; and at 1 o'clock p. m. the House resumed its session.

Mr. BOUTELLE of Maine. Mr. Speaker, as a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

The motion was agreed to.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DOLLIVER: A bill (H. R. 11616) to redeem outstanding certificates of deposit issued under authority of the act of Congress approved February 26, 1879—to the Committee on Ways and Means.

By Mr. BUTLER: A bill (H. R. 11617) to reimburse naval volunteers—to the Committee on Naval Affairs.

By Mr. BARLOW: A bill (H. R. 11618) to grant to the Pasadena and Mount Wilson Railway Company right of way and certain lands for railroad purposes through the San Gabriel Forest Reserve—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 11619) for the relief of the estate of Naphthalie Solomon—to the Committee on War Claims.

By Mr. ERMENTROUT: A bill (H. R. 11620) for the relief of Morris F. Cawley—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Resolutions of the Milwaukee, Wis., Chamber of Commerce, favoring modification of the war-revenue law—to the Committee on Ways and Means.

Also, petition of citizens of Elroy, Wis., praying for the passage of the Ellis bill to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BROMWELL: Resolutions of the Cincinnati, Ohio, Chamber of Commerce, concerning needful improvement of the Tennessee River—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring the adoption of Senate bill No. 5024 and House bill No. 11312, measures to promote the ocean carrying trade in vessels under the American flag—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, asking for the passage of House bill No. 2524, relating to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring the passage of Senate bill No. 2680, in relation to quarantine, and imposing additional duties upon the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring the enactment of legislation authorizing the President to correspond with the governments of the principal maritime powers with a view to incorporating into the permanent law of nations the principle of making private property on the sea free from capture in time of war—to the Committee on Interstate and Foreign Commerce.

By Mr. ERMENTROUT: Resolutions of the Chamber of Commerce of New York, also of the Board of Trade of Baltimore, Md., in favor of the passage of House bill No. 2524, for increasing the efficiency of the consular service—to the Committee on Foreign Affairs.

Also, memorial of the Ancient Order of Hibernians, of Philadelphia, Pa., Alex. McKernan, county president, in opposition to an alliance with England—to the Committee on Foreign Affairs.

SENATE.

TUESDAY, January 17, 1899.

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

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 1037) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry; and

A bill (H. R. 5113) to remove the charge of desertion from and to correct the military record of Capt. William Churchill, late a private of Company K, Second Regiment of United States Cavalry.

NORTHERN CHEYENNE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the United States Indian inspector of the Northern Cheyenne Indians, in the State of Montana, together with certain information relative to their removal from the Crow Indian Reservation in that State, and praying that an appropriation be made for purchasing improvements thereon and certain lands situated therein; which, with the accompanying papers, were referred to the Committee on Indian Affairs, and ordered to be printed.

PROPOSED EXECUTIVE SESSION.

Mr. DAVIS. Mr. President, I desire to give notice that tomorrow morning, immediately upon the conclusion of the routine business, I shall move that the Senate proceed to the consideration of executive business.

PETITIONS AND MEMORIALS.

Mr. LODGE presented the petition of E. E. Sherman, of Emerson College, and sundry citizens of Boston, Mass., and a petition of the Young People's Christian Union of the First Universalist Society, of Everett, Mass., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which were referred to the Committee on Military Affairs.

He also presented a petition of the American Library Association, urging action by Congress at the present session to insure that the United States will make its proper contribution to the work of an international catalogue of current scientific literature; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Real Estate Exchange of Boston, Mass., praying for the enactment of legislation to secure elasticity of the currency; which was referred to the Committee on Finance.

He also presented a memorial of the Travelers' Club, of Springfield, Mass., remonstrating against the passage of the anti-scalping ticket bill; which was ordered to lie on the table.

He also presented a petition of the Young People's Christian Union of the First Universalist Society, of Everett, Mass., praying for the maintenance of prohibition in Alaska and the Indian Territory, and also to extend it to our new half-civilized dependencies; which was referred to the Committee on Territories.

He also presented a petition of the Woman's Club, of Dorchester, Mass., praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on the Judiciary.

He also presented a petition of the Evangelical Alliance of Boston, Mass., praying for the enactment of legislation to reopen the Indian contract-school question; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Young People's Christian Union of the First Universalist Society of Everett, Mass., praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Association of Boston, Mass., and a petition of the Board of Trade of Mansfield, Mass., praying for the enactment of legislation to increase American shipping; which were referred to the Committee on Commerce.

Mr. TELLER presented a petition of the faculty of the State University of Colorado, and a petition of the faculty of the State Normal School of Colorado, praying for the establishment of a national university; which were referred to the Committee to Establish the University of the United States.

He also presented a petition of the Cattle and Horse Protective Association of Yuma and Eastern Arapahoe County, Colo., praying for the preservation of the cattle ranges, and remonstrating against the granting of lands to the States for reclamation by irrigation; which was referred to the Committee on Public Lands.

Mr. HAWLEY presented resolutions adopted at the twenty-ninth annual reunion of the Society of the Army of the Potomac, held at Niagara Falls, N. Y., September 1, 1898, favoring liberal appropriations by Congress for the establishment of a national military park at Gettysburg, Pa.; which were referred to the Committee on Appropriations.

Mr. HARRIS presented the memorial of Walter N. Allen, of Meriden, Kans., remonstrating against the further publication of the official crop reports issued by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Exporters and Importers' Association of New York, praying for the establishment of a committee to investigate certain land matters in connection with the Northern Pacific Railway Company; which was referred to the Committee on Pacific Railroads.

Mr. SIMON presented a petition of the congregation of the Presbyterian Church of Pleasant Grove, Oreg., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which was referred to the Committee on Military Affairs.

Mr. PLATT of New York presented the petition of Rev. F. D. Huntington, D. D., Bishop of Central New York, and the petition of Rev. Lyman Abbott, of Brooklyn, N. Y., praying for the enactment of legislation repealing the act of Congress approved January 14, 1889, authorizing the establishment of a Chippewa commission; which were referred to the Committee on Indian Affairs.

He also presented a memorial of Local Union No. 9, Cigar Makers' International Union of America, of Troy, N. Y., remonstrating against the annexation of the Philippine Islands; which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Harlem Republican Club, of New York City, N. Y., expressing approval of the course of the Administration in the conduct of the war, the nego-

tiations for peace, and the policy respecting the Philippines; which were referred to the Committee on Foreign Relations.

He also presented a petition of the North Side Board of Trade, of New York City, N. Y., and a petition of Bainbridge Grange, No. 726, Patrons of Husbandry, of New York, praying for the enactment of legislation to increase American shipping; which were referred to the Committee on Commerce.

Mr. HOAR presented the memorials of Arthur B. Ellis, of John Winn and 29 other citizens, of W. H. Dewhurst and 9 other citizens, Albert D. Long and 9 other citizens, Louis Warneke and 9 other citizens, Edward Billing and 9 other citizens, John F. Harrington and 9 other citizens, Charles P. Russell and 9 other citizens, James Pigott and 9 other citizens, F. Boott and 6 other citizens, Charles D. Demond and 2 other citizens, A. T. Winslow and 9 other citizens, and of William C. Appleton, all in the State of Massachusetts; of Charles Dyer Norton and 6 other citizens, G. J. Werner and 9 other citizens, William A. Redenbaugh and 9 other citizens, J. J. Linton and 9 other citizens, George H. Clark and 9 other citizens, George Degitz and 9 other citizens, R. Shoemaker and 9 other citizens, C. F. Perry and 9 other citizens, W. E. Mills and 9 other citizens, J. O. Taylor and 9 other citizens, George Bakewell and 9 other citizens, J. A. Miller and 9 other citizens; and of Harry Marsh and 9 other citizens, all in the State of Illinois; of William T. Carter and 4 other citizens, all in the State of New Hampshire; of E. L. Robinson and 9 other citizens, S. L. Lamb and 9 other citizens, and of A. M. McLane and 9 other citizens, all in the State of Washington; of William P. Johnson and 9 other citizens of Louisiana; of P. R. Wills and 9 other citizens of Maryland; of Harry Chandler and 8 other citizens of Michigan; of C. M. Rogers and 9 other citizens and of K. P. Harrington and 9 other citizens, all in the State of North Carolina; of F. W. Kelsey and 5 other citizens of New Jersey; of R. J. Redding and 9 other citizens of Georgia; of Richard Armstrong and 9 other citizens of Virginia; of L. W. Seymour and 7 other citizens of Connecticut; of A. B. Parks and 9 other citizens and of Dean Gordon, all in the State of Kansas; of Thomas J. Howe and 9 other citizens of Michigan; of L. M. Peck and 9 other citizens of Colorado; of G. A. Prinz and 9 other citizens of Alabama; of T. P. Lewis and 499 other citizens, L. F. George and 9 other citizens, Thomas E. Willson and 9 other citizens, and of J. F. Lockard and 9 other citizens, all in the State of Indiana; of A. L. Brown and 9 other citizens of Pennsylvania; of O. T. Drake and 9 other citizens and of D. M. Lynch and 9 other citizens, all in the State of Ohio; of D. E. Woodbridge and 9 other citizens, C. R. Wilcox and 9 other citizens, A. B. Choate and 9 other citizens, James Emerson and 9 other citizens, F. A. Bliss and 9 other citizens, George Parker and 9 other citizens, and of George Cook and 9 other citizens, all in the State of Minnesota; of C. Karff and 9 other citizens, T. C. Kloss and 9 other citizens, and John H. O'Bar and 9 other citizens, all in the State of Texas; of Charles T. Raymond and T. B. Brooks and 10 other citizens, all in the State of New York; of William Brandt and 14 other citizens of Maryland; of George Kelsall and 40 other citizens of West Virginia, and of E. H. Sproat and 5 other citizens of Pennsylvania, remonstrating against any extension of the sovereignty of the United States over the Philippine Islands in any event, and over any other foreign territory without the free consent of the people thereof; which were referred to the Committee on Foreign Relations.

Mr. BUTLER. I present a petition signed by Martin Van Buren Cook and Grigsby E. Thomas, jr., of Columbus, Ga., and 52 other Confederate veterans. I ask that the petition be read and referred to the Committee on Appropriations.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Carolina?

Mr. GALLINGER. I should like to ask the Senator from North Carolina what is the subject-matter of the petition?

Mr. BUTLER. It relates to the proposed amendment in reference to the pensioning of Confederate veterans.

Mr. GALLINGER. The proposed amendment to the pension appropriation bill?

Mr. BUTLER. Yes.

Mr. GALLINGER. I think the petition ought to be referred without going into the RECORD. I object to its going into the RECORD.

Mr. ALLEN. I am unable to hear the colloquy between the Senators on the other side of the Chamber.

The VICE-PRESIDENT. Objection is made to the reading, and the petition will be referred to the Committee on Appropriations.

Mr. BUTLER subsequently said: In presenting the petition a few moments ago signed by 54 Confederate veterans of Columbus, Ga., I did not state the substance of the petition because I did not conceive that any Senator would object to the reading of the petition. Inasmuch as the petition sets forth the reasons that these Confederate veterans give for favoring the proposed amendment with reference to pensions, I thought it was very appropriate that it should be read, as speaking for themselves they give their reasons. If I had supposed that any Senator would have objected

I myself would have taken the opportunity to have presented briefly the reasons the petitioners advance.

Mr. JONES of Arkansas. I present a memorial of Sidney Johnson Camp, No. 863, United Confederate Veterans, held at Batesville, Ark., on the 10th of January, 1899, protesting against any action on the part of the General Government with relation to Confederate graves and to the admission of Confederate soldiers to Soldiers' Homes, and they say that they regard such proposed legislation as illogical and unwise and as having a bad tendency in every way. The memorial also protests against the passage of a bill to pension Confederate soldiers.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Appropriations.

Mr. GORMAN presented a memorial of the James R. Herbert Camp, No. 657, United Confederate Veterans, of Baltimore, Md., remonstrating against the adoption of the proposed amendment to the pension appropriation bill to pension Confederate veterans; which was referred to the Committee on Appropriations.

Mr. BERRY presented a memorial of Omer R. Weaver Camp, No. 354, United Confederate Veterans, of Little Rock, Ark., remonstrating against the adoption of the proposed amendment to the pension appropriation bill to pension Confederate veterans; which was referred to the Committee on Appropriations.

Mr. MONEY presented a memorial of Vicksburg Camp, No. 32, United Confederate Veterans, of Vicksburg, Miss., remonstrating against the adoption of the proposed amendment to the pension appropriation bill to pension Confederate soldiers; which was referred to the Committee on Appropriations.

Mr. WELLINGTON presented the petition of Adam Miller, of Annapolis, Md., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented the petition of Edward Remsburg, of Middletown, Md., praying that he be granted a pension under the act of June 27, 1890; which was referred to the Committee on Pensions.

He also presented the petition of John H. Brooks, of Annapolis, Md., praying that he be reimbursed for the destruction of an oyster boat and cargo by Federal officers at Annapolis, Md., in the year 1863; which was referred to the Committee on Claims.

Mr. SPOONER presented a petition of the congregation of the Berea Calvinistic Methodist Church of Cambria, Wis., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Berea Calvinistic Methodist Church of Cambria, Wis., praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures and descriptions of prize fights; which was referred to the Committee on the Judiciary.

RECORD AND PENSION OFFICE.

Mr. HAWLEY. I have in my hand a letter from the Secretary of War, addressed to the chairman of the Committee on Military Affairs. It is in reference to the proposed reorganization of the Record and Pension Office. I will treat it as a communication practically addressed to the Senate. I move that it be printed as a document, and referred to the Committee on Military Affairs.

The motion was agreed to.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I present certain reports relative to the sanitary condition of the public schools of the District of Columbia. I move that they be printed as a document.

The motion was agreed to.

THE CONGRESSIONAL RECORD.

Mr. LODGE. From the Committee on Printing I report a joint resolution to furnish the CONGRESSIONAL RECORD to the Library of Congress, for which I ask present consideration.

The joint resolution (S. R. 222) to furnish the CONGRESSIONAL RECORD to the Library of Congress was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he hereby is, authorized and directed to supply to the Library of Congress six copies of the daily CONGRESSIONAL RECORD, for use in the following departments:

Librarian's office;
Chief clerk's office;
Reading room;
Senators' reading room;
Representatives' reading room;
Mail and supply room.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

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

Mr. COCKRELL. I should like to ask the Senator from Massachusetts reporting the joint resolution if the heads of bureaus in any of the other Departments are furnished gratuitously with the RECORD, as it is proposed to furnish it the chief clerk here?

Mr. LODGE. There are copies supplied to the Departments, but how extensively I can not state without a copy of the law, which I have not before me. But the Library of Congress is now compelled to subscribe for copies of the RECORD. It seems to me we might furnish our own Library with those copies.

Mr. COCKRELL. This is to furnish copies of the daily RECORD, I understand?

Mr. LODGE. Of the daily CONGRESSIONAL RECORD, the proceedings of Congress.

Mr. COCKRELL. If the chief clerk there is to be furnished with it, why not furnish every other chief clerk in the Departments here? That is the question. It is only a precedent; that is all. If you furnish it to the chief clerk there, it will have to be furnished to chief clerks elsewhere.

Mr. LODGE. I am perfectly willing to strike out the provision for the chief clerk, but it seems to me that the reading rooms of our own Library might have the CONGRESSIONAL RECORD furnished.

Mr. COCKRELL. There are three or four rooms there which, as a matter of course, ought to have the RECORD.

Mr. LODGE. The Librarian's office and the reading rooms.

Mr. COCKRELL. There is no objection to that, but in the other cases you would be only setting a precedent. If you want to expand, you can do it, but I was merely suggesting that this would be a pretty broad expansion.

Mr. LODGE. I am perfectly willing to strike out the provision for the chief clerk if the Senator desires. I think there may be force in what the Senator says.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the joint resolution by striking out the words "chief clerk's office."

Mr. COCKRELL. And the mail division.

The SECRETARY. And amend by striking out, in the last line, "mail and supply room."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOAR. Mr. President, I should like to take this occasion to say a few words suggested by one remark of the Senator from Missouri. He said that copies of the RECORD could be furnished if the Committee on Printing desire to expand. Now, I wish that the circulation of the CONGRESSIONAL RECORD might be largely expanded, and that the committee would take into consideration very seriously a scheme for supplying every library in the country which has any prospect or promise of permanent preservation with a copy of this publication.

Mr. COCKRELL. That should be in bound form?

Mr. HOAR. Yes, in bound form.

Mr. COCKRELL. That is a different matter.

Mr. HOAR. It involves the safety of the reputation of every member of either House of Congress. But that is a small matter compared with the larger reason that it is the means of furnishing to the people the arguments on both sides of the great political questions and the great questions that are not political which concern this people. So long as this is a government of the people they ought to have this opportunity for information, and not be confined to the newspapers. The large journals of the country are themselves the earnest advocates of one policy or the other, and like earnest advocates, even where they desire to do no injustice, they will do injustice in their reports. The people are greedy for the opportunity to receive this publication. I get applications from intelligent individuals which I am obliged to deny because I have not copies to supply the RECORD without breaking the set which goes to some public library.

There are in the old district which I represented formerly, one out of thirteen districts in Massachusetts, more than fifty public libraries, so established and endowed by the towns, and in some of the smaller towns aided by the State, that they are sure of a permanent preservation. So the 40 copies which I get for distribution would not supply the demand in public libraries alone of one-thirteenth of the population of my State. I have no doubt my honored colleague, the chairman of the Committee on Printing, will confirm what I say by like experience of his own, and that he is unable to supply from his quota the demand for this publication.

I wish the Committee on Printing would report a bill to enlarge the number of copies of the RECORD which are placed at the discretion of Senators and Representatives, and in addition would provide that wherever in the United States there is a public library, say, of 3,000 or 5,000 volumes, or of some number to insure its permanent preservation, it shall receive a copy of our proceedings.

Mr. LODGE. I agree entirely with what my colleague has said about the distribution of the CONGRESSIONAL RECORD. There is an immense demand for it, particularly as it appears from day to day, rather than in the bound form, as I think we are all aware from the requests made to us.

As is well known, there are some libraries which are depositories, and they receive the CONGRESSIONAL RECORD under the

law. There are a great many public libraries which are not depositories, and which ought, I think, very properly to receive the RECORD as it is published, so that people can follow the debates from day to day. But a great mass of public libraries receive as public depositories the CONGRESSIONAL RECORD, and our own Library of Congress does not have a copy furnished to it under the law. That was the origin of the joint resolution which I have just reported.

Mr. COCKRELL. The senior Senator from Massachusetts [Mr. HOAR] is right in regard to the RECORD, provided he would say that bound volumes of the RECORD should be furnished to these libraries. Under the existing law a large number of libraries get the bound volumes of the RECORD. They are useful for reference and ought to be in every library that is permanent and accessible to the public.

Now, we get some forty-odd copies, and if we distribute them in the daily form we have no bound volumes, and there is a demand for the sets of bound volumes in different parts of every State, I have no doubt. I know there are many demands for it in Missouri, and I think it ought to be furnished; but when it is furnished in the daily form it is only useful as a daily newspaper, and very frequently no attention is paid to it.

I do not believe there is any propriety or necessity for the kind of expansion that would furnish the RECORD to every chief clerk in the Government service and to every other employee of that kind. I doubt very seriously whether the copy that will be furnished to the Senate reading room in the Library will ever be seen by any Senator. Why should it be intended for the use of Senators when every Senator is furnished with a copy at his desk and a copy at his residence? I doubt whether it will ever be opened or seen by a Senator there. I think it would be a good thing if there was an extension of the number of copies of the bound volumes of the RECORD to be distributed to the various libraries, and it is a subject to which I call the attention of the chairman of the Committee on Printing.

Mr. GALLINGER. Before the Senator takes his seat, I should like to ask him if he has the least idea how many of the bound volumes, approximately, would be required to supply the libraries of the country?

Mr. COCKRELL. I do not think it would be an excessive number. In every State there are libraries already that are designated as depositories of public documents, and they get copies of nearly all the public documents. They do not get copies of all, but they get copies of a greater portion of them.

Mr. GALLINGER. My inquiry was based upon the fact, well known to me, that in the State of New Hampshire, a very small State, there are four or five designated depositories, and we have between two and three hundred libraries, supported, most of them, in part by the State and in part by the public; and if we are going to furnish the bound volumes of the CONGRESSIONAL RECORD to every library, I simply wish to suggest to the Senator from Missouri that New Hampshire will call for between two and three hundred copies.

Mr. COCKRELL. I do not suppose there would ever be any project to furnish a copy to every library. It would only go to public libraries that have buildings where the books are kept in an accessible form and to which the public have access. A great many of those are purely local libraries. Still I have no doubt but that it would require a large number of copies.

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

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

ADMISSIONS TO THE NAVAL ACADEMY.

Mr. PERKINS. I am directed, on behalf of the Committee on Naval Affairs, to report back two joint resolutions favorably without amendment; and I ask unanimous consent that they be now taken up and considered by the Senate.

Mr. TURNER. Mr. President, I object.

The VICE-PRESIDENT. The joint resolutions will be read by title.

The Secretary read as follows:

A joint resolution (S. R. 218) authorizing the Secretary of the Navy to receive for instruction at the Naval Academy, at Annapolis, Ricardo Yglesias, of Costa Rica; and

A joint resolution (S. R. 219) authorizing the Secretary of the Navy to receive for instruction at the Naval Academy, at Annapolis, Alberto Valenzuela Montoya, of Colombia.

Mr. PERKINS. I hope the Senator from Washington will withdraw his objection. It is simply an act of courtesy to those two Governments who ask this Government to consent that two naval cadets be admitted at our Naval Academy. There can be no possible objection to the measures, and I trust that they may be passed unanimously.

