

and other citizens of New Britain, Conn., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. HENRY of Mississippi: Account and affidavit to accompany House bill for the relief of Mrs. S. A. E. Bailey, of Hinds County, Miss.—to the Committee on War Claims.

Also, resolutions of General William Dudley Post, No. 45, of Mississippi, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KITCHIN: Papers to accompany House bill for the relief of the heirs of H. W. Hargrove—to the Committee on War Claims.

By Mr. LITTAUER: Petition of patrons of the Fowler (N. Y.) butter factory, praying for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL: Petition of J. C. Summers, of Mount Hope, Ohio, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Petition of citizens of Vincennes, Ind., in favor of increasing salaries of mail carriers of second-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of S. S. Knoles, United States commissioner at San Diego, Cal.; W. H. Bailhache, and H. J. Place, for legislation allowing pay for orders of Chinese deportation—to the Committee on the Judiciary.

By Mr. NORTON of Ohio: Resolutions of Canfield Post, No. 124; George R. Fowler Post, No. 153, and J. Wash Post, No. 679, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. OTJEN: Paper to accompany House bill for the relief of Louis Snyder—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Resolutions of W. W. Perkins Post, Grand Army of the Republic, of New London, Conn., to accompany House bill to increase the pension of Gorton Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of H. F. Mellen Post, No. 497, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petitions of the Methodist Episcopal Church, Baptist Church, and Epworth League of Birmingham, Mich., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, transports, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. TERRY: Paper to accompany House bill for the relief of W. H. Roach—to the Committee on War Claims.

By Mr. YOUNG: Petitions of the Dairymen's Supply Company and Pure Butter Protective Association, of Philadelphia, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. ZIEGLER: Petition of 20 citizens of York County, Pa., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture:

SENATE.

WEDNESDAY, May 2, 1900.

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

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

Mr. KENNEY. I desire to call the attention of the Senate to the proposed amendment offered by me yesterday. It is printed as being an amendment to the Army appropriation bill. It should have been printed as an amendment to the bill (S. 4300) to increase the efficiency of the military establishment of the United States. I ask to have that correction made.

The PRESIDENT pro tempore. The amendment will be reprinted in correct form. The Journal will stand approved, without objection.

COLORED AND INDIAN SOLDIERS IN SOLDIERS' HOMES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th ultimo, certain information relative to the number of colored and Indian soldiers, or persons partly of African or Indian descent, in the National Soldiers' Homes and national insane asylums; which, on motion of Mr. HOAR, was referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the

House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes;

A bill (S. 342) granting a pension to Eleanor McDevitt;

A bill (S. 474) granting an increase of pension to Isaac Patter-

son;

A bill (S. 681) granting a pension to Julia D. Richardson;

A bill (S. 752) granting an increase of pension to Isaac W.

Comery;

A bill (S. 755) granting a pension to Hannah R. Johnson;

A bill (S. 820) granting an increase of pension to Anna M.

Deitzler;

A bill (S. 950) granting a pension to Sarah Ann Fletcher;

A bill (S. 995) granting an increase of pension to Nelly Young

Egbert;

A bill (S. 1007) granting a pension to Mary E. Fenn;

A bill (S. 1202) granting an increase of pension to Sarah E.

Stubbs;

A bill (S. 1242) granting an increase of pension to Adele W.

Elmer;

A bill (S. 1271) granting a pension to Charles Williamson;

A bill (S. 1296) granting a pension to Mary R. Bacon;

A bill (S. 1600) granting an increase of pension to John T.

Hayes;

A bill (S. 1754) granting an increase of pension to Burton Packard;

A bill (S. 1787) granting an increase of pension to Joseph P.

Pope;

A bill (S. 1804) granting an increase of pension to Rida B. Has-

kell;

A bill (S. 1977) granting an increase of pension to Levi Moser;

A bill (S. 2200) granting an increase of pension to Elizabeth W.

Murphey;

A bill (S. 2332) granting an increase of pension to Margaret H.

Kent;

A bill (S. 2505) granting an increase of pension to James C.

Carlton;

A bill (S. 2545) granting a pension to Nellie A. West;

A bill (S. 2863) restoring to the pension roll the name of Francis

H. Staples;

A bill (S. 2869) authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington, and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska;

A bill (S. 2880) granting an increase of pension to Caroline B. Bradford;

A bill (S. 2943) granting an increase of pension to James J. Holland;

A bill (S. 3004) granting an increase of pension to James H. Stevens;

A bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory;

A bill (S. 3102) granting a pension to Seleder Burnham;

A bill (S. 3125) granting a pension to Emily A. Larimer;

A bill (S. 3186) granting a pension to Margaretha Lippert;

A bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams; and

A joint resolution (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious service in command of the cutter *Hugh McCulloch*, at Manila.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Anti-Saloon League and sundry citizens of Grey Eagle, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all Government buildings and premises; which was referred to the Committee on Military Affairs.

He also presented the petition of N. H. Winchell and sundry other members of the faculty of the University of Minnesota, Minneapolis, Minn., praying for the adoption of an amendment to House bill No. 10308, relating to geological and natural history surveys, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Elizabeth Fales and 17 other citizens of Minneapolis, Minn., praying for the enactment of legislation to authorize the withholding of certain Indian reservations from sale until 1902; which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented petitions of Summit Grange, No. 427; Barr Grange, No. 1121; North Shenango Central Grange, No. 844, and Forward Grange, No. 1003, all Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law; which were ordered to lie on the table.

He also presented a petition of Oxford Grange, No. 67, Patrons of Husbandry, of Pennsylvania, praying for the enactment of legislation providing for State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Presbytery of the United Presbyterian Church of Chartiers, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Pennsylvania Presbytery of the Cumberland Presbyterian Church, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, in our new island possessions, in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of the Chamber of Commerce of New Haven, Conn., praying that the Commercial Cable Company be authorized to lay a cable between the United States and Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of the Woman's Christian Temperance Union of Plymouth, the Young People's Society of Christian Endeavor of Plymouth, of sundry citizens of Plymouth, and of the Woman's Christian Temperance Union of Pawcatuck, all in the State of Connecticut, and a petition of the Woman's Christian Temperance Union of Vinita, Ind. T., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, or upon any grounds and premises used by the Government; which were referred to the Committee on Military Affairs.

Mr. KENNEY presented a petition of Milford Grange, No. 6, Patrons of Husbandry, of Delaware, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Kent County, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. JONES of Nevada presented the petition of Elda A. Orr, president, and Frances A. Williamson, secretary, on behalf of the Woman Suffrage Association of Nevada, praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Cattle Association of Elko County, Nev., remonstrating against the leasing of Government lands to syndicates, corporations, or individuals, such leasing being inimical to the interests of stock raisers; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Cattle Association of Elko County, Nev., praying for the adoption of a proposed amendment to section 4836 of the Revised Statutes relating to feeding and watering of live stock in transit; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Hamilton Grange, No. 1107, Patrons of Husbandry, of Indiana, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented the petition of Edwin S. Jay, president, and 120 other members of the Christian Endeavor Society; Charles E. Newman and 170 other members of the Sunday school, and of sundry members of the East Main Street Society of Friends, all of Richmond, in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any of the military possessions of the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of J. W. Coleman and 918 other citizens of Indiana, praying for the enactment of legislation granting to honorably discharged soldiers and sailors a pension of \$1 per day; which was referred to the Committee on Pensions.

Mr. GEAR presented sundry papers to accompany the bill (S. 2896) to remove the charge of desertion against Anthony R. Ravenscroft; which were referred to the Committee on Military Affairs.

AGREEMENTS WITH CREEK AND CHEROKEE INDIANS.

Mr. TELLER. I present two petitions—one from the Creek Nation, praying Congress to reject the amendments to the pending Creek agreement contained in House bill No. 10919, to ratify

and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, and the other from the Cherokee Nation, praying Congress to reject the amendments to the pending Cherokee agreement contained in House bill No. 10918, to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes. The petitions were prepared by order of these tribes. I move that they be printed as separate documents for the benefit of the Senate and referred to the Committee on Indian Affairs.

The motion was agreed to.

RANK OF THE ADJUTANT-GENERAL.

Mr. PETTIGREW. I present a memorial from the Union Veterans' Union of the United States, remonstrating against the promotion of the Adjutant-General of the United States Army to the rank of major-general. I ask that the memorial be read and referred to the Committee on Military Affairs.

There being no objection, the memorial was read, and referred to the Committee on Military Affairs, as follows:

HEADQUARTERS OF THE UNION VETERANS' UNION,
ORDER OF UNION BATTLE MEN,
Washington, D. C., April 26, 1900.

There is a proposition in Congress to give to the present Adjutant-General of the United States Army (against whom, of course, we have nothing personal) the rank of major-general. The Union Veterans' Union, which I have the honor to command, respectfully but most earnestly protests against this.

In every possible manner attempts are being made by individuals and branches of the public service to get something more out of the colossal revenues which are being collected and for which the people are being heavily taxed. The expenditures for the War Department are already swollen to an enormous extent. Most urgent pleas, by patriotic citizens, in and out of Congress, are being made for retrenchment in the public expenditures. If there be a plethora from the immense revenues, let taxation be lowered, instead of giving the people's money away; but, under extravagance, even these revenues do not seem to suffice and, in consequence thereof and, perhaps, of a wretched little war in which we are engaged, and which costs more than the entire pension roll, every obstruction is said to be put in the way of the applicant for a pension in order to save (?) money. If this be true, it may be remarked that such does not embrace the proper idea of retrenchment. Retrenchment does not consist in avoidance of payment of just debts any more than it consists in presenting the public money to shoulder-strapped or other individuals and unnecessarily increasing salaries.

In addition to the fact that it appears invidious to increase the rank of the Adjutant-General, without increasing the rank of the heads of the other staff officers of the War Department, and to the fact that increasing the rank of the Adjutant-General is a reflection upon the efficiency of the Adjutant-General's Office of the civil war, when we had an army of more than 2,000,000 men and the rank of the Adjutant-General was that of brigadier-general, it would seem to be untimely and particularly wrong to give him increased rank and thus increase the cost of his office, while and merely because we are involved in increased, even if unavoidable, expense. This, especially, when the duties and responsibilities of the Adjutant-General's Office are, at present, as nothing compared with the duties and responsibilities of the Adjutant-General's Office during our civil war, when, as above said, the rank of the Adjutant-General was that of brigadier-general.

Very respectfully,

R. G. DYRENFORTH,
Commander in Chief, Union Veterans' Union.

Mr. GALLINGER. Mr. President, a word concerning that letter. I am not prepared to express an opinion, and the opinion would not be worth much if I did express it, as to whether or not this increased rank should be given to the Adjutant-General of the Army.

But inasmuch as some observations have been made in the letter concerning the policy of the Government, I want to say that I think the Government has been and is extremely liberal in its pension policy. Pending before the committee of which I happen to be chairman are more than fifty general pension bills, which, if they should be enacted into law, would annually take out of the public Treasury millions upon millions of dollars. As chairman of the Committee on Pensions I am being roundly abused in every mail by letters from all over the country, prompted from some source the origin of which I do not know, saying that I am opposed to granting adequate pensions to the soldiers of the United States, and this in face of the fact that I have been a consistent supporter of liberal pension legislation and liberal administration of the pension laws.

Mr. President, I have in my hand a bill introduced into the Senate the other day, by request, it is true, which proposes to give pensions to all the civilian employees of the United States. I will read three or four lines from the bill, but before doing so I wish to say that I probably will have to answer hundreds of letters concerning this bill, and will be called to account for being an enemy to pension legislation because I will not recommend its enactment.

This remarkable bill proposes to pension all the employees in the navy-yards or naval stations, United States arsenals, forts, magazines, custom-houses, or mints, or institutions of like character where civilians are employed as "superintendent, overseer, foreman, quartermaster, leading man, tinsmiths, coppersmiths, blacksmiths, ship smiths, plumbers, pipe fitters, galvanizers, block makers, calkers, oakum spinners, shipwrights, ship joiners, molders, roofers, brass finishers, iron ship fitters, millwrights, spar makers, lumber inspectors, and all mechanics of first, second, third, fourth, or other grades, submarine divers, fasteners, drillers, measurers, ship keepers, care takers, watchmen, firemen,

engineers, stenographers, apprentices at any of the mechanical trades, helpers of all grades, laborers of all grades, and all others who may be employed in any capacity—professionally, mechanically, or laboriously." The bill also provides for the payment of a certain form of annuity, and also arrears in certain cases.

Mr. PLATT of Connecticut. Will the Senator permit me to suggest that there is no provision there for the pensioning of Senators?—and I think they are employed laboriously.

Mr. GALLINGER. I have an impression that they ought to be included.

Now, Mr. President, I have called attention to this matter partly in self-defense, and I will venture to express the hope that bills of this character sent to Senators had better be put in the pigeon-holes of their desks instead of being sent to the Committee on Pensions, thus saving the chairman of the committee from being bombarded by letters from all over the country urging him to report bills of this character favorably, on the plea that justice will thus be done to the soldiers and the civilian employees of the Government.

I simply desire to add that the criticisms that are being made upon the pension policy of the Government are, in my judgment, extremely unjust, and that the \$140,000,000 that is now being spent for pensions is about as much as the Government ought to be asked to expend under existing conditions.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 1455) restoring the pension of Alexander W. Browning, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, reported an additional amendment intended to be proposed to the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof; which was ordered to lie on the table.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 187) for the relief of William J. Murtagh, late proprietor of the National Republican, of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3660) to increase the limit of cost for the purchase of site and the erection of a public building at Joplin, Mo., reported it without amendment, and submitted a report thereon.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North, to report it with an amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. VEST. I move that the bill (S. 3760) to authorize the construction of a bridge across the Red River of the North at a point on said river where the section line extending east and west between sections 8 and 17, in township 157 north, of range 50 west, in Marshall County, State of Minnesota, intersects said river, being order of business 819 on the Calendar, be indefinitely postponed, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10310) to authorize the construction of a bridge across the Back Bay, at Biloxi, Miss., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C., reported it with amendments.

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

A bill (H. R. 8926) granting an increase of pension to Chill W. Hazzard; and

A bill (H. R. 8642) granting an increase of pension to Adolphus Lavine.

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

A bill (H. R. 8378) granting an increase of pension to Mary Steffens;

A bill (H. R. 2784) granting an increase of pension to Dolly L. Harrell;

A bill (H. R. 8682) granting a pension to Louisa C. Germain; and

A bill (S. 2557) granting a pension to Josie Brown.

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

A bill (S. 3457) granting an increase of pension to Laura Ann Smith; and

A bill (S. 4086) granting an increase of pension to T. L. Turnipseed.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 741) granting an increase of pension to Zedock C. Andrews, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 2409) granting an increase of pension to Frank C. Stevens;

A bill (H. R. 6554) granting an increase of pension to Thomas J. Carlton;

A bill (H. R. 4037) granting a pension to Annie M. Churchward;

A bill (H. R. 7614) granting an increase of pension to David P. Stewart;

A bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens; and

A bill (H. R. 7391) granting a pension to Mira B. Woolson.

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

A bill (S. 3746) granting a pension to George W. Bodurtha; and

A bill (S. 3642) to restore to the pension roll the name of Rhe-nault A. Rollins.

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

A bill (H. R. 1943) granting an increase of pension to Simon Price;

A bill (H. R. 3224) granting an increase of pension to Jeremiah B. Moore; and

A bill (H. R. 6285) granting an increase of pension to James R. Green.

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

A bill (H. R. 3655) granting a pension to Margaret Burns;

A bill (H. R. 192) granting an increase of pension to Anna H. Tupper; and

A bill (H. R. 359) granting an increase of pension to William M. Walker.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (S. 2245) directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 5718) granting an increase of pension to Joseph Whitmore;

A bill (H. R. 528) granting an increase of pension to Isabel B. Hamilton;

A bill (H. R. 3307) granting a pension to Matilda Hennessy;

A bill (H. R. 1751) granting a pension to Cordelia Sessions;

A bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson;

A bill (H. R. 9457) granting an increase of pension to Roger Fenton;

A bill (H. R. 4138) granting an increase of pension to Elizabeth A. Hyatt; and

A bill (H. R. 9944) granting an increase of pension to Albert Rudiger.

Mr. QUARLES, from the same committee, to whom was referred the bill (H. R. 1787) granting a pension to Cora I. Cromwell, reported it with an amendment, and submitted a report thereon.

He also (for Mr. ALLEN), from the same committee, to whom was referred the bill (H. R. 4789) granting a pension to Mary M. Young, reported it without amendment, and submitted a report thereon.

Mr. FOSTER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 364) to appropriate funds for investigations and tests of American timber, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 8830) granting an increase of pension to

William F. Boyakin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3356) granting a pension to Mary J. Quinn, reported it with an amendment, and submitted a report thereon.

Mr. BAKER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 1381) granting an increase of pension to J. J. Angel, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9574) granting an increase of pension to Catharine A. Brown; and

A bill (H. R. 2125) granting a pension to Thomas R. Harris.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 2534) for the relief of Frank B. Crosthwaite, reported it without amendment, and submitted a report thereon.

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

A bill (S. 2776) granting an increase of pension to Pinnie L. Carr; and

A bill (H. R. 7022) granting a pension to Rhoda A. Patman.

GEORGE S. THEBO.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 3753) for the relief of George S. Thebo, assignee of Charles F. Thebo, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3753) entitled "A bill for the relief of George S. Thebo, assignee of Charles F. Thebo," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SENATOR FROM MONTANA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CHANDLER on the 23d ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 700 copies of the books of testimony with the report in the Montana Senatorial election case, bound in cloth, of which 400 shall be for the use of the House, 200 for the use of the Senate, and 100 for the use of the Senate Committee on Privileges and Elections.

FLAGS OF MARITIME NATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from West Virginia [Mr. SCOTT] on the 21st ultimo, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 10,000 copies of the document known as "Flags of Maritime Nations," under the supervision of the Bureau of Equipment of the Navy Department, with all necessary corrections and changes; 3,000 copies of which shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,000 for distribution by the Secretary of the Navy.

The amendments of the Committee on Printing were, in line 2, to strike out the word "ten" and insert "five;" in line 5, to strike out the word "three" and insert "one;" in line 6, after the word "thousand," to insert "five hundred;" in line 7, to strike out "five thousand" and insert "two thousand five hundred;" and in line 8, to strike out the word "two" and insert "one."

Mr. COCKRELL. Now, let the resolution be read as it would read if amended.

The Secretary read the concurrent resolution as proposed to be amended.

Mr. COCKRELL. That is a very interesting and, in some respects, a valuable publication. It is a very desirable one, and the only question with me is whether there are enough copies ordered printed or not. Ought there not to be a larger number printed?

Mr. PLATT of New York. It is a pretty expensive publication, and the committee propose to reduce the number of copies one-half.

Mr. CHANDLER. I will say to the Senator that there have been various editions printed, and a new one is desirable. I should myself be very willing to see a larger number printed, but, as the Senator from New York says, it is an expensive publication, comparatively speaking, and the Committee on Printing have wisely reduced the number one-half. If the Senator would like to have it doubled—

Mr. FORAKER. What is the number provided for?

Mr. PLATT of New York. The original resolution provides for 10,000 copies and the amendment calls for 5,000.

Mr. FORAKER. Five thousand for the Senate?

Mr. COCKRELL. Fifteen hundred for the Senate.

Mr. CHANDLER. Five thousand in all.

Mr. FORAKER. I earnestly hope that that number may be increased. I have a great many calls for it. I have been unable to supply, in a great number of instances, constituents who have written to me. If it is worthy of publication at all I think a larger number might very well be printed.

Mr. PLATT of New York. If there is a disposition to print the larger number, I will withdraw the amendment of the committee—

Mr. FORAKER. I trust the Senator will do that.

Mr. PLATT of New York. And let the resolution pass in its original form.

Mr. COCKRELL. I believe we had better do that.

The PRESIDENT pro tempore. The question is on agreeing to the amendments reported by the committee.

The amendments were rejected.

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

The concurrent resolution was agreed to.

MRS. LOUISA E. McLEAN AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 1482) for the relief of Mrs. Louisa E. McLean;

A bill (S. 1139) for the relief of the estate of David Jameson, deceased, late of Shelby County, Tenn.;

A bill (S. 2923) for the relief of the estate of Elijah Thompson, deceased;

A bill (S. 3718) for the relief of the estate of Isaac M. Hollingsworth, deceased;

A bill (S. 3779) for the relief of Marcellus J. Edwards;

A bill (S. 3903) for the relief of William Fowler, administrator de bonis non of Hickman Fowler, deceased;

A bill (S. 4115) for the relief of the estate of Samuel Noble;

A bill (S. 4308) for the relief of the estate of Samuel T. Carrow, deceased;

A bill (S. 4349) for the relief of Adolph Hartiens; and

A bill (S. 4508) for the relief of the heirs of Pierre Sauve, deceased—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 1482, 1139, 2923, 3718, 3779, 3903, 4115, 4308, 4349, and 4508, for the relief of Louisa E. McLean, for the relief of the estate of David Jameson, for the relief of the estate of Elijah Thompson, for the relief of the estate of Isaac M. Hollingsworth, for the relief of Marcellus J. Edwards, for the relief of William Fowler, administrator de bonis non of Hickman Fowler, for the relief of the estate of Samuel Noble, for the relief of the estate of Samuel T. Carrow, for the relief of Adolph Hartiens, and for the relief of the heirs of Pierre Sauve, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

ESTATE OF JACOB S. ENGLEMAN.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, to report it without amendment; and as it is merely a matter to reform a prior act and to change a name, I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repeal so much of the act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, approved March 3, 1899, as authorizes and directs the Secretary of the Treasury to pay to the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Va., \$510, and in lieu thereof appropriates to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Va., the sum of \$510, and directs the same to be paid him by the Secretary of the Treasury.

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

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4532) for reestablishing the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 4533) to correct the military record

of Evan D. Dunlap; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SIMON introduced a bill (S. 4534) granting an increase of pension to Chester W. Lynds; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 4535) for the relief of the estate of Mrs. Ann Chambers, deceased;

A bill (S. 4536) for the relief of Thomas C. Gibbons; and

A bill (S. 4537) for the relief of the estate of J. N. Chambers, deceased.

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

A bill (S. 4538) granting a pension to the minor heirs of Patrick McGee;

A bill (S. 4539) granting an increase of pension to Nicholas Moy; and

A bill (S. 4540) granting a pension to David J. Leahy.

Mr. NELSON introduced a bill (S. 4541) for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced a bill (S. 4542) granting a pension to Jane Woods; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4543) granting an increase of pension to Stacey H. Cogswell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4544) for the relief of J. S. Neal; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4545) to remove the charge of desertion from the record of Isaac Thompson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 4546) for the relief of E. H. Martin and Richardson & Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4547) granting a pension to Henry F. Tower; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4548) granting an increase of pension to Albert A. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KENNEY submitted an amendment proposing to appropriate \$4,000 for the improvement of the channel at the mouth of St. Jones River, Delaware, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for the improvement of the channel at the mouth of Mispillion River, Delaware, and extension of jetty below the mouth of Cedar Creek, Delaware, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PLATT of New York submitted an amendment authorizing the appointment of two additional engineers to the Civil Engineer Corps of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$100,000 for the construction along Piney Creek, Wyoming, of a reservoir system, 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 proposing to appropriate \$20,000 for the repair and completion of the military road from Fort Washakie to near Jacksons Lane, Wyo., 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. GEAR submitted an amendment providing that out of the amount appropriated for the improvement of the Mississippi River between St. Louis and St. Paul the sum of \$50,000 shall be used for the construction of a levee on the Iowa side from the mouth of the Iowa River, in Louisa County, to Muscatine, Iowa, in Muscatine County, 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.

STATUE OF OLIVER P. MORTON.

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

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the accept-

ance of the statue of the late Oliver P. Morton, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Indiana; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

PAYMENT OF STENOGRAPHER.

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

Resolved, That the Secretary of the Senate be, and he hereby is, authorized, out of the contingent fund of the Senate, to pay for stenographic work done before the Committee on Agriculture and Forestry, February 7, 1900, in relation to the agricultural interests of Alaska.

SOUTH AFRICAN REPUBLICS.

Mr. TELLER. I submit a resolution, and ask that it be printed and lie over.

The PRESIDENT pro tempore. Does the Senator desire to have it read?

Mr. TELLER. I desire to have it read and lie over until to-morrow.

The resolution was read, as follows:

Whereas from the hour of achieving our independence as a people the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the war between Great Britain and the South African Republics, and, with full determination to maintain a proper neutrality between the contending forces, we can not withhold our sympathy from the struggling people of the Republics, and it is our earnest desire that the Government of the United States, by its friendly offices offered to both powers, may assist in bringing the war to a speedy conclusion in a manner honorable to both Great Britain and the African Republics.

Mr. HOAR. I beg to suggest to the Senator from Colorado whether it would not be well to strike out the word "European." The sympathy of the United States should not be confined to people who are struggling to free themselves from European domination, and would it not be better to say "unjust domination?"

Mr. TELLER. Let it go as it is for the present. There is no time to discuss the resolution now.

Mr. HOAR. I wished to make that suggestion now in order that the Senator might have it in mind to-morrow.

Mr. TELLER. I will look at it to-morrow.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table.

Mr. PETTIGREW. I suppose the Senator from Colorado desires to have it lie over under the rule, so that it will come up to-morrow without motion.

Mr. TELLER. That is my request.

The PRESIDENT pro tempore. That is the request, and it is so ordered.

PRESIDENTIAL APPROVAL.

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 1st instant approved and signed the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

FREDERICKSBURG MEMORIAL PARK.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the morning business is closed and the Calendar under Rule VIII is in order.

Mr. SEWELL. I ask unanimous consent to call up Senate bill 1920.

Mr. CHANDLER. I ask the Chair to lay before the Senate Senate resolution 284, a privileged resolution.

The PRESIDENT pro tempore. The Senator from New Jersey was recognized.

Mr. SEWELL. I should like to have this bill passed. I do not think it will take any longer than the time necessary to read it.

Mr. CHANDLER. If I yield for that I shall feel obliged to yield for other bills, and I think the question of privilege should be laid before the Senate. I think it may be very shortly disposed of so far as to-day is concerned.

Mr. HAWLEY. I wish to remind the Chair that the pending measure is the Army appropriation bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate proceed to the consideration of the following resolution.

Mr. CHANDLER. I do not move that the Senate proceed to its consideration. I ask the Chair to lay the privileged resolution before the Senate.

The PRESIDENT pro tempore. The Chair will not do it.

Mr. SEWELL. Then I ask unanimous consent to call up Senate bill 1920.

The PRESIDENT pro tempore. It is proper for the Chair to say to the Senator from New Hampshire that he holds that a

motion is necessary to take the resolution from the Calendar and lay it before the Senate.

Mr. MASON. Mr. President, if there is to be any discussion on the bill, I gave notice that at this hour I would desire to be heard upon the pure-food bill.

Mr. SEWELL. If the Senator will allow me, I do not think this bill will lead to any discussion. I ask the Senate to proceed to the consideration of the bill (S. 1920) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park, in the State of Virginia.

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

Mr. SEWELL. There are some amendments reported by the Committee on Military Affairs, on which I ask action.

The PRESIDENT pro tempore. The amendments reported by the committee will be stated.

The first amendment reported by the Committee on Military Affairs was, in section 2, on page 7, line 9, after the word "General," to strike out "Barry" and insert "Berry;" so as to read: "General Berry, of the Union Army," etc.

The amendment was agreed to.

The next amendment was on page 10, line 12, at the end of section 3, to insert the following proviso:

Provided, That the Secretary of War shall proceed with the establishment of the park as rapidly as jurisdiction over the roads of the park and its approaches and title to the separate parcels of land which compose it may be obtained for the United States.

The amendment was agreed to.

The next amendment was, in section 6, on page 12, line 24, after the word "act," to insert:

And the Secretary of War is authorized to accept on behalf of the United States donations of land for road purposes.

The amendment was agreed to.

The next amendment was, after the word "act," in line 16, at the end of section 7, on page 13, to insert:

And the Secretary of War and the Secretary of the Navy are hereby authorized to deliver to the commissioners of the Fredericksburg and Adjacent National Battlefields Memorial Park, at the park, such number of condemned cannon and cannon balls as their judgment may approve, for the purpose of their work of indication and marking locations on the battlefields of Fredericksburg, Salem Church, Chancellorsville, the Wilderness, and Spottsylvania Court-House.

The amendment was agreed to.