Mr. TURNER. Mr. President, I do not think it is consonant with the courtesy due to Senators who are on their feet endeavoring to get the attention of the Chair, to make reports, that such

resolutions should be brought in and unanimous consent asked for their passage and a long and protracted debate take place on them. That is my only reason for objecting. I shall not object at another time unless I happen myself to be on the floor endeavoring to get the attention of the Chair.

The VICE-PRESIDENT. The joint resolutions will be placed on the Calendar.

REPORTS OF COMMITTEES.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3001) granting a pension to Mary J. Freeman, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2037) granting a pension to Ellie Kee, reported it with amendments, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 258) granting a pension to Margaret Wilber, reported it with an amendment, and submitted a report thereon.

Mr. MONEY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 389) for the erection of a public building at Tampa, Fla., reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 11157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1900, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. On behalf of the Senator from Maine [Mr. HALE], who is absent under the order of the Senate, I report back with sundry amendments from the Committee on Appropriations the bill (H. R. 11487) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1900. At some suitable time the Senator from Maine will call up the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2049) granting a pension to Julia M. Johnson, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 4144) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 909) granting an increase of pension to Lucy D. Heady, reported it with amendments, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 5244) granting the right of way through certain lands in the former Nez Percés Reservation, in the State of Idaho; which was read twice by its title.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. LODGE on the 12th instant, relative to the subscription of the United States to the International Prison Commission and the expenses and compensation of the commissioner, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 14th instant, establishing the boundary of the Northern Cheyenne Indian Reservation, Mont., and making an appropriation for purchasing certain improvements thereon and certain lands situated therein, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GEAR. I am directed by the Committee on Pacific Railroads, to whom was referred the amendment submitted by myself on the 13th instant, authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued, etc., intended to be proposed to the general deficiency appropriation bill, to report it favorably and move that it be referred to the Committee on Appropriations and printed. The Senator from Alabama [Mr. MORGAN] and the Senator from Kansas [Mr. HARRIS] reserve the right to offer an amendment providing for the payment of the full amount.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Appropriations and printed.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 5245) to remove the charge of desertion from the name of Herrm Henry Schapers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

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

- A bill (S. 5246) granting a pension to Joseph B. Presdee;
- A bill (S. 5247) granting a pension to William Fernsworth;
- A bill (S. 5248) granting a pension to George Hanna; and
- A bill (S. 5249) granting a pension to Jeremiah Gordy.

Mr. GORMAN introduced a bill (S. 5250) for the relief of Elijah Thompson, deceased, late of Montgomery County, Md.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 5251) to remove the charge of desertion from the record of William F. Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5252) to authorize and provide for the improvement of South Carolina avenue; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. KENNEY introduced a bill (S. 5253) to remove the charge of desertion from the military record of William H. Dennis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WELLINGTON introduced a bill (S. 5254) for the relief of the Reformed Church of Sharpsburg, Md.; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5255) to remove the charge of desertion against the record of Lorenzo A. Paddock; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 5256) granting an increase of pension to John C. Fitnam; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROACH introduced a bill (S. 5257) for the relief of James Gilfillan and John A. Rollings; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTIGREW introduced a bill (S. 5258) to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT of Connecticut introduced a bill (S. 5259) defining the jurisdiction of the circuit and district courts of the United States in certain cases; which was read the first time by its title.

Mr. PLATT of Connecticut. I ask that the bill be read the second time and laid on the table, and I will state the reason for my request. I brought the bill to the attention of the Judiciary Committee yesterday, but there was no quorum present. I think I am authorized to say that all the members of the committee who were present thought it a bill which ought to be passed. I therefore ask that the bill lie on the table, and I give notice that after it is printed I shall call it up and ask for its passage.

Mr. SPOONER. Let the bill be read. It is a short bill. The bill was read the second time at length, and ordered to lie on the table, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That suits pending in the circuit and district courts of the United States at the time of the passage of an act entitled "An act to amend sections 1 and 2 of the act of March 3, 1887," (24 Stat. L., chapter 359), approved June 27, 1898, shall not, by reason of anything contained in said act, abate or be dismissed, but the same shall be proceeded with as if said act had not been passed.

Mr. FAIRBANKS introduced a bill (S. 5260) to amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLS introduced a joint resolution (S. R. 223) directing the Secretary of War to cause the necessary survey to be made of the channel connecting Texas City with Galveston Harbor, and to submit an estimate for the improvement of the same; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$10,000 for widening and repairing that part of North Beacon street, Watertown, that passes through the Watertown Arsenal, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE submitted an amendment providing for the establishment of a United States consulate at Beirut, Syria, intended to be proposed by him to the diplomatic and consular appropriation

bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PETTIGREW submitted an amendment directing the Secretary of the Interior to investigate the claim of the Lower Brulé Indians for damages resulting by reason of their removal from the reservation south of White River to a new reservation on the Missouri River, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment relative to the establishment of a division of mines and mining, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment relative to an increase in the appropriation for irrigation investigations, intended to be proposed by him to the Agricultural appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

INDIAN DEPREDAATION CLAIMS ACT.

On motion of Mr. PETTIGREW, it was

Ordered, That the Committee on Indian Depredations be discharged from the further consideration of the bill (S. 5206) to declare the proper construction of the act of March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," and that it be referred to the Committee on Indian Affairs.

LOSSES BY LOYAL SEMINOLES.

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

Whereas by article 4 of the treaty of March 21, 1866, with the Seminole Nation of Indians, the Secretary of the Interior was authorized to investigate and determine the losses sustained by loyal Seminoles during the war of the rebellion; and

Whereas by the agreement of December 16, 1897, with said nation it was and is provided as follows:

"The loyal Seminole claim shall be submitted to the United States Senate, which shall make final determination of the same, and, if sustained, shall provide for payment thereof within two years from date thereof." Therefore, *Resolved,* That the Secretary of the Interior be, and is hereby, requested to furnish the Senate with a copy of the roll of said loyal Seminoles, and also a copy of the report of the commissioners appointed by him to investigate and determine said losses in pursuance of the said treaty of 1866: And be it further

Resolved, That the Committee on Indian Affairs be, and is hereby, instructed to investigate the matter, in accordance with said treaty and agreement, and report by bill or otherwise its conclusions to the Senate, with such recommendations as may be deemed advisable.

HEIRS OF GOTTLIEB C. GRAMMER.

Mr. GALLINGER submitted the following resolution; which was ordered to be printed, and, with the accompanying petition, referred to the Committee on Claims:

Resolved by the Senate of the United States, That the claim of the heirs of Gottlieb C. Grammer, late of the District of Columbia, deceased, be, and the same is hereby, referred to the Court of Claims to find and report the facts in the case, as provided in the act of March 3, 1883, known as the Bowman Act, as the same is amended by section 14 of "An act to provide for bringing suits against the Government of the United States," approved March 3, 1887.

THE MERCHANT MARINE.

On motion of Mr. GALLINGER, it was

Ordered, That there be printed for the use of the Committee on Commerce 250 copies of the report of the hearing before that committee on the 12th and 13th instants on Senate bill 5024.

Mr. GALLINGER. The order just agreed to provides for printing the stenographic report of a hearing held before the Committee on Commerce on the so-called shipping bill. I have some tables prepared by the Bureau of Statistics of the Treasury Department which the Department is very anxious to have printed in connection with the hearing. I ask unanimous consent that the tables be printed in connection with the hearing before the committee.

The VICE-PRESIDENT. Is there any objection to printing the papers referred to as a public document?

Mr. GALLINGER. Let them be printed as an appendix to the hearing.

The VICE-PRESIDENT. The Chair hears no objection, and the order is made.

CORDELIA CHENEY.

Mr. GALLINGER. A little time ago a report was made under a misapprehension of the facts upon the bill (H. R. 5153) granting a pension to Cordelia Cheney, and the bill was indefinitely postponed. I ask unanimous consent that the vote indefinitely postponing the bill be reconsidered and that the bill be recommitted to the Committee on Pensions.

The VICE-PRESIDENT. Is there objection to a reconsideration? The Chair hears none; and the bill will, by unanimous consent, be recommitted to the Committee on Pensions.

MARGARET THOMAS.

Mr. GALLINGER. I ask unanimous consent that the vote by which the Senate indefinitely postponed the bill (H. R. 4251) granting a pension to Margaret Thomas be reconsidered and that the bill be recommitted to the Committee on Pensions.

The VICE-PRESIDENT. Is there objection? The Chair hears

none; and the vote indefinitely postponing the bill will be reconsidered and the bill recommitted to the Committee on Pensions.

HARBOR OF CAMDEN, ME.

Mr. GALLINGER (for Mr. HALE) submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the harbor of Camden, in the State of Maine, in accordance with recommendations heretofore made and filed in the War Department.

COMMITTEE ON THE CONDUCT OF THE WAR.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

Mr. CHILTON. At the request of the Senator from Nebraska, on account of the fact that the Nicaragua Canal is to be voted on to-day, that resolution will be laid over without losing its place.

The VICE-PRESIDENT. Keeping its place?

Mr. CHILTON. Yes, sir.

The VICE-PRESIDENT. That is the understanding, then, of the Chair and of the Senate.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution coming over from a previous day, offered by the Senator from Massachusetts [Mr. HOAR], declaring that the Philippine Islands of right ought to be free and independent, etc.

Mr. HOAR. I should like to speak to that resolution some day, if the business of the Senate should warrant, and I should like to have it stand over without losing its place.

The VICE-PRESIDENT. Is there any objection? The Chair hears none, and the resolution is laid over.

ACQUISITION OF TERRITORY.

Mr. TURNER. Mr. President, I desire to announce that on Thursday, at the conclusion of the morning business, I shall ask the indulgence of the Senate to enable me to make some remarks on the joint resolution introduced by the Senator from Missouri [Mr. VEST].

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved the following acts and joint resolution:

S. 693. An act for the relief of John Veeley;

S. 1153. An act for the relief of John W. Lewis, of Oregon; and

S. R. 151 The joint resolution providing for the removal of the remains of the late Maj. Gen. John A. Rawlins from the Congressional Cemetery to the national cemetery at Arlington, Va., together with the base and granite shaft now marking the spot.

LAKE CHAMPLAIN BRIDGES.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 5191) to authorize the construction of certain bridges over the waters of Lake Champlain.

Mr. CHILTON. I desire to state to the Senator from Vermont that I shall not object to this bill, but the Nicaragua Canal bill is to come up this morning and several gentlemen desire to make some remarks upon it. I hope unanimous consent will not be asked any further to take up the time of the Senate.

The VICE-PRESIDENT. Is there any objection to the present consideration of the bill indicated by the Senator from Vermont?

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

The first amendment was, on page 1, in section 1, line 9, after the word "parties," to insert "and approved by the Secretary of War;" so as to make the section read:

That the Rutland-Canadian Railroad Company, a corporation created by and existing under the laws of the State of Vermont, its successors and assigns, be, and they are hereby, authorized and empowered to erect, establish, maintain, and use railroad bridges and approaches thereto in and across Lake Champlain at such places, hereinafter provided, as may be selected by said parties, and approved by the Secretary of War, to wit: A bridge and its approaches between the town of Colchester, in the county of Chittenden and State of Vermont, and the town of South Hero, in the county of Grand Isle and State of Vermont; also a bridge and its approaches between the towns of Grand Isle and North Hero, in said county of Grand Isle; also a bridge and its approaches between the towns of North Hero and Alburg, in said county of Grand Isle; also a bridge and its approaches between said town of Alburg and the town of Champlain, in the county of Clinton, in the State of New York; and also an embankment across the head of Keelers Bay, so called, in said Lake Champlain, upon the easterly side of said town of South Hero.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 13, after the word "bridges," to insert "and embankments;" in line 19, before the word "within," to insert "or other structures;" in line 23, after the word "bridges," to insert "and embankments;" in line 24, after the word "said," to strike out "bridges," and insert "structures;" in line 2, on page 4, after the words "Secretary of

War," to insert "and be made at the expense of the owners of said structure;" so as to make the section read:

SEC. 4. That the structures herein authorized shall be built under and subject to such regulations for the security of navigation on said lake as the Secretary of War may prescribe; and to secure that object said company shall submit to the Secretary of War for his examination and approval general designs and drawings of said bridges and embankments and a map of their location, giving for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the lake, the direction of the current, the soundings showing the bed of the lake, and the location of any bridge or bridges or other structures within such distance, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plans are approved by the Secretary of War the construction of the bridges and embankments shall not be commenced, and if any change is made in the plan of any of said structures during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War, and be made at the expense of the owners of said structure.

The amendment was agreed to.

The next amendment was, on page 4, section 5, after the word "opened," at the end of line 4, to strike out "during the season of navigation on said lake;" in line 6, after the word "boats," to strike out "except during the time of passage of any regular train;" in line 7, after the word "and," to strike out "duringsaid season of navigation;" in line 10, after the word "said," to strike out "bridges" and insert "structures;" in line 14, after the word "that," to insert "such rates of toll shall be subject to the approval of;" and in line 15, after the words "Secretary of War," to strike out "may at any time prescribe reasonable rates of toll for such transportation;" so as to make the section read:

SEC. 5. That the draws of said bridges shall be opened upon reasonable signal for the passage of boats, and such lights or other signals shall, at the expense of said company, its successors and assigns, be maintained on all of said structures from sunset to sunrise as the Light-House Board shall prescribe, and said company, its successors and assigns, may establish reasonable rates of toll for transportation of persons and property over said structures: *Provided*, That such rates of toll shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 4, section 6, line 17, after the word "shall," to strike out "not authorize the building of any bridge the construction of which is" and insert "be null and void, except as to structures completed, if actual construction of the bridges herein authorized be;" so as to make the section read:

SEC. 6. That this act shall be null and void, except as to structures completed, if actual construction of the bridges herein authorized be not commenced within two years and completed within four years from the passage of this act.

The amendment was agreed to.

The next amendment was, on page 4, section 7, line 24, after the word "reserved," to strike out "and the right to require any changes in said structures, or their entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.;" so as to make the section read:

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was to strike out section 8, as follows:

SEC. 8. That this act shall take effect and be in force from its passage.

The amendment was agreed to.

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

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

THE NICARAGUA CANAL.

Mr. MORGAN. I move that the Senate proceed to the consideration of the Nicaragua Canal bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal.

Mr. CAFFERY. Mr. President, in consideration of the unfortunate events which have delayed the consideration of this bill for two days, I shall, at the proper time, submit a request of the Senator from Alabama that more time be given for its consideration.

Mr. CHILTON. Mr. President, when the eye glances down the continent of North America and finds that the land constantly narrows until it seems like a mere thread at the point where connection is made with South America, the thought arises that here there ought to be a way of passage between the world's two great oceans. The idea possesses a fascination for everyone, from the schoolboy who takes his first lessons in geography to the veteran engineer who has learned how much should be discounted for the enthusiasm which all vast projects create in the human breast.

For hundreds of years kings, explorers, and men of science have been attracted to this great conception. The same hope possessed the world for centuries in regard to the Isthmus of Suez; but in comparison with the waterway across Darien the Suez Canal occupied a subordinate place in the attention of mankind until after

the great De Lesseps demonstrated by his labors that a canal from the Red Sea to the Mediterranean was a certainty. Prior to the American civil war it may be said that the whole civilized world looked to an interoceanic canal in Central America as the one thing which the interests of modern commerce demanded.

It would take pages to describe even the names of the different plans of connecting the waters of the Atlantic and Pacific which were put forward between the years 1845 and 1860. On account of the tremendous volume of her shipping and commerce, England was one of the principal countries to discuss these projects. The canal across Darien would give her better communication with Japan, China, and her own dependencies like Hongkong, New Zealand, and the Straits Settlements. The public sentiment of England at that time felt no friendliness to the Suez Canal. Prominent engineers like Robert Stevenson the younger pronounced it impracticable, and great statesmen like Lord Palmerston described it as "a bubble." But the indomitable De Lesseps went on with the Suez Canal in spite of all discouragement, and brought into contempt the arguments against it, which can now be found by ransacking the pages of English magazines and newspapers forty years old.

The Suez Canal has been a great success. Water communication has been shortened from England to India more than 4,000 miles, and from England to Hongkong and Singapore a distance almost as great. This saving on the journey between the Atlantic seaports of the Old World and the markets of China, Japan, India, and other parts of Asia has to some extent turned the thought of European countries away from the project of a Darien canal. They do not feel that it is so vital, so supreme in its relations to their commercial interests as it was before they gained a short route to Asiatic markets by the way of Suez.

But to American commerce the Suez Canal has been but little help. A canal to connect the Atlantic and Pacific oceans across Central America has lost none of its value to us. Indeed, it is tenfold more important than it was at the time it first became a subject of general thought on the part of the people of the United States.

As the European nations have shortened their path to the vast open commerce of the Pacific Ocean by thousands of miles, the question is, Shall we now shorten our path to that same commerce, or shall we stand still and carry on an unequal contest against natural conditions which our European rivals have already in another method overcome to their advantage?

Few indeed are those who do not believe that the time has now arrived when the cutting of a waterway across the Isthmus of Darien has grown to be a great national American necessity. It is not only a necessity to the trade of our great cities, but a necessity to the great interior industrial interests of our country. With a canal across Central America, all the productions of Kansas, Colorado, the Indian Territory, Texas, Alabama, Florida, Georgia, South Carolina, and the great central belt of States which lie along the Mississippi and its tributary streams, could reach the vast markets of the Pacific by cheap rates from Charleston, Savannah, Pensacola, Mobile, New Orleans, Galveston, and other Gulf ports. The lumber, cattle, and coal business would be special beneficiaries of this improvement.

The cotton of the South is now shipped in constantly increasing quantities to Japan and other destinations on the Pacific Ocean. To illustrate how this particular trade is progressing in volume, I will give a comparison of values of the cotton exports from the United States to Japan during the last three years:

Exports of raw cotton to Japan.

Calendar year.	Bales.	Pounds.	Value.
1896.....	47,545	25,405,523	\$1,856,537
1897.....	104,824	55,159,912	3,892,012
1898.....	169,927	89,970,764	5,839,708

This cotton must now bear the charges of the long and dangerous voyage around the southern point of South America or the railroad trip across the continent to be transhipped from Pacific seaports. Perhaps there is no line of production in the United States which now languishes to the same extent as the industry of cotton raising, and there is no industry which would be more signally benefited by this canal between the oceans.

The cotton crop is rapidly increasing every year, and unless we can develop new markets I see no hope for a turn in the long lane of lower prices. If there were no other reasons to justify the construction of the canal at once, the reasonable expectation of helping forward this powerful element of American resource would commend the enterprise to thoughtful minds.

Feeling sure that the public sentiment of the United States has settled in favor of digging a canal between the shores of the Atlantic and Pacific oceans, it seems equally sure that this public sentiment, having taken reckoning of all the difficulties, is unmistakably in favor of the Nicaragua route.

I would not disparage either of the other routes which have been suggested. While I have no technical knowledge of engineering, I have always believed that a canal could be built on the Panama route, upon which the De Lesseps company spent so many millions in seeming failure. But a vessel sailing from a port on the Gulf of Mexico to a port on our Pacific coast would make a trip nearly 1,000 miles shorter by Nicaragua than by Panama.

Nor have I ever lost faith in the possibility of constructing a great ship-railroad system across Tehuantepec on the lines made famous by the genius of Eads. But whatever may be the correct estimate of these plans, it seems to me there no longer remains a doubt that it is entirely feasible and within the limits of an expenditure which the American people will approve to construct a canal on the Nicaragua route.

Of course the general features of the Nicaragua plan are familiar to all. In the Republic of Nicaragua there lies a fresh-water lake 40 miles wide and 90 miles long, or about half as large as Lake Ontario. The western shore of this lake runs within 15 miles of the Pacific Ocean, and the level of the lake is but 110 feet above the level of the ocean. The river San Juan, which forms the outlet to this lake, does not empty into the near-by Pacific Ocean, but drains eastwardly and, bordering the territory of Costa Rica, empties into the Caribbean Sea.

Thus it will be seen that if a canal is cut from the lake to the Pacific Ocean, a distance of 15 miles, the water connection between the two oceans is established. But in order to shorten the distance as much as possible, the project also contemplates cutting a direct canal from a point on the San Juan where it reaches within 15 or 18 miles of Atlantic waters, rather than to follow the meanders of the river all the way to its mouth. The distance by river, lake, and actual canal to make the connection between the two oceans is a little less than 170 miles. To let the water down from the level of the lake, 110 feet, to the level of the sea, and also to overcome the rapids in the San Juan, locks and dams are provided so as to make short and rapid transit for the largest vessels of commerce and war.

This is the outline of a work which has been variously estimated to cost anywhere from sixty million to one hundred and fifty million dollars. It is not possible to bring about harmony in the estimates of experts in engineering as to the true cost. It seems to me it ought to be built, under an economical system of management for \$90,000,000. But whether this is a safe estimate or not, I believe that the influence of this canal upon the welfare of the American people and the prestige of the American nation is so great that its construction will be justified even at the highest estimates of cost which responsible engineers have made.

And that this canal possesses such relations to the foreign commerce and coast defense of our country that the resources of the Federal Treasury can be constitutionally applied to its construction may be taken as a judgment which American public opinion has made final.

The next question, therefore, is, How and when shall it be built? And it is upon these questions that the opposition to the pending measure seems to be hinged. Let me first briefly state the theory of the pending bill and the facts upon which it is founded. In April, 1887, the Government of Nicaragua granted to the Nicaragua Canal Association a concession to dig an interoceanic canal through its territory. It provided that a final company or company of execution, named the "Maritime Canal Company," should be organized, with stock in the ordinary form, and permitted the principal office to be in New York. Six per cent of the stock was reserved for Nicaragua, and that Republic was given the perpetual right to name one director in the corporation.

Periods are named for the surveys and completion of the work, which, added together, make twelve and one-half years; and the Republic of Nicaragua binds itself to grant a further extension "in consideration of the great capital the company may have invested in the enterprise and the good will and ability it may have shown and the difficulties encountered." Nicaragua also gives this company the exclusive privilege to dig and operate a canal, and binds itself not to make any other concession during the term of the one thus provided for. The concession to the same company from Costa Rica was granted in August, 1888, and is in the same general form, except that it retains for that Government only 1 1/2 per cent of the capital stock of the company.

Following these concessions the Congress of the United States granted a charter to the Maritime Canal Company on February 20, 1889, and the company commenced work. It has spent a large sum of money, stated by the Senate committee to be not less than four and one-half million dollars, but has not been able to carry the canal to completion.

Now, it is proposed to pay the existing stockholders the value of the property, so far as necessary to the further construction of the canal, and compensation for their franchise, not to exceed \$5,000,000 in all, and take over to the United States all the stock except that reserved to Nicaragua and Costa Rica, so that the work will proceed with the United States owning an interest of ninety-two and one-half million dollars in the canal, Nicaragua

owning six million, and Costa Rica one and one-half million, or a total capital of \$100,000,000.

The argument of the gentlemen who are opposed to the measure before the Senate always takes this shape: "We are in favor of constructing the Nicaragua Canal, but we are not willing to enter upon this work under the present bill or the present conditions." I shall not refer to the minor objections which are subject to be cured by amendment either in the Senate, the House, or a conference committee, but I will briefly notice certain objections to the bill which if well founded would justify its defeat.

It is said that we can not construct a canal through the Isthmus of Darien which will be owned or controlled by the United States without the consent of Great Britain; that the Clayton-Bulwer treaty, which was made in 1850, stands in the way, and gives Great Britain the right to the same direction of the enterprise that the United States would acquire.

In the first place, there is no conflict between the proposition to construct a canal by the aid of the United States and the treaty provisions made with England. If there are any valid outstanding treaty obligations they would rest upon us in managing the canal.

It is true there would be no stockholders in the corporation except the Governments of the United States, Costa Rica, and Nicaragua. The United States would regulate the corporate affairs by virtue of possessing 92½ per cent of the stock, but our regulating power would not be a despotic, irresponsible exercise of sovereignty.

We would be restrained by the great principles of jurisprudence which set bounds upon the power of majority stockholders, and could not administer the property in disregard of the rights of Costa Rica and Nicaragua, even though their holdings together amounted to no more than 7½ per cent of the capital stock. We would be restrained also by the limitations of the concession. For example, though we owned 92½ per cent of the stock, we could not deny to Costa Rica and Nicaragua the right to have one director each on the board of management. Not only so, but the affairs of the canal would be administered subject to the laws of the countries through which the work was constructed.

It is true our property interests would be protected from embarrassment or violence on the part of Nicaragua or Costa Rica, just as the property interests of private American citizens would be cared for by the power of our National Government; but we would not by taking stock in this company assume any international relations to the republics of Central America which have granted concessions to the Maritime Canal Company.

Our control, therefore, would not be exclusive in the sense of the Clayton-Bulwer treaty, but would be shared with Nicaragua and Costa Rica, and, indeed, in some sense would be subordinate to those States.

So far as this bill is concerned, there is no proposal on the part of the United States to erect or maintain fortifications commanding the canal or to keep or exercise any dominion over Nicaragua or Costa Rica in order to acquire for the citizens of the United States any rights or advantages in regard to the commerce or navigation through the canal which shall not be offered on the same terms to the subjects of Great Britain. If Great Britain should desire at any time to contribute equally with the United States in building this canal, she can make proper representations to our Government, and we can then give her our answer in regard to the Clayton-Bulwer treaty.

Even if we were steering our course according to the terms of that treaty there is no just reason why we should delay giving assistance to the project. But if it were otherwise the national will should not be turned aside.

In my judgment the people of this country reject the idea that the Clayton-Bulwer treaty still governs our relations to Central America, and whenever England sets up any rights under it they will favor a declaration by Congress to that effect.

In the meantime it ought to be treated as expired by lapse of time and change of circumstances. The precedents of international law will justify this interpretation of our duty. It would not be useful now to enter into elaborate quotations on this question, but I give a short extract from Wheaton's International Law:

Treaties expire by their own limitation unless revived by express agreement, or when their stipulations are fulfilled by the respective parties, or when a total change of circumstances renders them no longer obligatory. (Page 473.)

The Clayton-Bulwer treaty was entered into by the Governments concerned for two great purposes. These purposes were, first, to bring about the speedy construction of a canal between the Atlantic and Pacific oceans, and second, to give the commerce of all countries equal facilities in using it. Fifty years have passed away and the canal has not been constructed. England has accomplished the purpose she had in view by another method. In 1850 she wanted a canal speedily built across the Isthmus of Darien, so that she might reach the trade of Japan, China, India, and her own colonies in the East without being forced to make the long journey around the Cape of Good Hope.

The Suez Canal, opened in 1870, has given to English commerce the short route to the Orient which it was believed fifty years ago could only be secured by a canal in Central America. England has acquired the control of the Suez Canal by buying up a large part of the company's stock. This enterprise has proven a great benefaction to her commerce, and two-thirds of the shipping which uses the Suez Canal flies the flag of Great Britain.

The attitude of that country toward the Nicaragua Canal has therefore been completely changed. She no longer needs it, and in my judgment she no longer wants it, because as long as she has the short route by way of Suez she holds a great advantage over American competitors in every line of business.

Mr. HARRIS. If the Senator will allow me, I wish to ask, is it not a fact also that the relation or connection of Great Britain with the Suez Canal is very similar to, and, indeed, practically the same as, that which, under the present bill, will be acquired by this country over the Nicaragua Canal?

Mr. CHILTON. I think so, as I shall point out directly. When the Nicaragua Canal is constructed, while it will be some saving to the English trade, it will be a greater saving to the American trade, and in that way an equality between the opportunities of the two countries will be approached.

England knows that her great rivals in every line of manufacture will hereafter be the indomitable children of America, and she could afford to be complacent in the prospect of owning Suez and blocking Nicaragua for fifty years to come.

In view of these developments, it is plain that the treaty which was intended to promote the construction of a canal on the Isthmus of Darien now has no other influence than to obstruct it, and this is reason enough for the American Government to hold the Clayton-Bulwer treaty as inoperative. England can not be permitted to control one of the great waterways between the Atlantic and Pacific and demand an equal share in control of the other. Such a claim is contrary to public policy and would be repudiated if similar rights were set up under a private contract of the same sort.

The face of the world has changed in many other respects since the Clayton-Bulwer treaty was entered into. America's rank among the nations has risen from an inferior to the first place. The population of our Pacific coast has grown from a few thousand to several millions. Far separated possessions, like the islands of Hawaii, have been added to the territory of our once continental Union. There is no chance to recede from this situation, and it will compel us to maintain a position of equality upon the seas.

All admit that the Clayton-Bulwer treaty was in conflict with the principle known as the Monroe doctrine. The Monroe doctrine was in 1850 an uncertain factor in our relations with the powers of Europe, but its dignity has been greatly raised in the intervening years. It was forced upon France when she evacuated Mexico at the warning of Mr. Seward. It was forced upon England when she agreed to arbitrate her rights in Venezuela at the request of an American President. This doctrine not only carries with it a lofty purpose, but large responsibilities, and constitutes our country the virtual protector of all the other American republics.

We need the canal, not only for our own national defense, but as the safeguard of the Monroe doctrine, which may call us some day to protect Mazatlan, Corinto, Callao, Valparaiso, or other cities belonging to our sister republics upon the Pacific coast of North or South America.

The trip of the *Oregon* around the great southern continent to make a junction with our fleet in the West Indies has been often referred to as a demonstration of the necessity for building this canal, and unless we carry out the work which this bill looks to how shall we protect ourselves against the maritime strength of a combination of European powers, which might use the Suez Canal to carry their war ships from the Atlantic to the Pacific, while we are forced to double distant capes and ride tempestuous seas to mass our naval armament in case of an emergency? Unless we can secure a means of communication between the oceans we shall need two strong navies instead of one.

These things give to the Nicaragua Canal a far-reaching importance which the project did not possess when our attitude toward England, France, Russia, and Germany was secondary, and I would reject the Clayton-Bulwer treaty as avoided by the change of circumstances which has taken place in the last half century of the world's history.

We need no further diplomatic negotiations to justify us in acting upon our rights in this matter. England has declined to consider the question of abrogating the treaty. She has declined more than once. She has declined since many of the changes which I have described took place, and I would not delay a great, beneficent scheme of progress to await her further pleasure.

It has been claimed by those who antagonize the pending bill that it is in conflict with the terms of the concession which the Governments of Nicaragua and Costa Rica granted to the Nicaragua Canal Association. These concessions have been transferred by

that association to the Maritime Canal Company, and this company has undertaken the construction of the work. When it is now proposed that the United States should buy outright all the stock of the company except that which belongs to Costa Rica and Nicaragua, thus totally eliminating private ownership in the enterprise, it is claimed that such a plan conflicts with Article VIII of the concession, which stipulates that—

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers.

This article clearly negatives a transfer of the concession except to a company of execution, and that company of execution is named in another part of the concession as the Maritime Canal Company. This part of the concession was executed when the transfer was made to the Maritime Canal Company. It is doubtful if the concession can ever be transferred again to anybody, under any circumstances. The power to transfer the concession has been exhausted under the terms of the concession itself.

Be that as it may, the prohibition of a transfer of the concession, even if there were nothing else in the instrument, would not be construed as a prohibition against a transfer of stock in the Maritime Canal Company. The well-settled rule is:

Disabilities of the stockholders are not the disabilities of the corporation, nor are the disabilities of the corporation the disabilities of the stockholders.

But the concession itself makes the distinction clear in its application to the present case. The very next article plainly looks to the transfer of the stock both to governments and private persons, for it is said in Article IX:

As soon as the company is ready to open subscription books, it shall advise the Government of Nicaragua, which will invite the other governments, and through them private parties to subscribe. All such shares not taken within six months following the date on which the Government shall have been advised of that circumstance shall remain subject to the free disposition of the company.

Now, in the exercise of this right of free disposition the stockholders of the Maritime Canal Company have the plain privilege to sell our Government the whole or any part of the shares which belong to them.

Some Senators describe this transaction as a complicated and unusual one, but the truth is that the only great rival to the project now before the Senate is managed by England on exactly the same plan. The British Government has bought up enough shares of the stock in the Suez Canal to give it a majority interest. The plan has worked effectively in that case, and I can see no reason why it will not work with equal efficacy in the case of Nicaragua.

But Senators say, "Let the Government of the United States build the canal, own the territory on which it is constructed, and have no connection with any corporation or with the Central American republics." I have no hesitation in saying that I, too, would prefer to put the enterprise upon that basis, but it is the part of wisdom to deal with conditions as they actually exist. The Maritime Canal Company holds a concession from Nicaragua and Costa Rica. The Government of the United States has no concession. It is somewhat doubtful under the present constitution of the Republic of Nicaragua if it is possible for that Government to grant away the sovereignty of a canal and adjacent land. I quote from the Nicaragua constitution of 1893:

ART. 3. The sovereignty is one, inalienable, imprescriptible, and vested in the people.

At the best, we must either use the instrumentality of this corporation, with its existing rights, or we must postpone this great work to await negotiations with the Central American Republics. When will these negotiations end? When will they gain for us the right to construct this canal? Who knows? Who can offer any reasonable guaranty that the United States ever will secure a concession which will authorize them to construct a canal on their own account and operate it as we would a canal upon our own shores? Whenever we release the present opportunity and discard the project of building this canal through the medium of stock in an existing corporation which holds the concession, then we have simply given indefinite postponement to the entire project.

If we are bound to wait until England consents to abrogate the Clayton-Bulwer treaty and until Nicaragua and Costa Rica are able and willing to give the United States a direct grant of land and authority by which this waterway can be built across the Isthmus, the youngest member of this Senate may not live long enough to see a Nicaragua Canal.

Gentlemen assume that we could get a concession to build the canal on governmental account, but this is pure guesswork. The competing interests which have been powerful enough to throw obstacles in the way of the present company would combine to retard an arrangement between our Government and the Governments of Central America in regard to this matter.

Not only so, but the governments of Central America, finding that the American people were anxious to take hold of this great enterprise, might make demands upon us which would give far less effective control of the contemplated canal to our country than that offered by the present measure. At any rate, the whole fate of the scheme will be set flying upon the winds if we pass

by this opportunity and undertake to start anew in acquiring rights in Nicaragua.

There are those things in the concession which as an American citizen I would gladly strike from it if my power over the subject was complete. I would prefer to have a perpetual grant rather than one of two periods of ninety-nine years each; but even the latter is better than the one given by the Egyptian Government to the Suez Canal Company. Its concession is for a single period of ninety-nine years. In any event, I can not believe that the length of the term granted by the concession can be made a matter of serious difficulty. We may well trust to the course of events and to the Americans who will hold our places one or two centuries from now to deal with this question.

I shall therefore vote for this bill, not because I believe that it is free of imperfections, but because I believe the American people want and need the Nicaragua Canal and want and need it speedily.

To help defeat this bill is to help sidetrack the subject, throw it into confusion, reject the present ready opportunity for a mere possible future one, and depress the aspirations of the American people, which have centered upon the early completion of this great work.

To build the canal under the terms of this bill will give to the United States all that we require for the development of our commerce and national defense. The difficulties which have been conjured up in this debate will all vanish as the work actually proceeds and we are brought into closer relations with our neighbors in Central America.

The result of our late war with Spain and the primacy of our country upon this hemisphere will be in themselves enough to guard us against any petty hindrances, and it is all important, in my judgment, that we should not longer defer a beginning. We will never be ready if all the objections which ingenuity can start are to stand as barriers in our way.

For a hundred years American industry has waited for this world conception to take on the outlines of reality. Whenever the United States take position behind it, doubts and difficulties will take wings, and all mankind will know that the touch of our power decrees success.

It is a propitious hour for this great adventure. The opening of a new century is at hand. Our country has had one century of tremendous internal growth; it will have another of trade expansion which defies conservative calculation. The hands of our people now reach out to win the commerce which is waking into life upon wide Pacific waters. We are accustomed to victories, but here shall be greater victories.

The genius of American enterprise feels itself equal to the task of coping with the other nations in the newest and most distant fields. Let us catch inspiration from these hopes of our people. Not the inspiration which comes from dreams of greed in making customers by law or dominion of weak races who fear our guns, but the inspiration bursting from an intrepid purpose that American power will neglect nothing and suffer nothing which stands in the way of fair opportunity to American hearts and hands on every foot of land or sea which God has given unto man.

Mr. SPOONER. Mr. President, this bill is one of the utmost importance, as the undertaking for which it is intended to provide is one of very great magnitude. I sympathized entirely with the statement made the other day by the Senator from Alabama [Mr. MORGAN] that, notwithstanding the momentous importance of an interoceanic waterway, not only in its relation to commerce, but in its relation to the defense of this nation, it was not adequate to command the attention of many members of the Senate. I do not intend to take much of the time of the Senate, nor do I expect to impress much my own view of this subject upon other Senators, for an obvious reason; but I do desire very briefly to state some of the reasons why I have not been able to see my way clear to vote for the pending bill.

I think the Senator from Alabama was much more accurate than Senators usually are in stating the will of the people when he said here not long since that the people of the United States desire the construction, and the early construction, of an interoceanic canal. I take it there can be no question whatever about that. The experience of the last year in connection with the voyage of the *Oregon* was an object lesson upon the subject which will never be forgotten, and the importance of it can not be and is not underestimated.

I do not know, however, that the people have gone much into detail about this matter. They necessarily trust the Congress to formulate the legislation which shall secure the desired end, and to go about it in a businesslike and prudent way. They do not expect us, I think, to involve them in an expenditure of \$150,000,000, possibly \$300,000,000, upon a basis which would not be deemed by intelligent men a safe foundation for individual enterprise or expenditure, nor do the people wish us, either, to violate any treaty obligation.

I will not take time here to discuss at any length the Clayton-Bulwer treaty. Some Senators think it is no longer a binding

obligation upon us. Other Senators think it is still in force. It is my decided impression that it is a subsisting obligation. We have repeatedly in the last few years so treated it by negotiating for its abrogation or modification. Great Britain certainly regards it as still in force. I have seen it stated within a few days, that in the book just published, which contains the treaties which are considered by the British Government to be still in force, the Clayton-Bulwer treaty is found among the rest.

Violations of a treaty do not operate to abrogate it. I do not understand, as the Senator from Texas [Mr. CHILTON] seems to understand, that treaty obligations between nations vanish by lapse of time or by change of circumstance alone. It may be true, as he observes, that the construction of the Suez Canal and the relation of Great Britain to it as an owner of the stock have changed if not destroyed the interest of that Government in the construction of the canal across the Isthmus, and it may be true, as the Senator seems to think—I am in no position to controvert it—that Great Britain does not any longer desire the construction of a canal across the Isthmus.

But one thing is very certain—there never has been a time, at any rate within my knowledge, when the relations between the United States and Great Britain were so amicable as they are today, or the regard between the American people and the people of Great Britain so friendly as it is to-day. The Anglo-Saxon bond never has been so strong as happily it is to-day.

I am not willing to believe that if the Clayton-Bulwer treaty is technically or substantially an obstruction to the accomplishment of this great purpose of our people it can not by proper representation and negotiation be eliminated. In any event, it would seem to be the part of dignity as well as of national safety and honesty to attempt by proper negotiations to remove that obstruction before taking any action in a legislative way which anyone could reasonably argue violates the treaty obligation.

If it should turn out that Great Britain is not willing to remove the obstruction; that selfishly and with an ulterior purpose it is insisted that it shall remain to prevent indefinitely the construction of the canal, so important a factor in our national defense and so incalculable a benefit to our commerce, it will be time for us to consider the exercise of the power which under the Constitution, clearly established by the Supreme Court over and over, exists to take such legislative action as will subserve our national interest; but I submit that it ought not to be taken until such action is manifestly necessary.

It is no part of my purpose to discuss with any elaboration the respects in which this bill, if enacted into law, would be a violation of the Clayton-Bulwer treaty. I do not think any of these questions affecting our relations with foreign governments, our contentions as to treaty obligations or as to the validity of concessions ought to be discussed in open session of the Senate.

But there is no rule upon that subject which is enforced except by caprice, and this discussion has gone on in disregard of what has seemed to me at times a wise observance of the rule upon the subject. But I do not agree with the Senator from Texas in his contention that this bill is in harmony with the Clayton-Bulwer treaty. This treaty—and I will read only three lines of it, in order that Senators may think about it in that view—contains, in Article I, this clause:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

Now, Mr. President, I do not understand that treaties are construed with the degree of technicality which applies to some other documents. They are to be taken, of course, as all instruments are to be taken, as an entirety, and international contracts are to be construed in a broad way, because, after all, they are binding only in the court of honor—in *foro conscientiae*. A nation may violate it. Of course it does so at its peril, but no nation without good cause will violate an obligation which is enforceable in no court. We are to look, I think, dealing with other nations, not simply at the technical language of the obligation, but at its substance, and we are to be governed by its spirit as well as by its letter.

The Senator from Texas seemed to think that this bill was saved from being a violation of this clause of the treaty by the fact that the United States Government is not to own all of the stock in the company; that Nicaragua is to own a part of it and Costa Rica is to own a part of it. They own, however, and that is the crucial test from this standpoint, very little of it, a trifling minority of it, reference being had to the aggregate capitalization, and the "exclusive control" of this canal, owned by a stock company, is substantially and in law in the persons or in the government which owns a majority of the stock.

If the United States owns all of this stock, as is proposed here, except the small amount which belongs to Costa Rica and Nicaragua, and furnishes the money with which to construct the canal, the President of the United States appointing the directors, who take an oath such as other executive officers of the United States take, who are to be sent to the Senate for confirmation, it would be difficult, it seems to me, for anyone to say or to argue anywhere with reason-

able expectancy of success that the Government of the United States has not, to all intents and purposes, "exclusive control" of the canal.

The distinction between controlling the canal and controlling the company which owns the canal is shadowy. It would not be regarded, I am afraid, from the international standpoint. Now, the mere fact that Costa Rica and Nicaragua own a little of this stock would not in any wise, in my judgment, redeem the pending bill from being a substantial violation of the treaty obligation.

Mr. CHILTON. Will the Senator from Wisconsin permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. CHILTON. The Senator will remember that the language in the treaty is not "control," but "exclusive control." The word "exclusive" must have a signification there, and is superadded to the word "control" in its ordinary sense.

Mr. SPOONER. I adverted to that while the Senator from Texas was not doing me the honor to listen to what I was saying.

Mr. CHILTON. I was called out of the Chamber.

Mr. SPOONER. I understand that. I do not complain of it. I understand this "exclusive control" to mean by either to the exclusion of the other. Great Britain and the United States were entering into a convention by which they intended to provide that neither, to the exclusion of the other, as I understand it, would ever obtain or maintain for itself this control over the canal.

Suppose we owned all the stock but one share, absolutely controlling the corporation, determining its policy, and as completely controlling it, even as to its sale, mortgage, or management, as you control your own house, to which you have a deed, could it be said that because there was an outstanding share or two shares or three shares or ten shares, this obligation was not, at least in spirit, substantially violated because, while the ownership would not be exclusive, the control would be exclusive?

If I own three-quarters of the stock of a corporation and my friend the Senator from West Virginia [Mr. FAULKNER] owns the other quarter, the "ownership" is not exclusive, but the "control" is exclusive. It is in me. I can deny him the right to have a single representative on the board of directors, if I choose to do so.

Mr. CHILTON. I do not like to trespass upon the time of the Senator from Wisconsin, but that is the very point here. Under the concession the stock which the United States hold can not do the things he speaks of as ordinary stockholders can do. The United States, though they own 92½ per cent of the stock of this corporation, could not deprive Costa Rica and Nicaragua of the right to have one director each.