The next amendment was, after the word "park," at the end of section 8, on page 14, line 15, to insert:

And no monuments or memorials shall be erected upon any lands of the park, or remain upon any lands which may be purchased for the park, except upon ground actually occupied in the course of the battle by troops of the State which the proposed monuments are intended to commemorate, except upon those sections of the park set apart for memorials to troops which were engaged in the campaigns, but operated outside of the legal limits of the park.

The amendment was agreed to.

The next amendment was, in section 11, on page 16, line 10, after the word "employed," to insert "office, clerical, and all other necessary expenses;" so as to make the section read:

SEC. 11. That to enable the Secretary of War to begin to carry out the purposes of this act, including the condemnation and purchase of the necessary land, marking the boundaries of the park, opening or improving and repairing the necessary roads, making the necessary maps and surveys, and the pay and expenses of the commissioners and their assistant, if one is employed, office, clerical, and all other necessary expenses, the sum of \$100,000, or such portion thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; and disbursements under this act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

The amendment was agreed to.

Mr. SEWELL. Mr. President, I do not think it is necessary for me to make any remarks on the bill, as I never occupy the time of the Senate when it is not positively necessary to do so. The committee have made a report covering the entire ground, and that report is unanimous in its character.

On the battlefields named in the bill, which it is proposed to preserve and suitably mark, more men were engaged at the close of the war than on any other, not alone in this country, but in any other country, practically, since the days of Attila and other generals.

I trust, Mr. President, there will be no objection to the passage of the bill.

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.

FOOD ADULTERATION.

Mr. MASON obtained the floor.

Mr. HAWLEY. If the Senator from Illinois will allow me, I had hoped that I should be able to have the consideration of the Army appropriation bill continued, so that the pending amendments might be disposed of and the bill passed; but inasmuch as the Senator from Illinois has given notice that he would address the Senate this morning on the subject of food adulteration, I

make no contest for the floor; but I do give notice that immediately upon the conclusion of his remarks I shall ask, and if necessary move, that the Senate proceed with the consideration of the Army appropriation bill.

Mr. HANSBROUGH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. MASON. I hope the Senator from North Dakota will excuse me. I have been waiting for a week or ten days to obtain the floor; and I said that after the passage of the long bill which has just been passed I did not wish anything else to interfere with my speech this morning.

Mr. HANSBROUGH. Of course, Mr. President, the Senator having given notice that he intended to address the Senate this morning, I shall not insist upon the request I was about to make; but I shall endeavor to get in at a later stage of the proceedings.

Mr. MASON. Mr. President, I think the reason will appear before I finish my remarks this morning why I take up the discussion of the adulteration of the food manufactured or prepared in this country at this time. I will state the matter as briefly as I can consistently with my duty as I see it, considering the importance of this question. I recognize the fact that the subject is somewhat tedious to those who have taken no special interest in it; yet it is one of the most important subjects before the present Congress.

This is the only civilized country in the world that does not protect the consumer of food products against the adulterations of manufacturers. I think I can say that, civilized or uncivilized, this is almost the only country that does not give to the consumer some protection when he goes into the market to buy prepared food for himself and his family.

The committee have had the matter under investigation, and have taken a great deal of evidence in Chicago, in Washington, and in New York, in accordance with the resolution which was passed by this Senate, and which gave that committee authority to find what, if any, food products were adulterated, what of those adulterations were deleterious to the public health, and what, if any, adulterations were mere sophistications and a mere fraud upon consumers.

I think, Mr. President, you will understand at once that there are two classes of adulterated food. For instance, and by way of illustration, you buy a jar of honey. The committee find by analysis that it consists of less than 1 per cent of honey, a little honey-comb on the top of the glass jar, and the rest of it is filled up with glucose. While glucose is not unhealthy, and is a natural product, undoubtedly, as any other sugar produced from cane or beets, yet one can readily see that that is a sophistication and fraud upon the consumer.

Not only that, but it is an absolute detriment to those people in this country who have given their time and their capital to the production of honest home-made bee honey. Take another class of adulteration, such as is found in jellies, in jams, in beers, and in wines in some cases; although I should say in mentioning it, that the American beer, which we have had analyzed under the direction of the Agricultural Department, I think out of the 140 samples which were sent to the National Government for analysis, only two American beers showed the presence of any preservative such as salicylic acid or anything else to preserve it; but the fact remains that in a large class of adulterations articles are inserted which are absolutely dangerous to public health.

I want to show, and perhaps I should now show here to Senators, the imperative necessity of establishing a good character to the goods that we manufacture into food products. Two years ago in this Senate the Committee on Manufactures reported an amendment to the revenue bill which put adulterated flour in the same class of legislation which now covers oleomargarine and filled cheese. I think there are now but three of our great food products that are under Government inspection and control, and they are filled cheese, oleomargarine, and flour.

You will remember how much difficulty we had in passing what was known as the pure-flour bill. Some of the Senators in this Chamber will remember that, notwithstanding the fact that we proved that 60 or 70 per cent of the flour sold in this country was adulterated with cheap and, in some cases, dangerous stuff, the by-products of the glucose factories, out of which all the life, or gluten and sugar, had been extracted—notwithstanding the fact that we showed that in 60 per cent of the flour sold in the South there was 10 or 15 per cent of terra alba, or ground white clay, mixed with it; yet when we sought to put it under the internal-revenue law, having three objects in view—to protect the honest manufacturer and miller, to protect the consumer, and to advertise our goods among the nations of the world as good and pure—we had the most desperate fight in this body to secure an amendment which would compel the people who sell wheat flour to either make wheat flour or mark it for what it was.

Let me call your attention just for a moment to the result of that law. I say now the evidence taken before the committee is

here in print so that anyone can see it. From this it appears that we increased the sale of American flour 5,000,000 barrels the first twelve months after the passage of the bill. If you will take the report and take time to see what it contains, you will find that there are letters from all the large cities of the world saying that the moment the Government of the United States undertook to say to the people of the world that wheat flour should be wheat flour and should not be mixed with anything else it increased the demand for American flour all over the world.

I want to call attention to some of the letters we received on this subject. Here is a letter from London; here is one from Bremen, another from London, one from Glasgow, one from Liverpool, one from Rotterdam, another from London, another from Glasgow, one from Amsterdam, one from Antwerp, one from Bristol; and so I might go on, Mr. President, showing that the consumers of American flour and the agents of American millers in European countries the moment we passed that bill found a greater demand, and the sale of American flour was increased 50 per cent. I do not say that that increase was on account of the fact that the Government stood with a guaranty back of every barrel of flour that went out as American flour.

Yet Senators all know how the sale of American meat was increased the moment the inspection law was passed some years ago, whereby to-day, as to every pound of meat that leaves a port in this country to go to any other port in the world, one sample of the creature killed goes through a microscopic examination. The result has been a greater demand for American products to feed the people of the world since they have found that we are advancing to a position that has been maintained by European countries for years; that is, having the Government, as to these large articles of food products, like butter, cheese, flour, and meat, before they are sent abroad into the world, guarantee their purity, healthfulness, and cleanliness.

I wish to impress this upon Senators, for we are asking the committee having this matter in charge that we be given an early day to consider a bill. There are two general plans of legislation suggested. The plan we adopted for flour was the plan adopted for oleomargarine. That has worked well. It has, I say, not only increased the sale abroad, but has given protection to the honest American miller. Millers came before our committee last year and said they were perfectly willing to quit mixing if the other millers, the competitors, would.

One man from Illinois said to me: "I stopped my mill for the simple reason that I can not pay for the wheat what other people sell a barrel of flour for." I will say that since the bill has passed the two large mills in North Carolina which made the clay that was being sold largely in this country have gone out of business. I have not that information before the committee under oath, but I have the statement of representatives of the neighborhood where the mills were located which were making this mineraline, really terra alba, or white earth. These mills have gone out of business, and the Government has captured over 12,000 barrels of adulterated flour and condemned it under the bill passed at the last Congress.

So I beg that you may understand the importance of this legislation. First, it is to protect the honest manufacturer. I wish to say right here that that is the complaint which comes all along the line. For instance, we had before the committee sirup makers with a dozen different brands of sirup, all marked "maple sirup." The gentleman who brought them said: "This holds 20 per cent of maple sirup; this has 40 per cent of maple sirup; this has 60 per cent of maple sirup, and the rest is glucose." He said: "We are perfectly willing to make our sirup and mark it for just what it is, if our competitor will do it." Therefore I say there should be a national law that will fix the standard of all food products, and that is the plan suggested by the bill which I have had the honor to introduce.

I think it is due to say here that the Secretary of Agriculture, through Dr. Wiley, has given the committee most valuable assistance day after day. I think if there is any one man in this country who deserves great credit for trying to furnish the facts for the benefit of the people of this country and helping the committee to have all these different products analyzed it is he.

The bill which I introduced, and which I am informed has been favorably recommended by the House committee, does not refer the products to the revenue department. In other words, Senators can well see how impossible it would be to have all of the small packages stamped. There must be fixed standards of foods to which all the foods that are offered for sale must rise or be condemned or marked for what they are.

I will state to the Senate the two general rules the committee have adopted. First, that class of adulterants which are said and are believed to be deleterious to the public health are absolutely prohibited. Those that are mere frauds upon the customer and which destroy the honest manufacturer are simply to be marked for what they are. The bill for the hearing of which we hope to have a date set provides for the establishment under the Agricul-

tural Department of a bureau that shall establish food standards. You can take every article upon your table when you go home to dinner, and at some time or at some place you will find it adulterated, except possibly the salt in the saltcellar. We had before us pepper makers, men who are called spice grinders.

I do not say that many of the manufacturers do not grind the substance pure, like cinnamon, cloves, spices, and mustard, but the evidence before the committee is that all of them, by direction of the people who give them the orders, adulterate, for instance, their pepper with cocoanut shells. In many cases those adulterants are not necessarily unhealthful. The mustard is adulterated with corn meal. It does not follow that it is unhealthful and ought to be prohibited, but the proposition of the committee over which I have the honor to preside is that when they insert into a food product salicylic acid or any other thing that is a poison or a danger or a detriment to the public health, the Government should absolutely prohibit it. Where it is simply put in as sophistication to cheapen it and deceive the consumer, then we purpose that there shall be a standard fixed.

For instance, coffee. They manufactured the coffee bean for years out of a dough. A machine was patented or attempted to be patented which would grind the coffee out of dough, colored green, so that it looked green until it was baked. Coffee became so cheap that it became known, and, so far as the committee have observed or have learned, that has now been abandoned. But I will tell you how they adulterate coffee now. They take an ordinary grade of coffee; and we have this in evidence from men who do it. A man who stands well in the commercial world says: "I do not want to adulterate my coffee, but my competitors do it. I have either to go out of the coffee business or to do it with them."

He mixes in from 20 to 30 per cent of what is called black-jack. Black-jack is a by-product of coffee, if you may call it so. In Germany and in other countries where they drink real coffee every diseased bean is picked out. If it is sour or decayed and has no natural coffee flavor, it is picked out by women and children and it is sent to America to be mixed with real coffee and sold here. The sale of it is prohibited in Germany. If you would offer a pound of "black-jack" for sale in Germany for what it is, and call it black-jack even, you would be punished for selling for food an article unfit for food.

Yet the fact remains that after they have selected those decayed beans they send them over here by the ton, and our manufacturers and merchants, driven by competition, use them. First A puts in a little, then B, then C. They are driven by competition into adulterating the coffee until it takes an expert to determine it. You can not tell anything about your coffee as you buy it in this country unless you are an expert in the business. Everyone gets it whether you buy it for your own table at home or drink it in a dining car or in a hotel or in a boarding house. It is only a sample of what you get.

The proposition of this committee and the proposition of the bill is that there shall be a standard fixed for coffee the same as for beer; that it must contain of the inherent qualities of coffee or beer or whatever it may be the standard fixed by the United States—it must rise to that standard.

I ask permission to insert as a part of my remarks the letters, or a part of them, which I have noted. Here is one of the letters from Hamburg. I will not take the time of the Senate to read them now, but I will exercise my own judgment in setting forth the letters, which I think prove conclusively the increased demand for American food products when we show to the people of the world that we intend to give them good products. There has been an increase in the sale of everything to which we have applied the Government tests.

To-day, Mr. President, we are discredited among the nations of the world. Germany is attempting to pass bills against us. She is attempting to direct her legislation against our meat products, our lard, our sausages, and she finds a pretended excuse in the fact that we have no general food law in this country, although as a matter of fact we inspect every pound of meat that goes out of this country into any other country in the world.

I wish Senators to understand the rule we are trying to adopt, and which we shall ask the Senate to indorse. Of course we can only regulate such manufactured articles as go by interstate commerce from one State to another, possibly, or that are manufactured and sold in the District of Columbia and the Territories. But we have adopted these two rules, in which we hope to have the support of the Senate: First, that when food is adulterated with the intention of deceiving, it shall be marked for what it is, and when it is adulterated with a dangerous preservative it shall be absolutely prohibited.

Mr. President, I desire at this time to submit a few observations upon a subject whose true character and importance came to me in the nature of a discovery in connection with the pure-food investigations so extensively carried on by the Committee on Manufactures of the Senate of the United States. For the first time in my life I became aware of the actual facts pertaining to the

existence of a great and growing industry whose product touches very closely not alone the public palate but the public health as well. I refer to the American champagne industry, in which are invested several millions of capital and in connection with which many thousands of wage earners directly or indirectly obtain profitable employment.

Most of you will doubtless be as surprised, as I was, to learn that thousands upon thousands of acres of land of no practical value for any other class of crops—soil so lean and poor that a white bean would thrive but precariously—are planted with flourishing vineyards whose juicy fruit finds its way to the wine presses of the champagne maker. In one county alone of the State of New York fully a million dollars worth of grapes is every year produced and sold to the makers of American champagne. The lake districts of Ohio also contribute a very important quota of the grapes used in the production of American champagne. The greater portion of this valuable crop is harvested from sunny hillsides whose steep inclines, curiously resembling those of the Rhine, would seem to have been planned primarily for vineyard terraces, for their stony, barren soil is of no value for any other agricultural use.

Straight into the bowels of these vine-clad hillsides run the cool, dark cellars of the wine maker, wherein are stored millions of bottles of that beverage rightly called king of wines and the wine of kings. Three to five years must this wine remain in these cool, dark dungeons before it is permitted to see the sun once more—this time in the shape of champagne.

Champagne is worthy to be classed as among the finest products of nature's chemistry. In America, as in France—the land of its origin—the true and honest method of fermentation in the bottle is pursued by the makers of genuine champagne. Not a detail is omitted which an experience of two hundred and fifty years has shown to be essential. From time to time during the past forty years the expert wine makers of the Old World have been tempted by high wages to bring to the United States the secrets of their craft—the knowledge without which the successful production of American champagne would have been impossible. In time these secrets have been acquired by clever, watchful Yankees, until, in some respects, the Frenchmen have been beaten at their own game. In an article on the subject of "Food Adulterations," which I had the honor of contributing to the North American Review for April, 1900, the following statement occurs:

There has been a great desire on the part of the American public to eat and drink imported food products. Imported champagnes have been regarded as most desirable. The analyses and tests show that the genuine American champagnes that have been fermented in the bottle are superior to the imported.

Please note the qualification, "that have been fermented in the bottle."

My judgment as to the superiority of our true American champagnes over the sparkling wines of all other countries is fortified by the testimony of the five leading makers of true champagne in the United States. These five gentlemen, whose testimony I desire to incorporate as a part of these remarks, united in stating under oath that the French process of fermentation in the bottle is scrupulously followed here in all its details, and that in some particulars the American method is better than the French. For example, far greater care is taken by the Americans in the sorting of the grapes and the rejection of every grape that is in any manner imperfect, whether it be underripe, overripe, dried, shrunken, or moldy.

Again, it was shown by the testimony of these expert champagne makers that whereas the Frenchmen use certain liqueurs or cordials to impart to their wines their peculiar flavors, the American makers wholly depend for their flavors upon the blend of grapes used and do not employ any artificial flavors whatsoever.

In looking over the different definitions of the word champagne I find that all are essentially agreed upon the main central point, viz: A wine that is fermented in the bottle, or a wine that is grown in the district of Champagne, France.

Such is undoubtedly the true definition of the word—that is, a wine naturally fermented in the bottle. No wine not so fermented has any right to masquerade under the name of champagne. Funk & Wagnall's Standard Dictionary is among the authorities quoted in behalf of the carbonating interest regarding the generally accepted meaning of the word champagne. I read from Funk & Wagnall's Standard Dictionary the entire definition of the word, as follows:

[Standard Dictionary, page 318.]

Champagne: 1. A highly effervescent wine, typically amber-colored, made in Marne and adjoining departments in France, or wine in imitation of it. Champagne effervesces through liberation of carbon-dioxide gas generated during the fermentation in bottle, or, in spurious varieties, forced in.
2. Originally, any wine, still or sparkling, white or red, produced in the old province of Champagne, France.

In spite of statements made to the contrary by parties engaged in the production of bogus champagnes, I am perfectly convinced, as the result of thorough investigation, that it is a chemical im-

possibility to produce an artificially carbonated wine that will remain for any length of time—say longer than two or three months—in a clear and unclouded state without the use of some preservative that is injurious to health. If, however, I am in error regarding this matter, which I do not believe, and if it be true, as the carbonating people assert, that the wine they make is purer and better than any naturally fermented wine could be, then these gentlemen should have no objection to a law requiring them to use the word "carbonated" on their labels. If, as they claim, imitation champagne is better than genuine champagne, they ought to welcome this law as the best possible advertisement of their product. That they are not exactly sure of their ground in this regard is unmistakably suggested by the fact that the carbonaters are, one and all, bitterly opposed to the proposed requirement as to labels.

But there is, I think, no question as to the propriety, indeed the necessity, of the proposed requirement regarding labels. It is an indisputable proposition in law and in morals that the consumer is entitled to know what it is that he buys and consumes—whether it be true champagne, fermented in the bottle, or an artificially carbonated wine whose carbonic-acid gas is forcibly injected. In the case of the true champagne, as appears from the sworn testimony of the witnesses examined by your committee, the finished bottle of wine requires at least three years to bring it to perfection. It is handled by hand labor more than 300 times. In the case of the carbonated wine the finished product undergoes no such stages of time and labor. It starts with a still wine and in fifteen minutes it receives its carbonation and is practically ready for the market.

Clearly the consumer is entitled to be informed concerning this important distinction. Each and every one of the makers of true champagne has expressed a willingness to print upon his labels the words "Fermented in the bottle." Certainly the producers of the carbonated article should be equally willing to declare the precise character of their product. It is to this end that there has been incorporated in the pure-food bill recommended for passage by the Senate Committee on Manufactures a clause requiring that every bottle of imitation or bogus champagne shall bear upon its label the word, distinctly legible, "Carbonated."

As bearing directly upon the question of protecting the consumer against adulteration, sophistication, imitation, or fraud of any character in food or drink, I append hereto the report of the Senate Committee on Manufactures relative to the labeling of carbonated wines and the testimony of the following-named gentlemen, leading producers of true champagne in the United States: Edward R. Emerson, president Brotherhood Wine Company, Washingtonville, N. Y.; W. E. Hildreth, president Urbana Wine Company, Urbana, N. Y.; De Witt Bauder, secretary and manager Pleasant Valley Wine Company, Rheims, N. Y.; Douglas G. Cook, president American Wine Company, St. Louis, Mo.; Charles G. Wheeler, president Lake Keuka Wine Company, Pulteney, N. Y.; also Prof. H. W. Wiley, Chief Chemist, United States Department of Agriculture, Washington, D. C.; William McMurtrie, chemist, New York City; Duncan B. Harrison, Washington, D. C.; Alex. Hamill, assistant appraiser of merchandise, district of New York City.

[From the report of the Senate Committee on Manufactures.]

WINES.

A large amount of evidence has been taken in regard to wines and liquors, and it may become necessary to have a separate bill as to this article. It is thought, however, by the committee that the Government will have sufficient power under the bill recommended to compel the proper branding of the wines so that the consumer may know with a reasonable certainty what he is purchasing. The manufacturers of champagne in this country have complained bitterly that the American product is being injured by the sale of artificially charged wine which is being sold as champagne. Champagne originally meant wine that came from the champagne districts of France. It is contended by the manufacturers of American champagne that the trade word "Champagne" means any wine fermented in the bottle. A large class of American manufacturers, however, are engaged in carbonating still wine artificially by the injection of carbonic acid gas, and that wine is also sold in the market as champagne.

The tests made by the experts show that the American champagne which is fermented in the bottle excels in practically every point the imported champagnes which are also fermented in the bottle, and, under the evidence of uninterested witnesses, it is clear to the committee that champagne fermented in the bottle is superior in analysis and very much more expensive to the producer than the wine which is artificially carbonated. For the purpose of bringing this question within the rule adopted by the committee it is not necessary to make any decision as to the true definition of true champagne. It is admitted that the artificially charged champagne is cheaper than that fermented in the bottle.

It is claimed by the manufacturers that it is just as good or better than the wine fermented in the bottle. If that is true, there ought to be no objection to having it marked for what it is, and the committee recommend the amendment offered, which compels the manufacturer of carbonated wine to place upon the outside of the bottle the word "Carbonated" in distinctly legible letters. The committee does not say by this recommendation anything against artificially carbonated wine. It simply follows the set rule that it should be sold for what it is.

Testimony of Edward R. Emerson.

Edward R. Emerson, sworn and examined:

The CHAIRMAN. Where do you live?
Mr. EMERSON. In Washingtonville, N. Y.
The CHAIRMAN. What is your business?

Mr. EMERSON. I am president of the Brotherhood Wine Company, which is a corporation.

The CHAIRMAN. What do you manufacture?

Mr. EMERSON. We manufacture champagne and still wines of different kinds—port, sherry, and claret.

The CHAIRMAN. Where is your vineyard?

Mr. EMERSON. We have a vineyard at Washingtonville, N. Y., and also a vineyard at Hammondsport, N. Y.

The CHAIRMAN. You manufacture champagne and still wines at both places?

Mr. EMERSON. Yes, sir.

The CHAIRMAN. What is your definition of champagne?

Mr. EMERSON. Champagne is a sparkling wine, made by the French process of fermentation in the bottle, which requires from three to four years to complete.

The CHAIRMAN. Is there anything properly known as or that can be called champagne that does not ferment in the bottle?

Mr. EMERSON. Yes, sir; there is what in the trade we call a bogus champagne, made by taking a still wine and forcing into it carbonic acid gas, which is produced from sulphuric acid and marble dust generally. That is not considered in the trade to be a true champagne.

The CHAIRMAN. In what particular does the American or domestic champagne differ from the imported or French champagne?

Mr. EMERSON. There is practically no difference. They are made in exactly the same way by the leading companies. We are using the same methods and experience that it has taken them some two hundred years to acquire. We use exactly their methods.

The CHAIRMAN. Do you have to age your wine that length of time here?

Mr. EMERSON. Yes; we never put a bottle of champagne on the market until it has been in bottles at least three years.

The CHAIRMAN. What is the process of manufacture, briefly?

Mr. EMERSON. The process is in the first place to have your grapes absolutely clean, well picked over, and the proper variety of grapes to produce the flavor that you wish in the champagne. Then it is crushed and the juice is put in barrels or casks and allowed to ferment. In the spring this wine is taken and put into a large tank—what we call a bottling tank—holding from two to four thousand gallons. It is then bottled, after the addition of some older wine. Champagne always contains more or less old wine.

The perfection of the champagne comes in in the perfection of the wine and in the careful and judicious selection of the grapes to make the original blend, and also in the care and skill that is taken in regard to developing the wine in regard to temperature. Then it is bottled and allowed to remain in a moderately warm place until fermentation commences in the bottle. As the fermentation proceeds the bottles break more or less, and that is the only way that we can tell how the fermentation is proceeding. After it gets to a certain point and the bottles are breaking too fast we move that champagne into a colder apartment, so as not to entirely chill the fermentation, but so as to lessen it and lessen the pressure slightly on the bottle.

It is gradually moved from one apartment into another until at the end of perhaps three, four, or six months it arrives at the coldest cellar that we have, which we call our storage cellar. There it lies in tierage, lying on the side, to keep this gas from escaping and also to economize space. It lies there from three to four years in properly-made champagne. Then it is taken and put on tables which have holes made through them—plank tables, set in the form of an A, with holes intended to hold the bottles. When it is first put in, it is quite flat, and a sediment is formed from the fermentation which falls directly to the side of the bottle in a little streak. It is shaken every day by a dexterous twist of the wrist and gradually raised up, until in the course of some weeks—sometimes two weeks, but sometimes three months, according to the obduracy of the sediment to leave the bottle—it arrives at a vertical position.

When the sediment is directly on top of the cork, then we take the champagne to the finishing room, carefully keeping the bottle with the cork down, so as not to disturb the sediment. In the finishing room it is disgorged; that is, the cork is dexterously taken—withdrawn—allowing the sediment and a small portion of wine to be removed. A small quantity of the escaping gas is allowed to blow out with the sediment. Then it is put on a finishing table and a small dosage is added to it to slightly sweeten it and render it a little more palatable. That addition is called dosage.

The CHAIRMAN. What is the dosage made of?

Mr. EMERSON. It is made of rock candy and old wine. A very small percentage is used.

The CHAIRMAN. Does not the carbonic-acid gas escape?

Mr. EMERSON. Yes; to some extent it does, but the bottles originally contain more of that gas than is needed.

The CHAIRMAN. The investigation that this committee is conducting is intended to include all food products and all drink products—what, if anything, is deleterious, and what, if anything, is sold for what it is not. Do you, in your opinion, use anything that is deleterious to health?

Mr. EMERSON. Absolutely not.

The CHAIRMAN. You have told everything that you use?

Mr. EMERSON. I have told everything that we use.

The CHAIRMAN. Do you have any competition with adulterated wines?

Mr. EMERSON. The great impediment to the increase in the sale of true domestic champagnes is largely in the prejudice that exists in the public mind against them—against American champagnes. That, perhaps, up to the present time, has militated to a considerable degree against the sale of our genuine, rightly produced champagnes in this country.

The CHAIRMAN. Do you have to compete with some of these artificial champagne people—this carbonated material, or with any other that is not genuine champagne?

Mr. EMERSON. That, in my opinion, is what has caused the prejudice against the true champagne. The carbonated product being artificial and being produced in ten or fifteen minutes, simply carbonated with artificial gas and made with any kind of wine and labeled so as to tell an untruth—they call that champagne which is not champagne in any sense of the word, and it has turned a great many American wine drinkers against the domestic champagne. People who have been in the habit of drinking wine would try that so-called champagne, and of course they would be disgusted with it, make up their minds that all American champagnes were poor products. Every such man becomes an enemy of the true American product.

The CHAIRMAN. What remedy would you suggest for that condition of affairs that this committee or the Senate could have jurisdiction over?

Mr. EMERSON. I would suggest that the producers of such wines or such so-called champagne should be compelled to state on their labels what are the contents of the bottle, whether carbonated champagne or genuine champagne, although there is no carbonated "champagne" really.

The CHAIRMAN. In other words, if it is a genuine champagne you would like it to be marked so?

Mr. EMERSON. Yes.

The CHAIRMAN. The artificial carbonic-acid gas can be put into new wine, but if it is to be natural it has to be made in old wine. In other words, it takes time to generate it in the old wine, does it not?

Mr. EMERSON. Yes, sir.

The CHAIRMAN. And if it is a natural champagne it is bound to be old wine?

Mr. EMERSON. Yes.

Senator MASON. And people understand that they are buying old wine when they buy champagne?

Mr. EMERSON. When they buy true champagne.

The CHAIRMAN. And, of course, carbonic-acid gas may be injected into fresh, new wine?

Mr. EMERSON. Yes.

Senator MASON. That is, if put in by the artificial process?

Mr. EMERSON. Yes.

The CHAIRMAN. So that at least it is a sophistication and is intended to deceive?

Mr. EMERSON. Yes.

Senator HARRIS. In your definition of champagne you spoke of wine that has undergone certain processes.

Mr. EMERSON. Yes.

Senator HARRIS. Would not a proper definition go farther back? Would it not mean grapes of a certain character or grapes grown on a certain soil, primarily—of course, grapes grown in a certain province of France?

Mr. EMERSON. Yes; that was originally the true source or origin of the name champagne—grapes grown in a particular province of France.

Senator HARRIS. A province of a very limited area?

Mr. EMERSON. Yes. Subsequently the producers in that province of the wine called champagne in that district of Champagne got their materials outside of their own district, and still they called their wine or their product champagne, until now the word "champagne" means a wine produced in a certain particular way, just as we speak of a wine produced in a certain way as port wine, meaning a wine that is produced in the same way as wine was produced in Portugal originally. The term "champagne" now means a wine produced by the French or natural process of fermentation in the bottle. They speak of German champagne and French champagne without any regard to the original Champagne district.