Mr. SPOONER. That is true. Still the illustration which I made no lawyer will gainsay, that the control of the property lies with the control of the stock, and a majority of the stock constitutes a control of the stock. It is true that the concession stipulates, as I now remember, that each of these Governments shall have one member of the board of directors; but what of it? There is no substance in that.

As the Senator from Massachusetts [Mr. HOAR] suggests to me, what one thing can not be done by the control of the stock without the consent of the minority? Nothing; unless in the articles of organization or association or in the charter the right is reserved to the minority. The mere fact that these two little Governments are entitled to have their stock represented in the board of directors by one director each gives them no power whatever over the policy of the corporation, and does not in the least degree affect the "exclusive control" of it by the Government of the United States.

But, Mr. President, if I state this view too strongly, I do not like to do anything now which may be fairly regarded by Great Britain or any other government as a violation of treaty obligation, in spirit or in substance. The proposition, I think, is clear enough that by this bill, if it shall become a law and be carried out, the United States becomes in absolute control, subject to the terms of the concession, of that canal.

Mr. DAVIS. May I ask the Senator from Wisconsin a question?

Mr. SPOONER. Certainly.

Mr. DAVIS. Is there anything in that treaty which prohibits either power from becoming the exclusive owners of this canal and leaving the matter of control a subsequent question, whether there should be such absolute control?

Mr. SPOONER. It does not say anything about ownership. It says control—exclusive control.

Mr. DAVIS. Suppose either Government became the absolute owner of this canal, would it necessarily follow that it should have exclusive control?

Mr. SPOONER. When either Government becomes the absolute owner it absolutely controls, and that is what is stipulated against.

Mr. DAVIS. I merely asked the question for information.

Mr. SPOONER. When either Government becomes the owner either of the property, if the Government should build the canal, or of a majority of the stock, if it is built by a stock corporation, that Government has exclusive control, and that is what this

treaty stipulates against. I believe that this obstacle will not remain an obstacle, if it be one, upon a fair representation now to Great Britain upon the subject. All I meant to say (and I have been betrayed by questions into speaking too elaborately upon it) is that if there is any question about it, the Government of the United States ought first to seek, by proper representation and negotiation, to eliminate it.

Mr. CHILTON. We have already sought to do that three different times.

Mr. SPOONER. We sought to do it, and some of the contentions were obviously wrong, in my view. We have never sought to do it under the circumstances and relations which exist to-day between the United States and Great Britain.

Mr. FAULKNER. I should like to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER (Mr. BURROWS in the chair). Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. SPOONER. Certainly.

Mr. FAULKNER. If we should pass a bill here imposing the authority upon the President to enter into such negotiations as are necessary to obtain control of the canal, and if he, as the Executive charged with the diplomatic relations of the Government, deemed that it was in fact a violation of the terms of a treaty between Great Britain and the United States, could he not put on foot such negotiations between the two Governments as would avoid any charge hereafter upon this Government of having attempted to annul, under the terms of the pending bill, any provision of a treaty existing that would in any way control the rights of the Government?

Is it not a question that he, being charged with the control of diplomatic matters between this Government and Great Britain, would feel thoroughly justified in presenting to that Government and entering into negotiations to avoid?

Mr. SPOONER. The President, in relation to this whole subject, acts, of course, from two different standpoints. The President is obliged, under the Constitution, to approve or disapprove such bills as we send to him. Of course he is charged, and, I think, exclusively charged, under the Constitution, with the conduct of our relations with foreign governments.

If we send to the President a bill which without some precedent change by a negotiation with a foreign government violates an existing treaty, the question is presented to the President whether on that account he shall decline to approve it. If he approves it and the bill is in conflict with a treaty, to that extent it repeals the treaty, so far as the United States and our courts are concerned.

The President may then negotiate with the foreign government to avert unpleasant consequences. He may make, as our negotiator charged with this duty of representing us in foreign intercourse, such representations as he may think wise. But the fact will remain, and you can not help it, that by his concurrence with the action of Congress a treaty will have been violated. If it were provided in the bill that it should not take effect if there were an obstacle based upon a treaty until that had been removed by negotiation, that would be another thing. That would be a manifestation of the desire of Congress and the desire of the President, he having approved the bill, that the foreign government should modify the obligation. But that is not this proposition.

But, Mr. President, I do not wish to spend more time upon this branch of the case. It has seemed to me that one of the contentions of the Senator from Louisiana [Mr. CAFFERY] as to the effect of this bill upon the Clayton-Bulwer treaty from another standpoint was well taken, but I do not want to debate it. Now, what is this proposition?

Mr. CAFFERY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Louisiana?

Mr. SPOONER. Certainly.

Mr. CAFFERY. Before the Senator leaves this branch of the subject, I will ask him whether or not, in discussing the controlling interest that a majority of stock would give to the United States by having the majority of the board of directors, he adverted to the fact that the concessions from both Nicaragua and Costa Rica enjoin that one-half of the directors shall be taken from the original promoters of the scheme?

Mr. SPOONER. As I recollect that, it is confined to the first board of directors.

Mr. CAFFERY. But in the reorganization of the company by the United States under this bill is not that injunction or requirement of Nicaragua in its concession operative upon the part of the United States? Is not that a continuing requirement?

Mr. SPOONER. I think not, for two reasons. In the first place, as I remember it—and I think I am not mistaken—that provision applies only to the first board of directors. Second, in the very nature of things it could not have been permanent, because men die, and promoters, if stockholders are to be considered promoters, change. It never could have been the intention that for all time half of the board of directors should be taken from

the promoters or incorporators. Such a provision might destroy the board. So they provided that they should be taken for the first board of directors.

I do not think the bill is objectionable upon the ground suggested by the Senator from Louisiana. I think it is a very grave question, however, whether the bill does not violate the concession, and I am not at all satisfied by the argument of the Senator from Texas [Mr. CHILTON] that it does not. But I will get to that in a moment.

Mr. FAULKNER. Will the Senator from Wisconsin permit me to interrupt him?

Mr. SPOONER. Certainly.

Mr. FAULKNER. It seems to me to be objectionable to provide in a bill of this character an instruction to the Executive in reference to the inauguration of negotiations of a diplomatic character. I agree with the Senator that that is a subject exclusively within the control of the Executive, and that Congress has no more power to instruct him to inaugurate negotiations upon any particular subject than it has a right to direct him in a law to appoint a particular person to a particular office. Congress must assume the authority to pass upon the question as to whether this action here would in itself repeal or modify any clause of a treaty which is equally supreme law.

It would not be a violation of the treaty if the President himself would take the opposite view and hold that there is a binding obligation by treaty, because there could be no violation of the treaty until the provisions of the act had gone into operation, and having entire control of the provisions under the terms of the bill, would or would not enforce those provisions as he deemed proper in the interests of the country looking to its relation with a foreign government. But I should like to hear the Senator's view in reference to the right of Congress to instruct the Executive in regard to originating negotiations.

Mr. SPOONER. That is a tolerably long question, and is not really much more, I think, so far as this matter is concerned, than an abstraction, because if the language of the bill is one of instruction to the President, it is very easy to amend it and make it one of request. I agree with the Senator from West Virginia that the President can not be prohibited from entering into negotiations, nor can he be instructed to enter into negotiations.

The whole matter of negotiating treaties and the conduct of our foreign relations, as I understand it, rests with him, and if he negotiates a treaty he must submit it under the Constitution for the judgment of the Senate, and ultimately it may require the concurrence of both Houses in order to effectuate it. But the Senator from Alabama, I suppose, is quite willing to use the word "request" instead of the word "instruct."

Now, what is the theory of this bill, Mr. President? It is that we are to engage in the construction of this canal through the Maritime Canal Company. We are, under it, to acquire two things: First, the stock of the Maritime Canal Company, excluding that stock which we can not acquire, held by Costa Rica and Nicaragua, amounting to about \$92,000,000; second, we are to acquire the property, whatever it may be, of the Maritime Canal Company. We do that by appropriating money which shall be used upon a fair valuation by commissioners in paying for the property and reimbursing the stockholders for their expenditure, within the limitation of \$5,000,000.

I do not intend to comment upon the bill with any harshness—I have no right to do so—but the only provision in the bill which seems to me to be absolutely businesslike, proceeding upon a solid foundation, leading to certain results, is that for the payment by the United States of some sum, not exceeding \$5,000,000 to the present stockholders of the Maritime Canal Association. That is entirely within our power, that is definite and certain, and it is well guarded by the provisions of the bill in more than one of its sections.

As the Senator from Alabama [Mr. MORGAN] said the other day, having reserved in the charter the power to do it, we may alter, or amend, which is the same thing, this charter. We may do it. I suppose, with only one limit, and that is that we could not in the exercise of that reserved power divest any rights which have vested under it. But, Mr. President, there are some things we can not do under that reserved power. We can not change in any degree whatever the concession which it is proposed we shall acquire under the provisions of this bill.

When the Government of the United States, if this bill shall become a law, has bought out the present stockholders of the Maritime Canal Company, has subscribed for all of the stock except the stock held by Nicaragua and Costa Rica, it becomes a stockholder with the same rights as other stockholders.

It is true it is a sovereign stockholder, but, after all, it is only a stockholder, and it becomes the successor to the rights, the franchises, and the property of the Maritime Canal Company, nothing else. Unless the concession shall be changed hereafter by agreement between the canal company or the United States and these Republics and we complete this canal, we do it, Mr. President, under this concession, and we hold it under this concession. In other

words, as was said by the Senator from Tennessee [Mr. TURLEY], we simply "step into the shoes" of the Maritime Canal Company.

It has been objected to this bill that it is not dignified for the Government of the United States, in constructing a great work of this kind, which is to be permanent, to do it through a private corporation. It would be better if we could do it directly, but it is not an insuperable objection, to my mind, if there are advantages in doing it through a private corporation, that it should be so done.

But I want to call the attention of the Senate for a few moments to this concession, and I will hasten because of the time limit agreed upon. What do we get? What are we to buy? This concession; and that is the foundation, so far as the present situation is concerned, upon which we are to put this great superstructure.

Now, Mr. President, I undertake to say that if any man should make a large expenditure of money in the construction of a great building or some improvement upon a basis so flimsy as this concession is, as it now stands, he would be regarded as so wanting in intelligence and prudence as to be unfit for the transaction of business. This concession, it is claimed by Nicaragua, is forfeitable on several grounds. Among others it is claimed that the concession required, as it did, the completion of the canal within ten years. That ten years will expire in October. The canal has not been completed; it is not much more than begun.

Already the Government of Nicaragua has declared—if a government can make such a declaration in advance—that it will "enter" at the expiration of the ten years for condition broken. Already the Government of Nicaragua—if it is within the power of a government so to do in advance—has declared a forfeiture to take effect on the expiration of the ten years. Nicaragua, by an act of its Congress, has granted another concession for the construction of a canal across the Isthmus, not to take effect now. They authorized the concessionaires to enter into negotiation with this Maritime Canal Company for a rescission of the present concession, but they provide distinctly that if by agreement based upon negotiation this concession is not rescinded before the expiration of the ten years, from and after that date another concession which they have made by act of Congress shall be in force and take effect.

Mr. MASON. Mr. President—

Mr. HOAR. May I ask the Senator from Wisconsin a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield?

Mr. SPOONER. I yield to both Senators.

Mr. MASON. I merely want to ask when the term of ten years will expire?

Mr. SPOONER. Next October.

Mr. HOAR. I wish to ask the Senator from Wisconsin to state to the Senate in this connection what jurisdiction or court is to determine the question of breach of condition—

Mr. SPOONER. I will get to that.

Mr. HOAR. Or any other forfeiture. It must be in the courts of Nicaragua alone; or where is it to be?

Mr. SPOONER. No, sir; the tribunal where it might be in the absence of a specific provision is a question which I need not discuss; but a tribunal has been stipulated for, as I understand it, and I will call the attention of the Senate to that in a moment. One thing is certain: Nicaragua claims that this concession is forfeitable; and Nicaragua, so far as the Government has the power to do it, has forfeited it, the forfeiture to take effect upon the expiration of the ten years by making an inconsistent and incompatible grant.

The Senator from Alabama in his very exhaustive report gives a good many reasons which he thinks are adequate against the power, as I understand it, of Nicaragua to forfeit this franchise, contending that the grounds of forfeiture do not exist. I do not care to go into a discussion of the question whether grounds of forfeiture exist or not. It is enough for the purposes of the argument which I wish briefly to submit to say that the grantor of this concession claims that the grounds of forfeiture exist, and has attempted, so far as a government can do it, to exercise the forfeiture to take effect when the ten years have expired.

My friend from Minnesota [Mr. DAVIS] will recollect a decision in a case in which we were jointly interested, many years ago, in which it was held that in the case of a government grant upon condition and the right of forfeiture for breach of condition, judicial proceedings to ascertain the ground of forfeiture were not necessary; that the common law "office found," to use the technical language, was not necessary; but that when the government through its legislative body declares a forfeiture or makes an inconsistent grant that was equivalent in law to the common-law "office found," and was an entry for breach of condition. That was the *Repentigny* case, in 5 Wallace, followed many times since by the Supreme Court of the United States.

Mr. DAVIS. It was the Harriman case.

Mr. SPOONER. Yes; the Harriman case was based on the *Repentigny* case. The first decision of the court was the *Repentigny* case.

Now, Mr. President, here is the controversy as to whether this franchise, which we are proposing to pay \$5,000,000 for, at least, if that shall be the amount found by these commissioners, exists at all or not. And who is to determine that? It is said that it is to be determined by an arbitration. Possibly that is true. Let me call the attention of the Senator from Massachusetts to this provision of the concession as possibly answering the question which he put to me a moment ago:

Any misunderstanding that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators composed of four members, two of which shall be appointed by the State and two by the company.

The same provision is in the stipulation or concession from Costa Rica:

These arbitrators shall be designated by each of the parties within the period of four months from the day on which one of the contracting parties shall have informed the other in writing of the want of agreement on the point at issue. Should one of the parties allow the aforesaid term to pass, it shall be considered as assenting to the opinion or claim of the other.

The majority of the votes of the arbitrators shall decide finally and without recourse. In case of a tie vote the arbitrators shall select, by mutual consent, a fifth person, who shall decide. If unable to agree to such nomination, they shall draw by lot the names of the diplomatic representatives accredited to Nicaragua, and the first one drawn out shall exercise the functions of the fifth arbitrator; he shall either adopt the opinion of one or the other of the parties to the controversy, or render his opinion between these extremes, and his decision shall be final and without any appeal whatever; the fifth arbitrator failing, the second person drawn shall exercise these functions, and so on successively until a decision is reached.

In other words, Mr. President, if this question is to be tried before a board of arbitration, if it is one fairly falling within this language, a misunderstanding or dispute as to the interpretation of the stipulation, it is to be finally determined by a board of arbitrators. Either of the two, by declining to agree upon a fifth, may leave this question upon which we are to base at the outset a very large governmental investment to be determined how? By the accredited representative of a foreign government to Nicaragua, drawn by lot. It may be the French minister; it may be the Spanish minister; it may be the German minister. It may be the British minister. No one can tell. And his decision is final.

Mr. HOAR. The Senator's answer does not quite meet the question which I put to him, owing, undoubtedly, to want of clearness and fullness in my statement. It is all true that the question of the meaning of these stipulations is to be referred in this way to a board of arbitration composed as has been specified, but that is not quite my point. My point is, Has not the Nicaraguan Government the power that every other government has of determining as to corporations within its jurisdiction or exercising authority in its territory whether the corporate right is forfeited? It is not the question—

Mr. SPOONER. The Senator is quite right.

Mr. HOAR. If the Senator will allow me just to complete the sentence, it is not the question whether there is or is not a breach of the particular contract, but it is the question beyond that—whether without breach of the particular contract forfeiture has come for any reason; or, it being admitted that there be a breach of the contract, then whether the entire powers and rights of the corporation are forfeited. I have not seen or heard anywhere of anything which does not put, in the end, the rights of the United States, the continuance of that corporate life, and everything completely into the control of the courts of Nicaragua. That is my proposition.

Mr. SPOONER. Many Senators contend that that question would fall fairly within the arbitration clause. I doubt it. Of course, if it falls within the arbitration clause, that is the tribunal to settle it. If it is excluded from that—and that is my impression, upon general principles of law—the Senator's statement or proposition is undeniable.

Mr. President, is it not plainly a prudent thing, in view of the fact that the Nicaraguan Government claims this franchise to be forfeitable next October, and has declared in advance a forfeiture of it by granting an inconsistent concession, that before the payment of \$5,000,000 or \$1,000,000 to the stockholders of the Maritime Canal Company, we should have it determined whether we are buying something or nothing, and before appropriating a vast sum of money to build a great national work, or a work of vital consequence to the nation, to be paid for by the people under a concession already impeached, we should have it first determined whether the concession is to live or not?

I am not so optimistic, much as I desire the construction of the canal—and I care not whether the limit of cost is \$150,000,000 or \$250,000,000, the people of the United States intend to have, whatever it may cost, a canal connecting the two oceans—as to think we ought not to go about it in a prudent way, and I take it no man would attempt to build a vast apartment house or an office building or a great structure of any kind when there was a palpable danger to his title and a palpable question as to who would be the owner of the property until after he had removed all suspicion and cloud from the title to the land upon which his structure was to be erected; and yet that is practically what we are asked to do in the enactment of this bill into a law.

There is another reason, Mr. President, why I do not like to

embark the United States Government upon the construction of this canal under this concession. Some Senators say it will cost \$115,000,000, others say it will cost \$150,000,000. There have been a great many different estimates about it and reports upon it. It is not a matter of so great consequence when we have secured the unquestionable right to build it, when we have safeguarded the control by the people of the United States over it forever when it is constructed. They will not stop to count the necessary cost of it.

No ship canal, I think, has ever yet been constructed within the estimated cost. The Suez Canal was estimated by a board of eminent engineers at the outset to cost \$40,000,000, and it cost \$95,000,000, and \$40,000,000 are now being expended to enlarge it. The Manchester Canal was estimated to cost about \$35,000,000, and it cost \$77,000,000. The Corinth Canal was estimated at \$6,500,000, and it cost \$13,000,000. I do not care so much about the money—

Mr. MORGAN. How about the Kiel Canal?

Mr. SPOONER. I do not know about that.

Mr. MORGAN. It was built inside of the time and inside of the estimates.

Mr. SPOONER. I know that there are very few public works of great magnitude, especially where a part of the work is to be done in the water and in swamps, which have ever been built in this country within the limits of the estimate. All I care to say about that is this, that it seems a matter of wisdom and of prudence that we shall make our title good before we embark upon this enterprise. If we are to do it through a company, I have no objection to that; but let us do it when it is certain there is no international obstruction to it. Let us do it when we are certain that under that concession we will own the canal forever when it is constructed with our money.

The reason against building the canal under this concession to which I began to allude before I was interrupted is this—it is not vital, I agree, but as the trustees of the people and spending their money for their benefit, we ought to look with care to it. We are proposing to build a canal across the isthmus, from ocean to ocean, for the largest ships. It is a great and difficult work, and we ought not to be required to build in addition lateral canals, which are no part of the main waterway, not intended for utilization by the United States, of no value either for our commerce or for our national defense. And yet this concession provides:

Within three years, to be counted from the commencement of the work upon the interoceanic canal, the company shall, at its own expense, construct a navigable canal—

And the United States will be the company, financially speaking, and all the obligations imposed by this concession will rest upon the company just the same, whoever owns the stock, as today they rest upon the Maritime Canal Company—

between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length. When completed this canal shall be taken possession of by the Government of Nicaragua, and will be, after that date, the property of the Republic.

That is one of the elements of the price which we are still to pay Nicaragua for this concession. We are to build a lateral canal, of no utility to this Government, the cost of which no man can tell.

This is another thing, Mr. President, about this concession which to me is a great objection. I should like, before we embark upon the construction of this canal or appropriate any money toward it, to have the concession amended through negotiations by our Government with Nicaragua and Costa Rica. Those governments may be tired of the Maritime Canal Company, but they are not unfriendly to the Government of the United States.

It is a very strange thing, if it be true, that this 75,000,000 people, with a government which observes its treaty obligations, which intends to treat all people and all other governments with dignity and with fairness, can not promptly secure from Nicaragua and Costa Rica such concessions as will enable us safely to build this great canal, which, while being of the utmost consequence to us, will be of the utmost consequence to them and their people.

Is it asking too much, Mr. President, to so draw our legislation upon this subject that before committing the Government to the construction of a canal under a concession and to the expenditure at the beginning of a vast sum of money, we should attempt, at least, to secure the elimination, through negotiation, of this lateral and undoubtedly very expensive and useless canal?

Mr. FAIRBANKS. Is there any estimate of cost of the lateral canal?

Mr. SPOONER. I think not.

Mr. HOAR. What is the length?

Mr. SPOONER. Nobody seems to know. It seems to me—I may be mistaken about it—that Nicaragua and Costa Rica will have some right to complain of the passage of this bill. The Senator from Texas [Mr. CHILTON] appears to think that the concession clearly contemplates the investment by the Government of money in this stock. I have much doubt about it. We are to look at the spirit and at the substance of it, not simply at the letter. It provides:

The present concession is transferable only to such company of execution—

There will be but one company of execution probably. We will control the company of execution when we subscribe for a majority of the stock in the company of execution:

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers.

This Government is "foreign" to Nicaragua.

I have already said, Mr. President, that the spirit of that clearly is intended to preclude the vesting of the control over this canal and this concession by a governmental stock ownership.

Nor shall the company cede to any foreign government any part of the lands granted to it by this contract, but it may make transfers to private parties under the same restriction.

The Republic of Nicaragua can not transfer its rights or shares by selling them to any government.

It is difficult to think, Mr. President, that, carefully prohibiting the transfer of this concession by the company to any government, Nicaragua expressly disabling herself, the sovereign grantor of this concession, as she was and is, from selling her own shares to any government, it was still within the contemplation of this concession that the company might sell the control of the stock to the United States Government or any other government, because its right to sell the control of its stock to the United States Government involves the right to sell the control to any other government if they had chosen to do it. My recollection is that already one of those governments has served notice upon us through its minister here that a transfer of stock to this Government as proposed by this bill is considered a violation of the concession.

One other thing. I did not wish to take so much time, and would not have done so if I had not been interrupted.

As soon as the present stock is canceled and the shares are surrendered, with proper evidence that the debts have been paid and the contract liabilities, excluding the concession obligations of the Maritime Canal Company, are out of the way, the Secretary of the Treasury, with the approval of the President, is to subscribe for all of the stock of this company, except, of course, that owned by Nicaragua and Costa Rica.

The stockholders of the Maritime Canal Company are to be paid, to be reimbursed, and the language of that part of the bill no lawyer on earth can criticize as being uncertain or prejudicial or indefinite as to the stockholders of the Maritime Canal Company.

Then we are to go on with this work, and the subscription price, 100 cents on the dollar, is to be paid on the warrants of the treasurer into the treasury of the canal company, to be used in the work of construction.

There is a limit here of \$115,000,000 for the completion of the canal. No one expects that will construct the canal, and after we have entered upon its construction we will complete it, if at all feasible, no matter what its cost.

Then, Mr. President—and that is something which I think the people do not understand, and it is something which I think all Senators have not taken the time to examine—having out of the people's money constructed this great waterway, the Government of the United States does not own it, nor does the canal company own it, because it is here provided:

On the expiration of the ninety-nine years stipulated in this concession, or in the event of the forfeiture contained in the preceding article, the Republic—

Nicaragua—

shall enter upon possession in perpetuity of the canal, of works of art, light-houses, storehouses, stations, deposits, stores, and all the establishments used in the administration of the canal, without being obliged to pay any indemnity to the company.

But the company shall have the right, at the expiration of the aforesaid term of ninety-nine years, to the full enjoyment of the free use and control of the canal in the capacity of lessee, with all the privileges and advantages granted by the said concession, and for another term of ninety-nine years, on the condition of paying 25 per cent—

The second leasehold upon condition of paying 25 per cent—of the annual net profits of the enterprise to the Government of the Republic, besides the dividends due to it for its shares in the capital stock.

Then it provides that:

At the expiration of this second term of ninety-nine years the Government shall enter into perpetual possession of the canal and other properties referred to in the first part of this article, including also in this possession all that which is excluded in the said first part with the exception of the reserve and amortization funds. The failure to comply with any of the terms of the lease shall terminate it, and the State shall enter into possession of the canal and other works belonging to it, in accordance with the provisions of the preceding paragraph.

Ninety-nine years, in our view, Mr. President, is a long time; it is beyond the life of any man, save in exceptional cases. Two periods of ninety-nine years seem to us like an eternity, and three periods of ninety-nine years almost impossible; but in the life of a nation it is a short time. We are here to look—using a happy phrase that my friend from Minnesota [Mr. DAVIS] used during the past year in debate here—"beyond the day after to-morrow." We are here to legislate wisely, prudently, without complaisance, and without undue optimism, for all the future of the people of this Republic.

For us to appropriate a vast sum of money to construct a canal from ocean to ocean, so essential to the national defense, so

important not only to the commerce of the United States but to the commerce of the world, and yet not own it for all time, would not be regarded, it seems to me, as prudent. Who dares to set a limit upon the population, the wealth, and the commerce of the United States and of the world one hundred and eighty years from now?

With 400,000,000, and probably more, of people, and with a commerce absolutely illimitable, this canal will be infinitely more important than we to-day can even dream of, not only as a matter of defense for the Republic, but also as a matter of safety and advantage to our commerce, and when this country will need it most our people will wake up some fine morning to find that we have built this canal with their money; maintained it with their money; that we do not own it, but that it is the absolute property of Nicaragua.

Mr. CHILTON. The Senator from Wisconsin, I presume, has had his attention called to the fact that that is exactly the way under which the English Government operates the Suez Canal—under a ninety-nine-year grant.

Mr. SPOONER. Yes, Mr. President, the English Government operates the Suez Canal under a ninety-nine-year grant, and it can safely do it, because the English Government sustains a relation to Egypt which we do not sustain to Nicaragua.

Mr. CHILTON. But it did not sustain that relation at the time it acquired shares in the Suez Canal.

Mr. SPOONER. But it looked forward to doing it.

Mr. CHILTON. And we will do it, too.

Mr. SPOONER. The Senator says, "We will do it, too;" that is, that we will control Nicaragua. Then, we have this proposition: That we shall put two hundred and fifty or three hundred million dollars, if necessary, into a great interoceanic waterway, which in one hundred and eighty years shall belong to Nicaragua, and not to us, upon the theory of safety that before that time we will own Nicaragua.

Mr. CHILTON. The Senator will excuse me. I do not want to be misunderstood.

Mr. SPOONER. I do not want to misunderstand the Senator.

Mr. CHILTON. The idea I meant to convey was this: I think the construction of the canal is a good project, even under a grant for ninety-nine years, just such a grant as the Suez Canal Company had when De Lesseps constructed that enterprise; but, in my judgment, whenever we enter upon the work of building this canal, new arrangements will gradually, as the years pass by, come to be made between the Governments concerned. I would not enter upon the work simply upon the faith of such new arrangements, but we have an ample foundation in the concession as it now exists.

I hope the Senator will excuse me. I do not mean to take up his time.

Mr. SPOONER. Certainly, Mr. President, the best time in the world to eliminate dangers from our pathway, especially when we are looking, as we ought to look, to the future, is the present. The time to make this concession what the American people want it is now; and I can not, as my friend from Texas does, march up to a proposition like this, of building with the money of this country a great interoceanic canal, which, when this people need it most, they will not own, and that, too, in the face of a treaty which grants us the right of transit over the Isthmus, with the provision in it that either party may put an end to it on twelve months' notice.

I think the time to acquire title to the land upon which you propose to erect a costly and permanent superstructure is before you let your contracts. So I think, Mr. President, it is the part of wisdom that now, all of us being committed—and no man can be more so than myself—to this work of constructing an interoceanic canal, the Government of the United States should first secure a solid and permanent foundation, either in the way of a change of concession to a private company or of a grant to the Government of the United States, if that be within the power of those sovereignties.

It is my belief, Mr. President, that in proceeding in this indefinite way to build up this great structure upon a fog bank, to commit this Government to it, and pay out millions to these stockholders without waiting for the adjustment of vital controversies and eliminating weakness of title without awaiting a determination as to whether we are buying a live concession, or one which is to die in October, we are simply "laying up troubles" for ourselves and delaying indefinitely this work, which we all so much desire.

I think the canal ought to be a neutral canal when constructed: I think it ought to be open to the ships, war and merchant, of all nations, as is the Suez Canal. I would not want to put American money into it unless the American Government controls its ownership.

There is one provision in this bill that I can not take the time to discuss with any elaboration; but I can not understand upon what theory it is inserted in the bill; and that is the provision creating a lien in favor of the United States upon this canal and all of the property which is created by the expenditure of this money, and

authorizing the President to declare a forfeiture to the United States at his will.

The United States becomes a stockholder with just the same rights that you would have, Mr. President [the Vice-President in the chair], if you became a stockholder—no greater, no less. When a government makes a contract it comes down from the throne of power and takes its place as to rights and remedies ordinarily among the people and on the same plane with those with whom it contracts.

When a government sues in the courts, it is subject, as the courts have many times said, to the same rules of procedure as individual suitors; and when the government becomes a stockholder, a stock subscriber, pays its money into the treasury of the company upon its stock subscription, upon what possible theory it can by an act of Congress turn that stock subscription and that payment for stock into a mortgage to secure a repayment of all of its money and to take to itself against the minority stockholders the title to the property, I can not understand. If any majority stockholders in any company in the world should attempt to do that thing as against the minority, there is not a court on earth that would not set it aside.

It seems to me, Mr. President, and with that I shall have finished, that an attempt to do that thing, and to wrest back our money paid in as a stockholder as against Costa Rica and Nicaragua, who have paid for their stock by their concessions, is a very poor foundation for successful negotiations with either of those republics for a modification of this concession.

I apologize to the Senator from Alabama [Mr. MORGAN], who has a right to close this general debate, for having taken so much time; and am conscious that I have made no thorough discussion of this bill. I would have said what I had to say about it earlier but I have been struggling with the grip and a stubborn sore throat, and have found it impossible to do so. I can not vote, Mr. President, for this measure.

Mr. TURNER. Mr. President, I do not think I ought to permit this debate to conclude without a word upon the subject-matter thereof from the standpoint of the interests of the Pacific coast. The people of the great State which I have the honor to represent in part in this body, as well as the people of the entire Pacific coast, look with great interest and favor on any reasonable, practicable, fair proposition for the construction of the Nicaragua Canal. They do not expect and would not approve that their representatives in Congress should oppose any such proposition on the ground that at some time, somehow, in the indefinite future, conditions may be found more favorable for the inauguration and completion of that great world enterprise.

Mr. President, the time will never come in the history of the fight for the building of the Nicaraguan Canal that rival governments and selfish local interests will not continue to pile up mountain high objections against the inauguration of that enterprise.

The people of the Pacific coast are moved in their interest in favor of this great work by the same motives that move uniformly the balance of the people of this country, who likewise look with great favor and interest upon the enterprise; and that is, first and primarily, they regard it as essential to the defensive power of the nation; and, second, they regard it as essential to the fullest and completest development of the commercial energies of the nation. But the people of the Pacific coast have a special and peculiar and immediate interest in this enterprise which is not shared in by the balance of the people of this country, but in which undoubtedly they would sympathize, which moves them in the premises. The completion of the waterway across the Isthmus connecting the Pacific Ocean and the Atlantic Ocean will release them at once from the octopus grip of the transcontinental railroads, and only those who have suffered from the exactions of those gigantic monopolies can appreciate the extent to which they deaden the energy, paralyze the industry, and crush the independence of a free and an independent people.

Mr. President, I would not have anyone imagine for a moment from this remark that I am unmindful of the great benefits conferred by the transcontinental railroads on the Pacific coast. Without them that great region of our country, or the greater portion of it, would still be a trackless waste and a howling wilderness. But the fact that they have contributed to the building up of a great civilization does not give them the right to control its every movement, to stifle its expansion and development, and to say that it must continue to submit to conditions which were well enough in the formative period, but which have long since become intolerable and unbearable.

Mr. President, with progress beyond the primitive needs of a pioneer people have come the demand for and the right to speedy and cheap communication between their own people and the people of the balance of the world, which is one of the refinements of modern civilization, and which is necessary to put them on an equal footing with their brethren throughout the balance of this country. The transcontinental railroads either can not or will not give this to them. My own view is that in some cases they

can not and in others they will not. It is, no doubt, impracticable to expect the transcontinental railroads to transport the wheat, and the lumber, and the fruits, and the fishes, and the products of the Pacific coast across the continent to the Atlantic markets and leave to the producers anything above the bare cost of production, but it is possible for these roads to transport a keg of nails from Pittsburg, in the State of Pennsylvania, to Pacific coast points, and they do so, for a less sum than they will transport a bushel of wheat across the State of Washington to tide-water points on the Pacific coast.

It is possible for these great lines of communication to give to the people of the Pacific coast the same relative rates on those commodities which they must necessarily purchase from the East that they give to other sections of our common country. It is possible for them to give to the local interests and the local industries of the Pacific coast fair distributing rates, which would enable them to build up their own local industries, instead of compelling them, by the most gross discrimination, to break down those interests and supply themselves with everything that they need to eat or to wear or to use at the expense of a long transcontinental haul. It is possible, Mr. President, for these roads to make a fair and reasonable profit from an easy service from the industries of the Pacific coast if they would conserve those industries, instead of finding an inadequate profit for the performance of a most onerous service, such as they get from the transportation across the continent of everything that the people of the Pacific coast are compelled to buy and everything that they produce for the purposes of sale.

The policy of these roads, from which the people of the Pacific coast are to be released by this great waterway, if it shall be built finally, is to break down the industries of the Pacific coast, to keep that section from becoming self-supporting, to make it a vassal of the other sections of this country and of Europe in everything that it needs, in order that they may reap a rich harvest from the transportation to and from that people of everything which they buy and everything which they sell.

Mr. President, it is impossible for any intelligent man to study, even cursorily, the class rates and the commodity rates maintained by these great transcontinental railroads and reach any other conclusion than that which I have stated here to-day. But my purpose was not to enter upon a discussion of the transcontinental railroad problem at this time. I may do so at a later period and in a more appropriate connection. I simply wanted to call the attention of the Senate to the fact that there was a pressing and immediate and peculiar need for this great world enterprise which is now under consideration in this Chamber, upon the part of the people of the Pacific coast, which is worthy of their earnest consideration and attention.

Mr. President, the completion of this enterprise will add 10 per cent in value to every product of the Pacific coast. It will minimize, to the extent of 10 per cent, the cost of living to the people of the Pacific coast. It will add 20 per cent to their annual accumulation, and it will do this even though not a single additional merchant ship is brought into our merchant marine or a single additional customer brought to the doors of our merchant princes. This is the immediate necessity of the Pacific coast.

But, Mr. President, in comparison with the interests of the Atlantic coast and the Middle Atlantic seaboard, which are to be subserved by this great enterprise, the interests of the Pacific coast to which I have referred sink into insignificance. It not only brings to the Atlantic coast and Middle Atlantic States new avenues of commercial development and commercial employment, but it gives added facilities to them for the control of those which they already possess or for which they compete with other countries. It brings to their doors the Pacific coast line of Central and South America, which they are unable to reach at this time except around the Horn, and it makes all of the people of that country tributary to New York, Boston, Philadelphia, Baltimore, and New Orleans. It puts those cities upon an even footing with their rivals in the old country for the trade and commerce of the East.

In the development of Japan and China, which is now going on, if this great waterway be completed within a reasonable time the fleet of vessels sailing from our Atlantic ports to the ports of the Orient will rival those which now plow their way through the turbulent waters of the North Atlantic. And we of the Pacific coast have no particular hope of any great advantage from this waterway in that connection. It even takes away from us the hope in which we had long indulged, that ultimately, by reason of our peculiar and advantageous situation, we ourselves would be enabled to control the American trade with the Orient. But we are willing to give up this ultimate hope of great advantage for the immediate prospect, which is so essential to the interests of the people of that section, that they may not only purchase the products of the world which they are compelled to have, without paying an enormous tax to the transcontinental railroads, but that they may have a method of marketing their products which will leave them something over and above the actual cost of production.

For the purpose of securing this advantage to themselves they are not particular at all whether we pay a trifle more than we ought to pay for this great engine of civilization. They are not particular, either, whether we are giving to the owners of this concession, in order to step in their shoes, more than ought to be conceded to them; nor do they care whether or not the present owners of the concession are reputable gentlemen who are entitled to the consideration of the lawmakers of the nation assembled in Washington. If they be in fact subject to all the objurgations passed upon them by the distinguished Senator from Indiana [Mr. TURPIE] in his speech on this subject—and I am sorry he is not in his seat here now—still it seems to me and it seems to the people of the Pacific coast that the necessity of commencing this great work presses on us to such an extent that we could afford to be even more than generous in our dealings with them. But, Mr. President, it seems to me that we are not only not particularly generous, but that we are simply just in our dealings with the concessionaires here, so far as their interests are concerned, because, if I read the bill correctly, it proposes to pay them for their improvements and for their concessions such sum of money, not to exceed \$5,000,000, as impartial agents, appointed by the President of the United States for that purpose, shall find ought to be paid to them.

Mr. President, I frankly concede that there are objections more or less grave to proceeding under this concession or to proceeding at all now, and I have been struck with the wealth of industry which has been applied to finding these objections and pointing them out to the Senate of the United States. If the same wealth of industry had been employed in endeavoring to make the bill conform to the ideas which gentlemen think ought to prevail in legislation for the construction of this great work, the bill would have been in shape to suit them and on its way to the President for his signature before this. Nay, Mr. President, the bill would have been out of the way, it would have been a law, and the construction of the canal would be under way if this wealth of industry had been employed in the manner I have stated.

Gentlemen think we are trespassing on the terms of the concession, which forbids the transfer of the concession by the concessionaires to any foreign government. Manifestly we are not trespassing on the limitation contained in article 8 of the concession, because for one of the governments of the world to become an owner of a greater or less proportion of the stock of the canal company can not, by any stretch of language, be said to be a transfer of the concession by the company to that government; and, Mr. President, I have no doubt the Government granting this concession had in view the fact that other governments might become the owners of greater or less portions of the stock of the company. Is there any limitation on the power of a stockholder to dispose of his stock to anybody that he pleases to dispose of it to? What would be the sense of a limitation upon the power of a government to become a subscriber to the stock, and then, after the stock had been subscribed by private individuals, leave it open for any government in the world to go into the market and pick it up share by share until it had obtained such control of the company as its interests and its power to subserve them may have made it desirable?

More than that, Mr. President, it is impossible to look through the diplomatic correspondence between our ministers and the authorities of the Government of Nicaragua and the correspondence of the authorities of Nicaragua, from the President down, with the members of this canal company and the officers of the company without discovering that they were not only willing that this Government should become one of the large stockholders of the company, but that they desired it and were urging it from time to time upon the attention of the authorities of this Government and upon the officers of the Nicaragua Canal Company. So, it seems to me, that not only is there no difficulty, in the terms of article 8 of the concession, to the Government of the United States subscribing to this stock, which it might pick up in the open market after it had been subscribed for by any individual, but that the Government of Nicaragua, which is supposed now to be in a state of mind to induce it to object to the subscription by the Government of the United States, has no intention of making any such objection.

Now, Mr. President, the further objection is urged here that this concession is said to have lapsed, or, if it has not lapsed, that Nicaragua has so adjudged, and that it is unwise, in view of that, for us to enter upon a large expenditure of money pursuant to our designs in reference to this enterprise. Not only has it not lapsed, but as I read the concession it is not within the power of Nicaragua to determine that it has lapsed directly or indirectly until the 20th day of October, 1900.

I wish now to call the attention of the Senate to Articles XLVII and XLVIII of the concession. Article XLVII provides:

The company shall undertake at its expense the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom shall be appointed by the Government of the Republic, which shall protect as far as it may the said commission.

There is granted to the concessionary company a term not exceeding one year in which to commence the final surveys for the canal, and one year and one-half additional for completing them, to organize the executing company, and commence the work of construction.

I need not read any more of that article. Article XLVIII provides:

A term of ten years is also granted to the company for the construction, completion, and opening of the canal for maritime navigation. However, should events of main force arise, duly justified and sufficient to impede the regular progress of the works during the period of the said ten years, an extension shall be granted equal in duration to the time that may have been lost by such delays.

If, at the expiration of the ten years aforesaid, the works should not be completed so as to have the maritime communication between the two oceans opened, in consideration of the great capital the company may have invested in the enterprise, and of the good will and ability it may have shown, and the difficulties encountered, the Republic binds itself to concede a new extension.

By Article V Nicaragua binds itself not to make subsequent concessions for the opening of the canal between the two oceans during the term of the present concession, etc.

Now, Mr. President, the concessionaires proceeded to do this preliminary work within the two years and a half granted to them for that purpose. It was accepted by Nicaragua as satisfactory. Her correspondence with the authorities of the canal company and with the diplomatic representatives of the United States there show that without any question. So the ten years within which the concessionaires might complete the canal began to run, and during that period Nicaragua bound herself that she would not grant a concession to any other person, company, or corporation for the building of the canal. So she has disabled herself by her own expressed language, until the ten years shall have elapsed, from conferring any rights upon any other canal company by any action whatever.

Article LIII of the concession provides the measure of her power with reference to forfeiture, and that is as follows:

The present concession shall be forfeited:

First, Through the failure on the part of the company to comply with any of the conditions contained in Articles VIII, XLVI, XLVII, XLVIII, and XLIX.

None of the other articles referred to in this article have any reference to anything of a forfeitable character which has transpired since the granting of this concession to the Maritime Canal Company. Article VIII has reference to the transfer of the concession to a foreign government, which, I think, it has been shown has not occurred and is not contemplated in this case. Article XLII has reference to certain contracts with other parties which the Maritime Canal Company bound itself to accept and observe. Articles XLVII and XLVIII are the terms, respectively, within which the preliminary work and the work of building the canal were to be completed. Article XLIX is the guaranty for the good faith of the owners of this concession, to be effected by the deposit of \$100,000. So the express mention of causes of forfeiture in the concession made by Article LIII shows that there was no power within the contemplation of the parties, either governmental or individual, for the exercise of the power of forfeiture for any other cause. *Expressio unius est exclusio alterius.*

Then, Mr. President, if the time within which the canal might be completed has not expired, if Nicaragua and Costa Rica may not declare the charter forfeited because of that fact—

Mr. HARRIS. I beg pardon of the Senator from Washington for suggesting to him that Article I of the new concession admits in its own terms the time when the concession will expire, if it were not to be deduced, as the Senator has shown, from other things. I wish to call attention to the first article:

The Government of the State of Nicaragua permits Messrs. Eyre and Cragin, their heirs and assigns, to enter into negotiations with the Maritime Canal Company of Nicaragua for the purpose of obtaining the immediate rescission of the contract for constructing an interoceanic canal, known as the Cárdenas-Menocal contract, and dated April 24, 1887, which contract shall terminate on October 9, 1899.

So in giving this rival concession the term is admitted to be October, 1899. There is no forfeiture claimed prior to that time.

Mr. TURNER. I think the Senator from Kansas is undoubtedly right in reference to that matter, but I was proceeding to point out—

Mr. CAFFERY. Will the Senator from Washington permit me to ask him a question?

Mr. TURNER. Certainly.

Mr. CAFFERY. I desire to know whether there is any absolute inhibition in the article the Senator has read from the concession against a grant by Nicaragua of a concession to take effect after the expiration or forfeiture of the present concession to the Menocal-Cárdenas company?