Senator HARRIS. Is there any other sophistication or adulteration that you know of used in what are called champagnes?

Mr. EMERSON. No, sir; I do not know that there is. It is practically impossible to adulterate a true champagne. The wine has got to be a true wine or you can not make a champagne of any merit out of it.

Senator HARRIS. That is, even with this injected carbonic-acid gas you still have to have wine?

Mr. EMERSON. Well, I was speaking then of the true champagne. With an artificial method you can use any kind of wine; it does not make any difference whether it contains salicylic acid or other things.

Senator HARRIS. That is, you could make it sparkle for a time?

Mr. EMERSON. You could make it sparkle for a time, whereas in the case of the natural wine if it contained any impurities it would not respond to the process. It would not sparkle. It would remain flat in the bottle. In making a true champagne you would have to have a perfect wine to begin with.

The CHAIRMAN. You would recommend, then, that whether for domestic or imported wine the true champagne should be marked as such, and that the other should show that it was carbonated?

Mr. EMERSON. Yes; most decidedly.

The CHAIRMAN. And that, in your opinion, would protect the consumer of the real champagne and would inform the consumer of the other?

Mr. EMERSON. Yes.

Senator HARRIS. Going back to champagne, is there a large amount of this artificial-process champagne on the market and being sold all the time?

Mr. EMERSON. Yes; a large amount.

The CHAIRMAN. Of domestic and foreign manufacture both?

Mr. EMERSON. Yes; I think both, although I have no experience with the carbonated imported wine, but I understand that that is also sold here in a limited way. A while ago, when the duty was less on champagne, there was more of that cheap character of wine sold here, but under the present tariff we have not had that to compete with so much.

The CHAIRMAN. You feel that there ought to be a national law to compel people practically to show by their labels or to say by their labels what is in the bottle?

Mr. EMERSON. I think so. I think that would be to the ultimate great advantage of the American wine industry.

The CHAIRMAN. And it would be also a benefit to the man who buys a thing, who ought to be permitted to get what he pays for?

Mr. EMERSON. I think it would be a benefit to the producer and the consumer both.

Testimony of Walter E. Hildreth.

Walter E. Hildreth, sworn and examined:

The CHAIRMAN. What is your residence?

Mr. HILDRETH. New York City.

The CHAIRMAN. What is your business?

Mr. HILDRETH. I am president of the Urbana Wine Company.

The CHAIRMAN. What kind of wines do you make?

Mr. HILDRETH. Champagnes and still wines; some brandies, but very little.

The CHAIRMAN. You have heard the evidence of the last witness in regard to what he considers a champagne?

Mr. HILDRETH. Yes.

The CHAIRMAN. Is that your definition of champagne as it is now understood in the trade?

Mr. HILDRETH. As I understand the word champagne, it is a term used for a certain wine, made in a certain way. It has become an accepted term for wine which is fermented in the bottle, which produces carbonic-acid gas and has a sparkling effect when poured out.

The CHAIRMAN. In manufacturing your wine do you use anything but grapes?

Mr. HILDRETH. No, sir; but of course in the finishing we add a finishing sirup to the wine, but the sparkling quality of the wine is due entirely to the fermentation of the grape juice in the bottles.

The CHAIRMAN. Do you or not use any artificial carbonic-acid gas?

Mr. HILDRETH. No, sir; none whatever. The wine is, in the first place, the result of a process which the old French covered by the term "the marriage of the wine." It is a new and an old wine blended together. The wine made in the fall is blended with the old wine in winter and allowed to remain a certain length of time, after which it is bottled and corked. The wine is then left in the cellars for a period of two to three years or more, during which time it goes through what they call the second fermentation. During that second fermentation carbonic-acid gas is produced, the same as any wine will ferment. In fermenting it will produce carbonic-acid gas, but with a cork in the bottle the gas is all retained in the wine.

In producing that gas it forms a sediment, which drops to the bottom or side of the bottle as the bottle is laid in racks in the cellar. When they get ready to finish the wine it is put in "horses" or tables. The bottle is kept nearly flat at first and lies there from ten days to two weeks, after which

time the bottle is handled with a certain quick knack, and each time it is picked up it is tilted a little more, bringing the sediment down by degrees to the cork. Sometimes the sediment is stuck to the side of the bottle and they have to do what they call "pounding" it until they get the sediment removed and get it down to the cork. When it is finally down to the cork it is ready to be what they call "finished."

When ready to be finished it is taken up to the finishing room. The wine is then, as they say, "disgorged," and a finishing sirup is added to the wine, consisting of old wine and a small percentage of white cognac brandy and rock candy. In the American champagne we use simply these three ingredients. We depend entirely for the flavor of wine on the blending of the grapes that we use. In the French champagne the wine itself has little or no flavor, and they add to the original liqueurs or cordials, which is the secret of the flavor of the French champagne. We depend entirely on the flavor of the grapes which enter into its composition. That is really the only difference between the French and the American true champagnes.

After that when the wine is disgorged it is passed quickly to a dosing machine, where the pressure is equalized and the sirup allowed to flow in, and it is then corked and allowed to be put out for use. We keep it for from three to six months, allowing the sirup to blend with the wine.

Senator HARRIS. Can champagne be made from the juice of any grape? Mr. HILDRETH. Almost any grape—the black grape as well as the white grape. In fact, the best champagne grapes that we have are the black grapes.

Senator HARRIS. It is in the process, then, more than in the natural juice of the grape, that the champagne function or quality lies? Mr. HILDRETH. It depends entirely on the process; but some grapes will ferment and produce the gas better than other grapes will. There are certain classes of grapes that produce a good champagne, while others will not do so.

Senator HARRIS. Aside from the question of flavor, you think? Mr. HILDRETH. Yes. Senator HARRIS. Of course the bouquet would differ? Mr. HILDRETH. It would differ with the different grapes used. The CHAIRMAN. Have you any suggestions to make to the committee as to adulterations? You do not adulterate any goods?

Mr. HILDRETH. No, sir. The CHAIRMAN. Do you think there ought to be some national legislation to compel all manufacturers, whether foreign or domestic, to mark their goods for what they are?

Mr. HILDRETH. I do. The CHAIRMAN. And when they are carbonated that fact ought to be shown on the label?

Mr. HILDRETH. Yes; the question of carbonated wines is a serious one for us in this country. We make wine of the same character as is made in Champagne, France. We do not say that it is made in Champagne or in France, but we put on it our own label, and we claim that it is a true champagne, inasmuch as it is made by the same process as the French champagnes are made. Of course we do not want to come into competition with a wine which can be made in fifteen minutes and which has none of the properties of the true champagne. And it seems to me that those quickly made champagnes ought to be labeled for what they really are.

The CHAIRMAN. That would protect you and the consumer as well? Mr. HILDRETH. Yes. We are perfectly willing to put on our label the fact that our wines are made in the United States. In fact, we do put that on our wines ourselves, and we put on also the name of the place where the wine is made, and we would like to see everybody else do the same thing. It is a protection to the public as well as to ourselves.

Senator HARRIS. Is there a large amount of this artificial-process champagne on the market? Mr. HILDRETH. How much I could not say, but we run across it all the time and in every direction.

Senator HARRIS. You have no idea as to the percentage at all, or could you give us an approximation as to the percentage of that kind of wine that is sold as champagne?

Mr. HILDRETH. No; I could not. We run across a good deal of it, and there is a good deal of prejudice against American champagnes due to that class of wines. There is no question about that.

Senator HARRIS. That is aside from the preference for wines made in France? Mr. HILDRETH. Yes, entirely aside from that. We very often run across illustrations of this prejudice in this way: We speak to people in regard to the American wines and they say: "Oh, I have tasted such and such a wine; it is a miserable sort of stuff; I would not touch it again." We attempt to tell those people that our wines are different from the wines that they say they have been drinking and against which they have formed this opinion. But they say: "Your wines are American champagne!" We say: "Yes." Then they say: "Well, this was American champagne, and I do not want to have anything to do with it."

They have got from their grocer something in the way of an article called American champagne for which they have paid, perhaps, a quarter of a dollar per half pint. They have taken that home and tried it and have been disgusted with it, and when anyone wants them to taste American champagne, they say: "Oh, well, we have tasted that sort of thing, and we don't want to have anything more to do with it." They will not be talked out of that prejudice derived in that way.

The CHAIRMAN. Could you produce and sell at retail, at that price, a bottle of that wine if it was a genuine article?

Mr. HILDRETH. We could not, of course; it would be impossible. The CHAIRMAN. Have you any suggestion to make to the committee regarding the subject-matter which they are investigating?

Mr. HILDRETH. I would suggest that it would be an excellent idea to label wines for what they are. We are perfectly willing to put on our labels the words "Fermented in the bottle." I have heard some carbonated wine people say that their carbonic acid gas that they put into the wine is perfectly pure, and I have even heard some of them go so far as to say that their wines are better, purer, than the natural fermented wine. Now, that may be a matter of opinion. If anybody wants that kind of wine, let him have it, but it ought to be correctly labeled. I think people ought to get what they pay for.

Testimony of De Witt Bauder.

De Witt Bauder, sworn and examined:

The CHAIRMAN. Where is your residence?

Mr. BAUDER. At Hammondsport, N. Y. I am manager of the Pleasant Valley Wine Company.

The CHAIRMAN. What is the business of that company?

Mr. BAUDER. To manufacture champagne and still wines.

The CHAIRMAN. In any of your manufacturing processes do you use anything but grapes?

Mr. BAUDER. No, sir.

The CHAIRMAN. Do you use any preservatives—salicylic acid, or anything of that kind?

Mr. BAUDER. Not at all; nor any coloring matter.

The CHAIRMAN. Do you agree with the last witness as to what real champagne is?

Mr. BAUDER. I do.

The CHAIRMAN. It is a wine carbonated by its own gas?

Mr. BAUDER. Yes.

The CHAIRMAN. And developed in process of time?

Mr. BAUDER. Yes.

The CHAIRMAN. An artificial champagne is one carbonated by artificial means?

Mr. BAUDER. Yes.

The CHAIRMAN. The gas being manufactured by some process outside.

Mr. BAUDER. Yes.

The CHAIRMAN. Do you mark your goods for what they are?

Mr. BAUDER. Yes, sir.

The CHAIRMAN. Do you put on them your name and the place at which you manufacture them?

Mr. BAUDER. Yes, sir.

The CHAIRMAN. What do you say, as a manager of a wine company, as to the question before this committee whether there should be a national law to compel the branding or marking of wines for what they are?

Mr. BAUDER. I am heartily in favor of a law of that kind.

The CHAIRMAN. Do you feel that the carbonating of new wines is a detriment to the legitimate manufacture of the true champagne?

Mr. BAUDER. I do, in the way spoken of, that many people, as you yourself explained a little while ago, supposed that all champagnes were made by the artificial process—all that were made in America or in the United States. A man that buys that wine gets a very bad impression of American wine, and it takes a great deal of persuasion to persuade him out of that impression.

The CHAIRMAN. Do people get that impression from the taste or the effect of it?

Mr. BAUDER. Both.

The CHAIRMAN. In champagne you wait for months and years until the sediment is deposited and then take it out?

Mr. BAUDER. Yes.

The CHAIRMAN. Before final corking?

Mr. BAUDER. Certainly.

The CHAIRMAN. But, of course, if they carbonate new wine and make champagne in a few days, that would leave the ingredient necessary to make that sediment, would it not?

Mr. BAUDER. A genuine champagne made by fermenting in the bottle must of necessity be a perfectly pure wine. We have occasionally some little accident, and we find that something has gotten into the wine in the process of champagneing it or of fermenting it in the bottle. The thing will magnify like a magnifying glass, and will come out and be very strong. You can see why, because the bottle is hermetically sealed, and, although fermentation is going on in the bottle, nothing can escape. We are obliged many times to dump a great many thousand bottles because it has a flavor that is objectionable. We can not always explain why, but that is the fact.

The CHAIRMAN. I understood you to say that you would recommend, or would be glad to have this committee recommend, to Congress a law that would compel bottlers of goods to mark their goods for what they are.

Mr. BAUDER. Yes; just for what they are.

The CHAIRMAN. And if they are carbonated that they should say so on the bottle?

Mr. BAUDER. Yes; I would be perfectly willing to put on our bottles the words "Fermented in the bottle."

The CHAIRMAN. All true champagne is so fermented, is it not?

Mr. BAUDER. Yes.

The CHAIRMAN. It would be an advertisement to a person enlightened upon the subject, would it not?

Mr. BAUDER. Certainly. If any man is satisfied with the carbonized wine and buys it for what it is, namely, a carbonized wine, I have no objection. They certainly have a right to manufacture it, but they have no right to manufacture and sell it for something that deceives the people.

The CHAIRMAN. It injures the trade of a man who is making straight goods?

Mr. BAUDER. Yes. I picked up a paper the other day and meant to bring it before this committee, but it slipped my mind, in which there was a very fine advertisement from different carbonators throughout the country, not one of them stating that they made carbonized wines. They all state that they are American champagne, and that they are equal to the best imported champagne. Now, a man not knowing anything about champagne might be easily taken in by a sign or advertisement like that, and when he took his wine home he would be much disappointed in it. He certainly would be disappointed if he had a very fine taste.

Testimony of Douglas G. Cook.

Douglas G. Cook, sworn and examined:

The CHAIRMAN. What is your residence?

Mr. COOK. St. Louis, Mo.

The CHAIRMAN. And your business?

Mr. COOK. I am president of the American Wine Company.

The CHAIRMAN. What kind of wine do you manufacture?

Mr. COOK. Champagnes.

The CHAIRMAN. Where are your vineyards?

Mr. COOK. We buy our grapes in the Lake Erie district, near Sandusky.

The CHAIRMAN. What wines do you manufacture?

Mr. COOK. Just one brand; sparkling wine.

The CHAIRMAN. Known by the name of "Cook's Imperial"?

Mr. COOK. Yes.

The CHAIRMAN. Where do you say you buy your grapes?

Mr. COOK. In the islands of Lake Erie—Put in Bay and Kellys Island. We press our juice in Sandusky and ship in the spring of the year to St. Louis. We have our first fermentation in Sandusky.

The CHAIRMAN. You have heard the definition of true champagne as accepted now in the trade, or by men in that business. Do you agree with the gentlemen here who have testified on that subject? Is that your idea of champagne?

Mr. COOK. Yes.

The CHAIRMAN. Do you use any preservatives in your goods?

Mr. COOK. No, sir.

The CHAIRMAN. You manufacture the same champagnes as the other gentlemen here, do you, using the same grapes?

Mr. COOK. Yes. Our superintendent has just returned from Europe, where he was for some months, and he says that he saw no improvement on our methods. He was through all the wine cellars in Europe.

Senator HARRIS. I intended to ask some of the other gentlemen a question that I will now ask of you. How is the difference produced between what is called sweet wine—sweet champagne—and dry champagne?

Mr. COOK. By adding less sirup to the dry champagne. The dry wine has less sirup than the other.

Senator HARRIS. So that the quality of sweetness is produced by the addition of more sirup?

Mr. COOK. Yes, sir.

Senator HARRIS. And the dry champagne has less added matter?

Mr. COOK. Yes.

Senator HARRIS. But you do not regard that as affecting the question of the healthfulness of the product?

Mr. COOK. Not at all. It is only a question of the palate.

Senator HARRIS. You do not think there is any more headache in one than in the other?

Mr. COOK. I do not. I prefer the sweet wine of the two.

Senator HARRIS. You manufacture both kinds, however?

Mr. COOK. No, sir; we have only one brand.

The CHAIRMAN. Did you ever visit a factory where they carbonate wine artificially?

Mr. COOK. No; I never have done so, but I have been in soda factories and places of that sort.

The CHAIRMAN. You know how it is done in a general way?

Mr. COOK. Yes.

The CHAIRMAN. Do you know how that gas is manufactured?

Mr. COOK. Only from what I understand—from marble dust and sulphuric acid. I understand that it is on the same principle as if you used large quantities of soda water or charged mineral water. It is very bad for the health. It is said that soda water or charged mineral water is not at all good in large quantities; that it is bad for the kidneys.

The CHAIRMAN. How much cheaper could you manufacture your goods, do you think, if you were allowed to carbonate your wine artificially?

Mr. COOK. About \$10 cheaper per case.

The CHAIRMAN. That would save 40 or 50 per cent, would it not?

Mr. COOK. Yes; more than that; nearly 75 per cent of the cost.

The CHAIRMAN. Then the great expense of all in manufacturing champagne is aging and developing its own carbonic-acid gas?

Mr. COOK. Not only that, but the manipulation of the wine in the bottles.

The CHAIRMAN. But you do not have that expense if you carbonate it artificially?

Mr. COOK. Oh, no.

The CHAIRMAN. All that manipulation is done away with when it is carbonated?

Mr. COOK. Yes.

The CHAIRMAN. And all that idle capital is saved?

Mr. COOK. Yes.

The CHAIRMAN. You are the Mr. Cook from whom "Cook's Imperial" is named?

Mr. COOK. Yes.

The CHAIRMAN. You have been in the business a good many years?

Mr. COOK. I succeeded my father.

The CHAIRMAN. You are willing to market your goods and mark them for just what they contain?

Mr. COOK. Yes; we do mark them now in that way.

The CHAIRMAN. Do you favor a law which would compel your competitors, who make an artificial wine, to mark theirs in the same way; that is, to mark them for what they contain?

Mr. COOK. Yes; I think it will be a very beneficial thing for the public and also beneficial to the general manufacturers of sparkling wines.

The CHAIRMAN. I suppose this carbonate is sold cheaper, is it not?

Mr. COOK. Necessarily it must be cheaper. There is very little expense connected with it except the original expense of buying the carbonating machine. In a carbonated wine you can take any wine, no matter what the quality of it is, and charge it up and sell. Naturally, in buying wine to carbonate, they bought the cheapest that they could get. They had to sell it cheap, and if they could get their fundamental wine cheaper, why, the more money they could make.

Senator HARRIS. Not being experienced, people in general would not be able to distinguish the difference in the bottles. I suppose the bottles are put up in the same way and look like the bottles in which there is pure champagne?

Mr. COOK. Yes; it has all the appearance of the other wine. They cap it and label it in the same way.

Charles G. Wheeler, sworn and examined:

The CHAIRMAN. Where do you live?

Mr. WHEELER. In Pulteney, Steuben County, N. Y.

The CHAIRMAN. What is your business?

Mr. WHEELER. I am a producer of champagne.

The CHAIRMAN. Do you make anything besides champagne?

Mr. WHEELER. No, sir.

The CHAIRMAN. What brands of champagne do you make?

Mr. WHEELER. "White Top."

The CHAIRMAN. Do you use anything in your wine to preserve it?

Mr. WHEELER. No; we do not.

The CHAIRMAN. Simply the grape?

Mr. WHEELER. Nothing but blended grapes—different grapes.

The CHAIRMAN. Just as has been testified here by other gentlemen in your business?

Mr. WHEELER. Yes.

The CHAIRMAN. Do you carbonate these in the usual way by aging your wine?

Mr. WHEELER. By fermentation in the bottle.

The CHAIRMAN. Have you ever seen it done in any other way?

Mr. WHEELER. Yes.

The CHAIRMAN. Tell the committee how it is done.

Mr. WHEELER. I saw some of it done about three weeks ago. They use an ordinary still wine. They can use any kind of wine, for that matter—that is, a light-colored wine—whether a true still wine or a sugared wine; that is put into a tank or cylinder; they have attached to that a cylinder of carbonic-acid gas, and they turn that gas on to this wine. The wine at first, of course, is sweetened to the taste or sweetness that they want. They turn this gas on and run it up to a pressure of about 70 or 80 pounds per square inch, and then they revolve it and work this gas all through the wine. Then it is run through a machine to which the bottles are attached, and filled. In this machine that probably occupies a minute or two. Some machines run faster than others. After it is filled they pass it through a corker, and it is corked in the regular way like a true wine and a label is put on.

The CHAIRMAN. While it is being corked a little gas escapes?

Mr. WHEELER. Yes; but it is put on with a heavy pressure, so that they can afford to lose a little. But every twenty minutes or so a man revolves this machine and keeps the gas going through the wine. It is finished in the same way as our wine.

The CHAIRMAN. Have you ever seen a bottle marked in a way that would indicate that it was carbonated artificially?

Mr. WHEELER. Never.

The CHAIRMAN. Does it compete with your wine?

Mr. WHEELER. Well, we don't claim to be competitors of those people;

but still in one sense we are competitors. If anybody tells me that he can buy a certain wine cheaper than our wine, why, I say to him that we are not competitors of those people; we are not carbonators. Still, there is no doubt that they are in one sense our worst competitors.

The CHAIRMAN. Is it not your opinion and observation and experience that the consumers largely suppose that this is the same sort of champagne as any other champagne is?

Mr. WHEELER. Certainly. It is put on the market in that way, and it is labeled as champagne, and oftentimes the consumer buys it for a true champagne and pays the highest price; that is, the price of the true champagne. It is sold to the jobber; and the jobber and the grocer may understand that it is not a true champagne, because, as a rule, they can buy any quantity of it for five or six or seven dollars a case, whereas the true wine would be twelve or thirteen or fifteen dollars a case. Where they know it is carbonated, they sell it for less—for one-third, practically—but they do not tell the customer, and the consumer buys it for a true champagne.

Senator HARRIS. The fraud is practically done by the seller?

Mr. WHEELER. Yes. He will sell it for eleven or twelve or thirteen dollars a case until the consumer gets onto it, and then the seller or retailer will sell the same wine for six or seven or even five dollars a case.

Senator HARRIS. The retailer is the beneficiary in that case?

Mr. WHEELER. Yes; of course he is. He has a chance to sell it to the consumer for a true champagne. Of course if it were labeled for what it really is, the consumer would not buy it, or at least very few persons would. To be sure, if he wanted it for what it is, that is his business, but there is not 1 per cent of the people who do know.

The CHAIRMAN. You are not asking us to prohibit artificial carbonating?

Mr. WHEELER. No.

The CHAIRMAN. But you people would like to be protected by having the labels state the facts?

Mr. WHEELER. Yes; we would like to have a label on those goods according to what the goods are. It ought to be called carbonated wine, not carbonated champagne, because it is not a champagne. Then, if people want to buy it let them buy it. The consumer is the man who suffers if there is anything wrong.

The CHAIRMAN. What percentage could you save on the cost of manufacture, in your opinion, if you were to carbonate artificially?

Mr. WHEELER. I think it would be about the same as Mr. Cook said. I think he got that about right. A case does not cost more than the expense of carbonating—more than a case of still wine—like a case of sweet catawba, which could be sold very cheap. Perhaps it would be three or four dollars, or about that.

The CHAIRMAN. You would save, perhaps, 75 per cent.

Mr. WHEELER. Easily.

The CHAIRMAN. If I can carbonate a wine artificially and make the consumer feel or believe that it is a genuine champagne and carbonated by age, I have that advantage?

Mr. WHEELER. Yes; of course they can carbonate any wine, whether old or new.

The CHAIRMAN. You think the brand or label should contain the name of the maker?

Mr. WHEELER. Yes.

The CHAIRMAN. And should state what it is?

Mr. WHEELER. Yes. As a rule the people in the carbonating business are not wine producers at all. They have no vineyards nor wine cellars. They buy everything. They are what may be called "gerillas."

The CHAIRMAN. They have no regular location?

Mr. WHEELER. No regular location. Many of them are liquor dealers and in other business, like whiskies, etc.

Testimony of H. W. Wiley, chief chemist, United States Department of Agriculture.

The CHAIRMAN. Will you please state, Professor Wiley, if you have made a comparative examination of American and European champagnes and of carbonated wines which resemble champagnes?

Professor WILEY. Yes. I have made comparative analysis of the wines, with the results which follow. I made an examination of the samples of champagne furnished me by Maj. Duncan B. Harrison. They were entered in our books as follows: 19325, Gold Seal; 19326, Great Western; 19327, Cook's Imperial; 19328, White Top; 19329, Le Grande Monarque; 19330, A. Werner & Co., Extra Dry; 19331, Pommery Sec.; 19332, Moet and Chandon; 19333, G. H. Mumm, Extra Dry.

Examination.—The wines were placed in cylinders an inch in diameter to the depth of 5 inches in each and kept at a temperature of 16.5° C., equivalent to 62° F., from 12.30 to 5.30 o'clock. They were examined every half hour to determine the rate of effervescence. The samples showed very little difference in this respect. The bubbles, however, which came from the 19330—that is, the Werner wine, were larger in size and less evenly distributed than from the other samples. In other words, the distribution of the gas in 19330 seemed to be less perfect than in the other samples.

The samples were allowed to stand overnight; and on the morning of February 6, at 9 o'clock, when they were next examined, it was found that all the effervescence had ceased. Even on jarring the cylinders no appreciable effervescence was produced in any one. The cylinders were then placed in a room at a temperature of 31° C., equal to 88° F. The rise of temperature, however, failed to produce any additional effervescence. This experiment shows that there was very little difference in the samples in regard to their ability to retain gas.

Color.—All samples were examined for color, the deepest color being marked 10, and a cylinder of water, used for comparison, marked 1. The depth of color of each sample marked on this scale is shown by the following figures:

19325, 7; 19326, 7.5; 19327, 7.5; 19328, 7; 19329, 10; 19330, 4; 19331, 7; 19332, 5.5; 19333, 6.

Odor.—On the morning of February 6 the odor of each of the cylinders was carefully tested. All of the samples, with the exception of 19330, which had a bad odor, were pleasant to the smell. The American wines, however, had a richer and nuttier flavor than those of foreign origin.

Chemical examination.—The samples were submitted to a chemical examination and the data obtained are found in the inclosed table. It will be seen from the data that the artificial champagne, viz. 19330, contained a much less quantity of alcohol than the natural champagnes. As shown by the polarization also, this wine differs entirely from all the others in being right-handed to polarized life. The figures show that a considerable quantity of cane sugar has been added to this wine. The other data show that the natural American champagnes correspond very nearly to the standard European varieties in chemical composition.

In closing, I would say that these analyses show that an artificial champagne can be easily detected by chemical means as well as by the taste and odor. In my opinion, all champagnes should be sold under their proper name and no artificially carbonated wine should be allowed on the market as a genuine champagne.

Serial number.	Extract (grams per 100 c. c.)	Ash (grams per 100 c. c.)	Extract-ash ratio.	Alcohol by volume.	Alcohol (grams per 100 c. c.)	Specific gravity.	Total acids, as tartaric (grams per 100 c. c.)	Volatile acids-ace-ter (grams per 100 c. c.)	Polari-scope, reading direct.	Polari-scope, reading invert.	Reducing sugar (grams per 100 c. c.)
19325 (Gold Seal).....	5.8704	0.1038	40.1	12.09	9.59	1.0064	0.953	0.0786	- 0.7	.....	2.71
19326 (Great Western).....	7.0348	.1184	40.9	13.10	10.39	1.0138	.953	.....	- 2.6	.....	4.09
19327 (Cook's Imperial).....	7.0856	.1376	34.3	11.64	9.24	1.0150	.878	.0806	- 2.0	.....	3.36
19328 (White Top).....	6.7720	.1080	43.7	12.17	9.62	1.0101	.886	.0790	- 2.4	.....	3.49
19329 (Grand Monarque).....	8.0668	.1448	36.5	11.67	9.26	1.0157	1.050	.0798	- 2.2	.....	3.77
19330 (Werner's).....	7.8028	.2040	30.8	9.84	7.81	1.0168	.748	.....	+23.3	+23.3	2.52
19331 (Pommery).....	4.2416	.1204	31.4	13.62	10.81	1.0001	.731	.0629	+ .7	.....	1.50
19332 (Moët & Chandon).....	5.3280	.1100	34.5	12.63	10.01	1.0045	.785	.0764	+ .4	.....	2.52
19333 (G. H. Mumm).....	4.9796	.1336	33.3	13.59	10.73	1.0042	.953	.....	+1.5	.....	1.52

The extract-ash ratio is obtained by dividing the extract (minus reducing sugars in excess of 0.1 gr. per 100 c. c.) by ash. The polariscope reading was made on Schmidt & Harnsch instrument with 200 mm. tube, and is calculated to natural dilution of the wine.

Testimony of Duncan B. Harrison.

WASHINGTON, D. C., January 13, 1900.

Senator WILLIAM E. MASON,
Chairman Senatorial Committee on Pure Foods.