Mr. TURNER. It seems so to me very clearly. They have disabled themselves from granting a concession to others during the life of this concession; and during the life of this concession things may be done in pursuance thereof, and under its terms the concessionaires are entitled to further time. If they have expended a considerable amount of money in the construction of the canal, then the Government is bound in good faith—and I apprehend that the United States Government will insist upon her observing

good faith toward our citizens—to renew the concession for such time as may be necessary to enable the present concessionaires to construct the canal. That is absolutely inconsistent with the idea of their determining now, at this time, that at the end of these ten years they will give the concession to somebody else.

Mr. CAFFERY. I admit that that is the correct doctrine, but is it not true that they can grant a concession in present to take effect in futuro after the lapse of this concession?

Mr. TURNER. After the lapse of this concession, but I understand that they have fixed a time—

Mr. CAFFERY. If they are correct in the statement, in the postulate, that the concession will lapse, which is a disputed point, however, then the concession granted to the Cragin and Eyre syndicate becomes good.

Mr. TURNER. But there is no ground for any such statement of fact. The fact that Nicaragua makes it shows that it is not in good faith. She herself has recognized the fact that the preliminary work necessary to entitle the concessionaires to start on the permanent work was done within two years and a half. The concession then gives ten years to complete the canal, and for her, during that period, having disabled herself from acting at all during that period, to come in and say that the concession has lapsed is manifestly not an act of good faith upon her part, and is such an act as ought not to bind or hinder the executive and the legislative branches of this Government.

Mr. CHILTON. I would like to ask the Senator from Washington a question. Would not that show a reason in itself for extending the time?

Mr. TURNER. Undoubtedly it would, and it shows a very grave reason, if Nicaragua has taken any such position, why we should get in as quickly as we can upon a valid concession which will give the Government of the United States some rights in the premises.

The VICE-PRESIDENT (at 3 o'clock and 15 minutes p. m.). The Chair will state to the Senate that the debate will now proceed, in accordance with the unanimous agreement made January 10 last, under the rule known as the five-minute rule, which was extended to fifteen minutes on the bill and amendments.

Mr. MORGAN. I desire to inquire of the Chair what is the question before the Senate?

The VICE-PRESIDENT. The Chair understands that the bill has been reprinted by the assent of the committee and the text of the bill is the last reprint, which is before the Senate for the purpose of amendment.

Mr. MORGAN. Are there any amendments pending?

The VICE-PRESIDENT. The Senator from Indiana [Mr. TURPIE] made a motion to postpone the consideration of the bill until January 10, which motion has fallen by lapse of time.

Mr. CAFFERY. I gave notice to the Senator from Alabama and to the Senate that when the time came for voting upon the amendments to the bill, which was fixed at 3 o'clock to-day, I would ask unanimous consent, in view of the unfortunate event which delayed the consideration of the bill for two days, that the further consideration of the bill be postponed for two days longer.

Mr. MORGAN. Mr. President, I can not consent to that. I am willing to agree, though, that the debate shall proceed until adjournment to-day according to the rule we are now acting under—fifteen minutes to each Senator to express his opinion upon the bill or any amendment—and that at 2 o'clock to-morrow the Senate shall proceed to vote upon the bill and amendments without further debate.

Mr. CAFFERY. Then I will modify the request I made. I ask that the further consideration of the bill be postponed until 3 o'clock to-morrow under the same rule—the fifteen-minute rule—that now obtains.

Mr. MORGAN. Then we would find ourselves in the same condition to-morrow we are in now. A number of Senators have matters to attend to and some of them are so sick that they can not really attend upon the Senate without the greatest risk and inconvenience, and we would have the Senate dissipated at the hour of 3 o'clock in this way.

Mr. BACON. I can not hear the Senator.

Mr. MORGAN. We would have the Senate dissipated, I say, scattered about, at the hour of 3 o'clock to-morrow, as is probably the case now, and we would make no progress with the bill. More than that, we had a notice this morning from the chairman of the Committee on Foreign Relations of his intention to call for an executive session to-morrow at the close of the routine morning business. I think that we ought to go on now to consider this bill under the unanimous-consent agreement that has been given. Senators have relied upon it and are acting with reference to it. I ask, Mr. President, what is the motion before the Senate?

The VICE-PRESIDENT. The Chair understands that there is no motion pending before the Senate. The bill is in Committee of the Whole and open to amendment.

Mr. MORGAN. I ask for a vote.

The VICE-PRESIDENT. There are no amendments pending.

Mr. CAFFERY. I asked the unanimous consent of the Senate that the further consideration of the bill be postponed until 3 o'clock to-morrow. To that the Senator from Alabama objected?

Mr. MORGAN. Yes.

Mr. HOAR. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his question of order.

Mr. HOAR. I desire that the unanimous-consent agreement under which the Senate is about to proceed be stated from the chair or read.

The VICE-PRESIDENT. It is found in the proceedings of January 10, 1899, and is as follows:

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that after 3 o'clock on next Tuesday the discussion on this bill and all the amendments thereto shall be limited to fifteen minutes, under the rule known as the five-minute rule—that is, fifteen minutes to each Senator on each amendment, and no more. Is there objection? [A pause.] The Chair hears none, and it is so ordered.

Mr. PLATT of Connecticut. Mr. President, I wish to make an inquiry for the purpose of understanding the parliamentary situation. I understood the statement by the Chair a little while ago to be that the bill as last printed is the bill before the Senate, and that there are no amendments now pending before the Senate to the bill.

The VICE-PRESIDENT. That is the understanding of the Chair. The bill was ordered to be reprinted with the amendments accepted by the committee. It therefore comes back to the Senate as the text of the bill for action by the Senate. Of course it is subject to any amendment that any Senator sees fit to propose. Notices of amendments have been given and are here on the desk, but none of them have been actually offered.

Mr. RAWLINS. Mr. President, I offer an amendment to the bill, which I send to the desk.

The VICE-PRESIDENT. The Senator from Utah offers an amendment, which will be read.

The SECRETARY. Insert at the end of the bill as a separate section the following:

SEC. — That this act shall not take effect until the Government of the United States shall have secured, by convention with the Governments of Costa Rica and Nicaragua, and with other governments with which the United States may have treaties inconsistent therewith, the right to fortify and garrison the proposed canal, and to maintain armed vessels therein or upon Lake Nicaragua, and to move military forces through the territory of either of said States for the purpose of protecting the canal and the citizens of the United States operating the same; also the right of passage through the canal of the armed vessels, troops, munitions, and supplies of war of the Governments of the United States, Costa Rica, and Nicaragua in case either of said Governments is at war with any foreign government, with the right to close the canal to the ships, troops, and munitions of war of such foreign government during the existence of such state of war.

Mr. RAWLINS. Mr. President, there are perhaps three phases in which the question of the construction of the Nicaragua Canal may be considered. First, I invite attention to the military and naval aspects of the question. It has been pointed out repeatedly that the canal, if constructed, will be of great military advantage to the United States. The journey of the battle ship *Oregon* has been pointed to as an object lesson.

When this bill was presented by the Senator from Alabama [Mr. MORGAN], I asked him the question—and to that question I obtained no satisfactory answer—if the canal is put into operation under the provisions of the bill as it is proposed by the committee, in which there is a guarantee of its neutrality in case of war between the United States and another nation, whether the canal will be open to the ships of war and the munitions and supplies of war of both belligerents, or whether it will be closed to both. As the Senator from Alabama did not see fit to make response to that question I have investigated the matter for my own satisfaction, because I do not believe that the American people desire this canal to be constructed and put into operation under such circumstances that in case of war between the United States and Great Britain or any other country it shall be as available for the use of the enemy of the United States as it shall be to the Government of the United States itself.

The twentieth section of the bill provides a guaranty for the neutrality of the canal in case it shall be constructed. That guaranty is in the exact language of the treaty in respect to the Panama Railroad and other means of isthmian transit as provided in the treaty of 1848. The United States on a certain occasion was called upon to interfere when Spain was at war with Chile and Peru and undertook to force munitions and supplies of war through Colombia over the Panama Railroad. The question was as to whether that violated the guaranty of neutrality under the provisions of the treaty which are in substance embodied in the provisions of this bill. The question was submitted to the Attorney-General of the United States by the Secretary of State, and the Attorney-General decided, after careful consideration, that it was a violation of such neutrality.

The effect of that decision is that in case of the construction of the Nicaragua Canal it will be closed in case of war to the ships of war and munitions and supplies of war of both belligerents. That guaranty of neutrality applies as well to the United States

as to any other nation or nations under the provisions of the treaties now in force, not only between the United States and the Government of Nicaragua, but the treaties between the United States and Great Britain place the United States on precisely the same footing as to the use of this canal as any other nation. It follows from this that if the canal had been in operation last year during the state of war existing between Spain and the United States the battle ship *Oregon* would not have been permitted to pass through it; it would have been closed to that ship.

But suppose there were no provisions constituting a guaranty of neutrality of the canal. If it is constructed and put in operation, as I understand it is claimed under the provisions of this bill it will be, in harmony with the provisions of the Clayton-Bulwer treaty and in consonance with the provisions of the concession made by the Government of Nicaragua to the Maritime Canal Company of Nicaragua, the United States Government is denied the right to fortify it, to garrison it, to exercise any governmental control or dominion over it, to patrol it with troops, to provide any of the means of protection other than for the innocent commercial uses to which the canal shall be devoted. No one will suppose for a moment that the battle ship *Oregon* would have undertaken to pass through the canal last year had it been open through that entire distance of something more than 100 miles and would have thus exposed itself to the dangers incidental to that transit.

Mr. President, if this canal is to be of any use or advantage to the people of the United States from a military or naval standpoint, the United States must possess authority to fortify it, to guard it, to close it, in times of war between this Government and other Governments, to the enemy of the United States and at the same time have the free use of it for the transit of its ships of war and supplies and troops as it may deem proper as a part of our coast line.

The question of the advantages of this canal from a military or naval standpoint I find has been investigated and considered at length by some of the military authorities, notably by Captain Scriven, who has made an elaborate report upon that subject. He uses this language in one part of his report:

But to secure the great defensive advantage given by her natural position it is evident that the canal must be something more than a neutral waterway. It must be open at all times, either of peace or war, to the ships of the United States and closed to those of her enemies. In other words, the Nicaragua Canal, in its military aspect, must be "a canal under American control."

Further along in the same report we find the following language employed:

Such is the proposed canal and such the strategic and political conditions waiting upon its construction. If the latter have been clearly and correctly stated, it would seem that the United States will insist upon treating the Nicaragua Canal as part of her coast line, and will look upon it as she would upon any other line of transit that she might control—open during peace to the whole world, to armed forces by courtesy, as well as to peaceful trade; in time of war closed to the war ships of belligerents unless the United States or the country in which the canal is constructed is engaged; not a strategic point in warfare; and, in the event of war to which the United States is a party, absolutely American and as much under her protection as the capital itself.

Now, it is proposed by this bill to surrender every possible advantage which can accrue to the United States from the canal from a military and naval standpoint as a means of defense. If it is to be open alike to the ships of both nations in case of war between the United States and another power or closed alike to both of them, instead of being a source of strength it will be a source of danger and weakness.

Mr. President, the political obstacles in the way of the construction of the canal under the provisions of the bill and the treaties which now constitute binding obligations upon this Government have been pointed out by Senators, and I do not intend to allude to them further. As to what will be the commercial effects of the construction and operation of the canal upon the people of the United States that has never been the subject of investigation. No report upon that subject, so far as I have been able to find, has been made as being based upon a careful consideration of the question.

I am unable to conceive how the great majority of the people occupying that vast interior section of our country lying between the Appalachian and the Sierra Nevada ranges of mountains and north of the States bordering upon the Gulf can receive any possible benefit or advantage from the construction of this canal. It is claimed that it will divert from the transcontinental railroads the purely transcontinental traffic which they now carry. I care nothing about those railroads, except as their interests may be connected with the interests of the people of the Territories through which they pass. But suppose that to be true, if those railroads are to continue in operation, they must recoup the losses which they thus sustain by increasing the burdens upon the local or intermediary traffic.

Mr. President, this is not the reason why the canal should not be constructed, but it seems to me that it is the part of prudence and wisdom that we adopt some such provision as that which I have proposed by way of amendment to the bill in order to give

assurance to the American people that before the work of this construction shall begin, before any part of the money, the vast sums of money which it is proposed to devote to this project, shall be expended, these political and these military or naval difficulties shall be removed by a modification of our treaty obligations, not only with Costa Rica and Nicaragua but with other governments with whom we have treaties which may be inconsistent with the purposes that I think the American people have in view in the construction of this canal.

I have been strongly disposed to favor the passage of some measure which might provide for the construction of this canal. I believe the American people generally are inclined to favor the project, but they are inclined to favor it upon the conditions which I have specified, namely, that the political obstacles shall be removed; that it shall be so constructed as to constitute a means of strength and advantage to the United States in case of war, and that it shall be so controlled as to advance our commerce and trade and operate as an advantage to the people of the United States, who will incur the burden of the expenditures necessary for its creation.

Mr. SULLIVAN. Mr. President, I offer certain amendments to the pending bill, and I desire to make only a few remarks upon them.

The VICE-PRESIDENT. Does the Senator from Utah desire to have his amendment acted upon at once?

Mr. RAWLINS. I ask that a vote be taken on my amendment.

Mr. CAFFERY. I ask that the amendment be read.

The VICE-PRESIDENT. The pending amendment is one offered by the Senator from Utah, which the Secretary will read, and then the Senator from Mississippi will be recognized.

The SECRETARY. Insert at the end of the bill as a new section the following:

SEC. — That this act shall not take effect until the Government of the United States shall have secured, by convention with the Governments of Costa Rica and Nicaragua, and with other governments with which the United States may have treaties inconsistent therewith, the right to fortify and garrison the proposed canal, and to maintain armed vessels therein or upon Lake Nicaragua, and to move military forces through the territory of either of said States for the purpose of protecting the canal and the citizens of the United States operating the same; also, the right of passage through the canal of the armed vessels, troops, munitions, and supplies of war of the Governments of the United States, Costa Rica, and Nicaragua in case either of said Governments is at war with any foreign government, with the right to close the canal to the ships, troops, and munitions of war of such foreign government during the existence of such state of war.

Mr. TURNER. Mr. President—

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Utah, which is pending before the Senate.

Mr. RAWLINS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. TURNER. I had desired to submit some observations on this amendment, but I understood the Senator from Mississippi [Mr. SULLIVAN] had the floor, and I gave way to him.

Mr. COCKRELL. No Senator has answered to his name on the roll call.

The VICE-PRESIDENT. The Chair understands that no response has been made on the roll call, and the Senator from Washington [Mr. TURNER] is, therefore, in order for fifteen minutes.

Mr. TURNER. Mr. President, the subject-matter of this amendment leads me to a point I wished to discuss at the moment my time expired under the unanimous-consent rule, and I shall now occupy the time allotted for discussing amendments in presenting that point.

I do not myself believe that the Clayton-Bulwer treaty is in force as an international obligation between this country and England, and I do not believe that it ever did have any force. I do not believe that it has any force now, if it ever was a binding treaty, because of the very clearly defined reasons given by the Committee on Foreign Relations in the able report made by them to this body in 1892, in which they showed that all the provisions of that treaty concerning this canal had reference to a then immediate prospective canal and to the situation of this country and of Great Britain with respect thereto.

That being the case, it would be within the province of either party to the treaty, whenever their situation had changed in such a way as to make it to their interest to abrogate the treaty, to give notice to the other party that they proposed to do so, and that would be entirely within the scope of what they might do under international law. I do not believe that treaty is binding now, if it ever did exist, for the second and further reason stated by the Committee on Foreign Relations in the great report to which I have referred; and that is that Great Britain, in violation of the terms of that treaty, has not only maintained her settlements in Central America, but has extended them from a mere settlement of wood choppers into a Crown colony, representing by its high officials the power and dignity of Great Britain.

Third, I do not think, with reference to this so-called Clayton-Bulwer treaty, that there ever has been that aggregatio mentium necessary to constitute it a binding contract between this country and Great Britain, because it was ratified by Great Britain with a string to it, which was never submitted to the Senate of the United States. Lord Bulwer, in presenting the treaty to Mr. Clayton with the ratification of Great Britain, did so with a memorandum, stating that it was the understanding of Great Britain—and the treaty was ratified by her on that understanding—that it did not interfere with the British possessions then in Central America, and Mr. Clayton took the treaty with that string to it, and it never was submitted to the Senate of the United States thereafter.

It may be that there is a moral obligation on us, having recognized it from that time up to this as a treaty, to give effect to its provisions in our dealings with Great Britain, if Great Britain has not already violated it herself; but she is bound to take notice of the municipal limitations upon the power of this Government in making treaties. She does so. She knows that the Senate of the United States is an integral part of the treaty-making power of this country. She knows that treaty contracts are construed by the United States under the same system of jurisprudence by which she construes them, and she knows that the treaty never was submitted to the United States Senate for its assent to the modification of it which was made by Lord Bulwer in his memorandum. She knows, therefore, that if we choose to insist upon it it is not a valid and binding and conclusive agreement between the two countries, because there has never been the aggregatio mentium necessary for that or any other kind of a contract.

Here is what Lord Bulwer said in returning the treaty to Mr. Clayton with the approval of Great Britain:

Declaration made by Sir Henry Bulwer at the Department of State, June 29, 1850, prior to the exchange of the ratifications of the Clayton-Bulwer treaty.

In proceeding to the exchange of the ratifications of the convention, signed at Washington on the 19th of April, 1850, between Her Britannic Majesty and the United States of America, relative to the establishment of a communication by ship canal between the Atlantic and Pacific oceans:

The undersigned, Her Britannic Majesty's plenipotentiary, has received Her Majesty's instructions to declare that Her Majesty does not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras, or to its dependencies.

Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned.

Done at Washington, the 29th day of June, 1850.

H. L. BULWER.

It was received by Mr. Clayton with this declaration:

Memorandum touching Sir Henry Bulwer's declaration filed by Mr. Clayton in the Department of State at Washington, July 5, 1850.

The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply I wrote him my note of the 4th of July, acknowledging that I understood British Honduras was not embraced in the treaty of the 19th day of April last, but at the same time carefully declining to affirm or deny the British title in their settlement or its alleged dependencies. After signing my note last night I delivered it to Sir Henry, and we immediately proceeded, without any further or other action, to exchange the ratifications of said treaty. The blank in the declaration was never filled up. The consent of the Senate to the declaration was not required, and the treaty was ratified as it stood when it was made.

JOHN M. CLAYTON.

Now, I apprehend that no Senator will so far derogate from the rights of this Chamber as a part of the treaty-making power of this country as to say that this Clayton-Bulwer treaty was ever concluded in the manner pointed out by the Constitution of the United States. If the United States were to choose to insist upon its rights, it could not be held to be more than a moral obligation on the part of the United States, having observed it so long, to treat Great Britain decently and fairly with respect to its provisions. But whenever we get ready to construct the canal and Great Britain shall decline or indicate that it is her purpose to decline to remove embarrassments from our way in connection therewith, then I apprehend we are at full liberty to say that this is not only no treaty now, but that it never was, and that we propose to go on and complete the canal in our own time and in our own way, without reference to it.

Mr. RAWLINS. If the Senator will permit me, in the amendment I propose the Clayton-Bulwer treaty is not mentioned. The amendment refers only to treaties generally; so that, if the Clayton-Bulwer treaty is not in force, there is nothing in the amendment which would be a recognition of that treaty.

Mr. TURNER. I understood the amendment to be directed toward removing embarrassments which the treaty obligations of this Government presented against the construction of the canal.

Mr. RAWLINS. It does not assume that the Clayton-Bulwer treaty is one of those binding obligations.

Mr. TURNER. Very well.

But, Mr. President, we have it on good authority that our diplomatic representatives are now negotiating with Great Britain for the abrogation of that treaty. There can be no doubt that Great Britain looks with great favor on this country and that she would be perfectly willing to see this country the controlling factor, even leaving her out of the question, in the construction and operation of the Nicaragua Canal. And it seems to me that we

may put this bill upon its passage, put it upon its way to become a law now, inasmuch as there is but a limited time for this concession to run, without at all infringing upon or disturbing the good feelings and good relations which exist between this country and Great Britain, and that probably before this country is compelled to perform a single act under and in pursuance of the provisions of this bill, the President will have succeeded in removing from our path every objection growing out of any treaty relation with the Government of Great Britain.

If he does not do that, then I call the attention of this Chamber not only with reference to this objection, but to every objection urged here of a similar character, to the fact that section 9 of this bill puts it within the power of the President of the United States to suspend operations under it for the construction of the canal and to suspend the expenditure of any money to any person by virtue of its terms for any cause which may seem to him to be good and just and valid. If we shall run up against treaty obligations, in the opinion of the President of the United States, of such a character as to make it expedient for us not to proceed until those treaty obligations shall be gotten out of the way, it is within the power of the President, under this section of this bill, to suspend its operations until that has been done.

The same thing may be said with reference to the objection urged by the Senator from Wisconsin [Mr. SPOONER] and other Senators to the terms of the concession itself. If any of them seem to present insurmountable obstacles to the executive department of the Government, if negotiations with Nicaragua and Costa Rica shall indicate that we are unable to remove those objections by diplomatic negotiations as easily as some of us think they can be removed, the President of the United States has the power, under the terms of this bill, to suspend its operation until the next session of Congress, and until he shall then have communicated to Congress the reasons which have actuated him in thus suspending it.

So that, Mr. President, so far as the Clayton-Bulwer treaty is concerned, so far as the terms of this concession are concerned, which seem in the minds of many Senators to stand in the way of this legislation, it is all within the power of the President, if he finds that these objections do not melt away as we proceed with this great work, to suspend its progress and report the cause of his suspension to the Congress of the United States, when it may take such further action as seems to it desirable in the premises.