DEAR SIR: Pursuant to your instructions, I herewith submit the following report:

I procured in open market a pint bottle of each of the following wines, viz: Imported champagnes.—G. H. Mumm's Extra Dry, 1; Pommery & Greno, 1; Piper Heidsieck, 1; Moët & Chandon, 1; Veuve Clicquot, 1; total, 5.

American champagnes.—Cook's Imperial, 1; Great Western, 1; White Top, 1; Gold Seal, 1; Le Grand Monarque, 1; total, 5.

American carbonated wines.—A. Werner & Co., Extra Dry, 1; Ripin & Co., Extra Dry, 1; Frash & Co.'s Imperial Cabinet, 1; Germania Wine Cellars, Imperial Sec. 1; total, 4. Grand total, 14.

I placed the 14 bottles, also a thermometer, in a refrigerator. After a period of two and a half hours had elapsed I opened said refrigerator and examined the thermometer, which registered 35°. I withdrew the bottles of wine, uncorked them, and placed said bottles, with the thermometer, on top of a steam radiator, and then proceeded to time the escaping gases, with the following results:

Actual time consumed for the total cessation of effervescence in each of the following bottles of wine.

AMERICAN CARBONATED WINES.

	Minutes.
Grand Imperial Sec.....	5
Werner & Co.'s Extra Dry.....	7
Ripin & Co.'s Extra Dry.....	7
Frash & Co.'s Imperial Cabinet.....	8
Total.....	27
Average.....	6 1/2

Actual time consumed for the total cessation of effervescence in each of the following bottles of wine.

IMPORTED CHAMPAGNES.

	Minutes.
Moët & Chandon.....	41 1/2
Veuve Clicquot.....	43
Pommery & Greno.....	43 1/2
Piper Heidsieck.....	44
Mumm's Extra Dry.....	45
Total.....	217
Average.....	43 1/2

AMERICAN CHAMPAGNES.

	Minutes.
White Top.....	46 1/2
Cook's Imperial.....	47
Great Western.....	48
Gold Seal.....	48 1/2
Le Grand Monarque.....	49
Total.....	239
Average.....	47 1/2

As the effervescence in each bottle ceased, I shook them to secure, if possible, a continuation, but without success. The gas in each instance had completely evaporated.

At the finish of the test, or after fifty minutes had elapsed from the time of uncorking the first bottle, the thermometer on top of the steam radiator registered 98°.

The tinfoil was first removed from the neck of each bottle, and the wires securing the corks were cut from all the bottles before withdrawing the corks, so that there was no appreciable difference in time in the uncorking.

The American champagnes were uncorked first, then the imported champagnes, then the carbonated wines. One minute and five seconds were consumed withdrawing the corks.

It will be seen from the above results that the capacities of the various wines to retain their effervescence averaged:

- In the carbonated wines, six minutes forty-five seconds.
- In the French champagnes, forty-three minutes twenty-four seconds.
- In the American champagnes, forty-seven minutes forty-eight seconds.

These tests were made in the presence of Col. Edwin B. Hay, attorney and counselor at law and handwriting expert, of Washington, D. C., and James B. Green, attorney and counselor at law, of Washington, D. C.

I delivered to Prof. H. W. Wiley, Chief Chemist Agricultural Department, for analysis, samples of wine, viz:

Imported champagnes: Mumm's Extra Dry, Pommery & Greno, Moët & Chandon.

American champagnes: Gold Seal, White Top, Great Western, Le Grand Monarque, Cook's Imperial.

American carbonated wines: Werner & Co.'s Extra Dry.

I have the honor to be, very respectfully,

DUNCAN B. HARRISON,

Sergeant-at-Arms Senatorial Committee on Pure Foods.

Witness:
JAMES B. GREEN.

Witness:
E. B. HAY.

Subscribed and sworn to before me this 18th day of January, 1900.

[SEAL.] GEORGE W. BAGG,
Notary Public.

Testimony of Dr. William McMurtrie, Chemist.

The CHAIRMAN. Let me make an inquiry of you on another subject. We have had under discussion here the question of carbonated wines. I wonder whether in the course of your professional experience you have had any occasion to investigate the matter of wines. The American makers of wine who ferment the wine in the bottles claim that that is champagne, and that if it is not fermented in the bottle it is not champagne. On the other hand, representatives of other leading manufacturers of wine appeared here before the committee within a day or two and testified that they carbonated their wine; that they took a good wine, prepared it carefully by filtration, and then put into it a carbonic-acid gas which was imported from Germany.

Senator FOSTER. From the Apollinaris Springs.
The CHAIRMAN. From the Apollinaris Springs—gathered from the springs themselves and injected into this wine. In other words, it may be said to be artificially charged with carbonic-acid gas, or to be carbonized wine. Have you had any experience, Dr. McMurtrie, in those matters which you would be willing to tell the committee?

Dr. MCMURTRIE. I have made a very careful study of the manufacture of wine in France and in this country, and have given a good deal of attention to the manufacture of champagne wines.

The CHAIRMAN. Who are the legitimate American champagne manufacturers; that is, those who pursue the natural method of fermentation in the bottles?

Dr. MCMURTRIE. There are, I think, five legitimate champagne manufacturers in the United States, who are making champagne wines equal to any produced in the world. They are the Pleasant Valley Company, The Brotherhood Company, Cook's Imperial Company, The Urbana Company, and the Lake Keuka Company. These companies have developed an enormous American industry through adopting the natural method of fermenting in the bottle.

Now, I believe it has been generally accepted that in this process of fermentation certain peculiar ethers are formed—possibly ethereal carbonates—which, when the bottle is opened and the pressure removed, undergo a slow decomposition, with a continuous liberation of carbonic-acid gas; and it is true that a wine that is not seriously cooled will continue this liberation of gas for a long time after it is opened, and this gives the exceedingly pleasant quality to a wine made in this way. In other words, the wine after being opened does not quickly become flat and dead.

If, on the other hand, the wine is produced by the quick fermentation and is cleared by the ordinary methods of producing a still wine, and the wine is then bottled and charged with carbonic-acid gas, if the wine be strongly cooled, when it is opened it will continue to give off the gas for some considerable time. This will last as long as the wine is cold; but if the wine should become warmed at all—to the temperature of the ordinary room, say 65°—the gas is liberated very rapidly and the wine very quickly becomes flat. Of course we enjoy champagne because of the presence of the carbonic-acid gases liberated, because of the ethers that undergo decomposition become volatile and give to the wine its bouquet. Therefore the wine is valuable.

The CHAIRMAN. Can you produce that effect by artificial carbonizing?

Dr. MCMURTRIE. That can not be produced by artificial carbonization. Therefore the artificially-carbonated wine has by no means the value, in my opinion, that the wine made by natural processes has.

The CHAIRMAN. Did you ever hear of their importing this gas from the springs in Germany?

Dr. MCMURTRIE. I do not know anything about that. I should imagine that in view of the comparatively low cost of carbonic acid of very high quality in this country it would be impossible as a trade proposition to bring it in. We have in this country the carbonic acid produced either directly by compression or that which issues from the springs, as is done in the neighborhood of Saratoga, or that which is produced by the heating or ignition of the limestone in retorts. We have also now in this country that produced from the process of fermentation in the manufacture of beer and spirits; and the carbonic acid from either of these sources would be eminently suited, I think, to any carbonating process; and it can be produced at such low cost that I doubt whether the trade would admit of the importation of the product from any other country.

Testimony of Alex. Hamill, Assistant United States Appraiser of Merchandise.

OFFICE OF THE APPRAISER OF MERCHANDISE,
Port of New York, N. Y., February 5, 1900.

SIR: Replying to the inclosed communication of the 23d ultimo from Hon. WILLIAM E. MASON, relative to the importation of carbonic-acid gas, with request to be advised as to the quantity of this merchandise imported during the past five years, I have to state:

Carbonic-acid gas had been returned free of duty previous to the operation of the present tariff as acid used for manufacturing purposes. This provision was not made in the present tariff, nor was the article specifically mentioned, and therefore it was returned for duty as a nonenumerated acid at the rate of 25 per cent ad valorem under the provisions of paragraph 1.

An appeal was taken to the United States Board of General Appraisers on this classification, and the action of this office was sustained, the whole matter being the subject of T. D. 19134 (G. A. 4107). Since the decision has been rendered no merchandise of this character has been received here. If it is brought into the country it comes through other ports.

The records of this office do not furnish the information desired as to the quantity of this merchandise imported, as it is only returned in our record book as an acid. No specific items of particular merchandise are recorded.

Respectfully,

ALEX. HAMILL,
Assistant Appraiser, Seventh Division.

Hon. W. F. WAKEMAN,
United States Appraiser.

Let me state again briefly the proposition of the committee on that point. There is a general disposition among a certain class of Americans to buy everything abroad. Nothing is so good as an imported cigar or imported wine. Clothes that are made across the water are a little bit better. Far fetched and dear bought seems to have been the craze with the American people for some time, whereas this investigation at the end of the year shows—speaking now upon the subject of American wines—that there are scores of manufacturers of wine in this country who make, according to the tests made by the Government experts, just as fine champagnes as are made anywhere in the world. Of course there are imitations of them.

Some of our busy, ingenious people in this country take still wines, perhaps fermented, a few days old, inject into it carbonic acid gas, and call it champagne. That has injured the manufacture of American champagne to a large degree. The proposition that we propose to make is that carbonated champagne is a fraud upon the consumer when it is marked "champagne." He believes that he is getting wine fermented in the bottle. The proposition, and that is only one of the scores of things in the bill, is that he shall be made to mark it "carbonated" upon the outside. If it is just as good as the wine fermented in the bottle, then he can not have any objection to marking it what it is. We stand upon the two rules, as I have said before, and I hope to get it clearly into the record, that these goods must be marked for what they are, and the man who says, "I make just as good goods as anyone," if he is honest, will not be either ashamed or afraid to mark his goods on the outside for what they are.

The general food products of this country are the best in the world, but scattered out all through this country are small manufacturers of different articles of food which go onto the table of the American people that are not fit to go into the human stomach. Take sugar made in this country. The committee bought samples. We know the statements that have been made from time to time that sugar was adulterated with sand and was mixed with glucose and flour. We not only took the evidence of the chemists of the large sugar refineries of the country, but we took samples from the small groceries and the great groceries in several of the large cities, and the report of the chemist is that the sugar is just as pure as it can be made. We are to be congratulated upon that fact. But if the time comes when the adulterant is cheaper than the sugar itself, the proposition of the pending bill is that the people may be protected and that a standard for sugar shall be fixed by the same board of agriculture.

It is true there have been many claims made and a memorial is now pending before another committee to the effect that there is no right of appeal; that it leaves all these things in the hands of one board. The committee had already, away back in March, recommended an amendment to what was known as the Brosius bill, providing that before the standard was fixed against anyone, whether he was making beer with salicylic acid or cream of tartar baking powder or alum baking powder, he should have a chance to be heard before the commission, with the right of appeal allowed. There can not be any question about that right. There ought to be no question about it. I say whether we put it in the bill or not, it is the law; it is the inherent law; it is constitutional law.

A great deal has been said about the condensed milk of the country. The Agricultural Department analyzed it. It is undoubtedly true that in some of the cheap quarters of New York City they have been selling condensed milk that means starvation to the children who are fed upon it. Yet we were never able to get a sample of anything except the genuine condensed milk. We had before our committee in New York one of the officers of the largest condensing factories in the country, and he testified that he was familiar also with the processes used by his competitors, and that the condensed milk of the country made in those great factories in New York and Illinois was produced in the same way and by the same process. It is merely a condensation, taking the water out, and the simple process of adding sugar. Yet the fact remains that people have used skimmed milk and have got up artificial brands.

Our proposition is, if this bill becomes a law, that it must reach a standard to be fixed by the Government of the United States. A standard is easily fixed. The same with beer. As a matter of fact, the report of the Government chemist, under the direction of this committee, shows that out of 160 or 170 samples of American beer which he tested, I think only two samples were found that contained salicylic acid or any other deleterious subject, whereas imported beer, that imported in casks especially, contained in many cases a large percentage of salicylic acid or other preservatives.

I have spoken briefly upon the subject of sirups. There is no reason why a consumer should not know what he is buying, and there is no reason why an honest manufacturer should not be protected against unfair competition. There is no reason why the bee

keepers of Illinois and California, who make an honest honey and put it on the market, should be compelled to compete with the man who sells for pure honey a jar of glucose with an ounce of honeycomb floating on the top. I do not say that is one of the things which is deleterious to the health, but it is one of the things which is a common fraud upon the consumer and a detriment to the honest manufacturer and producer.

On the question of extracts, we propose under this bill that there shall be a standard fixed. I wish to say to the Senate that I can think of no subject that is so grossly adulterated as the extracts sold to the people of this country that go into the soda-water fountains and into the food we eat at home.

Mr. GALLINGER. Will the Senator from Illinois permit me? Mr. MASON. Certainly. I shall be glad to have anyone ask questions, because I can only cover a part of the subject.

Mr. GALLINGER. I read with interest and astonishment the report which the honorable Senator made of the investigation he carried on with such industry and success, covering the adulteration of almost everything that we eat and drink in this country, and I am very much gratified to know that the Senator proposes to push the matter further and to have some legislation on this subject.

I rise simply to ask the Senator, for the reason that I have been engaged in other matters, as the Senator knows, and have not kept up very accurately with the action of the committee of which he is chairman, whether he has prepared and presented a bill and made a report upon it? Is the bill on the Calendar?

Mr. MASON. I presented a bill, and I have been in consultation with the committee in the House as to their bill. To the bill which I have prepared we have now several committee amendments which we propose to submit.

Mr. GALLINGER. It is not on the Calendar?

Mr. MASON. It is not on the Calendar.

Mr. PLATT of Connecticut. It is Senate bill 2426.

Mr. MASON. That is the one.

Mr. GALLINGER. I trust the Senator will be as industrious in this matter as he was in the investigation. I simply want to say to the Senator that he will have the support of at least one member of this body in any proper effort he may make to correct this tremendous evil that exists in our country as I view it.

Mr. MASON. I am obliged to the Senator. I want to say that I propose and have asked the committee to give us a day to hear the bill. It has been deemed wise to wait, possibly, until the House bill comes over. It may not be thought wise to wait for the House bill, and I am not particular—

Mr. HANSBROUGH. Mr. President—

The PRESIDING OFFICER (Mr. FOSTER in the chair). Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. MASON. Certainly.

Mr. HANSBROUGH. I desire to say that the Committee on Agriculture, of which I have the honor to be a member, has under consideration several bills which have been introduced at this session on the question of pure food. We have also had some hearings on certain features of those bills. It is the intention of the chairman to call the committee together soon for the purpose of taking up the several bills and considering them with a view of bringing a measure into the Senate for consideration.

I believe that bills of this character have always gone to the Committee on Agriculture. I have no doubt the Senator from Illinois has obtained a great deal of interesting testimony on this subject which will be of value to the Senate, and I do not desire to antagonize him in his efforts to bring a pure-food bill into the Senate, but I insist that the subject belongs to the Committee on Agriculture.

Mr. MASON. In regard to that, I think it is true that for years all pure-food legislation has found a graveyard in the Committee on Agriculture. I have no doubt that is true. About two years ago, when we took up the question of manufactured food, it was referred to the Committee on Manufactures, and we reported the bill and passed it. We are dealing with no agricultural products except as everything is a part of agriculture. We are dealing with prepared or manufactured food, and the Senate of the United States passed a resolution authorizing us to make an investigation. I had, as I remember, the hearty cooperation of the distinguished Senator who just took his seat in securing the passage of the resolution authorizing the Committee on Manufactures to investigate the adulteration of manufactured food products.

Afterwards the Senate passed another resolution instructing us to make a report and authorizing us to employ a stenographer and to pay witnesses. Carrying out the plan that we had two years ago, we supposed, of course, the Senate, having put the matter into the hands of the Committee on Manufactures, would permit us to report a bill, and that the Senate would not send us out to take this evidence and spend eight or ten thousand dollars in witness fees and stenographers' fees and hotel bills to get this evidence unless they intended us to report a bill. I did not understand

that we were acting in a clerical capacity for the Committee on Agriculture. If so, and if the Senate so desires—and that question will be tried, I suppose, at the proper time—we are perfectly willing to resign.

I have so much interest in this legislation that after having given two years to it on the only committee where I have active work to do (the Committee on Manufactures never had a bill before it, I guess, until the last session), going from one end of the country to another to secure the evidence, that if the Senate wants to take it out of the hands of that committee, of which the present Presiding Officer [Mr. FOSTER in the chair] is a member and six other Senators, and put it into the hands of the Committee on Agriculture, I should just as heartily support the bill from that committee as if it came from my own committee.

I have no pride of ancestors on the question of pure-food legislation. As a matter of fact, the pure-flour bill, which I introduced two years ago, was presented by the National Board of Trade, and a gentleman in the House from Minnesota, if it is proper to use his name [Mr. TAWNEY], was more efficient and deserves more praise for passing that bill, I think, than all the rest of the Congress put together. But it came to our committee because we were dealing with manufactured articles. There is not a recommendation here, and we do not propose to touch in that anything that comes from the farm unless it goes through some manufacturing process.

We do not touch apples or wheat or corn, but we simply say that after you begin to manufacture then you enter the realm of manufactures, whether you are dealing with wheat or corn or steel wire. It is a manufactured product. The Senate has gone to the expense and trouble of sending us to work on this committee, and there has been no special objection made, so far as I know, and no special lobby here against any part of the bill until after we made a report condemning certain articles which go into human food, and which I propose now to take up, and that is the question of baking powders.

We start out with the two propositions: First, that all articles that go into the manufacture of human food that is deleterious to public health ought to be prohibited. For years we have stood on the proposition that alum baking powder ought to be marked for what it is. But as a matter of fact it was found impracticable, and in the States where they compel them to mark alum on the outside they have in most cases found some way to conceal the fact that alum is in the baking power. We have had before the committee no less than twenty different cans where there has been a State law compelling them to mark the alum in the baking powder. We have had no less than twenty different samples of different manufacturers who had attempted or pretended to comply with the law, and it said "just as good as cream of tartar baking powder," putting in large letters the words "cream of tartar."

Mr. President, you can enter into no avocation of life without opposition. When we thought to put through the bill years ago to compel them to mark oleomargarine for what it was, we were met with the opposition of those gentlemen who wanted to sell oleomargarine for butter. When we attempted to put through a pure-flour bill we were met with opposition, and bitter opposition. We felt it everywhere, and in the capital of the United States we met opposition from men who were interested in selling to the American people, under false colors and under false names, a thing that was not fit to go into the human stomach.

When we made this report we made it based on the evidence before us. The report is based upon the evidence, and the evidence is simply overwhelming. I do not care how big a lobby there may be here for the alum baking powder, I do not care how many memorials they publish, and they have published one here. We kept our committee open for a year, and I have letters and telegrams showing that if they had any evidence to offer that alum was a fit subject to go into the human stomach they could have produced it. Yet they bring here an affidavit by some man who said he wrote me as chairman of the committee and sent me a registered letter, asking to come before the committee, and he never received any answer, whereas I was in communication almost every day with both the manufacturers of baking powders, asking them to bring in their evidence, and all the evidence they produced was the witnesses they called on behalf of the alum baking powder.

There is an underlying fact back of all this. There is no place in the human economy of human food for this thing called alum. The overwhelming evidence of the leading physicians and scientists of this country is that it is absolutely unfit to go into human food, and that in many cases—if the gentleman will read the evidence, some of the physicians say they can trace cases in their own practice—there are diseases of the kidneys due to the perpetual use of alum in their daily bread.

Now, Mr. President, I do not care particularly for this circular. I should not have printed it, reflecting upon any member of this

body as it does upon this committee, without some consultation and a general understanding. Our committee has opened its doors, and they are open now. Under the resolution we are authorized to hear witnesses at any time. No man has ever been denied a hearing. But because we have made a report based upon the evidence of the gentlemen there, now this protest comes.

If these gentlemen are wrong, upon whose testimony we rely, I have no desire to prohibit the use of alum. I want to give the Senate an idea of the class of men we have called. They are the leading scientists from every college of the United States that we could get hold of. Yet I have no doubt that many of these have been suggested by the cream of tartar baking-powder companies. I have no doubt that plenty of them were suggested by them to be called, for we had open doors, and no witness ever came before that committee in the twelve months we were hearing evidence but who was permitted to testify.

There is a fight here between the baking-powder trust, so called, on one side, which manufactures cream of tartar powder, and the baking-powder organization on the other side known as the alum baking powder organization. The witnesses state that the cream of tartar people are in a trust, and I have no doubt it is true. I think the evidence shows that. I am not dealing with the trust question. I am simply saying that the leading physicians of the world say that cream of tartar is a pure, natural, healthy food product. It is a product of the grape, and when it is put in solution in the bread with soda, if there is a residuum left it does not hurt the stomach, and it does not go into nor injure the brain or the blood or the kidneys.

When you mix a mineral poison, as they all say that alum is, it is impossible to mix it always to such a degree that there will not be a residuum left of alum, which produces alumina and which contributes largely to the diseases of the people in this country.

I will tell you now of the men before the committee who condemned the use of alum baking powder, some in one language and some in another. I have not all the names. I simply asked my stenographer to go through hastily and give me those that could be found readily out of 700 or 800 pages of evidence there.

Ames, Howard E., surgeon, United States Navy, Washington, D. C.

Appleton, John Howard, professor of chemistry, Brown University, Providence, R. I.

Army, United States, refuses to allow the use of alum in anything like a food product in the United States Army.

Arnold, J. W. S., professor, University of New York.

Atwater, W. O., professor and director Government experimental station, Washington, D. C.

Barker, George F., professor, University of Pennsylvania.

Busey, S. C., professor, Washington, D. C.

Caldwell, G. C., professor, Cornell University, Ithaca, N. Y.

Chandler, C. F., professor, Columbia University, New York.

Chittenden, Russell H., professor, Yale University, New Haven, Conn.

Cornwall, H. B., professor, University of Princeton, New Jersey.

Crampton, C. A., professor, Division of Chemistry, Washington, D. C.

Cuthbert, Dr. M. F., physician, Washington, D. C.

De Schweinitz, Emile, professor, United States Department of Agriculture, Washington, D. C.

Fairhurst, Alfred, professor, chemist, University of Kentucky, Lexington, Ky.

Fleming, Walter M., physician, New York City.

Frear, William, professor, State College, Pennsylvania.

Freeman, George F., surgeon, United States Naval Hospital, Washington, D. C.

Jenkins, Edward H., professor, department of agriculture, State of Connecticut.

Johnston, Dr. William W., Washington, D. C.

Johnson, Joseph Taber, professor of surgery, Washington, D. C.

Johnson, S. W., professor, Yale College, New Haven, Conn.

Kerr, Dr. William R., ex-health officer, Chicago, Ill. He is not a chemist.

Mallet, John William, professor, University of Virginia.

The Marine-Hospital Service reject in their rules all alum baking powders or any food containing alum. It is a drug, and no chemist has ever testified that in any food that goes into the stomach of any animal the particles that form alum are found. It is a poison, and it is so testified to by every one of these witnesses, some in one form and some in another.

McMurtrie, William, professor, consulting and analytical chemist.

Mew, W. M., professor, Army and Medical Department, United States Government.

Morton, Henry, president of Stevens Institute, Hoboken, N. J.

Munroe, Charles Edward, professor of chemistry, Columbian University, Washington, D. C.

Mott, Henry A., professor, New York City.

The United States Navy refuses, under the direction of the Surgeon-General, to have alum used in any of the products that go into the food of the men of the Navy.

Prescott, Albert B., professor, University of Michigan, Ann Arbor, Mich.

Price, A. F., medical director United States Naval Hospital, Washington, D. C.

Smart, Charles, lieutenant-colonel, assistant surgeon-general, United States Army.

Sternberg, George M., Surgeon-General United States Army, Washington, D. C.

Stringfield, C. Pruyn, professor, Chicago Baptist Hospital, Chicago.

Thurber, Francis B., president American Grocer Publishing Company, New York City; not a chemist.

Tucker, Willis G., professor of chemistry and director of State board of health, State of New York.

Vaughan, Victor C., professor, University of Michigan, Ann Arbor, Mich.

Van Reypen, W. K., Surgeon-General, United States Navy, Washington, D. C.

Wayne, E. S., professor, Cincinnati, Ohio.

Weber, H. A., professor, Ohio State University, Columbus, Ohio.

Wiley, Prof. H. W., Chief Chemist, Department of Agriculture, United States, Washington, D. C.

Wise, John C., medical inspector, United States Navy.

Withers, Prof. W. A., chemist, North Carolina agricultural experiment station, Raleigh, N. C.

Wyman, Walter, Surgeon-General United States Marine Hospital, Washington, D. C.

Woodward, Dr. William C., health officer, Washington, D. C.

Mr. PETTIGREW. I have seen the statement made that the use of alum in baking powder is not harmful, for the reason that the character of the drug is changed by its use in baking.

Mr. MASON. Certainly.

Mr. PETTIGREW. Do these gentlemen answer that question?

Mr. MASON. Yes. I will show you how it is answered. What you state is right. I may not get the technical terms all right, but the carbonic-acid gas, which raises the bread, is formed by the uniting of the acid, like alum or cream of tartar, with soda. It is mixed in a dry state; it becomes moist when it goes into the bread, and then the moisture throws off the carbonic-acid gas, which raises the bread.

The best and the most carefully trained chemists and physicians combined say that if it were true that you could in each case have no residuum, in other words, after the carbonic acid is given off and the soda has consumed all of the alum, and the alum all of the soda, that contention is right, and unless there is a residuum left, something left, it is not necessarily dangerous to public health. But cream of tartar, which is a natural acid, a fruit acid made from the grape, in case a residuum is left, is not dangerous or deleterious to public health; and, indeed, they all say that the use of alum baking powder occasionally, even where there is a residuum left, is not necessarily dangerous; but that the constant use does produce these diseases, and that naturally no man is farsighted enough and no man has skill enough in advance to mix the soda and the acid in such proportions that there will not be a residuum left.

Mr. PETTIGREW. I should like to ask the Senator if what he has just stated is the sum and substance of the statements of these eminent professors on that subject?

Mr. MASON. Yes; of those who took up that branch of the case.

Mr. PETTIGREW. All those who took up that branch of the case agreed with you in that statement?

Mr. MASON. No; I was just coming to that. They called on the other side two gentlemen, both, I have no doubt, reputable chemists, and good men, so far as I know—Mr. Peter F. Austen, professor of chemistry in New York City, who stated that he had been employed by the alum baking powder company to make investigations; and also Prof. Marc Delafontaine, professor of chemistry in Chicago, Ill.; and also Mr. George C. Rew, who said at the opening of his evidence that he was a chemist, but at the close of his examination it was disclosed that he was the manager or vice-president of the Calumet Baking Powder Company, of Chicago.

So as against those three who are interested there are perhaps 50 men, not one of whom, so far as I know, has any interest, and the weight of the evidence is on that side, if the Senator was on a jury. While it is not necessarily the greatest number of witnesses, I take such men as come here from the University of Michigan, from Yale, and from Harvard, and from Cornell.

There is an insinuation in this memorial by this gentleman who tried to masquerade before the committee as a chemist that the chairman of the committee in some way knew that these distinguished men were in Chicago, and there is an insinuation that they were brought there by the Royal Baking Powder Company. So far as I know it may be true. I have no knowledge upon that subject. But I do know that the overwhelming weight of evidence convinced me as against witnesses who were simply employed to testify, and the leading chemists of this country are thoroughly convinced that it is not a proper food product.

Mr. PETTIGREW. I should like to ask the Senator a further question.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. MASON. Certainly.

Mr. PETTIGREW. Then the mass of testimony was that there must be alum left after the chemical process takes place?

Mr. MASON. No.

Mr. PETTIGREW. In the baking powder there must be some left—a residuum?

Mr. MASON. Yes; not necessarily in each case, but that there would be, in all human probability.

Mr. PETTIGREW. And that the constant use of it would be injurious?

Mr. MASON. Yes, sir.

Mr. PETTIGREW. That was the universal testimony?

Mr. MASON. Yes, sir.

Mr. PETTIGREW. Was there any testimony which showed that there were cases of injury to health as a result of constant use?

Mr. MASON. Yes; I can turn you to the testimony.

Mr. PETTIGREW. I do not care to have the Senator turn to it. I simply want to emphasize the point. I agree with the Senator. It has always been my own impression that alum baking powder is injurious, but I wanted to bring it out and make it emphatic, if the proof sustains that position. Of course, alum baking powder is very much cheaper than the other, and it would be to the advantage of the public if it were equally healthful to use it, and it would be a disadvantage to discourage its use. But if it is injurious to health, of course the question of price does not come in.