In view of this, and in view of the urgent and pressing necessity for the commencement of this great work, it seems to me that this section ought to be cogent in the minds of Senators in removing their objections to the passage of the bill now, and enable them conscientiously to cast their votes for it.

The VICE-PRESIDENT. The Secretary will call the roll on the amendment offered by the Senator from Utah [Mr. RAWLINS].

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who is detained from the Chamber by sickness. Not knowing how he would vote if present, I will withhold my vote.

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS], and therefore withhold my vote.

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH] who is not present in the Chamber, and so I withhold my vote. If he were present, I should vote "yea."

Mr. KENNEY (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PENROSE]. I understand, however, if that Senator were present in the Chamber, he would vote "nay," and I vote "nay."

Mr. MARTIN (when his name was called). On this vote I am paired with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "yea."

Mr. MITCHELL (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], who is absent on important business.

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. I do not know how he would vote on this question if present, and therefore withhold my vote.

Mr. PETTIGREW (when his name was called). I have a pair with the Senator from Nevada [Mr. STEWART] on this bill. I will transfer my pair with that Senator to the Senator from Utah [Mr. CANNON], and will vote. I vote "yea."

Mr. SPOONER (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK], who is absent. I understand he would vote for the bill as it is, if present, and I could not. I therefore withhold my vote.

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. If he were here, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general

pair with the Senator from Nebraska [Mr. THURSTON], who is absent. I therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. JONES of Arkansas. The Senator from Indiana [Mr. TURPIE] is detained from the Senate Chamber by illness. He is paired on this question with the Senator from Washington [Mr. WILSON].

Mr. COCKRELL. The senior Senator from Illinois [Mr. CULLOM] was here a few moments ago, but was not able to remain in the Chamber, and I paired with him. I do not know how he would vote on this question.

Mr. MORGAN. The Senator from Illinois would vote "nay" if present.

Mr. COCKRELL. I am assured by the Senator from Alabama in charge of the bill that the Senator from Illinois, if present, would vote "nay." If at liberty to vote, I should vote "yea."

Mr. BUTLER. I have a general pair with the Senator from Maryland [Mr. WELLINGTON], and therefore withhold my vote.

Mr. GEAR. I am paired with the Senator from New Jersey [Mr. SMITH]. Not knowing how he would vote if present, I withhold my vote.

Mr. MALLORY. I desire to inquire if the senior Senator from Vermont [Mr. PROCTOR] has voted?

The VICE-PRESIDENT. The Senator from Vermont has not voted.

Mr. MALLORY. I am paired with the Senator from Vermont and do not know how he would vote, so I withhold my vote. I should vote "nay" if he were present.

Mr. GALLINGER. I desire to announce that I have a standing pair with the Senator from Texas [Mr. MILLS] who has not voted. I desire further to say that there is an understanding between the Senator from Texas and myself that in his absence I shall be permitted to vote on all matters connected with this bill, so my vote in the negative may stand.

Mr. SPOONER. The Senator from Indiana [Mr. FAIRBANKS] is absent; and if permitted to do so, I will transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana, and vote "nay."

The result was announced—yeas 9, nays 38; as follows:

YEAS—9.			
Bate, Lindsay, McLaurin;	Mantle, Pettigrew,	Rawlins, Teller,	Turley, Vest.
NAYS—38.			
Aldrich, Allison, Berry, Carter, Chilton, Clay, Davis, Deboe, Elkins, Faulkner,	Foraker, Gallinger, Gorman, Hanna, Harris, Hawley, Heitfeld, Hoar, Jones, Ark. Kenney,	Lodge, McEnery, McMillan, Morgan, Nelson, Perkins, Pettus, Platt, Conn. Platt, N. Y. Pritchard,	Ross, Shoup, Simon, Spooner, Turner, Warren, White, Wolcott.
NOT VOTING—43.			
Allen, Bacon, Baker, Burrows, Butler, Caffery, Cannon, Chandler, Clark, Cockrell, Cullom,	Daniel, Fairbanks, Frye, Gear, Gray, Hale, Hansbrough, Jones, Nev. Kyle, McBride, Mallory,	Martin, Mason, Mills, Mitchell, Money, Murphy, Pasco, Penrose, Proctor, Quay, Roach,	Sewell, Smith, Stewart, Sullivan, Thurston, Tillman, Turpie, Wellington, Wetmore, Wilson.

So Mr. RAWLINS'S amendment was rejected.

The VICE-PRESIDENT. The Senator from Mississippi [Mr. SULLIVAN] was recognized, and taken from the floor by the roll call.

Mr. SULLIVAN. I offer an amendment, and ask that it be stated.

The SECRETARY. In section 3, on page 3, line 24, after the word "thereto," it is proposed to insert:

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

Mr. SULLIVAN. Mr. President, upon that amendment I desire to say that in the discussion a few days ago it was insisted that by the terms of the present bill it was necessary, no matter what the fair value of the property actually might be, that at least \$5,000,000 should be expended; that inasmuch as a large amount of money had been expended already in order to reimburse and repay the Maritime Canal Company that which it had paid out, and inasmuch as it claimed to have paid out more than \$5,000,000, therefore it necessarily followed that the total amount of \$5,000,000 would have to be paid out, regardless of what all of the privileges, concessions, property, and everything was worth to the Government. At the time of that discussion I insisted that that was not a fair interpretation of the bill. I insisted that the purpose, the object, the intention was simply to pay what the

property was actually worth at present. In order that there may be no question about that, in order that that may be settled once and for all, I offered the amendment, so that hereafter it may be distinctly understood that only the present cash value of the concession, the property, the surveys, and everything that has been expended there shall be paid back. That is the purpose, that is the object of the present amendment so offered.

I do not know whether or not it is proper or right for me to offer more than one amendment to one page of the bill at a time.

Mr. MORGAN. Oh, yes.

Mr. SULLIVAN. There are one or two amendments which really and properly belong along this same line, but they are in different sections. If the Secretary will please read the second amendment, it will be seen that it refers to the same subject.

The VICE-PRESIDENT. The Secretary will read the amendment referred to by the Senator from Mississippi.

The SECRETARY. On page 11, section 9, line 19, after the word "estimates," it is proposed to insert "or other sums."

Mr. SULLIVAN. On that page, and on that line, it is intended to make clear the meaning. Going back to line 17, the bill reads:

And the President of the United States is hereby authorized at any time to suspend or to decline the payment, in whole or in part, of any of the quarterly sums or estimates herein provided for.

It might be understood that the quarterly sums or estimates referred to the sums to be paid out as the work progressed, and did not apply to the \$5,000,000 or any part of the \$5,000,000.

Mr. MORGAN. What is the amendment the Senator proposes? I did not catch it.

Mr. SULLIVAN. The amendment is to insert, after the word "estimates," in line 12, the words "or other sums;" so as to read "decline the payment, in whole or in part, of any of the quarterly sums or estimates or other sums."

Mr. MORGAN. I have no objection to that amendment. I hope it will be adopted.

Mr. SULLIVAN. It is simply to insert the words "or other sums" after the word "estimates," so as to make the meaning clear.

Mr. MORGAN. I am entirely willing that that amendment shall be adopted.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the first amendment submitted by the Senator from Mississippi.

Mr. SULLIVAN. In that same connection I will say I think this amendment now makes clear the idea that we are only to pay for what we get, and not pay unnecessarily for money foolishly expended. That is the object of this amendment.

Mr. SPOONER. Has the amendment offered by the Senator from Mississippi been voted upon?

The VICE-PRESIDENT. The first amendment offered by the Senator from Mississippi has not been voted upon. That is the pending amendment. The second amendment has been agreed to.

Mr. SPOONER. I ask that the pending amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, on page 3, line 24, after the word "thereto," it is proposed to insert:

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

Mr. HOAR. I should like to inquire of the Senator from Mississippi who is to determine that?

Mr. SULLIVAN. If the Senator will permit the suggestion, the commissioners appointed by the President must necessarily determine that very question. They are to certify as to the value.

Mr. HOAR. I think the amendment ought to contain the words "shall so determine," or something to show who is to do it.

Mr. SULLIVAN. Taken in connection with the remaining portion of the bill on that subject, I think the meaning is perfectly clear.

Mr. HOAR. Let the amendment be stated once more.

Mr. SULLIVAN. I have no objection to the change suggested by the Senator.

The SECRETARY. In section 3, on page 3, line 24, after the word "thereto," it is proposed to insert:

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

Mr. HOAR. I will move to add there the words "according to the judgment of said commissioners."

Mr. SULLIVAN. The language contained in the preceding lines, 17, 18, and 19, fixes that.

Mr. MORGAN. Mr. President, the question raised by this amendment gives me the opportunity, which I have desired, to explain the purposes of the committee in providing such language as has been employed in this bill for clearing off the incumbrances which rest upon the property or the stock of the Maritime Canal Company. At all times I would have preferred to have

had the question of any compensation for the gentlemen who have debts or claims against that company to have been settled in a separate bill; but the difficulty presented was an important one, and one that I think required the serious attention of the Senate.

Now, on the subscription of 92½ per cent of the stock of the Maritime Canal Company by the United States we desire of course that the stock shall be free from all incumbrances of every kind and character. If we subscribe to the stock without making some provision for carrying off the incumbrances, we take it cum onere. The moment we pass this bill and the United States subscribes to the stock, those incumbrances will go to par. What else? There are twelve millions of the stock of the Maritime Canal Company held by the construction company in payment for the concessions. There has been stock sold to various individuals in the United States to the amount of \$1,014,500, for which they paid the money.

Mr. PETTIGREW. I should like to ask the Senator if that stock is not a part of the twelve millions of stock issued?

Mr. MORGAN. No; not according to the statement of the president. I can not answer any further than that.

Mr. PETTIGREW. I understood from some of the officers of the company that no more than twelve millions of stock had ever been issued.

Mr. MORGAN. I think the Senate of the United States can afford to take the sworn statement of the president, Mr. Hitchcock, on this subject, which has been repeated time and again. He has committed perjury at least half a dozen times unless that statement is true, and I have no means of contradicting him. I have no suspicion that it is not true. I will go on:

Stock issued to Nicaragua, \$6,000,000.

That, however, is paid-up stock and nonassessable. Of course, we have nothing to do with that. "Stock to be issued to Costa Rica, \$1,500,000. Stock paid for work, \$3,199,000." The contract for the work that was done was payable in bonds and stock. Some of the contracts were paid in money, however, to save the issue of bonds. But stock was also paid. Then "less stock taken in liquidation, \$242,000," on settlement with that company. These incumbrances rest on the Maritime Company, and of course they ought to be removed, and they ought to be removed as cheaply as we can possibly strive to do it with fairness and justice.

Now, in addition to that this company has expended for preliminary expenses incident to the procurement of concessions \$280,000. Nicaragua and Costa Rica got that much. For surveys, plant, construction, navigation rights, and lands, \$4,287,736.78. The navigation rights refer to the purchase of a concession that had been granted to a man named Pellas and the purchase of his boat. The Nicaragua Canal Company bought him out and paid him for his concession and his property, his boat, I think the sum of about \$200,000. The sum is stated here, but it is not necessary for my present purposes that I should be accurate about it.

"For administration and care of property, \$268,692.24." Now, on the face of it that would look to be one of the duties of the owner of the property, to care for it, its administration, but it will be remembered that the concession of Nicaragua requires that this company shall keep an agent always on duty at that capital, and so they have always kept an agent there, and he has been generally a man of ability. He was not a very cheap or low-priced man. For instance, Mr. SHANNON, of the House, formerly minister, was one of the agents of this company. He resided at Managua under that provision and had to be paid, of course. Mr. Weisser, a great engineer, who opened up the lakes surrounding the City of Mexico through that great tunnel, was the next agent employed, a very able man, and he is there to-day. Of course his salary has to be paid. Then there were other expenses in taking care of the property after the company had got into the shape where it could not go on with the work. It has had an agent also at Grey Town, and one is there now to take care of the hospitals and the wharves and the machine shops and the material and property that the company has there, and all that. These items together make up the sum of \$268,692.24.

Whatever these claims may be, however just or equitable we may think they are, nevertheless they are incumbrances on the Maritime Canal Company, and we must clear them off in order to insure a tabula rasa when we subscribe for this stock. We must get the stock without any incumbrance. That is all that is insisted upon, and very properly. As I said before, the moment we pass the bill to go on with this work, these incumbrances will rise to their par value. We have whittled this thing down and worked on it and worked on it in every possible way until we have got it down to the sum of \$5,000,000, or as much below that as three commissioners appointed by the President shall say it is equitable and just to pay.

The first report that was made in the Senate, signed by every member of the committee, including some of the most conservative financial men in the United States—Mr. Sherman, Mr. Edmunds, Mr. Joseph Brown, of Georgia—put this allowance to these

men at \$11,000,000—\$4,500,000 in guaranty bonds and the balance in stock of the Maritime Company as it should be reorganized. Then we kept moving it down, on account of the pressure brought to bear here and elsewhere, it being considered by the gentlemen who opposed this idea that we were to pay a large sum for their interest in a bankrupt company. They have got to remove \$23,000,000 of incumbrances on this property for \$5,000,000 or whatever sum less than that the commissioners may determine upon. Otherwise they have to put their hands in their own pockets and pay it out of their money. They have paid a good deal and will lose a great deal when we drive them out of the company, cut them off from their prospects. They give up \$6,000,000 of non-assessable, paid-up stock, to which they are entitled under this guaranty in the very same words under which Nicaragua claims. We give Nicaragua \$6,000,000 here in the stock of this company, and the Maritime Canal Company is entitled to exactly the same amount; and under the same language exactly we shut them out. So when we come to wind up this business, they get back the money they actually expended in the canal in the \$5,000,000.

Now, when we pass this bill we will reduce the stock that the company is entitled to have from \$200,000,000 to \$100,000,000. Under the charter we authorized them to have stock for \$200,000,000. That would put Nicaragua's claim to \$12,000,000, and the Maritime Company's claim up to \$12,000,000, and the claim of Costa Rica to \$3,000,000. But we have cut it down in this bill by reducing the amount of the capital stock, and we drive out these men entirely from participation in any part of that. We take from them \$6,000,000, from their contract. Are they willing to give it up? Yes, Mr. President, they are willing to give it up; but it is not because they want to get a modicum of money out of the Government with which to help them. They are not men who are in that condition, and while others in the country are taking advantage or attempting to take advantage of the necessities of this Government to speculate enormously, these men are doing nothing of the kind. On the contrary, I will state that I have told them that if the Senate of the United States should strike them out of this bill absolutely, I would vote for the bill. I have said to them, "You are my friends; I like you; I admire you." They are nice people. "I should treat you precisely as I would my father's house if I was in command of a battery and that house stood between me and the line of the invading enemy. I would shoot you down. I would burn the house." I would do anything in order to get matters in shape to start the canal.

Now, Mr. President, I believe that the language offered by the Senator from Mississippi would somewhat embarrass this proper action, and it might result in putting more upon the Government than we want to pay to remove this incumbrance. I think we had better allow the language of the bill to stand just as it is, which he conceives is only a fair and proper interpretation of the bill itself. It may be or it may not be. I hope the Senator will not insist upon his amendment under these conditions; but if he does, of course, and the Senate puts it on, then in it goes. I merely desired to make this statement that the Senate may understand the grounds of my objection.

Mr. PETTIGREW. Mr. President, I have in my possession a statement of the history of the transactions of the canal company since it was first organized. These facts were furnished by one of the directors of the company, and I think at this point it is proper that I should place them in the RECORD and that the Senate should be in possession of them.

This bill does not start out to build the canal, but it starts out to pay the old company \$5,000,000. I do not think anyone could possibly imagine that any canal will be built under this bill. All that will ever come of it will be the immediate payment—for that is the first thing provided for—of \$5,000,000 to the manipulators of the scheme. They have forfeited their concession.

Mr. MORGAN. Will the Senator from South Dakota allow me to correct him just here? The President of the United States is given full power under the bill to prevent the issue of any money by the Treasury for any reason or any purpose or any sum. That is the reason why I consented, in order to make the language perfectly clear, to the second amendment offered by the Senator from Mississippi. I know that we can trust the President of the United States upon a matter of that kind.

Mr. PETTIGREW. They have forfeited their concession, and have nothing to convey unless it is property. Article LIII of the concession provides as follows:

The present concession shall be forfeited:

1st. Through the failure on the part of the company to comply with any of the conditions contained in articles VIII, XLVI, XLVII, XLVIII, and XLIX.

Article XLIII provides:

A term of ten years is also granted to the association for the construction, completion, and opening to traffic the canal for maritime navigation. However, should events of main force arise, duly justified and sufficient to impede the regular progress of the works during the period of the said ten years, an extension shall be granted equal in duration to the time that may have been lost by such delays.

If at the expiration of the ten years aforesaid the works should not be completed so as to have the maritime communication between the two oceans

opened, in consideration of the great capital the company may have invested in the enterprise, and the good will and ability it may have shown and the difficulties encountered, the Republic binds itself to grant a new extension.

That none of these conditions have occurred is apparent from the facts which have been presented in this discussion. No great sum of money has been invested. Nothing has been done in the way of building the canal since 1889. A small amount of money was invested previous to that time. From that time to this that company has done nothing but importune Congress, in violation of its charter, to furnish money to pursue the enterprise.

Almost immediately after their charter was secured from Congress the company held a meeting for the purpose of sending a delegation here to solicit aid from the Government of the United States, and one of the directors, now dead, refused to be a party, for the reason that he had come to Congress and stated time and again that the Government of the United States would never be called upon to assist in carrying forward this enterprise and that it could be done by private subscription. So that their right under this charter was forfeited by that provision. Article VIII provides:

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers. Nor shall the company cede to any foreign government any part of the lands granted to it by this contract; but it may make transfers to private parties under the same restriction.

The Republic of Nicaragua can not transfer its rights or shares by selling them to any government.

It seems to me it is forfeited absolutely under that provision. The moment this bill becomes a law, the \$5,000,000 are paid and the stock is transferred to the Government of the United States. No subterfuge such as the transfer of the shares can be tolerated for one moment in good morals, and no court would decide that it was not a transfer of the concession, by the transfer of the shares to the Government of the United States. Therefore I say that there is no possibility, in my opinion, of the canal being built under this bill, and it is well to look into the question as to whether or not there is any reason why we should pay to this company the \$5,000,000.

Originally it was an association or copartnership comprising 60 full shares of \$5,000, or 300 subshares of \$1,000 each. No one person was allowed to subscribe more than 1 full share. Seven shares were used in exchange or payment for what was represented to be a controlling interest in the Vanderbilt concession, and several shares were used to recompense certain persons for services rendered. All the other shares were fully paid up in cash, amounting to between \$200,000 and \$250,000. This provided the \$100,000 paid to Nicaragua and part of the expense of exploiting and negotiating. It was agreed that every member of the association should aid in advancing the project without pay.

The association was succeeded by and merged into the Nicaragua Canal Construction Company, with \$12,000,000 capital stock, which stock was given to the association in exchange for concession, franchise, surveys, etc., thus making it full paid-up stock.

After the \$12,000,000 of stock had been delivered to the old organization by the construction company the old association took one-half of this amount, or \$6,000,000 of stock, or \$100,000 to each full share of \$5,000, or 5 cents on the dollar, and placed the other half—\$6,000,000—in the treasury of the Nicaragua Canal Construction Company, with the agreement that no stock should be sold except by allotment to stockholders. Three hundred thousand dollars was so allotted, and sold at 40 cents on the dollar to pay the expense of the Perry expedition.

The next move was to obtain a charter for the Maritime Canal Company of Nicaragua, either from a State or the United States, and both were, in fact, obtained, one from Vermont and one by act of Congress, the intent and purpose then being to build the canal with private funds, and the charter specially stipulated that the Government was never to be called upon for aid.

A contract for the building of the canal was entered into between the Nicaragua Canal Construction Company and the Maritime Company, by which all bonds and all stock (except that given to Nicaragua and Costa Rica) was to become the property of the Construction Company in payment for the building.

Then \$4,000,000 more construction stock was offered to the stockholders at 50 cents on the dollar, to be paid for in ten monthly payments.

This stock was reported subscribed for, and a considerable amount of it was fully paid for in accordance with the terms of subscription. Some was only partly paid for and was declared forfeited by the managers, who at the same time voted themselves large salaries, in violation of original agreement, and made it retroactive or back pay for several years.

When the four millions of stock was allotted, one million seven hundred thousand was still left in treasury, and it was agreed that no part of this should be sold for less than par.

This four millions of stock was part of the six millions of stock which had previously been placed in the Treasury, and was therefore a part of the twelve millions originally issued to be sold for the purpose of constructing the canal. In order to carry out this

agreement, when some of the stock was sold at par for cash, the purchaser was induced to buy by a bonus of Maritime Company bonds and stock. It was given out as a bonus to induce people to buy stock of the original company in the treasury, only six millions of stock being available for the construction of the canal, six millions of the stock having been given to the promoters at 5 cents on the dollar to pay for their services and what little money they had put into the enterprise.

In order to cut out unsundered and forfeited stock, another company was formed, the stock of which was used to rearrange the ownership, and 6,000,000 was issued to the then stockholders. This 6,000,000 now represents all the assets of its predecessors, including the Maritime Company, and one-fourth, or 1,500,000, was hypothecated with a trust company for a 100,000 loan, which stock the trust company had to take for the \$100,000. This company now holds or owns \$1,500,000, or one-fourth of all the stock in existence, and under the provisions of the bill, when they receive their proportionate share of the \$5,000,000, they will have \$1,250,000 on an investment of \$100,000.

That is as I understand the situation to-day; therefore it seems to me that the only consistent and proper thing we can do is to provide in the amendment that the commission or the President shall negotiate with these people and purchase what property they have for what it is actually worth to-day, if we go on with this project. Certainly their charter is without value, for the Nicaraguan Government has repudiated it. Now, what is the value of their property? Colonel Ludlow says it is practically of no value whatever. Admiral Walker gives us some light upon this question. In his testimony last June before the Senate committee, Admiral Walker says:

They have done no work that would be of any practical use, except the work of surveying and exploring, which they have done.