Mr. MASON. I quite agree with the Senator. I only speak now for myself. I put in the report based upon the evidence. I never examined the law. It is claimed that there is not a country in Europe that does not prohibit the use of alum. Certainly three or four of the leading countries of Europe to which I have had my attention called prohibit the use of alum in baking powder. But if I could be convinced that, being a cheaper product, it was healthful, if it is the desire to pass this bill or the bill introduced by the Senator now in the chair, leave out that question. The main thing I want to get is to establish a standard of food products, and if the prohibitive bill does not pass I still want one bill to fix the standard, to give a start for this department which we ought to have in this country, and which every other civilized country in the world has except ours.

You go to your hotel or your boarding house. You sit down to flour bread. You absolutely do not know; it may be or it may not be pure flour bread. You lift your pepper box, and 60 per cent of it is, or may be, ground cocoanut shells. You ask for mustard—

The PRESIDING OFFICER. Will the Senator suspend a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. GALLINGER. I ask that the bill may be temporarily laid aside.

The PRESIDING OFFICER. The Chair hears no objection, and it will be temporarily laid aside. The Senator from Illinois will proceed.

Mr. MASON. I wish to be understood in this matter, Mr. President, after calling, as I did call, as chairman of the committee, on the leading professors of every college in New England, and every one of them condemned the use of this article of food, yet to-day when you buy your food in a dining car, hotel, or boarding house you are getting it, and you are getting it because some of the Senators may say hereafter it is a little cheaper. Yet one of the best physicians in Chicago testified that in his judgment a large percentage of the disease of this country was attributable to the perpetual and continual use of alum.

I have no desire, and I dislike as much as anyone, to enter into this contest. I know what that sort of warfare means. I appreciate it here every day when people can file memorials of this kind. But you can not stand here and fight the people who adulterate the food of this country without having that sort of a fight on

your hands, and if they insist on that sort of a fight, so far as I am concerned I shall have to trust to my health and to the Lord to get through with those people.

Mr. PETTIGREW. I should like to ask the Senator a further question.

Mr. MASON. Certainly.

Mr. PETTIGREW. I feel at liberty to ask questions, because the Senator invites it.

Mr. MASON. Yes, I do. It is one of the best ways to get the facts before the Senate and to get the people interested in it; and I think it is a very important question.

Mr. PETTIGREW. In cream of tartar baking powder is there any chemical change that goes on in the bread as the result of its use?

Mr. MASON. Exactly the same.

Mr. PETTIGREW. I have heard it said that the residuum was Rochelle salts, and that that was injurious.

Mr. MASON. Yes; Mr. Rew, who, as I said, masqueraded as a chemist, brought in some Rochelle salts, which he said was the residuum. No, he did not say it was the residuum. No one testified that, not even Mr. Rew, the vice-president of the Calumet Baking Powder Company, but those who have testified at all about it testified that when there is a residuum it is the residuum of a natural fruit acid, and it is not an astringent, as alum is—and you know what alum is if you ever as a boy had taken it in your mouth.

Mr. PETTIGREW. So there is no injurious result in the use of cream of tartar?

Mr. MASON. Everyone who has testified upon this subject says there is not.

Mr. PETTIGREW. The combinations, then, of that acid with the soda which produces the gases that raise the bread does not produce a chemical result that is injurious in any way?

Mr. MASON. No, sir; I say there is no reputable chemist who has been before this committee who has testified to anything of that kind.

Mr. PETTIGREW. I knew the Senator was familiar with the evidence, and I wanted to bring that point out, because it is important.

Mr. MASON. That is right. That is exactly the evidence. Now, I do not say that there may not be other evidence to be produced; and if there is, we are ready to hear it; we have never closed the door; but after hearing what this evidence was and waiting a year for those gentlemen, we thought we would make a report to the Senate of the true situation.

Mr. PETTIGREW. I noticed something—I do not know whether it was a memorial or not—that was placed upon our desks. I glanced through it, and in it the statement was made that the result of using cream of tartar baking powders is Rochelle salts.

Mr. MASON. Yes.

Mr. PETTIGREW. I wanted to know whether there was any evidence taken by the committee that proved the truth of that statement.

Mr. MASON. The only evidence given, as I say, that tended that way was the alum baking powder officer, Mr. Rew, who came before the committee as a voluntary witness and testified that he was a chemist, and then produced in a bottle some Rochelle salts which he said was produced in some way from cream of tartar.

Mr. PETTIGREW. There was no other testimony?

Mr. MASON. Not before the committee, as I now remember, and I was before the committee, I think, every day except one or two.

Mr. PETTIGREW. Did the chemists who came before the committee, these professors, generally testify—was it the result of their evidence—that the cream of tartar baking powder is healthy and does not leave a residuum which is injurious to health?

Mr. MASON. Yes; I say emphatically yes; that the weight of the evidence is that wherever any of these distinguished men, who have a national reputation, the leading chemists of the colleges, were interrogated upon the point, they stated that fact, every one of them, to my recollection. Of course I am only speaking from memory now; but not one of them said that there was a prospect of anything deleterious coming from the use of cream of tartar, and the reason for it was given that one was a fruit acid and the other was a mineral acid.

Mr. PETTIGREW. Are there any other kinds of baking powder except those made from cream of tartar and alum?

Mr. MASON. No; but there is another baking powder. I will get the name of it in a moment.

On the question of extracts I had spoken but briefly when I was diverted for some reason or in some way. I think it is more grossly adulterated, but perhaps there is not so much danger from it from the fact that it is used in such small quantities. In all of these adulterants—for instance, Dr. Wiley testified that in salicylic acid it is put in beer to preserve it; that is, it destroys the germ life and prevents fermentation.

It is put in in such small quantities that people drinking mod-

erately are not injured by it; but in the extracts in one year nearly that we were taking evidence, there was but one manufacturer in the United States who offered to have this committee go through his factory from top to bottom and examine everything he had. We adopted the same rule as to extracts that we did as to every other food product. We went into the open market and bought it, and sent it to Dr. Wiley, who is the Chief Chemist in the Department, and he analyzed it. Now, take vanilla extract. Ought there not to be a standard fixed? Ought there not to be some way that the consumer may be protected and the honest producer protected?

The bill which I had the honor of introducing and which, as I said, was prepared by Dr. Wiley, will, I believe, fix a standard. I do not think the bill is perfect. It will be a step in the right direction, and it will be taken if I can induce the Senators of the United States to read only one-half of the evidence that has been taken here as to the adulteration that is being practiced. Why, take the question of jellies alone. Take a pail of glucose, which is in itself healthy if it is properly made. It will have a teaspoonful of acid that would eat your hand off if you put it into it and stir it in. This is the evidence sworn to before the committee.

Sometimes they will get the apple parings from an apple-paring factory, or from some apple-drying establishment, and boil them out so as to give a little apple flavor; but as a rule not. They put in aniline dyes in the glucose to sour it, or rather to color it, and the acids to sour it. I said to one man who made it, "Now, that is apple jelly?" "Yes." "How did you make it?" He told me. I said, "This is currant jelly?" "Yes." "How did you make it?" He said, "I made it just as I did my apple jelly, except I put in a little more red."

Now, those things are sold, and they are sold, as a rule, to poor people, who have not an opportunity, who have not the ability, who have not the chance, to put away their own preserves. Every man should be prohibited from putting into the manufacture of food products in this country those dangerous acids. As I said, if one child would only eat one slice of bread with one spreading of this once a day, the danger is not there, but it is a cheap product and they say it is cheap. They recognize this because it is cheap; it looks like the genuine thing, and you go down among the poor people and you find them using what you would not permit to go into the stomach of your child if you knew it. I say that this is the only country in the world that does not have some standard fixed.

Upon the question of beers, ales, and porters we have now what is known as the Pasteur process. They preserve beer that is put in bottles. That process was invented by Pasteur. The beer is put into a large vat and boiled up to a temperature so that it destroys all germ life. But you can not apply that pasteurizing process to beer in the cask. And so it has become a temptation among the beer makers of this country. Some of them have testified that they use small amounts of salicylic acid. I do not believe it ought to be permitted at all, because if a brewer or brewmaster simply neglects his business and it is liable to destroy his beer in a few days, he ought not to be permitted to use 1 ounce of salicylic acid in a barrel of beer, because if he uses 1 ounce to-day, he may use 10 ounces to-morrow.

I notice the Senator from Wisconsin [Mr. QUARLES], who lives in Milwaukee. They do not do it there.

Mr. QUARLES. They make pure beer there.

Mr. MASON. Yes, sir; they do, and the testimony of experts proves it. We had testimony before the committee. We had the evidence of that great manufacturer up there. What is his name?

Mr. QUARLES. Pabst.

Mr. MASON. He testified that he did not use an ounce of that, and the evidence of the Agricultural Department before the committee is that his testimony is true. Not an ounce or a drop of salicylic acid was found in his bottle, and that is to be said to the honor and credit of a man who will manufacture it. Now, any other man can make it without that preservative. If every brewmaster was a doctor, or skilled, and put into a position so he could handle these poisonous things with safety, I should not object to it.

But I propose to present a bill to the Senate, even if I have to make a minority report from my own committee, which will prohibit the use of these deleterious things in manufactured goods. Honest manufacturers do not need them, and I do not see why we should permit the others to make up for their lack of intelligence and their lack of diligence by putting a lot of preservatives into their goods which diligence and proper attention to their business would have made it unnecessary for them to do. I want to say that the committee investigated this subject very fully.

There has been a demand from some people that the beer of the country should be made from nothing but hops and malt. I had great pleasure in reading the report made by Mr. Gladstone. I think he took some two years in the investigation of the question

as to whether the brewmasters should be permitted to use anything but hops and malt in the manufacture of beer. In most of the German States they prohibit the use of anything else, but, as a matter of fact, in this country we find that the maltsters contend that certain of their customers and consumers want a lighter-colored beer that is produced by the use of corn or rice in an unmalted state. Every man who has testified before the committee has said that rice or corn is just as healthy a material to be used in food or beer as malt made from barley. Mr. Gladstone, after giving over two years to the examination of this question, reported that the brewmaster ought to have the absolute liberty to make his beer from whatever cereal he chose; and that is the English system to-day.

There has been a contention before this committee, but only by one or two people, that American beer was unhealthy because it was made lighter; that while using a certain amount of malt and hops they used a certain amount of corn or rice; but there was no evidence before the committee that that in any way deteriorates or weakens the virtues of the beer. Therefore the committee, without a dissenting voice, after hearing the evidence, agreed that there should be absolute liberty to the brewmaster to use whatever cereal he wanted, so long as he used none of the preservatives and none of the things that are deleterious to the public health.

The committee have taken up many of these different subjects, and I want to make just one or two additional suggestions.

Mr. GALLINGER. On the subject of beer, I understood the Senator to say that the adulteration is more noticeable in the foreign than in the domestic beer.

Mr. MASON. Yes. I should have said the preservatives. I will tell the Senator why it is so. The pasteurizing process, which you understand is the boiling of the beer after it is in the bottles, can not be accomplished when the beer is in casks, when they ship casks of beer, for instance, from Bavaria, in Germany. There is not any State in Germany but what says, "You must have so many bushels of barley to so many barrels of beer, if you want to sell it to Germans, but if you want to send it to America, you can put in all the preservatives you want to keep it from spoiling before it gets over there."

Mr. GALLINGER. I want to ask the Senator a question. I noticed the tribute he paid to Milwaukee beer—

Mr. MASON. That was suggested by the Senator from Wisconsin (Mr. QUARLES), who lives in Milwaukee.

Mr. GALLINGER. I am not an expert on the beer question, I will say, but I want to ask the Senator—and he need not mention names—whether or not he found inferior beer or adulterated beer or beer that had these preservatives in it which was manufactured in this country?

Mr. MASON. Yes, we did; and some of the people testified that they used them. We had an analysis of 140 or 150 samples of beer by the Agricultural Department, where we had sent them to be examined, and out of those samples a very small percentage was found to contain these preservatives. I will say that there is no excuse for using them in bottled beer.

Mr. GALLINGER. There is no need of it?

Mr. MASON. There is no real need of it. It is simply a matter of laziness on the part of the brewmaster. It is merely a matter of boiling the bottles of beer in great vats, and instead of doing that they find it a little cheaper to put in preservatives, which destroy the germ life and prevent fermentation.

The question of oleomargarine has been covered by the law to which I have called attention. There are two general laws regulating the question of food adulteration. I do not now desire to take the time of the Senate to discuss that question, but it is undoubtedly true that late developments show that there must be something done in the way of a more rigid enforcement of the present law. I have it, not officially, before the committee, but it appears now that hundreds and thousands of pounds of that product have been shipped, the stamp taken off, and the product sold for butter. I had supposed at the time of making this report that the present law was sufficient to protect the consumer and to protect the honest manufacturer of dairy butter, and I do not know but that it is sufficient now if we had plenty of men to enforce it; but late developments show that there has been a great deal of wholesale robbery going on by avoiding the existing law.

At the time of making this report we thought the present law was sufficient; yet there may be some additions which the committee will gladly hail and recommend, which will protect the honest manufacturer of butter against the unjust competition of the people who make oleomargarine. Oleomargarine is a healthy food product. Every chemist and every physician who testified before the committee so stated. Indeed, there was no contention to the contrary by the gentlemen representing the Dairy-men's Association. It is a product of the farm, just as much as butter is a product of the farm. But what we contend for is, as we did in the case of the pure-flour bill, that we do not want corn to mas-

querade as wheat, and we do not want oleomargarine to masquerade as butter. It seems to me if the present law was enforced that the people would have protection.

Mr. SCOTT. Will the Senator allow me to interrupt him a moment?

Mr. MASON. Certainly; I shall be glad to have the Senator do so.

Mr. SCOTT. If the Senator will glance over the bill I recently introduced in regard to oleo, I think he will see that proper protection would be afforded by it. Having lately occupied the position of Commissioner of Internal Revenue, I know something of the difficulties which present themselves to the purchaser to know whether he is buying butter or whether he is buying oleo. An article ought to be so represented to the purchaser that he may know what he is buying; and I hope the Senator will give that matter his attention.

Mr. MASON. I am very much obliged to the Senator. He is a member of the committee of which I have the honor to be chairman, and I think the suggestion in his proposition is to have each package marked.

Mr. SCOTT. Yes; to have what it is imprinted on the article.

Mr. MASON. Yes; to have it imprinted on the article itself. That will be an additional guaranty to the consumer as to what he is purchasing. It does not seem as though anyone could possibly object to such a provision as that.

Candies and confectionery are the source of a good deal of trouble in this country, and we found it difficult to get at the real facts regarding them. I subpoenaed before the committee the leading confectioners of Chicago, and every one of them testified that he had stopped the use of aniline dyes, and that he did not use terra alba or ground earth; and yet the analyses showed adulteration, though not in their product. It so happened that I knew these gentlemen by reputation, they being confectioners in the city where I have lived for many years; and they all testified that they had never used or had abandoned the use of terra alba in confectionery.

I think Senators can hardly fail to appreciate the importance of having the confectionery of this country made safe. If there is any class we ought to protect, it is the children. They get money in the most inconceivable ways. There never was a boy or a girl born, in my judgment, who would obey the rules of home government in regard to confectionery. I have known children to be perfectly faithful in regard to every other thing in life, from the morning to the evening prayer, but they always slipped a cog when it came to getting money to buy candies, and you never saw a confectioner who hesitated to sell to the child whatever he had the money to pay for. Those of us who have been up at nights in settling with the confectioners understand and appreciate this.

As a matter of fact, some of the evidence before the committee shows a very sad situation. The confectioners all claim that they have stopped it now. But why should there not be a standard fixed for confectionery just as well as for bread? Honest confectioners favor it. It is the same principle as with the brewers. All the brewers who appeared before the committee said, "We are willing to have a standard fixed upon our product, a Government standard that a pint of beer shall contain so much or so little of alcohol and so much of malt extract." All of the large and small brewers said, "We are willing to have a standard fixed." But the small brewer finds in competition with the large brewer that he can not produce as cheaply, and he begins to adulterate and sophisticate his goods until you can almost buy them cheaper than you can buy lake water in some places; finally, their beer contains almost no malt extract at all.

This is a serious question so far as that is concerned; and the report of the committee is that on all goods, whether candy for the children or honey on the table for us old folks, or beer or wine or anything else, these preservatives are not safe in the hands of the manufacturer, and that he frequently uses them to cover his own negligence, to cover up the defects in his own manufacture; and that the Government of the United States ought absolutely to prohibit such a practice. I do not believe that aniline dyes ought to go into confectionery. There is an amendment pending before the committee to that effect.

When glucose goes into any food product it should be marked. Certainly that is fair when glucose masquerades as honey. We found that some people made a very fair quality of maple sirup by boiling hickory bark and pouring it into glucose, but it should be marked as containing glucose.

We want to be fair to the confectioners of the country, whose representatives have been before the committee. They say, "Our confections do not pretend to be made of cane sugar or beet sugar; and so long as we do not use any deleterious substance like terra alba, so long as we do not use any aniline dyes or any material which would be poisonous to the children of the country, and so long as we make a confection, a sweet, so called, why should we be obliged to mark it as containing glucose?" That is one of the

amendments to be voted on, and I make this statement so that we may all have a fair understanding of the question.

I confine myself to glucose used to deceive the public, as it is in the case of sirups and honey, in which case it ought to be marked for what it is; but where it is used in confectionery—as it is a pure, healthy food product—I should not insist, at least against the judgment of others, that it should be marked. However, I am perfectly agreeable to accept the wisdom of those who are to pass upon it when we come to it.

The whole question is very important; but as to the details of it I shall not be particular if we can only get a general statute which will fix a standard of food, so that when you, Mr. President [the President pro tempore in the chair], go to your home or to a hotel or a boarding house and sit down to eat, you will know what you are getting. I say to you that, after two years' experience on this committee, I do not say that all foods are adulterated, but I say that while the large portion of the food products we send out of this country are the finest in the world, they are made so because of our inspection law, as is the case with wheat flour. But I say everything from your pepper box to your dessert, your ice cream, your vinegar, is liable to be adulterated with substances which are not fit to go into the stomach of a human being or of any animal.

We considered the question of cream of tartar. Dr. Wiley, of the Agricultural Department, went, for the committee, to a number of different places to buy cream of tartar. His evidence shows—I only state this from recollection—that he bought cream of tartar in seven different drug stores and groceries, and but three of the samples were pure cream of tartar. They were "C. T. S." cream of tartar substitute, which is a preparation of alum; and even in the drug stores, where they are supposed to keep pure cream of tartar, that was the case.

There is one subject which we expect to embody in the bill which I think is probably as important as any other, and that is to prevent absolutely the importation of foreign articles of food the sale of which is prohibited in the country where they are produced. I have shown how they bring in "black jack" and call it coffee and sell it for coffee. If they sold it in Germany, they would be arrested and fined, and yet they sell it here.

Our analysis shows how imported beer contains these preservatives; and anyone can see at a glance the necessity for them when it is shipped across the water for thousands of miles, lying out for weeks and months, and not being in bottles, so that, it not having been previously submitted to the pasteurizing process, they put in these preservatives; and yet if they should put an ounce of preservative in beer in Bavaria to be used there, they would be punished for it. There is, however, nothing in any law of Germany which protects our people against the manufacturers of adulterated beer or coffee or anything else; there is nothing which prevents them from sending such articles to America in any shape they please. The law in Bavaria which says you must have so many bushels of barley to every barrel of beer does not apply to the export trade.

What I hope is that we will take some action which will prohibit the importation into this country of goods the sale of which is prohibited in the countries from which they come; and this is a matter which should receive attention.

Mr. President, I have taken more time than I intended. I beg Senators to examine this subject. I can not ask them to read all of this evidence, for it consists of a good many hundred pages, some six or seven hundred.

I want again to restate what the committee of which I was the chairman propose to you. First, that all foods which are manufactured and which are sophisticated shall be marked for what they are; second, that food which is deleterious to public health be prohibited, and that the shipment of it from one State to another or its manufacture and sale in any District or Territory or insular possession shall be prohibited. The reasons for this, which I ask you to remember, are, first, to protect the honest manufacturer from unfair competition; second, to protect the consumer, who has a right to know what he buys; and, third, to give credit and character to the goods of America, as we did in the case of flour, so that we may increase the sale of the products of American factories and American farms in other countries.

I am exceedingly obliged to those Senators who have been kind enough to hear me, and I expect to ask for a day as soon as the appropriation bills, which are now pressing, are disposed of, to consider the report of the committee.

ARMY APPROPRIATION BILL.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

Mr. HAWLEY. I call attention to the absence of a quorum.

There are some Senators who I know desire to be here when the bill is considered, who are now absent.

The PRESIDENT pro tempore. The Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Bacon,	Gallinger,	Money,	Sewell,
Bard,	Hansbrough,	Morgan,	Shoup,
Bate,	Harris,	Nelson,	Simon,
Berry,	Hawley,	Perkins,	Spooner,
Burrows,	Heitfeld,	Pettigrew,	Stewart,
Carter,	Hoar,	Pettus,	Taliaferro,
Clark, Wyo.	Jones, Ark.	Platt, Conn.	Teller,
Deboe,	Jones, Nev.	Platt, N. Y.	Tillman,
Depew,	Lodge,	Proctor,	Turner,
Fairbanks,	McComas,	Quarles,	Vest,
Foraker,	McCumber,	Ross,	Warren,
Frye,	Mason,	Scott,	Wellington.

The PRESIDENT pro tempore. Forty-eight Senators have responded to their names. A quorum is present.

Mr. TURNER. Mr. President—

Mr. TILLMAN. If the Senator will permit me a moment, I should like to offer an amendment.

Mr. TURNER. I yield to the Senator.

Mr. TILLMAN. I offer the amendment which I send to the desk, to be added at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, and to ascertain the loss or injury, if any, that may have been sustained by such claimants, and certify in a report to Congress the amounts he finds to be equitably due from the United States to such claimants. That all claims not presented to the Secretary of War under this provision prior to the 1st day of January, 1901, shall be forever barred.

Mr. HAWLEY. I make the point of order against the amendment. It is providing, I believe, for a commission to ascertain certain claims against the United States, and it does not pertain to an appropriation for the Army.

Mr. TILLMAN. I hope the Senator will not press the point of order.

Mr. HAWLEY. I feel obliged to do so.

Mr. TILLMAN. I will have to ask the Chair to rule upon it after I have explained its purpose.

The volunteers who were assembled during the Spanish war were in camps at various places in the United States, principally in the States of Georgia, Alabama, and South Carolina. There was more or less injury to the surrounding property of citizens, mostly farmers. These claims which have been sent up to me among others amount to very little.

The Secretary of War has no authority to adjust them or even to find out whether the Government owes or not. There is a continual stream of complaints coming up that such and such damage was done. No doubt lots of them are fictitious. This amendment simply provides that through the machinery of the War Department, with the officers at its command, while there is nothing much for them to do, a board shall be sent down there to take testimony and put on record the amount that the Government through its own officials—nobody else to determine it—will say is just and proper.

Mr. SPOONER. Mr. President—

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

Mr. TILLMAN. I yield.

Mr. SPOONER. What is the nature of the claims?

Mr. TILLMAN. For instance, a brigade would be out drilling; they would run over some man's crop and trample it down. They did not have sufficient space within the camp that had been provided by the Government, and they simply went where the line of march and evolutions took them. I suppose they stole some man's fruit or some little odds and ends like that, for soldiers will do those things. But they are for trifling amounts, so far as I know, and can not amount, I suppose, take it all in all, so far as the South is concerned, to a hundred thousand dollars. The men who are injured are poor people. I refer to those who have appealed to me. I do not suppose any of them are worth \$10,000. They need this money, and, if the Government owes it, I think it is only just and proper that the Government should take some measures to find out what the damage is and settle for it.

I hope the Senator from Connecticut will not press the point of order, but will let the information be obtained, and let Congress next year act as it sees proper.

Mr. HAWLEY. Mr. President, I am not convinced that this has anything to do with an appropriation bill for the support of the Army. If the Senator can persuade the Committee on Claims to present a bill providing for a commission or any Army board.

we can afford to give it consideration, but I hold that it has no place on the Army appropriation bill.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. TILLMAN. Of course, I have to yield to the apparent lack of consideration of the chairman of the committee for what every one must realize is a perfectly just and proper thing. It is well understood that small matters like this have great difficulty in going through as special bills, but I myself introduced this as a special bill and had it referred to the Senator's committee, and it has been lying there a month. It may lie there ten months or possibly five years and not get a favorable report, simply because the Senator is overworked and has so many things on his hands that he has not time to examine the matter. It goes to the House and it dies there, and these wrongs to poor people go on, simply because we have red tape here.

Mr. HAWLEY. Such a bill ought not to have been referred to the Committee on Military Affairs. It ought to have gone to the Committee on Claims.

Mr. TILLMAN. They are claims arising from the Army, and I thought it was germane to have the War Department go to work and discover and report what damage had been done from the occupation by the Army of this country with its camps.

Mr. HOAR. May I be allowed to make a suggestion to the Senator from South Carolina before this matter passes away?

Mr. TILLMAN. With pleasure.

Mr. HOAR. If he will put in a simple call on the Secretary of War to give to the Senate such information as he has regarding claims of this class in his Department, the petitioners can then send to the Secretary of War, being informed of that purpose, their claims and the Secretary of War can then inform the Senate what the amount of the claims are on file, or made to his Department, and very probably he would accompany that report with a recommendation on his part of a method of trying the question and disposing of it. I suggest to the Senator that might accomplish his object.

Mr. TILLMAN. I have already done that. I have been to the War Department and presented these claims and filed them. I was notified that nothing could be done, that it required additional legislation. I then came back and put in a bill, and I cannot get any action on that.

Mr. HOAR. Has there been any authoritative communication to the Senate by the War Department of the information in its possession in regard to this class of claims? That is the suggestion I make.

Mr. TILLMAN. The Senate has not called for this information, but the War Department has informed me that it requires legislation here in order to obtain anything at all.

Mr. HOAR. If I may be permitted, my purpose, I desire to say—

Mr. TILLMAN. I understand that the Senator's purpose is a friendly one, and that he wants to facilitate the payment of this money, and I thank him for his kindly interest.

Mr. HOAR. I want to say, further, that I have had a very large experience, I think more than any other man in this body, in regard to this general subject. That may be too strong a statement, but I think not. I went on the Committee on Claims when the war claims growing out of the late civil war, which amounted to a great many millions, were before Congress, and we had to work out the rules and the policies which we would adopt in dealing with that important question and apply them to individual cases. I suppose in general the country has been satisfied with the policy which was adopted—just to the Treasury and just to the petitioners.

Now, my suggestion is that the Senate by resolution call upon the Secretary of War to give us such information as he has in regard to the existence of this class of claims, and to suggest to the Senate some policy for the Department in dealing with them.

Mr. TILLMAN. I have had a letter from the Secretary of War—

Mr. HOAR. That is a different thing from a private conversation with Senators. I think that would bring a communication. We should know whether there are a few thousand dollars or two or three hundred thousand involved, and we should have the Secretary's idea of what is the best way of dealing with the matter, and then I think the Senate would adopt any recommendation made by the Department. I merely make that suggestion.

Mr. HAWLEY. The Senator from Massachusetts means by an independent inquiry?

Mr. HOAR. By an independent inquiry.

Mr. HAWLEY. I will vote for it with pleasure.

Mr. TURNER. I now offer the amendment which I submitted last evening.

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

Mr. TURNER. Before the amendment is read I wish to appeal to the Senator from Connecticut to suspend judgment on the

merits of the proposition and to withhold a point of order, if he has one in mind concerning it, until I have made a statement in reference to the matter.

Mr. HAWLEY. I will wait until the Senator from Washington can be heard.

The PRESIDENT pro tempore. The amendment moved by the Senator from Washington will be stated.

The SECRETARY. On page 12, after line 17, insert:

And such further sum as may be necessary to accomplish the following: That all officers and soldiers in the volunteer service of the United States who were serving in the Philippine Islands at the time they were entitled under the law to muster out of service, and who continued in the service in said islands after said period and were thereafter transported at the expense of the United States to this country and here were mustered out, shall be entitled to receive travel pay and commutation of subsistence from the port of embarkation in the Philippine Islands to the place in the United States where their muster out took place at the same rate and to the same extent that officers and soldiers of the Regular Army would receive such allowance if discharged in the Philippine Islands by reason of the expiration of their term of service or otherwise: *Provided*, That the actual cost to the Government of conveying and subsisting such volunteer officers and soldiers on Government transports from the said Philippine Islands, and the monthly pay allowed them for the period while in transit, shall be deducted from the allowance provided for by this act.

That the proper accounting officers of the Government shall determine the cost of conveying and subsisting the several volunteer organizations affected by this provision from the Philippine Islands to this country, and shall prorate equitably between the members of said organizations, and on the basis of the amount of travel pay and subsistence due to each person, the cost of such transportation and subsistence, and charge the same against the amount due each individual, and shall ascertain and find all other facts necessary to determine the amount due the several individuals in said organizations under this act, so that the same may be paid to them directly on their own application on forms to be furnished by said accounting officers.

Mr. TURNER. Mr. President, I wish to state as briefly as I can the nature of this amendment, first, for the purpose of showing that it is in aid of existing law and therefore not amenable to a point of order; and in the second place, for the purpose of showing that it involves a proposition so meritorious and just that upon grounds of justness and equity my honorable friend on the other side of the Chamber who has charge of the bill ought not, even if it be amenable to a point of order, to urge it against the adoption of this legislation.

This amendment, as will be observed, applies to volunteer soldiers and officers who served in the Philippine Islands, and only to such of those as served after their terms of enlistment had expired, and who, instead of being discharged in the Philippine Islands, as they were entitled to be, were ordered home under the orders of the War Department for the purpose of being discharged here and for the purpose of preventing a charge against the Government in their behalf for travel pay.

It does not, however, propose to give them full travel pay. It proposes to give them travel pay minus the cost to the Government of bringing them home, and provides that that cost shall be equitably ascertained by the War Department, and deducted from the travel pay to be due to each of them under this amendment.

This amendment, as I understand, applies to about 10,000 of our volunteer soldiers and officers. There were volunteer organizations in the Philippine Islands from seventeen States and Territories. Probably when they originally went out there there were 12,000 or 15,000 of them. Taking those who were killed, those who were wounded and invalided and sent home, and those who remained there under reenlistment, I do not think it can be said that there are over 10,000 men who will be included in the effects of this amendment.

They do not come from any particular section of the country, but from all over the country. They come from New York, Pennsylvania, Iowa, Tennessee, Kansas, Nebraska, Wyoming, Utah, Minnesota, North Dakota, South Dakota, Montana, Idaho, Oregon, Washington, California, and Colorado. Possibly organizations from some other States and Territories may have been in the Philippine Islands besides those I have mentioned here. No doubt a great many of the men who were in those organizations come from other States. So this proposition affects 10,000 men scattered all over the United States.

Up to the time their places had been taken by the provisional army established under Congressional legislation to go to the Philippine Islands the law had been that those persons who were discharged from the Army should be entitled to travel pay. That is found in the Revised Statutes as section 1290. This is the provision of the law:

SEC. 1290. When a soldier is [honorably] discharged from the service [except by way of punishment for an offense], he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every 20 miles.

As I say, up to the time that the places of these volunteers had been taken by the provisional army organized for the purpose of taking their places—and it was nearly a year after they were entitled to their discharge—all whose terms of enlistment had

expired in that country and elsewhere who were discharged there—under were permitted to come back to their homes at their own expense and receive this travel pay. But when it was found that it was necessary to discharge ten or twelve thousand men, the Department thought this expense would be a great drain on the Treasury, and it changed its policy by special orders of the War Department, providing that instead of being discharged at the point where they were at the time of the expiration of their term of service they should be sent home upon Government transports and discharged. That action is the basis of this proposed amendment.

But an exception to this rule was made, which I think it is well for the Senate to understand, and that was that any of the volunteers who would remain upon this foreign service and reenlist should be entitled to travel pay from the point of their discharge back to their home, notwithstanding the fact that they were not to travel there at all. I find this order in a communication on this subject made by the Secretary of War to the Senate:

[General Orders, No. 67.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 11, 1899.

By direction of the Acting Secretary of War, the following instructions are published for the information and guidance of all concerned:

When soldiers belonging to organizations, regular or volunteer, serving in Cuba, Porto Rico, Hawaii, and the Philippines, are discharged under provisions of General Orders, No. 54, March 22, 1899, from this office, immediately reenlist in the Regular Army, they will be entitled to travel allowances for land and sea travel involved from place of discharge to place of previous enlistment.

The commanding generals in Cuba, Porto Rico, Hawaii, and the Philippines are authorized to discharge such enlisted men of the volunteer organizations as may be selected by Signal Corps officers, for service in the Regular Army, provided the men reenlist for three years in the Signal Corps. Men when so discharged will receive the allowances provided for in this order.

By command of Major-General Miles:

H. C. CORBIN, *Adjutant-General.*

The observation I desire to make right here is, that these boys who remained in the volunteer organizations fighting in the Philippines for a year after they were entitled to their discharge, performed every service there that the volunteers did who were tempted by this order to seek their discharge from the volunteer organizations and enlisted in the regular organizations remaining there, because all the fighting in the Philippines was done before the volunteer organizations were sent back here. We have it on the authority of the President and the Secretary of War that at that time the backbone of the insurrection in the Philippines had been broken, and there has been nothing in that country since these volunteer organization came home, except a desultory guerilla warfare.

But it was determined that these volunteers should not have this bounty of the Government, and they were packed like swine in the holds of a lot of old, antiquated, worn-out, rotten, dirty vessels and sent home at the expense of the Government. I went to the city of San Francisco for the purpose of meeting the First Washington Regiment, which came home from the Philippines only last October, and I visited that ship when she came into the harbor and went down into the hold to see what the accommodations were which the Government had furnished these volunteers in kind. I aver, upon my honor, that they were not fit, sir, for animals. I venture to say that there is not a member of this body who would go from here to Manila in the hold of one of those vessels as those boys came back, packed like sardines, for any amount of money which the Government would reasonably give to him for performing a service of that kind. Instead of calling that travel in kind they ought to have paid the volunteers double pay for packing them into these dirty holds like sardines and bringing them back in that manner.

It is remarkable, Mr. President, that this discrimination should have been made against this most deserving class of our soldiers just at the time when their service had expired and the Government had determined to dispense with them for the future.

The President himself upon a number of occasions has taken opportunity to eulogize them for their self-sacrificing devotion. The Secretary of War has done the same thing. General Otis has done the same thing. In the President's message to Congress delivered to us last December I find that he uses this language concerning the merits and deserts of these soldiers:

The rebellion must be put down. Civil government can not be thoroughly established until order is restored. With a devotion and gallantry worthy of its most brilliant history, the Army, ably and loyally assisted by the Navy, has carried on this unwelcome, but most righteous, campaign, with richly deserved success. The noble self-sacrifice with which our soldiers and sailors whose terms of service had expired refused to avail themselves of their right to return home as long as they were needed at the front forms one of the brightest pages in our annals.

Mr. President, last July the President sent this telegram to General Otis at Manila:

OTIS, Manila:

The President desires to express, in the most public manner, his appreciation of the lofty patriotism shown by the volunteers and regulars of the Eighth Army Corps in performing willing service through severe campaigns

and battles against the insurgents in Luzon when, under the terms of their enlistment, they would have been entitled to discharge upon the ratification of the treaty of peace with Spain.

Pursuant to that telegram, General Otis issued this general order to the volunteers then about to return to their homes:

[General Orders, No. 88.]

HEADQUARTERS DEPARTMENT OF THE
PACIFIC AND EIGHTH ARMY CORPS,
Manila, Philippine Islands, July 1, 1899.

Emergencies have rendered it impossible to transport to the United States the volunteer organizations of the Army of the Philippines as soon as meditated and desired, thereby preventing their members from joining their homes and reengaging in their civil pursuits for a considerable period of time after they acquired the acknowledged right to demand their release and return. Notwithstanding this unexpected detention, these soldiers have uncompromisingly given to their Government uninterrupted military service, attended with deprivations and dangers to life and health, which those of their countrymen unacquainted with conditions can neither realize nor appreciate.

This spirit of devotion to country and its announced humanitarian policy, manifested so abundantly in their individual sacrifices, has animated them from the day they commenced their long voyage of 7,000 miles of sea to engage its European enemy, then represented in these islands, and assist the island subjects to obtain social and political regeneration. It did not fail them when those subjects, freed by their efforts from the control of Spain and deceived by evil-disposed persons to distrust the beneficent intentions of the United States in their behalf, placed themselves in hostile attitude with surprising celerity. It displayed its greatest achievement during the weeks of waiting and watching, when, confined within the city limits of a single city by the battle lines of a self-constituted enemy, these men offered neither threat nor violence for insults received and the hostile demonstrations which menaced them. On the contrary, responding to their Government's commands to avoid war, they vainly endeavored to placate that enemy by peaceful and friendly assurances.

This obedience to instructions was construed as cowardice by the insurgent army and influenced it to precipitate a formidable attack, assured not only of victory but of its ability to completely destroy its declared adversary. The victory, in fact, was won and belonged to the American soldiers at the moment that attack was inaugurated, for they were then absolved from the duty of longer self-imposed restraint which they had rigidly enforced during the preceding weeks of anxious expectancy, whereby they exhibited the crowning virtue of the highest type of civilization. They had achieved the victory over themselves, and the easier task of confronting an enemy who had assailed the majesty of their Government alone remained. This they have accomplished most efficiently. Withstanding the heat of the Tropics, its scorching sun and drenching rains, overcoming every obstacle which its prolific nature and a wily, active, and courageous foe could devise, their onward march has been a series of astonishing successes. They have responded with alacrity to every demand made upon them, however desperate the consequences might appear, and have never failed to more than accomplish expected results.

To all soldiers of the department the department commander desires to acknowledge his great obligations. The country owes them a debt of gratitude which it can not repay. To the volunteers and troops of the regular establishment who pledged their services during the war with Spain only, and who have continued to render them under sacrifices innumerable, without complaint, and cheerfully, intelligently appreciating, as they did, the public necessities, even greater praise and regard are due. Some have recently departed. All others will follow within a short period of time and as rapidly as facilities can be secured. The department commander desires for them a speedy and safe return to their homes and that merited rest and public gratitude to which their exceptional services entitle them.

By command of Major-General Otis.

THOMAS H. BARRY,
Assistant Adjutant-General.

Mr. President, one would think that the President and everybody in the Administration under him, in view of these high and well-deserved commendations of these soldiers for the patriotic spirit they had manifested and the self-sacrificing devotion to duty which they had shown during their stay in those islands, would gladly seek any avenue open to them by the law to deal with them justly and generously instead of dealing with them niggardly.

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. TURNER. Certainly.

Mr. SCOTT. Do I understand the Senator to intimate that the soldiers in the recent war have been unjustly treated compared with the soldiers of the war from 1861 to 1865?

Mr. TURNER. I would not say that, Mr. President, at all. However, I think that the Congress of the United States has shown a very commendable and liberal spirit in dealing with the soldiers of the war from 1861 to 1865, and it is that liberal spirit I am invoking here now.

Mr. SCOTT. May I ask the Senator another question? Is it not true that the soldiers of the Spanish-American war were provided with Pullman cars to transport them from one part of this country to the other and that other conveniences and comforts were furnished them that were not furnished to the soldiers of the war from 1861 to 1865?

Mr. TURNER. Some of them may have had exceptional luxuries here on this coast, but I know that they did not have that on our coast. I know that the soldiers who were brought home from the Philippine Islands were packed into the hold of the dirty vessels like hogs, and that no civilized human beings ought to have been expected to be returned under such conditions.

Mr. SCOTT. Will the Senator allow me another interruption? I think there are Senators on this floor who will bear testimony to the fact that during the war of 1861 to 1865 they rode in hog cars in this country.

Mr. TURNER. Mr. President, I feel as kindly toward the soldiers of 1861 to 1865 as the Senator from West Virginia, and he

can not get up any controversy with me by reprobating the treatment which they received at that time. He can not get up any controversy with me unless he wants to say that the treatment which the soldiers of 1898 received is all right in every respect, and if he says anything of that kind, I have to differ with him.

Now, Mr. President, I was proceeding to say, when I was interrupted, that one would expect the President and his advisers to gladly grasp at any opportunity the law might afford them for the purpose of dealing justly and generously with these soldiers, and if by any oversight they had not been dealt with in that manner, that they would gladly look with favor upon any Congressional legislation designed to correct errors and omissions in that respect.

I was very much surprised, therefore, having offered this as a separate bill in the early days of the session, to find that the Secretary of War had written a letter to the honorable chairman of the Committee on Military Affairs opposing the passage of the bill on the ground that it would require an expenditure of \$7,000,000; not that the bill was not equitable and just—there was not a word upon that subject—but that we could not afford to be equitable and just to the soldiers of this Republic, because it might take a little money out of the Treasury of the United States.

Moreover, Mr. President, the Secretary of War has been imposed upon by somebody, or he would not have made the assertion to the Military Committee that this provision would require \$7,000,000, or anything like that sum. Any Senator can figure it out mathematically for himself and see that that is not true. There are not over 10,000 soldiers—

Mr. HAWLEY. Will the Senator allow me to make a remark simply by way of information? The calculation of the Paymaster-General makes it about \$7,000,000.

Mr. TURNER. I have looked for that communication. I never have been able to get it. I was down in the Military Committee room to-day trying to get it. But I say there are not over 10,000 men who will be affected by the provisions of this amendment.

Now, the provisions of law are that they shall receive one day's pay for every 20 miles that they travel. Our private soldiers get \$13.50 a month. For the purpose of round figures we will say it is 50 cents a day. So they get 50 cents for every 20 miles that they travel under this amendment, or they get \$2.50 for every 100 miles that they travel, or \$25 for every 1,000 miles that they travel. Now, it is 7,000 miles from Manila to San Francisco. Every one of these private soldiers would get, we will say, seven times \$25, which is \$175, under the provisions of this amendment; and there is to be deducted from that the cost to the Government of actually bringing them over, which I assume—I do not know that it is correct—would probably reduce the amount of this bounty which we propose to give these soldiers to about \$100. Now, there being about 10,000 of them, a hundred times 10,000 would be a million dollars for the private soldiers. One of my colleagues—

Mr. FORAKER. Will the Senator from Washington allow me to ask him a question?

Mr. TURNER. Certainly.

Mr. FORAKER. The calculation which the Senator makes, as I understand it, is based upon the supposed number of volunteer soldiers who would be entitled to this extra pay and allowance. I will ask the Senator if he has taken into consideration the number of soldiers who were enlisted for the Spanish-American war in regiments of the Regular Army, and who were entitled to their discharge under the same circumstances as the volunteer soldiers—

Mr. TURNER. No, sir.

Mr. FORAKER. Namely, upon the conclusion of the treaty of peace?

Mr. TURNER. I am simply taking into consideration those who come under the terms of this amendment which I have offered. If there—

Mr. FORAKER. I so understood the Senator, but I wanted to be confirmed about it. I wanted to say in this connection, if the Senator will allow me, that I have a communication on my table, which came to me only this morning, calling my attention to the fact that there were about 8,000 volunteer soldiers that served in the Philippine Islands during the war—

Mr. TURNER. Regular soldiers, do you not mean?

Mr. FORAKER. In regular regiments, and that they would be entitled to this same extra allowance. Quite a number of them are from the State that I have the honor in part to represent—it is said nearly 4,000—and if this amendment should be adopted, I want to offer an amendment to broaden it, so as to include those who served in the regular regiments as well as those who served in the volunteer regiments.

Mr. TURNER. I am satisfied that the estimate which the Senator has from his constituent is a very gross overestimate.

Mr. FORAKER. That may be; I know nothing about it except what is stated in this letter.

Mr. TURNER. The Regular Army, in this respect, was different from the volunteer organizations. Whenever an individ-

ual is entitled to his discharge from the Regular Army he gets it as a matter of course; but these volunteer organizations were held over there intact, being perfectly willing to waive their rights to come back home, and none of them were discharged until their places had been supplied by regular soldiers. There may be some regular soldiers who ought to be entitled to the same benefits, if we should pass a law of this kind, that we give to volunteer soldiers, but their number is very small indeed, and would not appreciably add to the number I have estimated.

Mr. LODGE. If the Senator will allow me, there certainly are a number of regulars who occupied the same position as the volunteers for whom he is trying to provide, and who ought to be included, I think, in the amendment.

Mr. TURNER. Now, Mr. President, I have just a few more words to add. So far as the volunteers who are affected by this amendment are concerned, it is certain that there are not over 10,000 of them, and upon the computation that I have made it would not require over a million dollars for their payment. A confrère sitting by me over here has made a computation as to the travel pay of the officers of these volunteer organizations under this amendment, and he finds that it would require about one-third as much for their travel pay as will be required for the pay of the soldiers, so that a million and a half dollars, at the outside, would meet this drain upon the Treasury, so far as the provisions of this amendment create such drain, instead of \$7,000,000, as estimated by the Secretary of War and the Pay Department.

Now, I think these are deserving men, and that they ought to receive the consideration of the Senate and the Congress of the United States. They are brave, courageous, heroic men, who dared all and suffered almost even to death itself in the cause of their country. In a campaign of six months made over there after their terms of enlistment had expired, they fought fifty battles and marched and countermarched hundreds of miles under the blazing tropical sun of the Philippine Islands. Some of them have told me that during that period they were not permitted for weeks to remove their clothing, and that during that time they were under the fire of the hostile guns of the enemy every day without intermission.

Mr. PROCTOR. Will the Senator allow me a question?

Mr. TURNER. Certainly.

Mr. PROCTOR. I should like to ask the Senator if it would not be just, if such legislation is adopted, that it should be extended and made general and apply to all soldiers now in the Philippine Islands? They would seem to me to have reason to feel injured if, when they come to be discharged, they did not fare as well as those whom the Senator proposes to provide for.

Mr. TURNER. I think not, Mr. President, because the spirit and purpose of this amendment is to give this as a bounty or compensation to the volunteer soldiers who remained over there a year after their terms of enlistment had expired, serving the country when they were entitled to come home.

Now, Mr. President, when these patriotic young men answered the call of their country, they understood that they were not only to be exposed to these dangers and trials and privations and sufferings, but that they were to be compelled to brave as well the perils of the sea and the dangers of a killing and inhospitable climate. Yet they answered the call of their country with alacrity, heedless of interrupted business avocations and pursuits, never, in many cases, resumed; and notwithstanding the fact that they were compelled to sunder the ties of tender love and friendship which bind and paralyze the energies of men of weaker fiber, they went over there, they served their country loyally, and they are entitled to the same treatment now when they come back here that others who went over there and did not serve the country under the same circumstances as they did, who were discharged sooner than they were, received at that time.

Mr. President, through all of their arduous service there these young, green American boys conducted themselves like trained veterans and gathered for American arms imperishable laurels, which have elevated American character to the highest pitch in the estimation of the world. Some of them sleep over there in unmarked and forgotten graves. Those of them who returned to their homes, when they were finally permitted to return, found themselves impaired in health, and many of them, physical wrecks from wounds and disease, will be subjected to the shame and ignominy of penury and want unless relieved by the generous, but just and merited, consideration of a grateful country.

This amendment which I have prepared and offered, and which I sincerely hope the Senate will be permitted to act on, is simply an act of justice toward them. Suppose it does take two or three million dollars, or even \$7,000,000, as the War Department has reported, did we not give the Cubans \$3,000,000 for a lot of rusty old guns? Did we not as an act of charity appropriate \$2,000,000 for the purpose of building roads and schoolhouses in the island of Porto Rico? Are the broken frames and ruined fortunes of 10,000 American soldiers who gave all to their country less worthy the consideration of this great, rich, powerful Government?

No one will say so, Mr. President. No one, then, should act so as to carry such an affirmation. In behalf of these soldiers I appeal to the sense of justice of the Senate, to the generosity of Senators, to their pride in the achievements of these brave, patriotic citizen soldiers of ours, and I appeal also to their sense of patriotism. They have a patriotic duty to perform as well as the men who shouldered their muskets and shed their blood, and that duty is to recognize and recompense courage and valor and worth in the defenders of our flag in order that those qualities may be found again when the flag needs defenders. There will always be found a multitude of men among our citizenship to do the great deeds which our future may require of them if they know that ungrudging and unstinted justice will follow them after their toils and privations and sufferings and dangers have gone by.

Mr. President, I appeal especially to the distinguished Senator from Connecticut, the chairman of the Military Committee, to permit this measure of justice to be done to these soldiers. He was a great soldier in that other day when the country needed defenders. He is one of the few volunteer officers yet left to us who won distinction in that day. We all of us honor him for what he did then and for his long and distinguished and useful career in civil life since that time. He is an old soldier who understands what arduous service is and how inadequate even the most generous and munificent benevolence is to recompense for such service. I appeal to him as an old soldier to allow this justice to be done to these young soldiers, as a patriot of 1861 to do justice to these patriots of 1898, and I shall be very much disappointed indeed if he declines to listen to the appeal.

Mr. HAWLEY. Mr. President, I served about four years; got every dollar that was due me, and I have no complaint to make.

This amendment I raised a point of order against because it changes existing law. It is a complete reconstruction of the pay roll, and general legislation most emphatically.

The PRESIDENT pro tempore. Will the Senator from Washington read to the Chair the existing law under which he claims this amendment is justified?

Mr. TURNER. The law is section 1290 of the Revised Statutes. It provides that—

When a soldier is discharged from the service (except by way of punishment for an offense) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind; but in case it shall not do so, he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every 20 miles.

It would seem to me that this might very justly be considered as an amendment within the language of the first clause of Rule XVI, to the effect that it is made to carry out the provisions of existing law.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I should like to ask the Senator from Washington a question. I should like to know whether this amendment which he offered was not introduced as a separate bill and referred to the Committee on Military Affairs, and I would also like to know what has become of the separate bill?

Mr. HAWLEY. The separate bill was reported adversely on the 15th of February.

Mr. TELLER. Why?

Mr. HAWLEY. I can read the report. It is a short report:

Your committee, having had the above-entitled bill under consideration, report the same to the Senate adversely, and recommend that its passage be indefinitely postponed. As the law now exists there is no discrimination between regular and volunteer soldiers in the payment of travel pay. Though prior to January 1, 1899, a few soldiers, both regular and volunteer, who had been discharged in the Philippines, were paid full travel allowances from the place of their discharge to that of their enlistment, yet the payment or the refusal of these allowances is not due any soldier as matter of right, but rests in the option of the Government. This being so, it is urged as a further reason for an unfavorable report that the Paymaster-General, United States Army, estimates that the Government would be under the necessity of disbursing more than \$7,000,000 to those who would come within the terms of this bill.

Mr. TURNER. I understood the committee to report that it would take too much money.

Mr. PETTIGREW. I should like to ask whether the committee were unanimous. Was there any objection in the committee to that report?

Mr. HAWLEY. There is no record of it. I do not remember particularly. I know it was very easily reported adversely.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. HAWLEY. Yes.

Mr. TELLER. The report says:

Yet the payment or the refusal of these allowances is not due any soldier as matter of right, but rests in the option of the Government.

I should like to ask the Senator how that option was exercised where they did make the payment?

Mr. HAWLEY. They have a right to furnish the soldier trans-

portation in kind all the way home. They transport him at their own expense, in their own ship, and in their own car, or they may pay him under the law of 1813.

Mr. RAWLINS. Will the Senator permit me a question?

Mr. HAWLEY. Oh, yes. I ought not to be talking, because the amendment has been declared to be out of order.

Mr. TELLER. We will talk on the bill then, for just a moment.

Mr. HAWLEY. Very well, then; I do not care.

Mr. RAWLINS. To illustrate this situation, there was a light battery from New York, known as the Astor Battery, which went to the Philippines. There was a light battery which went from my own State to the Philippines. The volunteers from my State went earlier. The Astor Battery was discharged from service in the Philippines, before hostilities began with the Filipinos, on the 4th of March. I understand that the members of that battery drew their travel pay in accordance with the proposition made by the Senator from Washington. The volunteers belonging to the Utah Light Artillery were entitled to their discharge in the Philippines at the time of the ratification of the treaty in the spring of 1898. They were not so discharged. They were kept in the service virtually under compulsion, ordered into the trenches, fought 50 battles, day and night, hour after hour, for a period of six months.

If this Government had done to them as it was bound to do according to the terms of their enlistment, they would have been discharged in the Philippine Islands and received their travel pay under the law. The Government now by this objection is seeking to take advantage of its own wrong, compelling those men to serve in the Philippine Islands after their terms of enlistment had expired, in order that it may deny to them what was freely accorded to the Astor Battery, which was discharged before the term of its enlistment had expired. I say this is an outrage, a wrong which no man loving justice, it seems to me, would consciously be guilty of, whether it cost \$1,000,000 or \$5,000,000.

Mr. PETTIGREW. Mr. President, I think I can clearly show the reason why the Utah battery was thus treated. South Dakota sent to the Philippines a regiment of a thousand men. They were the boys from our universities, the young doctors and the young lawyers of the State. A brighter and more capable body of men were never gathered together anywhere in the world. They enlisted to fight Spain. They enlisted to free the people of Cuba from oppression and wrong. They went to the Philippines for the same purpose. But when the treaty of peace was signed in December they asked for their discharge and it was refused. In April, after the ratification had been finally exchanged, they again demanded their discharge, when it was refused.

I demanded their discharge, at their request, of the President of the United States and the Secretary of War, but my request was denied. The governor of my State demanded their discharge and that was denied. We were told that any individual soldier who chose to ask for his discharge would be returned. Then hundreds of those soldiers sent in their applications for discharge, but those applications were returned and refused and they were kept in that service against their will; they were, in spite of themselves, conscripted and forced into that service in order to compel them to reenlist.

What further occurred? When the regiment returned to my State the President of the United States met its members at Aberdeen and told them that they had sent him word that they were willing to remain and that they desired to remain and fight. He received no cheer, because what he said to them was untrue. Five of the boys of that regiment came into my office after the President had made that statement and told me that the statement was untrue; and one of them, who had been wounded, said that the words of the President might imply that a man who asked for his discharge after hostilities commenced was a coward; and he said, "I resent any such imputation; I was in 23 engagements; I am wounded and crippled for life, and when I applied for my discharge when my term of service expired, it was not given to me;" and he added, "Any man who intimates that I am a coward under those circumstances is not worthy of my respect." Hundreds of those soldiers have written letters to the same effect.

I am coming to the question alluded to by the Senator from Utah [Mr. RAWLINS]. I said yesterday in debate:

These men reenlisted in the Philippines, and the inducement to get them to reenlist was the proposition to pay them commuted travel pay from Manila home, amounting to between five and six hundred dollars apiece, and with that bribe and that bonus they got a little over 70 of our boys to reenlist.

Mr. SEWELL. If the Senator will allow me, I should like to know what evidence he has to sustain the statement he has made.

Mr. PETTIGREW. I have plenty of letters from the men who enlisted from South Dakota.

The Senator from New Jersey [Mr. SEWELL] then said:

The Senator makes broad statements here in relation to matters which are of national importance, when he has no facts to sustain them.

After the debate yesterday I telegraphed to several of the boys in that regiment. I have a telegram in my hand from the adjutant of the regiment, in which he replies to my telegram asking

what inducements were offered to secure reenlistment of South Dakota troops, as follows:

DESMET, S. DAK., May 1, 1900.

To Senator PETTIGREW, Washington, D. C.

Volunteers were given travel pay home, five to six hundred dollars, and non-commissioned officers, if they would reenlist. Strong arguments were also used.

GEO. W. LATTIN.

I have another telegram, which is as follows:

SIoux FALLS, S. DAK., May 1.

Senator R. F. PETTIGREW, Washington, D. C.

Private soldiers were offered an amount approximating \$500 if they would reenlist for the war or until July 1, 1901.

Arthur Swenson, sergeant; Eugene L. Parker, private; Milton Crandall, musician; Elwin L. Hawkins, second lieutenant; Carl Roman, artisan; A. J. Groves, sergeant-major; Chas. Ward, corporal; John Johnson, private; W. S. Doolittle, first lieutenant.

I also have a telegram from Sioux Falls, dated May 1, as follows:

SIoux FALLS, S. DAK., May 1, 1900.

Hon. R. F. PETTIGREW, Washington, D. C.

We, as privates, were offered by General Otis about \$440 travel pay, two months' extra salary, and clothing, amounting altogether to more than five hundred, as inducements to reenlist. We emphatically declined.

SERGEANT R. F. LUCY.

The facts of the matter are exactly these: These soldiers—

Mr. TELLER. I ask the Senator, were these men discharged at the expiration of their terms of enlistment?

Mr. PETTIGREW. They were discharged at the expiration of their terms and came home with the regiment.

The facts of the matter are exactly these: These soldiers were offered this bonus of \$500 if they would reenlist, and were told that if they did not reenlist they would be sent home on a transport and deprived of the bonus.