Ludlow makes about the same statement, and I have a letter here from a very intelligent gentleman who visited the locality of the canal in the winter of 1895-96. He traveled over the route of the canal from Lake Nicaragua to the sea and visited the terminus at Grey Town. After describing his trip down the river and the difficulties encountered, he says:

From there we were met by the small launch. Into Grey Town, a distance of about 5 miles, the water was from 3 to 20 feet deep, and in Grey Town Harbor about 9 feet deep, but filling up with sand very, very fast. We went out to the canal company's headquarters, where we found a few balloon-frame buildings, one-half to three-fourths decayed; three large dredgers, which they bought second-hand from the Panama Canal Company, and these are totally rotted down; five second-hand railroad engines.

These are not worth a dollar now—all rusted and rotted. In fact, there is not a piece of machinery, boiler, or boat or tool, stores, or wares that is worth 10 cents on the dollar of its cost. The man in charge, a Mr. Wood, says it is not worth a cent. Their steamer burned, and the hull lies there and has rusted out. Their two tugboats are completely gone, and every boat, canoe, flat car, box car, barge, etc., is totally gone. They have lost their machine shops, and the breakwater they built at Ocean Front is all rotted down and can not be repaired.

The channel that was dredged out from the ocean south of the breakwater to the San Juan River is two-thirds filled up, and the bar in front of the same is worse than it ever was before any breakwater was constructed. They dug and dredged at another point from the San Juan inland for a distance of about one-half a mile, and the ditch is one-third caved in. I can not see what they intend to accomplish by the work they have done.

Now, Mr. President, independent of the practicability of building the canal, it seems to me that the Congress of the United States can not afford to recompense as a gratuity out of the Treasury of the United States the men who engaged in this enterprise.

Mr. MORGAN. Do I understand the Senator to say that that statement was made by a director of the company?

Mr. PETTIGREW. I said the statement in regard to the distribution of the stock was made by a director of the company.

Mr. MORGAN. The Senator from South Dakota did not give the name of the party who makes this statement.

Mr. PETTIGREW. I am not at liberty to give the name of the gentleman who made the first statement. I may be able to furnish it to the Senator. The statement I have just read, describing their property, was made by Mr. Jacob Schaechel, a German, with whom I am very well acquainted, who went there entirely friendly to the enterprise, with a view of locating in that country, but he became convinced that the canal could not be built, and so he abandoned his purpose.

The VICE-PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. CARTER. I should like to inquire if the pending business is such that it could yield conveniently at this time to a motion for an executive session?

Mr. MORGAN. We can have a vote on this amendment, I suppose. I am almost indifferent whether or not the amendment goes in. I believe if the Senator from Mississippi were here I should consent to the amendment going in.

Mr. MONEY and Mr. BERRY. Let it go in.

Mr. TURLEY. I will send for the Senator from Mississippi.

The VICE-PRESIDENT. The Senator offered a third amendment, which has not been read.

Mr. MORGAN. The first amendment is the one of which I am speaking.

The VICE-PRESIDENT. That is the pending one.

Mr. MORGAN. I withdraw objection to its being adopted, Mr. President.

The VICE-PRESIDENT. Then the first amendment offered by the Senator from Mississippi is before the Senate. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN. Now we can dispose of the other amendment.

The VICE-PRESIDENT. The third amendment offered by the Senator from Mississippi will be read.

The SECRETARY. In line 23, page 12, after the word "States," insert:

And to negotiate with Great Britain touching any modification of the Clayton-Bulwer treaty.

Mr. MORGAN. If the Senator from Mississippi were here I am satisfied he would not ask for the adoption of that amendment. The President is empowered by the Constitution to do this; and more than that, he has authority under the bill to withhold the payment of any money at all until all these questions are settled. He is to settle the questions, and if he considers that they are serious enough to stop the payment of the money in any sum and in any direction he refers the matter to Congress.

Mr. SULLIVAN entered the Chamber.

Mr. BURROWS. The Senator from Mississippi is here now.

Mr. MORGAN. I hope the Senator from Mississippi will not insist on the last amendment.

Mr. SULLIVAN. That is the amendment on page 12?

Mr. MORGAN. On page 12.

Mr. SULLIVAN. It proposes to give authority to the President also to negotiate, if he sees proper, with respect to this matter with Great Britain?

Mr. MORGAN. The President has the power under the Constitution.

Mr. SULLIVAN. I offered the amendment simply because I thought it would avoid the necessity of a vote upon the other matter. I will withdraw it for the present.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. CAFFERY. I offer an amendment in the nature of a substitute for the bill. I ask that the amendment be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That the President of the United States be requested to negotiate with the Government of Great Britain for the abrogation or modification of the Clayton-Bulwer treaty so far and to such extent, if, in his opinion, any such abrogation or modification is necessary, as to enable the United States to own, construct, maintain, and operate, under its exclusive jurisdiction, a canal across the Isthmus of Darien from or near the mouth of the San Juan River, on the Atlantic Ocean, up the valley of said river to Lake Nicaragua; thence to the Pacific Ocean at or near Brito.

Sec. 2. That the President be further authorized to purchase from the parties now holding the same all valid outstanding concessions or grants from Nicaragua and Costa Rica to enable them to construct an interoceanic canal across the territories of the aforesaid countries, and to procure from the Governments of Nicaragua and Costa Rica, for and on behalf of the United States, the rescission and cancellation of all such grants or concessions: *Provided*, That not more than \$5,000,000 be paid for all outstanding grants and concessions from Nicaragua and Costa Rica for constructing an interoceanic canal across their territory, or any part thereof.

Sec. 3. That the President be authorized to purchase from Nicaragua and Costa Rica, for and in behalf of the United States, a sufficient area of land, with all privileges and easements, from a point at or near the mouth of the San Juan River, on the Atlantic Ocean, to or near a point on the Pacific Ocean at or near Brito, as is necessary for the construction, maintenance, and operation of an interoceanic canal of a sufficient depth and capacity to admit the easy and safe passage of vessels and ships of the deepest draft and largest tonnage, with all necessary locks, dams, and other works and appliances needful and necessary for the permanence, security, and safety of the canal. And the President is further requested to negotiate with said Governments for the enjoyment of such privileges in the passage of their vessels and ships through said canal as he may deem equitable and proper: *Provided*, That not more than \$1,000,000 be paid for such area, privileges, and easements.

Sec. 4. That after the purchase and cancellation of all outstanding and valid concessions as aforesaid, and after the purchase from the Governments of Nicaragua and Costa Rica of a sufficient area of land, with all necessary privileges and easements, the Secretary of War shall proceed to construct said canal, under plans and specifications set out by him, in the same manner and according to the same rules and regulations as now adopted and in use for all public works and improvements in the United States.

Sec. 5. That the Secretary of War shall detail a sufficient number of officers from the Engineer Corps of the Army to survey the canal and make all necessary examinations and prepare all necessary plans and specifications for the successful completion of the canal; and the said engineer officers shall supervise and inspect and report upon all work as it progresses, the same as required for public works and improvements in the United States. The money required for the construction of the canal shall be drawn from the Treasury, on a warrant of the President, in such sums as are needed on the estimates and certificates of the engineer in chief in charge of the work, approved by the Secretary of War.

Sec. 6. That to construct and put in effective operation the aforesaid canal the sum of \$140,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated; not more than \$28,000,000 whereof are to be paid out in any one year.

Sec. 7. That the sum of \$8,000,000, or so much thereof as may be necessary, be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of all valid outstanding concessions or grants for canal

construction and franchises from Nicaragua and Costa Rica, and for the acquisition of the necessary canal route and privileges and easements from Nicaragua and Costa Rica.

Mr. MORGAN. I am informed by the superintendent of the document room that the copies of the bill now under consideration have been exhausted and I ask for a reprint of the bill.

The VICE-PRESIDENT. Is there any objection to the request for a reprint of the bill? The Chair hears none; and the order is made.

Mr. CARTER rose.

Mr. CAFFERY. The amendment that I propose will no doubt bring about considerable discussion. The hour is late and I will yield to the Senator from Montana for a motion to proceed to the consideration of executive business.

EXECUTIVE SESSION.

Mr. CARTER. 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 forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 18, 1899, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 17, 1899.

SURVEYORS OF CUSTOMS.

William Barnes, jr., of New York, to be surveyor of customs for the port of Albany, in the State of New York, to succeed John P. Masterson, whose term of office has expired by limitation.

John A. Bassarear, of New York, to be surveyor of customs for the port of Greenport, in the State of New York, to succeed George H. Cleaves, resigned.

SURVEYOR-GENERAL.

James Lewis, of New Orleans, La., to be surveyor-general of Louisiana, vice Charles H. Dickinson, deceased.

REGISTERS OF LAND OFFICE.

Walter Cohen, of Louisiana, to be register of the land office at New Orleans, La., vice George M. D. Brumby, deceased.

Henry A. Olesten, of Humboldt County, Cal., to be register of the land office at Humboldt, Cal., vice John C. Gamble, term expired.

J. Ernest Breda, of Natchitoches, La., to be register of the land office at Natchitoches, La., vice Edward Phillips, term expired.

RECEIVERS OF PUBLIC MONEYS.

John G. Lewis, of Natchitoches, La., to be receiver of public moneys at Natchitoches, La., vice Jared S. Dixon, term expired.

John P. Dickinson, of Hugo, Colo., to be receiver of public moneys at Hugo, Colo., vice Frank E. Ewing, term expired.

COMMISSIONER OF LAND GRANTS, ETC.

Edward A. Jones, of Ottumwa, Iowa, to be a commissioner to examine and classify lands within the land-grant and indemnity land-grant limits of the Northern Pacific Railroad Company, in the Helena land district, in Montana, vice William R. Manning, resigned.

PROMOTIONS IN THE NAVY.

Lieut. Commander Frederick Singer, to be advanced five numbers in rank, from the 7th day of January, 1899, to take rank next after Lieut. Commander William H. Everett.

Lieut. Commander John B. Briggs, to be advanced five numbers in rank, from the 7th day of January, 1899, to take rank next after Lieut. Commander Giles B. Harber.

Lieut. Commander George P. Colvocoresses, to be advanced five numbers in rank, from the 7th day of January, 1899, to take rank next after Lieut. Commander John C. Wilson.

Lieut. Commander John A. Norris, to be advanced five numbers in rank, from the 7th day of January, 1899, to take rank next after Lieut. Commander Edward B. Barry.

Lieut. Edward M. Hughes, to be advanced five numbers in rank and to be a lieutenant-commander in the Navy, from the 7th day of January, 1899, to take rank next after Lieut. Commander Robert G. Peck.

Lieut. Corwin P. Rees, to be advanced five numbers in rank, from the 7th day of January, 1899, to take rank as a lieutenant next after Lieut. Commander Martin E. Hall.

Chief Engineer James Entwistle, to be advanced three numbers in rank, from the 7th day of January, 1899, to take rank next after Chief Engineer John Lowe.

Chief Engineer John D. Ford, to be advanced three numbers in rank, from the 7th day of January, 1899, to take rank next after Chief Engineer William A. Windsor.

Chief Engineer Richard Inch, to be advanced three numbers in rank from the 7th day of January, 1899, to take rank next after Chief Engineer Albert C. Engard.

Chief Engineer George B. Ransom to be advanced three num-

bers in rank from the 7th day of January, 1899, to take rank next after Chief Engineer Joseph P. Mickley.

Chief Engineer Frank H. Bailey to be advanced three numbers in rank from the 7th day of January, 1899, to take rank next after Chief Engineer Albert B. Willits.

Chief Engineer Reynold T. Hall to be advanced three numbers in rank from the 7th day of January, 1899, to take rank next after Chief Engineer Frank H. Eldredge.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be major.

Capt. George H. Palmer, Sixteenth Infantry, January 11, 1899, vice Baker, Fourth Infantry, retired from active service.

To be captains.

First Lieut. Benjamin W. Atkinson, Sixth Infantry, August 11, 1898, vice Rice, Fifth Infantry, promoted.

First Lieut. Charles D. Clay, Seventeenth Infantry, August 15, 1898, vice Penney, Sixth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 17, 1899.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Paul M. Carrington, of Maryland, to be a surgeon in the Marine-Hospital Service of the United States.

POSTMASTERS.

William R. Orchard, to be postmaster at Glidden, in the county of Carroll and State of Iowa.

George H. Lovrien, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Joseph E. Howard, to be postmaster at Forest City, in the county of Winnebago and State of Iowa.

George Hardenbrook, to be postmaster at Maxwell, in the county of Story and State of Iowa.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa.

W. A. Quigley, to be postmaster at Hawarden, in the county of Sioux and State of Iowa.

Ernest D. Powell, to be postmaster at Exira, in the county of Audubon and State of Iowa.

J. L. Dinwiddie, to be postmaster at Petaluma, in the county of Sonoma and State of California.

Mont S. Sharun, to be postmaster at Walnut Ridge, in the county of Lawrence and State of Arkansas.

J. F. Wier, to be postmaster at Lansing, in the county of Allamakee and State of Iowa.

Eri Huggins, to be postmaster at Fort Bragg, in the county of Mendocino and State of California.

E. G. Hall, to be postmaster at Healdsburg, in the county of Sonoma and State of California.

Felix L. Grauss, to be postmaster at Calistoga, in the county of Napa and State of California.

John J. Owen, to be postmaster at Genesee, in the county of Latah and State of Idaho.

Joseph R. Miller, to be postmaster at Trinidad, in the county of Las Animas and State of Colorado.

Frank B. Mackinder, to be postmaster at St. Helena, in the county of Napa and State of California.

George Delaney, to be postmaster at Axtel, in the county of Marshall and State of Kansas.

Austin Brown, to be postmaster at Cedar Vale, in the county of Chautauqua and State of Kansas.

David C. Battey, to be postmaster at Florence, in the county of Marion and State of Kansas.

S. W. Gould, to be postmaster at Weir, in the county of Cherokee and State of Kansas.

James M. Morgan, to be postmaster at Osborne, in the county of Osborne and State of Kansas.

Frank M. Lockard, to be postmaster at Norton, in the county of Norton and State of Kansas.

Frank P. Stearns, to be postmaster at Shawnee, in the county of Pottawatomie, Okla.

Chauncey E. Argersinger, to be postmaster at Albany, in the county of Albany and State of New York.

J. H. Woollen, to be postmaster at Mankato, in the county of Jewell and State of Kansas.

Thomas F. Higgins, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut.

Charles C. Georgia, to be postmaster at Unionville, in the county of Hartford and State of Connecticut.

Sylvanus C. Dickinson, to be postmaster at Stratford, in the county of Fairfield and State of Connecticut.

Milton Schaeffer, to be postmaster at Westminster, in the county of Carroll and State of Maryland.

Thomas R. Green, to be postmaster at Denton, in the county of Caroline and State of Maryland.

Frank G. Letters, to be postmaster at Putnam, in the county of Windham and State of Connecticut.

Maggie W. Jordan, to be postmaster at Wytheville, in the county of Wythe and State of Virginia.

Joseph H. White, to be postmaster at Easton, in the county of Talbot and State of Maryland.

Charles F. Shaffer, jr., to be postmaster at Laurel, in the county of Prince George and State of Maryland.

John R. Waddy, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia.

George T. Tilley, to be postmaster at Berkley, in the county of Norfolk and State of Virginia.

Charles A. McKinney, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 17, 1899.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved. NATIONAL BANKS, ETC.

Mr. McCLEARY. Mr. Speaker, it has been found that the vote by which the bill No. 10289 (a bill to provide for strengthening the public credit, for the relief of the United States Treasury, and for the amendment of the laws relating to national banking associations) was reported to the House from the Committee on Banking and Currency was not taken in due form. I am therefore authorized and directed by the committee to ask that the bill be recommitted.

The SPEAKER. The Chair desires to say that if the vote in committee was improperly taken the bill would not be properly on the files of the House. The easiest way, therefore, to reach the matter would be to ask unanimous consent, which proposition the Chair will regard as agreed to if there be no objection, that the bill be recommitted. The Chair hears no objection.

Mr. RICHARDSON. Mr. Speaker, I do not rise to object to the gentleman's request; but I understand that he desires to withdraw this bill simply and only because it has been informally reported?

Mr. McCLEARY. Yes, sir.

Mr. RICHARDSON. Irregularly reported?

Mr. McCLEARY. Yes, sir.

Mr. RICHARDSON. That is the only reason for the request?

Mr. McCLEARY. It is.

Mr. RICHARDSON. The gentleman understands that we have been promised reform along these lines, and I suppose he will report the bill back again in due time.

Mr. McCLEARY. I can not speak as to that.

Mr. RICHARDSON. Do I understand the gentleman to say that he will report the bill? Is there to be a bill reported on this subject along the lines of reform?

Mr. McCLEARY. I am not a prophet nor the son of a prophet.

Mr. TERRY. I will ask the gentleman from Minnesota when it was discovered that this bill had been informally reported?

Mr. McCLEARY. Only a short time ago, for a certainty—that is, it was presumed that the vote which was taken in good faith was all right, but upon investigation of the record and a consideration of the method of taking the vote the conclusion was reached that it was not formal.

Mr. TERRY. It was discovered within the last month or two that the bill had been improperly reported?

Mr. McCLEARY. Within the last few weeks, as a certainty.

Mr. MITCHELL. If the gentleman from Minnesota will yield a moment, I would like to make a statement in relation to this matter. The irregular reporting of the bill is entirely due to the fact that the Republican members of the committee were desirous of being as courteous as possible to the Democratic members of the committee. A motion was made on a certain day by one of the Democratic members that a vote should be taken on the following morning, and that members should have the privilege of recording their votes from that time until Saturday. It was understood at that time by the members of the committee that the vote had been properly taken. It was owing to the effort on the part of the Republican members to treat the opposition on the committee with the utmost fairness that, as now ascertained, the vote was irregularly taken.

The SPEAKER. The Chair understands there is no objection, and the bill will be recommitted.

GREATER AMERICA EXPOSITION AT OMAHA.

Mr. MERCER. I ask unanimous consent for the introduction and immediate consideration of the joint resolution which I send to the desk.

The joint resolution, the title of which is as follows, was read:

Joint resolution relative to the Greater America Exposition to be held in Omaha, Neb., in the year 1899, and to encourage the same by providing, without expense to the Government, for exhibits from Cuba, Porto Rico, the Ladrone Islands, and the Philippine Archipelago, and for the use of the Government buildings erected for exposition purposes in 1898, and for other purposes.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RICHARDSON. I desire to ask whether this bill has been before any committee?

Mr. MERCER. It has not.

Mr. RICHARDSON. I do not think a bill of this importance should pass until it has been considered by the appropriate committee.

Mr. MERCER. I will say to the gentleman from Tennessee [Mr. RICHARDSON] that this bill does not ask for any money from the Government of the United States.

Mr. RICHARDSON. I know that; but there are hundreds of bills coming before Congress which do not take a dollar out of the Treasury, but which should be considered in committee before the House takes action upon them.

Mr. MERCER. I have interviewed the members of the Committee on Ways and Means, the committee to which this bill would go, and nearly all of them acquiesce in the propriety of the measure.

Mr. RICHARDSON. Then there would be no difficulty whatever in getting a report from that committee.

Mr. MERCER. But there is urgent necessity that the bill should be considered without any loss of time.

Mr. RICHARDSON. The bill if reported by the Committee on Ways and Means would come before the House with much more weight, and would receive much more respectful consideration.

Mr. MERCER. But the parties concerned in the management of this exposition should begin cabling right away to these different islands, so that prompt preparations for the sending of exhibits may be made. We have only until next July to get them here.

Mr. RICHARDSON. I could not tell from the reading of the bill whether it defines the position of our friends over there—whether it treats them as subjects or as fellow-citizens. I think the bill should be considered by a committee.

Mr. MERCER. I trust the gentleman will not object. Time is all important in this matter.

Mr. RICHARDSON. I do not like to object, Mr. Speaker, but I think this should take the usual course.

The SPEAKER. Objection is made.

Mr. MERCER. I ask that the bill be appropriately referred.

SURVEYS AND IMPROVEMENTS OF CERTAIN RIVERS.

Mr. BURTON. Mr. Speaker, I desire unanimous consent for the present consideration of certain resolutions which I send to the desk.

The SPEAKER. The resolutions will be read, after which the Chair will ask for objection.

The first resolution was read, as follows:

A joint resolution (H. Res. 328) directing the Secretary of War to cause the necessary survey to be made of the channel connecting Texas City with Galveston Harbor, and to submit an estimate for the improvement of the same.

The SPEAKER. The joint resolution will be read.

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DOCKERY. Mr. Speaker, that resolution does not carry the usual proviso in such cases.

Mr. BURTON. I will say to the gentleman that I think a brief explanation will make it apparent that there is no need for delay in this case, because the committee are already informed as to what is in the record regarding this improvement.

Mr. DOCKERY. I do not understand the gentleman.

Mr. BURTON. The Committee on Rivers and Harbors were informed as to the propriety of making this appropriation, and for that reason were less critical as to the clause to which the gentleman refers. The resolution as introduced does not contain it.

Mr. DOCKERY. If the gentleman states that the Secretary of War has already officially advised the committee as to the propriety of this appropriation, I will not insist on what I think ought to be an amendment to the bill. I hope, however, that the amendment will be put on out of abundant caution. One of these resolutions passed here the other day in the closing moments of the session without the usual proviso, and I think the House is entitled in each case to be amply protected in that regard.

Mr. BURTON. I will state to the gentleman that the omission he mentions had not escaped my attention nor the attention of the committee; but it was introduced in this form, and for the reasons stated it was not deemed necessary to incorporate the amendment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MAHON. I object.