Mr. FORAKER. The Senator says this was offered them as a bonus. Is it not true that if they were mustered out in the Philippine Islands they were given all they were entitled to under the law? They were entitled to be mustered out there, and it was at their option whether they should be mustered out there or be brought home to be mustered out; and they were entitled to travel pay and all these allowances. If they were to reenlist they would certainly elect to be mustered out there.

Mr. PETTIGREW. But the choice of whether they would be mustered out there or not was not left to them unless they would reenlist. That is the trouble. They were simply told, "We will muster you out here and give you this commuted pay if you will reenlist; but if you will not, we will send you back to San Francisco;" and they were taken back to San Francisco and there discharged. This amendment simply gives these men the pay they would have been entitled to if mustered out there.

Mr. FORAKER. It was the right, was it not, of the Government, under the law as it then stood, to either muster the soldiers out there and allow them travel pay and the other allowances mentioned, or else to bring them home and give them transportation in kind? So the Government was not enforcing anything against them, but only exercising its own right.

Mr. PETTIGREW. The law does not say, as the Senator from Colorado says, who had the option. What officer of the United States had the right under any law that anybody can cite to say to those men, "If you will reenlist, we will give you this bonus; and if you do not, we will send you home in a transport?"

Mr. PROCTOR. The Senator will not claim that the Government had not the option to furnish those returning soldiers subsistence or transportation in kind, I suppose?

Mr. PETTIGREW. Certainly not.

Mr. PROCTOR. The law especially says that the Government may furnish the same in kind.

Mr. FORAKER. Yes.

Mr. PROCTOR. But in case it shall not do so, they shall be allowed commuted travel pay.

Mr. FORAKER. Will the Senator kindly give the sections of the Revised Statutes?

Mr. PROCTOR. The provision will be found in two sections, one applying to the officers and one applying to the men—sections 1289 and 1290 of the Revised Statutes.

Mr. FORAKER. I am obliged to the Senator from Vermont for calling attention to the statutes. It is my understanding that such was the law, and that the Government has the right under the law to either muster the soldiers out there and allow travel pay, etc., or to send them home; that is, to give them transportation in kind.

Mr. PETTIGREW. I think I clearly understand the law.

Mr. SCOTT. I ask the Presiding Officer what is before the Senate at the present time? I understand that a point of order had been made, and that the President pro tempore had sustained the point of order. I want to know what is before the Senate?

Mr. PETTIGREW. I will answer the Senator that—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will state to the Senator from West Virginia that the

bill is before the Senate as in Committee of the Whole for discussion.

Mr. PETTIGREW. I was going to say a moment ago that the Senator from West Virginia [Mr. SCOTT] was before the Senate.

Mr. SCOTT. I merely wanted to know what was pending. I asked for information.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] has the floor.

Mr. PETTIGREW. The law probably is plain enough; but what I complain of is that the Astor Battery, for instance, who were discharged before they wanted to compel these men to reenlist, were given commuted pay. Somebody had the power to do it, and the men composing that battery were sent home and received this bonus. After that, when the fighting commenced, and the Administration wanted to compel our volunteers to stay and fight against their will in a dishonorable cause, they conceived the idea of compelling them to reenlist or depriving them of this bonus. That is what I am getting at. The law is plain enough. They could have discharged these men at Manila and allowed them travel pay, as they did with the men who agreed to reenlist; but they would not do it where they would not reenlist. This amendment simply gives those men who did come home, and who had been fighting for five or six months after their time had expired, the same pay as the men who were induced to reenlist by this bonus. That is all there is to it; and there is no getting around it.

The Senator from Utah [Mr. RAWLINS] complains of the treatment of the battery from his State. The men composing that battery were punished for what? For staying in the Philippines and fighting; and the New York battery was rewarded by giving them just what is now asked for the men of the Utah battery; but the Committee on Military Affairs reports the bill unfavorably, and the chairman of that committee now makes the point of order against the amendment.

Mr. NELSON. Mr. President, if the Senator from South Dakota had been a little older, if he had been old enough to have been a soldier in the war of the rebellion and had had a little of the experience some of the old soldiers had in that war, he would not have been guilty of making the remarks which he has made in the hearing of the Senate.

During that war, after our soldiers had served faithfully for three years, the Government felt that their services were more valuable than would be the services of fresh men—mere recruits—and in order to induce those veterans to reenlist the Government, in 1863 and 1864, as an inducement for them to reenlist, gave them a veteran's bounty of \$300, two months' furlough, and transportation home. Mr. President, there was no soldier or loyal citizen in those days who complained of that act and who tortured it into a wrong or an act of injustice.

Now, what are the facts in this case? Our troops were there at Manila; their term of enlistment was expiring; we needed soldiers to take their places over there: the soldiers who were there were more valuable than mere recruits at home by the fact that they had had the training and experience of soldiers and because of the saving of time and cost of transportation. Under these conditions was there anything wrong in the Government saying to those trained soldiers, "If you stay and reenlist, we will give you as a bounty all that you would be allowed for transportation and subsistence to your homes; but you are not obliged to reenlist on these terms."

If you do not reenlist the Government will either furnish you transportation and subsistence home or make you the statutory allowance therefor. The Government has always had such an option: it had it during the war of the rebellion, and during the Spanish war. It had the option either to let the soldier pay his own transportation and subsistence and receive the allowance for it, or to furnish him with transportation and subsistence. This offer of transportation and subsistence allowance for veteranizing was merely a bounty, under the circumstances of advantage to both the soldier and the Government.

Mr. RAWLINS. Will the Senator yield to me for a question?

Mr. NELSON. I will yield in a moment.

I remember very well when I was discharged at Morganza Bend, La., in 1864. I came home on my own account at my own expense and received my allowance for transportation and subsistence; but the Government could have furnished me transportation and subsistence, and if it had I should not have had my allowance.

The Government, to secure reenlistments in the Philippines, did in substance the same by way of offering bounty as in the days of the rebellion. None of the veterans of the war of the rebellion complained of this system, nor did any of their uncles or aunts or nephews complain as in these modern days; and I have never heard until to-day any complaint of this bounty offer in respect to reenlistments in the Philippine Islands. Certainly no soldiers are complaining.

I have a higher opinion than has the Senator of the young men

of South Dakota who enlisted in the service of our country in the Spanish war. I know they were more patriotic and had a higher love for their country than the Senator from South Dakota accords to them in his remarks. If those soldiers could be here and hear the remarks the Senator has made they would all resent and repudiate this attack upon their patriotism and their loyalty. No man can secure the favor or approval of real soldiers by such assaults. There was not a real soldier either in the war of the rebellion or in the recent war with Spain who would take any comfort from or who would approve any such remarks as have been uttered by the Senator from South Dakota this afternoon.

Mr. RAWLINS. Mr. President, I want to ask the Senator from Minnesota a question.

Mr. NELSON. I will answer your question.

Mr. RAWLINS. I want to ask this question of the Senator: I ask if, during the civil war, where the term of the enlistment of a volunteer had expired in any instance the Government required his services, say, six months longer without giving him the option of either going home or taking advantage of or receiving the bounty of which the Senator has spoken?

Mr. NELSON. I can speak from my own experience. I served some forty days over my time without getting permission to leave sooner and without getting a bounty. It never occurred to me that the Government was tyrannical. When the Government got ready to discharge me and allow me to go home, I left; and it never occurred to me that I had been badly treated, or that the Government was a bad Government because I served overtime.

I could have veteranized and received my \$300 bounty and two months' furlough, but not having done so I had no claims to the bounty. It was a matter of frequent occurrence for soldiers to serve overtime, more or less, during the civil war, and neither soldier nor citizen cursed the Government therefor.

Mr. RAWLINS. The question I asked the Senator was not whether he voluntarily continued in the service—he had a right to do that, of course—but where the privilege was given to a volunteer, after his term of enlistment had expired, of volunteering again for six months, say, with a bounty of \$300, or to take his discharge, if the soldier should elect to take his discharge and not receive the bounty, does the Senator know of any instance in which the Government or those in command of the Army retained a soldier against his will?

Mr. NELSON. If the emergency—the necessity—existed, soldiers were often retained after their term of enlistment expired against their will.

There were repeated instances where our soldiers served beyond their term of enlistment. I know in the siege of Port Hudson, La., in the bloody charge of the 14th of June, there were a number of nine months' regiments from New England who were in that charge whose term of service had expired, and yet there was not one of those New England boys who refused to go into battle and fight for their country, although their time had expired. Our soldiers at Manila were possessed of the same patriotic spirit, and would never have deserted their colors in the face of the enemy.

Mr. PETTIGREW. Mr. President, the other day while we were discussing the amendment to the Alaska bill an opportunity was offered to the Senator from Minnesota [Mr. NELSON] to eulogize the Scandinavian race, and to tell us what wonderful deeds they had performed under Gustavus Adolphus, and he also informed us that he was a Scandinavian. To-day, in the discussion of an amendment to the Army appropriation bill, the Senator finds an opportunity to inform the country that he was a soldier in the civil war, and was exceedingly brave and fearless. I am very glad this opportunity has been offered to the Senator to get into the RECORD.

The attack of the Senator upon the South Dakota boys because they wanted to return would be resented by them if he lived where they could get at him; but as he does not, I suppose they will content themselves with taking it out in an opinion in regard to his sample of bravery.

I ask the Secretary to read a letter from Captain Lattin, of the South Dakota regiment, upon this subject.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

DE SMET, S. DAK., January 30, 1900.

DEAR SIR: I had supposed, now that the volunteers were home, that the question of whether they were held against their will in service in the Philippines or not was settled beyond any question. No one who was there will dispute the fact that the volunteers were ready and anxious to come home as soon as the war with Spain was over. They did not expect to be held for garrison purposes and supposed that they were to be returned home at once, or at least as soon as regulars could be brought over to take their place. Any one who says that the rank and file of the volunteers wanted to stay and fight the natives is uttering a falsehood, and he must be an extremely bold liar in the matter in view of the well-known facts so easily proven by the volunteers themselves. We received an order at one time to take a vote on this question in the South Dakota regiment, but the order was countermanded before the vote was taken. It was well understood that this order was countermanded because those regiments that had voted were almost to a man in favor of returning home at once.

The vote was not what the commanding officer wanted and so it was sup-

pressed. Afterwards, when a letter that had been sent out from the War Department at Washington saying that the volunteers who wanted their discharges could get them by applying through the regular channels reached us, a considerable number of the men made out applications for discharge; but these applications were stopped by the officers in command, notwithstanding the law said that they must be indorsed and forwarded immediately. It was under such circumstances as these that letters and petitions were sent home to the governors of States, members of Congress, and some of them directly to the President himself, asking that the volunteers might be sent home according to the law under which they had enlisted and as the Government had already promised the people at home should be done.

The volunteers did all that they had enlisted to do willingly. They did more. They did all that their country required of them, and they did it notwithstanding the fact that they considered the war against the natives of the Philippines both unnecessary and unjust. That they rendered obedience to their country under these circumstances is the greater proof of their loyalty and patriotism. The attempt on the part of the Administration, who commanded them to do this work, to claim that because they obeyed their orders they consented to and approved that work is political chicanery of the worst kind.

It is probable that no records have been preserved of these things, but it is not too late to get the unwritten history from the actors themselves.

Very respectfully,

GEO. W. LATTIN,

Late Captain, First South Dakota Volunteer Infantry.

Hon. R. F. PETTIGREW, Washington, D. C.

Mr. PETTIGREW. I now offer a letter, which I ask to have the Secretary read, on the same subject, from another officer of the same regiment.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

WATERTOWN, S. Dak., January 24, 1900.

DEAR SIR: Yours of the 20th instant, requesting information as to the desire of the volunteers to return home and the reason for their being turned down, at hand.

To be exact in answering your question it would be necessary for me to look over the regimental and company records now in the hands of the Adjutant-General at Washington; but perhaps I can refer you to these records in such a way as to permit of your securing the same with but little trouble.

The first effort made by the men of our regiment to secure the discharge was about the first of the year 1899. The officers of Colonel Stover's battalion (the first) were instructed by him to notify their men that under certain orders of the War Department (I have forgotten the number) the men could apply for a discharge, giving their reasons, and that the said orders required the applications to be forwarded to the Adjutant-General's Office, whether indorsements were favorable or not. A notice of the men's privilege in this matter was also posted in the men's quarters by Colonel Stover. As a result upward of 40 men of my company (H) applied for a discharge for reasons stated (see letters sent, book Company H), and other companies of this battalion made a similar showing. The day following the matter came under the observation of Colonel Frost, and he reprimanded Colonel Stover for his action, at the same time instructing the company commanders of the regiment to counsel the men to withdraw these applications. As a result these applications were withdrawn, as the books will show, with the exception (in my company) of two men. These two refused to withdraw their applications, and they were supposed to have gone through channels as a test case. If my memory serves me correctly, one of these was M. C. Bowen, wagoner of my company, who was killed in action at Pulilan, April 24, 1899. I could tell by the records. His widow now lives in Watertown. This application may be followed from my company letters received or letters sent, then to the regimental letters received and letters sent, and so on up through brigade, division, and corps headquarters to the Adjutant-General's Office, if it was handled according to the War Department order referred to.

The second time the men would have formally expressed themselves on the matter of the discharge, if given the opportunity, was about March 1, 1899, after they had taken the line of blockhouses, while waiting for the advance on Malolos, then occupying the line around the city. My own part in the matter probably serves for the whole regiment. About that time Colonel Frost orally informed me that General Otis expected to take a poll of the volunteers for the purpose of ascertaining how many of them would be willing to remain if given their discharges and an opportunity to reenlist, receiving full travel pay to their homes upon reenlisting. He said for me to informally put the matter to my company and let him know how the men felt. This I did and found that not a man of my company was willing to remain, and so reported to Colonel Frost. Further than this the men were not given an opportunity to express themselves, as the matter was not again presented to them. The other companies of the regiment and, in fact, of other regiments expressed themselves in the same way.

Again, after the regiment reached San Fernando, with no apparent hope of being relieved from the firing line, fourteen men of my company (all that were on duty at the time) applied, through channels, for their discharge, giving as their reason that the purposes for which they had enlisted, viz, to engage in the war with Spain, had been accomplished. These letters are a matter of record, and may be found in my company letters-sent book, dated some time in May. In fact, the identical letters may be found in the documents of the company turned in to the mustering officer at the time of muster out. They were forwarded by me to regimental headquarters approved. They were returned from regimental headquarters and contained an indorsement from the colonel reading something like this: "Under instructions from corps headquarters, applications of this nature are not to be forwarded for the reason this regiment will be returned to the United States for muster out shortly." This is the nature of the indorsement, but it was in direct violation of the order first referred to from the War Department.

The regiment continued to do duty at San Fernando and on the line around the city for more than two months after these applications were made, notwithstanding there were less than 300 men in the entire regiment for duty, and that a board of doctors appointed by General Otis especially for the examination of the South Dakota regiment, as his reports must show, found less than 10 per cent of those remaining on duty with pulse and temperature normal. I am not positive just what the report was, but am sure it was less than 10 per cent.

This is the information you have requested, as near as I can give it without access to the records. I give it without any prejudice against the President, as it was and still is my belief that Otis, and not he, was at fault for the ill-treatment of the Volunteers. While I knew nothing of official reports sent in by Otis, I did know, as every other officer and soldier on the island knew, that his "unofficial" reports, as given to the public through the press,

were grossly false and misleading from long before the inception of hostilities until at least our departure from the island.

I can only say thanks for the compliment you pay the regiment, and that the boys have always appreciated what you have done for them.

Very truly, yours,

Hon. R. F. PETTIGREW,
Washington, D. C.

C. H. ENGLSEBY.

Mr. TURNER. Mr. President—

Mr. PETTIGREW. I will yield to the Senator in a moment.

Mr. President, the letter which has just been read, I believe, is from a gentleman who was either a captain or a first lieutenant in the same regiment. My opinion is that he was a captain; but his rank is not given. I know he has always been a Republican in politics in the State of South Dakota.

I will now yield to the Senator from Washington for a question, though I am not through.

Mr. TURNER. I merely wanted to make a remark, and will wait until the Senator concludes.

Mr. PETTIGREW. I now ask to have a letter read from one of the first sergeants of the same regiment on this same question.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

RAPID CITY, S. DAK., March 30, 1900.

MY DEAR SENATOR: You can in some way use the little information I may be able to give regarding the mistaken idea of our Chief Executive in relation to the return of the First South Dakota United States Volunteers. Many a time I wished since I came home that I had gone to Aberdeen, where the President welcomed the regiment, to have been present when he made certain statements in connection with the great patriotism of the First South Dakota Regiment, in so far as they were willing to stay on the islands after their time had expired. I would liked to have asked him who the d—d fool was that sent such a lie. I think the Administration would put the old granny of General Otis in a bad hole if it should demand an investigation. Now to the point. Not long after General Order 40 or 41 (I can't say which) was out, there was some talk that anyone who demanded his discharge could obtain the same by applying at the proper place and have his request put forward through the proper military channels.

The talk got so common that the officers got scared for fear they would lose their jobs, and the order was kept from us for a long time. Finally Lieut. Col. Lee Stover wanted to go home, and made the boys believe that he could obtain their discharge if they so desired. Nearly the whole of the First Battalion put in their application, and all were rejected. I heard afterwards that they never went further than the colonel (Colonel Frost). I had talked with Regulars who enlisted during the war, and were considered the same as we were, and they told me that their applications were all suppressed in the same manner. I made an application to the captain of our company, and told him I could not afford to do garrison duty in the Philippine Islands at the soldiers' pay, but he would not consent, and the matter dropped. This was some time in December, 1898, I think. Major Howard, commander of the Second Battalion, came around to our quarters one day and called out the four companies, D, M, F, and E, and told us a lot of bosh, which we were not allowed to contradict, as we were soldiers. He told us that we should not get such ideas into our heads that we could get home before our two years were up, and we should not show any cold feet at this stage of the game. Fine talk to men willing to work at home, and getting \$15 per month, and in the Tropics, living off rations intended for the Klondike or some other place. Well, we were soldiers, and could not do otherwise than obey; and after that time we never had an opportunity to hear about our chances of going home until about the 4th of August, 1899.

The South Dakota regiment was held over their time of enlistment against the consent of the enlisted men; and when I heard about McKinley making the remark at Aberdeen that the regiment was held over their time of enlistment against all law and rulings, he opened the eyes of many South Dakota Volunteers. I always contended that our time was up when the treaty of peace with Spain was made, and so did all the men in the First South Dakota Regiment, and all were eager to return. Why should they not be anxious to leave the country when they did not sympathize with the work they were doing?

The boys of the First South Dakota Infantry must have felt pretty cheap on hearing the President tell them such stuff, when he knew all the time why the regiment stayed on the islands.

We could scarcely get the news from the United States, because they would censor our mail and take out all political news. I had some San Francisco papers sent to me, and all I got was the advertisements. The boys wanted to know how things would turn, and I always told them to watch the demands of the trust in the United States and they could outline the policy of the Administration; but when we could get no more news, we just guessed. I received a letter from you in the Philippine Islands, and told the boys what you said in regard to our time, and all were pleased to hear that they had some one who tried to have them sent home when their time was up.

You can safely deny the falsehood of the President and count on the First South Dakota Volunteers to substantiate you in your remarks.

Yours, truly,

HENRY F. SPETHMAN,

Formerly First Sergeant Company M, First South Dakota Volunteers.

Hon. R. F. PETTIGREW.

Mr. PETTIGREW. That soldier stayed through until the regiment was discharged, and he was one of the bravest men in the regiment. I now submit a letter, and ask to have it read, from another soldier of this regiment.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SIoux FALLS, S. DAK., March 25, 1900.

SIR: Yours of the 22d instant at hand. Am very much obliged at your efforts in my behalf. In regards to the President's address here, I will give the part referred to as near as possible.

During his address he referred to the regiment:

"I am glad to be in the State which sent such gallant men to the front, the men who so gallantly refused to return home after their term of enlistment had expired."

Or words to that effect.

How ridiculous it sounded to us, you can realize, as man after man applied for his discharge and never heard from it. Petitions were framed and signed, and it did no good; and not until one regiment were worn out, unfitted for any service whatsoever, were they sent home, and then it was owing to Governor Lee's and yourself's earnest efforts.

Hoping this statement may be what you desire, I am, yours, respectfully,
EDWIN E. HAWKINS.

P. S.—Any time I can be of any service to the cause, would gladly do so.

Hon. R. F. PETTIGREW, Washington, D. C.

Mr. PLATT of Connecticut. What cause?

Mr. PETTIGREW. This soldier was sent home and not discharged, and therefore was denied travel pay, even the travel pay which the regiment got from San Francisco. He was denied the two months' extra pay also. As he is still weak, and an invalid to a certain extent, and unable to do manual labor, he took the civil-service examination in order to go into the civil service, and he failed because of physical disability. His case would be reached by the passage of this amendment, and yet it is denied.

I now ask to have another letter from another one of these soldiers read.

Mr. FAIRBANKS. Will the Senator from South Dakota permit me to interrupt him?

Mr. PETTIGREW. Certainly.

Mr. FAIRBANKS. I should like to have the concluding sentence of the last letter reread. I do not know that I caught it accurately.

Mr. PETTIGREW. I am perfectly willing that it shall be reread.

The Secretary read as follows:

Hoping this statement may be what you desire, I am,
Yours, respectfully,

EDWIN E. HAWKINS.

P. S.—Any time I can be of any service to the cause, would gladly do so.

Mr. PETTIGREW. Since the Senator seems to be anxious about that statement, I will state the facts in regard to it.

Mr. SPOONER. What cause does he refer to?

Mr. PETTIGREW. I think he refers to the cause of turning out the present Administration and putting in an honest one, and I am of that opinion because he was a Republican before he went to the Philippines, and he has become a Populist since he came home or while he was there.

Mr. SPOONER. Was his head affected in Manila?

Mr. PETTIGREW. I do not think his head was. His body was. But there have been influences that have affected the heads of a good many people who went to the Philippine Islands, and there are several hundred of them, I understand, in the asylum at St. Elizabeth as the result of that service. More men have gone insane in that service—

Mr. SPOONER. Have any of them become Populists?

Mr. PETTIGREW. I do not know. I presume the Senator will look after them when the election comes around. More men have become insane in the Philippine Islands than in any other service any army of the United States ever engaged in, and nearly a hundred suicides have occurred. There were less insanity, less desertion, less suicides among the volunteers than the regulars. That applies to the officers as well as the men. At least so I am credibly informed.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SINAI, S. DAK., March 25, 1900.

DEAR SIR: In reply to yours of the 20th instant, I will say that while the First Regiment South Dakota Infantry were in the Philippines they were never asked whether they wanted to go home or stay, neither when the Spanish war was concluded nor afterwards; at least I was not, and I was with the regiment until I was wounded the 25th of April, 1899, and was with the regiment awhile in June again. If any such a question was asked of the regiment, it did not get any further than the colonel. I am not prepared to state whether the men would have decided to go home or stay, but I think, in fact I am sure of it, from the expression that I heard, that the majority of the men would have decided to go home, not because they were cowards—their records show they were not—but because they did not believe that the war was a righteous one. We would have stayed and fought the Spaniards till hell froze over, but we did not like to fight the Philippine insurgents, because they fought for the same thing that we professed to fight for, namely, Liberty. Oh, how many crimes are committed in thy name!

I remain, sir, respectfully yours,

C. L. UFYHRE,

Formerly Corporal, Company E, First South Dakota Infantry.

Hon. R. F. PETTIGREW.

Mr. PETTIGREW. I ask to have the Secretary read extracts from different letters of different dates on the same subject written by soldiers while they were in the Philippines.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Extracts from letters addressed to Senator PETTIGREW.]

MANILA, PHILIPPINE ISLANDS, October 25, 1898.

Some weeks ago I wrote you, asking you to look after my interests in case our regiment is transferred to the regular service, I at that time having had a desire to go into that service. Upon further consideration of the matter, I have decided to withdraw this request, as I now understand such action would mean an indefinite stay in the Philippines, and I could not be induced

to remain here longer than is absolutely necessary. The men, too, are very anxious to be returned home, and I am sure that but a very small per cent of them would enter the Regular Army to remain here.

C. H. ENGBESBY,
Captain, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, November 3, 1898.

I desire to obtain my discharge from the United States Army. I would consider it a very great favor if you would use your influence in obtaining my discharge, that I may be able to avail myself of opportunities that present themselves to me as a physician.

HARRY F. THOMPSON,
Hospital Corps, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, November 27, 1898.

Over 90 per cent of the boys have but one wish in life now, and that is to go home. I speak advisedly when I give you that percentage, and I really think that not 20 of the enlisted men of the regiment could be induced to stay here if they had a chance to go home.

LEE STOVER,
Lieutenant-Colonel First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, November 27, 1898.

There is not a man in the regiment who is not anxious to return home, now that there is practically no reason for their remaining, excepting a few officers, and I am sure you would receive the everlasting gratitude and friendship of the First South Dakota if you would use your influence to have them returned home as soon as possible.

A. H. BOWMAN,
Captain and Surgeon, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, December 14, 1898.

After being in charge of the hospital at Cavite for the past three months, I am now back with the regiment. I find many of the boys homesick and at least 90 per cent of them want to go home. If you can do anything to bring about this result, you will have the lasting thanks of this 90 per cent. I write this because I believe you should know how things stand.

R. C. WARNE,
Major and Surgeon First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, December 23, 1898.

The sentiment in this regiment, as probably in all volunteer regiments, has undergone no changes. When we were in San Francisco, we were all anxious to get to the Philippines. Now that we are here, we are all thoroughly disillusioned and are as anxious to get home as we ever were to get away. I am perfectly satisfied to remain here, but I know the regiment too well to be ignorant of the fact that every man in it, practically, wants to go home as soon as possible.

JONAS LIEN,
Adjutant, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, January 25, 1899.

Ninety per cent of this regiment wants to be mustered out. I beg you to use your influence to get us home.

R. J. MOES,
Company H, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, January 26, 1899.

We ask your influence and aid in effecting our return to our homes and to the more lucrative avocations which we abandoned at the call of our country's need.

HUGH D. MCCOSHAM,
Company H, First South Dakota Infantry.

MANILA, February 6, 1899.

I took occasion late the night I saw your letter to tell the boys of the different companies, as I was making my round as field officer of the day, of the welcome news in your letter, and if you could have seen those boys' faces and heard the heartfelt expressions of joy at the immediate prospect of their release from this life, you would say, as I do, that not 90 per cent, but 99 per cent of the enlisted men want to be returned home.

LEE STOVER,
Lieutenant-Colonel First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, March 16, 1899.

The regiment, almost to a man, will refuse to reenlist under the new Army bill, and I want you to keep things moving to get us out as soon as it can be done.

LEE STOVER,
Lieutenant-Colonel First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, April 9, 1899.

I dare say that it is the desire of every enlisted man in our regiment to go home as soon as possible.

GUY E. KELLY,
Company H, First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 27, 1899.

The boys all want to come home, excepting 6 who wish to enlist in the Regular Army and 15 who wish to be mustered out here for the purpose of prospecting or of going into business. Many of the men have attempted to apply for their return home and discharge through military channels, but Colonel Frost has held them up.

R. C. WARNE,
Major and Surgeon First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 28, 1899.

On the 21st of this month I received 46 applications for discharge from members of Company I, First South Dakota Infantry. These applications were forwarded, approved by me, but the next day Lieutenant McClelland

relieved me of command. Going to Colonel Frost, he gets these applications and locks them up in the company field desk, where they are being held.

HORACE C. BATES,
Second Lieutenant, First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 31, 1899.

I wish to congratulate you myself and in behalf of Company H for the great step you have taken trying to get our regiment returned home. It is the wish of every man in our company, and your heart is in the right place. All join hands in thanking you again.

FRANK MUNGER,
Sergeant, Company H, First South Dakota Infantry.

WATERTOWN, S. DAK., January 14, 1900.

It has been officially said by the President and others in authority that the volunteers voluntarily remained in the Philippines after the purpose for which they enlisted had been accomplished, and after they were legally entitled to their discharge they patriotically continued in the service of their country until a new army could be sent to replace them. As a matter of fact, 90 per cent of the volunteers would have demanded their discharge if given the opportunity when their term of service had expired, and an informal expression of the men of our regiment was to that effect; but an order came from General Otis informing regimental commanders that applications for discharge because of expiration of service would not be entertained at headquarters, and the order instructed regimental commanders not to forward such applications. As a result of this order 14 applications from the men of my company were returned to me from regimental headquarters with an indorsement setting forth the orders from corps headquarters, and applications from other companies of the regiment were similarly treated. This order of General Otis was in direct violation of orders from the War Department.

C. H. ENGBESBY,
Late Captain Company H, First South Dakota Infantry.

Mr. PETTIGREW. I also have some extracts from letters written to the governor of South Dakota and extracts from letters published in the papers of South Dakota on the same subject, and I ask that they may be read.

Mr. HAWLEY. Are they of the same tone and character?

Mr. PETTIGREW. Yes.

Mr. HAWLEY. Might they not be profitably omitted?

Mr. PROCTOR. Let them be printed in the RECORD.

Mr. PETTIGREW. There are but few of them. It will take but a few moments.

Mr. TELLER. I shall object to anything being put in the RECORD without being read. We do not know what it is.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAN FERNANDO, PHILIPPINE ISLANDS, May 22, 1899.

To T. H. AYERS, Private Secretary to Governor Lee.

I have to-day mailed a petition from my company to Governor Lee, upholding the action he has taken in regard to our regiment being held here against its will.

D. E. CALLERAN,
First South Dakota Infantry.

MANILA, May 8, 1899.

To THE ALEXANDRIA (S. DAK.) HERALD:

To say that we want to go home is putting it far too mild; and to say that we have done our share is not half enough.

JAS. H. LEE,
First South Dakota Infantry.

[Extracts from letters to Governor Lee, of South Dakota.]

SAN FERNANDO, PHILIPPINE ISLANDS, May 19, 1899.

The boys all want to come home now. The boys are signing applications for their discharge and will send them direct to the United States. They have been misrepresented at corps headquarters here by some one. General Otis says our regiment wants to stay in the service. This is false.

R. C. WARNE,
Major and Surgeon First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 30, 1899.

A daily effort is being made by Colonel Frost to detain our boys here as long as possible. None of the boys have succeeded in getting their applications for discharge to the Adjutant-General yet.

R. C. WARNE,
Major and Surgeon First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, June 8, 1899.

Allow me, as a member of the South Dakota regiment, to congratulate, and at the same time thank, you for your earnest efforts to have the regiment returned. We contend that our obligations to the United States ceased with the ratification of peace and that we were then entitled to honorable discharge. Our boys, contrary to reports of General Otis and other officers, as well as certain newspapers, have expressed their desire to retire from the service, and the enlisted men without exception want to be mustered out as soon as possible.

CLYDE W. ALLEN,
Principal Musician First South Dakota Infantry.

[Extracts from soldiers' letters published in newspapers.]

MALOLOS, April 8.

FLANDREAU HERALD:

I do not believe there is a people anywhere living in a tropical climate who are more intelligent and industrious than the Filipinos, and it almost breaks our hearts that we have to fight them. I was over and had a chat with some Nebraska lads last night. Lots of them say they will not go another step if

they are ordered to advance. They enlisted for a better purpose than to be used as murdering tools.

PRIVATE CLARK,
First South Dakota Infantry.

MANILA, June 8.

HOWARD DEMOCRAT:

I hope they will let us to go home when the regulars get here, but I hardly think we will leave here for some time.

DICK MILLS,
First South Dakota Infantry.

ARMOUR HERALD:

How long it will be before things are quiet it is hard to tell. Maybe not for months yet. We, like the niggers, want to play quits, too.

OTTO ROSS,
First South Dakota Infantry.

IPSWICH DEMOCRAT:

All we want now is our discharges and home. When they will come is a riddle none of us can guess.

FRED MITCHELL,
First South Dakota Infantry.

MALOLO, May 1.

LAKE PRESTON TIMES:

There is no doubt the volunteers are imposed upon, for there are regulars here who have seen little or no fighting at all. I do not think General Otis can keep the volunteers here much longer.

JNO. B. MAY,
First South Dakota Infantry.

CALUMPIT, May 4.

DE SMET NEWS:

We will all be glad when it's over and we can board the transports for the homeland.

CHAPLAIN DALY,
First South Dakota Infantry.

MANILA, April 9, 1899.

SIOUX FALLS PRESS:

It is funny that the boys have to fight after the peace treaty has been signed. We are just laying around in the dirt and hot sun fighting with each other and wishing we were back in the States.

WM. E. FAY,
Company H, First South Dakota Infantry.

MANILA, —, —.

DE SMET INDEPENDENT:

There is no talk here of the South Dakota regiment joining the Regular Army. Most of them are anxious to get back home and go at their regular occupations again.

CAPTAIN LATTIN,
First South Dakota Infantry.

GINQUINTO, April 20.

MINNEAPOLIS TRIBUNE:

We don't know when we will get home, and are getting so we don't care. But don't you believe anyone who says the Thirteenth wants to stay, because they don't.

MYRON W. HINGELEY,
Thirteenth Minnesota Infantry.

MANILA, April 3.

ALEXANDRIA JOURNAL:

Well, I think that we will go home about November or December, if God and Otis are willing.

JAS. H. LEE,
First South Dakota Infantry.

Mr. PETTIGREW. These facts were called to the attention of the President of the United States by the governor of South Dakota, who wrote the President a letter some time in April last, and I ask to have the governor's letter to the President upon this subject read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

His Excellency WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

SIR: In obedience to what I believe to be the most universal wish of the people of my State, I desire to request the return to the United States of the First South Dakota Volunteer Infantry, now engaged under General Otis in a war against the inhabitants of the island of Luzon.

This regiment was mustered into the service of the United States nearly a year ago, when your excellency called upon South Dakota for volunteers to defend the flag of our common country in a war undertaken in the interests of humanity and against the Kingdom of Spain.

The soldiers of the First South Dakota enlisted in the war against Spain which was concluded some time since by the signing of the Paris treaty of peace, and the task for which they entered the service has been completed; the war for humanity has ended; the battle for the liberation of Spain's enthralled subjects has been successfully concluded, and since that war, the one for which the soldiers enlisted, my people feel that the South Dakota volunteers have filled every obligation which they owe to their native land to rejoin their families and friends and to take up the peaceful pursuits which they dropped when the call came to enter upon a campaign for the promotion of the right of self government.

We view their present or future retention in the service as unconstitutional and a violation of the law which called the organization into being, and we feel quite certain that your Excellency will not hold them in the service against their will, against the law which terminated their service with the close of the war, and against the moral sense of the people of our State, without at least offering some sound reason for so doing.

So far as the information of the people of my State goes, they do not know that any war or exigency exists at the present time. The Congress of the

United States has never made a declaration of war against the inhabitants of the island of Luzon. The Constitution does not permit your Excellency or any commission appointed by your Excellency, to make a declaration of war. The fighting which has been done in the island of Luzon is regarded as an enterprise which lacks the consent of the Congress, and in which the people of their Republic have been in no wise counseled or consulted.

The course of the constituted authorities of the United States is regarded as an effort to subjugate an alien race to the authority of the United States, a course which is repugnant to the fundamental principles of this Government, a violation of the Declaration of Independence, a repudiation of the theory upon which we engaged in a war with Spain, and utterly inconsistent with your excellency's splendid announcement respecting the policy to be pursued toward Cuba, viz. that forcible annexation can not be thought of, because under our code of morals that would be criminal aggression.

We are unable to reconcile the slaughter of our soldiers in the Philippines which will be consequent upon a prolonged struggle for the subjugation of a race which has been fighting for three centuries to gain its freedom with any code of political ethics or with the tenor of our Christian religion, and for these and many other manifest reasons we will be pardoned for feeling that our soldiers should no longer be impressed into a service the purpose of which is the direct opposite to the motive which caused them to enlist.

Our people take great pride in their soldiers; they have viewed their brilliant exploits and their gallant devotion to the tasks assigned them with a pride which is both natural and pardonable, but a further display of their ability and willingness to die in obedience to the orders of a superior man will neither add to their glory nor to their country's honor; nor is it likely to change the fatal policy which has plunged them into an unwelcome contest.

This nation expended \$2,000,000,000 less than forty years ago to repudiate the feudal theory that a white man had the right to buy the body and force the service and the undisputed allegiance of the black man without that black man's consent, and the citizens of South Dakota, many of whom engaged in the horrors of that conflict, and others who have read its thrilling incidents, are unable to countenance the present attempt of this Government to enforce a title with bayonets to a nation of brown men purchased from a disgraced and vanquished despot.

The hundreds of relatives and the thousands of friends of this regiment would willingly bear the loss of the best manhood of the State if they felt that our soldiers were fighting to defend our homes and firesides or to save the Union of States and preserve our institutions, or to expel despotism from any quarter of the earth; but they have occasion to regard the further sacrifice of our soldiers in a conflict waged against liberty, and in the interest of exploiting capitalism, as totally incompatible with the spirit of our institutions, and a more grievous hardship than we should be compelled to bear.

I am, with great respect,

ANDREW E. LEE,
Governor of South Dakota.

Mr. PETTIGREW. On the 2d of April I addressed a letter to the President saying the South Dakota troops wished to be discharged; that they had served their full term, and that I had received very many letters from them requesting their return. The facts in the matter are that after the treaty of peace was signed the troops began to demand that they be returned to the United States. I went repeatedly to the Department to ascertain when they would be returned, and I was always encouraged that it would be very soon, so much so that I wrote the soldiers and told them that they would be promptly returned to the United States. Matters ran along until April, and on the 2d of April I wrote the President a letter and asked him to have the soldiers returned. On the 14th of April the governor of my State wrote the letter which has just been read, and I received a reply dated the 14th of April to my letter, which is as follows:

Your letter of the 2d of April to the President, in which you urge the return to the United States of the First South Dakota Volunteers, now serving in the Philippine Islands, has been referred to this Department, and in reply the Secretary of War desires me to say that, while he is unable at this time to indicate, even approximately, the date of the return of the volunteers now in the Philippine Islands, it is the hope of the Department that at least such of them as do not desire to remain in the islands will be returned at an early date, and that orders looking to that purpose are now in preparation.

Thereupon I wrote the President a letter, which I desire to have read from the desk. I demanded the discharge of this regiment as a regiment, not that some individuals should ask to be discharged and returned home, but that the whole regiment, having served their full term, had a right to return, and that those who wished to remain should reenlist.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., April 17, 1899.

DEAR SIR: I again write to insist upon the discharge of the First South Dakota Regiment, now serving in Manila. Their term of enlistment has expired. No act of Congress passed since they entered the service can affect their status, and the private soldiers of that regiment want to come home. Enough of their number have been sacrificed already in your effort to deprive the people of the Philippines of the right to govern themselves—a right which they have won by their success over Spain and their assistance to us as our allies; a right which they show they have the ability to exercise by their willingness to lay down their lives for it.

I feel that the blood of the South Dakota boys sacrificed in that contest must be laid at the door of your Administration, and that impartial history must place you among the most dishonored of rulers in all time. Your effort to subject these people by force, indicated by your declaration of war against them on the 21st of last December, is the international crime of the century—in fact, must be classed as among the greatest of international crimes of all centuries.

I can not remain silent under these circumstances and allow the South Dakota troops to be used in this perfidious work. We granted you \$50,000,000 two months before the Spanish war commenced, and yet you armed the South Dakota troops with Springfield rifles of an ancient pattern, and with those guns of short range our boys have lost their lives, in almost every instance before within shooting distance of the enemy. You should have expended the money which Congress so generously placed in your hands and

obtained modern arms and smokeless powder. I would like to know why you did not do it, and why the lives of those Dakota boys were sacrificed in this manner. I feel that every mother who lost her boy has a right to call upon you for an explanation.

I will not pursue this subject further. I simply write the letter to insist upon the right of these soldiers to return to their homes.

Yours, truly,

R. F. PETTIGREW.

Hon. WILLIAM MCKINLEY,
President of the United States.

Mr. PETTIGREW. On the 16th of June the governor of my State addressed another letter to the President demanding the return of this regiment, and I desire to have that also read by the Secretary.

The Secretary read as follows:

PIERRE, S. DAK., June 16, 1899.

SIR: On the 10th of April, 1899, I addressed you requesting the return to their homes of the members of the First South Dakota Volunteer Infantry. At that time I stated that their term of enlistment, which was for the Spanish war, had been concluded by the ratification of the treaty of peace between the United States and the Kingdom of Spain, and that the volunteers who enlisted for the war with Spain, having faithfully served their country with distinction to themselves, their State, and honor to the nation, were entitled, under the laws of the country and the rules of justice and equity, to be relieved from their trying and necessarily hazardous life and given an opportunity to return to their homes and friends.

Since that time these soldiers have been ordered into battle on several occasions: some of them have lost their lives, others have been wounded, and still others have broken down under the rigors of the climate and excessive labor. Without stopping to properly characterize the conscription of these soldiers in this manner, I desire to call your further attention to the letter which I received through the Adjutant-General on May 6, 1899, nearly a month after I had written to you concerning the return of the volunteers, in which the distinct promise is made that our troops would be ordered to return to America to be mustered out by the middle of June and not later than the 1st of July.

The fulfillment of this promise was made contingent upon transportation facilities. Am I safe in assuming that this promise will be fulfilled? Since the 10th of April not less than 18 transports have left Manila, some of them carrying but a few men and others carrying no soldiers to speak of at all. Can the volunteers who have served their country under such trying circumstances, who have done their duty when no legal or moral obligation would have dictated that they perform the service, rest in the assurance that they will now be sent home and given the rest which they have so richly earned? Can the parents and friends of these men rest with the same assurance, or are they to be disappointed in the future as they have been in the past?

I am in receipt of a late report from the surgeon of the regiment, in which he states that but 400 men in the organization are fit for duty. This was on the 27th of April, since which time much arduous service has been experienced by the men, and the presumption is that a much less number are now fit for service.

I feel very strongly the injustice which has been practiced upon these men, and I sincerely doubt the propriety of a great Government exercising bad faith with its volunteers, the result of which will be that it may be more difficult in the future to secure volunteer soldiers, who in this war, as in others, have shown that they are superior soldiers, deserving the highest consideration.

It is not a pleasant matter to be compelled to complain of the chief officer of the Government, but the impulse of duty is stronger than the amenities of official life; and while the President is entitled to the confidence and support of the people in all good works, the people will not fail to remember that he is still their servant.

I was in hopes there would be no further necessity of writing regarding the return of the South Dakota volunteers, they having been ordered back to Manila, I supposed, for the purpose of being returned home at once; but after reading the following article, which appears in the press of the 15th, I am again led to believe that the promises recently made are no more to be relied upon than those made in the past.

WASHINGTON, D. C., June 14, 1899.

Hon. R. F. PETTIGREW, *Sioux Falls, S. Dak.:*

Your telegram received. First South Dakota was the twelfth regiment to go to Manila and will return in the order of its going. The question of its further service on the firing line will be determined by General Otis and the exigencies of the service there.

G. D. MEIKLEJOHN,
Acting Secretary of War.

From this it appears that there is no certainty when the South Dakota regiment will be returned.

I hope to be assured, without the delay of one month, which was required to answer my last letter, that the soldiers of my State are to be returned to America with all possible speed.

Very respectfully, yours,

ANDREW E. LEE,
Governor of South Dakota.

His Excellency WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

Mr. PETTIGREW. The governor's letter was read to the companies of the regiment, and thereupon Company A sent the governor the following:

COMPANY A.
STATION COMPANY A, FIRST SOUTH DAKOTA INFANTRY,
UNITED STATES VOLUNTEERS,
San Fernando, Philippine Islands, May 22, 1899.

To his excellency the GOVERNOR OF SOUTH DAKOTA, *Pierre, S. Dak.:*

We, the undersigned members of Company A, First South Dakota Infantry, United States Volunteers, do hereby sanction and uphold you in the action you have taken in regard to our being held after the signing of Paris treaty of peace.

W. C. Notmeyer, Fred C. Cloter, Frank Groseclose, Howard H. Ainsworth, Corpl. William M. Walters, Alfred Heglund, George Reynick, Albert T. Caveness, Sergt. W. O. Oldfield, Jesse W. Owens, Sergt. A. Rathmel, W. M. Bradford, Bert Jones, John H. Goddard, Peter L. Lynott, John Jess, John W. Latta, Milton A. Snider, William H. McNutt, Howard B. Boyles, Daniel F. O'Neil, Charley B. Green, Ray L. Greer, E. A. Beckwith, Charles Kiser, V. H. Green, Christopher Mallick, Corpl. S. E. Snyder, Oliver Fellers, Andrew Stick, Terrence P. Leonard, Fred Gifford, A. S. De Hart, L. F. Ferry J.,

E. Calhoun, Harry R. Johnson, Char. y H. Doane, E. E. Graham, D. O. Kiesborg, John L. Frisk, Charles M. Bray, Fred A. Jewell, Ernest E. Gooding, Corpl. James H. Pratten, First Sergt. George E. Barker, Calvin F. Barber, H. V. Malone, Newton Garner, Arthur J. Bushnell, Oscar J. Williams, Leonard T. Scovel, Melvin A. Perkins, Edward J. McMackin, Roy Atkins, Wilson Hinkley, W. C. Hoover, H. A. Chase.

As will be seen, this letter is signed by 57 of the men of this company. It says here:

There are still other members who are on special duty and sick leave.

Company G also sent the following:

COMPANY G.

SAN FERNANDO, PHILIPPINE ISLANDS, May 22, 1899.

To his excellency Governor LEE, *Pierre, S. Dak.:*

SIR: We, the following members of Company G, First South Dakota Volunteers, do uphold and sustain the action which you have taken in regard to our being held in the service after the signing of the Paris treaty of peace.

James E. Cauty, George Swanhelm, James Black, P. H. Albert, Swan Anderson, George W. Bower, L. H. Dexter, A. E. Spown, Bert Kellett, Edwin J. Allen, Frank L. Sayles, John P. Birkemo, George S. Bertrand, Oliver R. Burdett, Henry E. Hanson, Nelson Oliver, John G. McFadden, James Ross Kelling, Patrick A. Maney, Fred W. Dricken, E. O. Sloan, Lon F. Wesley, Fred C. Hazelton, Carl W. McConnell, Henry Tunis, Samuel F. S. How, Carl F. Oliver, Lowell F. Chesley, Jerry C. Turman, John A. Knoodel, J. B. Calbert, Clarence A. Srong, C. L. Kelso, R. M. Lanlo, Charles A. Fonda, Paul Weiss, Chris Peterson, James E. Doughty, C. F. O'Brien, Orval Tucker, Frank Stewart, Will Alexander, A. H. Eisile, Chas. P. Green.

This is signed by 44 members of this company, and at the foot is this note:

Governor LEE:

SIR: The above names are of the men who are able to report for duty, and the balance of the company is sick in the hospital and in quarters.

Now, the fact of the matter is that these soldiers were kept until they were absolutely destroyed as a fighting machine. They were in nearly every fight from the beginning clear through the entire summer. Sixty of their number either died of disease or were killed in battle, and many others were wounded and crippled for life. Twelve of their number have died since they returned home. An examination by the surgeon at San Fernando in June or early in July shows that there were not eight men in a company fit for duty or sound and well or who had a normal pulse or a normal temperature.

They had been worked in that deadly climate, while the regulars were kept in Manila and out of the service. Why? Because ultimately they could send the volunteers home, what was left of them, and they determined to use them to the fullest extent, knowing that there would be no loss in the number of troops that they would have, no matter how many of them died or were killed, and so they worked this regiment. No braver men ever went to war, no braver ever lived, and no soldiers ever performed a braver service in spite of the fact that they did not approve of the cause. Yet we are told that those who do not sympathize with this threat of criminal aggression are responsible for the death of these men!

I am going to read a letter now from one of the boys of this regiment who is a resident of Minnesota, W. C. Akers. I read simply an extract:

[Sioux Falls Press, July 21, 1899.]

PIPESTONE, MINN., July 20.

The following extract from a letter from W. C. Akers, of the First South Dakota Volunteers, to his sister, who lives with her parents in this city, is believed here to fairly express the views of all the boys in regard to the situation in the Philippines—

This is the letter:

"The boys are sick of it. There is no glory fighting against a people struggling for independence, and the regiment is being kept here against their will. The boys are loud in their praise of Governor Lee in his determined stand taken with the Administration in our behalf, and when the regiment returns to the States our governor will be vindicated. The papers which are criticising him are doing it solely for political effect; but the regiment will stand by Governor Lee to a man. I do not make the above statement at random, because I know the exact position all the boys take, and time will prove that it is true. Wait until we get back and we will stand by 'Andy' Lee to a man. You may have this letter published if you want to. I want the people back here to know how the volunteers feel about this matter.

"The whole Philippine Islands is not worth one drop of American blood, regular or volunteer."

Now, Mr. President, after this regiment had been destroyed, after all the men were sick, after out of a thousand men there were less than 400 who reported for duty, they were reluctantly returned home. If they had been returned home when the Astor Battery was returned, they would have received the commuted travel pay which the Astor Battery received. If they had been returned home when they demanded to be returned, they would have got four or five hundred dollars, as was given to the Astor Battery; but having remained, having fought through all these fights and lost 60 men, this regiment was told that the Government would give them what it gave the Astor Battery if they would reenlist.

Who exercised the option? Somebody exercised it, and because they would not reenlist they did not give them what they gave the Astor Battery that returned without seeing any fighting, but

after keeping them four or five months against their will they are now cruelly told to "reenlist if you want what we gave those men who went back before the fighting commenced." Then they were impliedly told that if they ask to go home they are cowards, because the President implies that when he makes the statement I shall read. At Sioux Falls, S. Dak., in October, 1899, the President, addressing a company of these boys, said:

Our flag is there. Our boys bore it, bore it heroically, bore it nobly; stayed with it when they could have been mustered out; but they said, "We will stay until our places can be filled with new soldiers rather than see the flag go down in dishonor."

That is the statement which prompted five of those boys who heard it to come to my office and brand it as untrue. It was placed in fine phrases in order to catch a cheer. It failed because these men had been outraged by unfair and unjust treatment.

I received in one mail letters from 119 of those men demanding their discharge, and when I transmitted that request to the Department it was ignored. My letters were not answered in almost every instance; no reply came when, as a Senator from the State of South Dakota, I wrote to the President and the Secretary of War and demanded the return of this regiment. The clamor became so wild throughout the State, and throughout the whole country for that matter, for the return of these troops that that and the fact that they had been destroyed as a fighting machine finally led to their return.

I have hundreds of other letters from these soldiers, all to the same import and not one to the contrary. When I first demanded their discharge in December, or early in January, I wrote to the adjutant of the regiment, Jonas Lee, and I asked him if the soldiers wished to remain; if they wanted to be transferred to the Regular Army. There was some talk of passing a bill to increase the Regular Army and allow those organizations who wished to be transferred bodily into the service. He wrote back and said he hoped I would never mention such a thing; that there were no men in the regiment who wished to remain and fight; that they wished to come home.

He said he was willing enough to remain, because he had no family ties and no one dependent upon him, and that he might gain promotion if the war went on. I asked him how it was with the rank and file; if they insisted upon their return? In fact I cared little about how the officers stood on this question. I wanted to know how the rank and file of that regiment felt about it, for I knew that the brave soldiers in this regiment were from the best families in my State. They were the students from our schools, the young doctors and lawyers and business men, and almost every one of them was able to fill almost any official position in the regiment.

I visited the Department at various times, and I was told repeatedly by the Adjutant-General of the United States that these troops would be returned by the next transports. I was told this early in June; I was told it time and again. I asked for their return, and they said the transports on the way to Manila should bring back the South Dakota troops. Now, what are the facts? Here is a letter to the governor of my State, signed by Mr. Corbin, which I will read:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 5, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of June 16, addressed to the President of the United States, in reference to the return from the Philippine Islands of the First South Dakota Volunteer Infantry, and, in reply, your attention is invited to the fact that the First South Dakota Regiment was the thirteenth organization to arrive at Manila, and the commanding general at Manila has instructions to return the volunteer regiments in the order in which they arrived in the Philippines.

When the letter of May 6 was written, this office was then under the impression that by July 1 the South Dakota regiment would have left Manila, but on account of the lack of transports it was found that these expectations could not be met. The only regiments now to return before the South Dakota are the Thirteenth Minnesota and the First Montana, and it is estimated that the regiment from your State will probably leave Manila by the end of this month.

Very respectfully,

H. C. CORBIN,
Adjutant-General.

HON. ANDREW E. LEE,
Governor of South Dakota, Pierre, S. Dak.

This is dated July 5. I say the War Department thus makes the sole excuse for the neglect of the return of the First South Dakota regiment, which at that time had been reduced to 275 men on duty, that there was a lack of transports for the return of the regiment. Now, we will see whether there was a lack of transports or not. The following transports had returned from Manila previous to May 14 last:

The *Warner*, March 8; the *Hancock*, March 9; the *Newport*, March 9; the *Morgan City*, March 12; the *Senator*, March 20; the *Ohio*, March 20; the *Grant*, March 25; the *Sherman*, April 3; the *Valencia*, April 18; the *Sheridan*, April 26; *City of Pueblo*, May 7; the *Pennsylvania*, May 10; the *St. Paul*, May 13.

This letter from Mr. Corbin is dated July 5. On these 13 great transports there were brought home a total of 388 soldiers. None came on the last three named. The letter of Adjutant-General Corbin to Governor Lee was written May 6. The next day the

City of Pueblo sailed from Manila empty, and three days later the *Pennsylvania* did the same thing, and three days later the *St. Paul* also sailed. Yet July 5 the War Department reports that the sole reason for the failure to send home the troops whose terms had long ago expired was a lack of transports. But other transports have since returned, as follows:

June 14, the *Ohio*, with 760; took to Manila 772.

June 14, the *Newport*, with 500; took to Manila 527.

July 1, the *Hancock*, with 1,250; took to Manila 1,394.

On the way, *Indiana* and *Morgan City*, with 582; *Morgan City* took to Manila 612; *Indiana*, 787.

These six transports, all of which sailed from Manila since the Department promised to start the South Dakota boys, brought back 3,693 soldiers and took over to Manila 4,805. They could have brought back, even if not loaded more than when they went, 1,113 more. All of these facts, promises, and statements were made by the War Department to the governor of my State or made to me.

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. SCOTT. Have the troops from your State made any complaint that they had not been returned?

Mr. PETTIGREW. If the Senator had been listening he would have found that I have read a number of letters from these troops which speak for themselves, in which they say they demanded their discharge and that it was denied them and refused them. In one instance, and I do not lay my hands on the paper, after I had been informed and the soldiers had been informed through me and also through other sources that they could be discharged upon individual application, a soldier made his application in the regular way and it went on up to the head officer in Manila and there was written on it the indorsement, "No discharges will be granted while hostilities continue." I ask leave to put that letter in the RECORD when I find it. It is among the papers here. There are some other papers which I desire to have printed as an appendix to my remarks, and I shall ask unanimous consent to do so.

Mr. PLATT of Connecticut. I think we ought to know what the papers are before we give consent.

Mr. PETTIGREW. Very well; I will read such of them as I have time to read to-night.

Mr. TILLMAN. Will the Senator from South Dakota yield to me for a moment?

Mr. PETTIGREW. I yield to the Senator from South Carolina.

Mr. TILLMAN. I wish to have a resolution passed in regard to the matter I had up a little while ago, which was ruled out upon a point of order.

The PRESIDENT pro tempore. The Senator from South Dakota yields to the Senator from South Carolina.

CLAIMS FOR PROPERTY USED OR DESTROYED BY TROOPS.

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

Resolved, That the Secretary of War be directed to communicate to the Senate the number, amount, and character of all claims which have come to his knowledge against the United States for damages to private property used or destroyed by troops in the military service within the limits of the United States during the war with Spain, and to ascertain the loss or injury, if any, that may have been sustained by such claimants, and report to the Senate what amounts he finds to be equitably due from the United States to such claimants.

DOCUMENT ON NATIONAL CAPITAL.

Mr. GALLINGER. The Senator from South Dakota yields to me that I may offer a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized to obtain such photographs as may be necessary to complete Senate Document No. 60, Fifty-sixth Congress, first session, at an expense not to exceed \$300.

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

Mr. HAWLEY. I do not quite understand it. Will the Senator explain it a little? What is the use of those photographs?

Mr. GALLINGER. It is an important document that was ordered printed in reference to the national capital, and certain further illustrations are necessary to complete it, in the opinion of the committee.

Mr. HAWLEY. What is the book, please?

Mr. GALLINGER. It relates to the national capital.

Mr. HAWLEY. How does it relate to it?

Mr. GALLINGER. I confess I can not answer that question offhand. I have not thought about it recently.

Mr. HAWLEY. Is it for private use?

Mr. GALLINGER. No, sir; it was ordered printed by the Senate. I will withdraw the resolution if there is objection to it and look the matter up more carefully. I think, however, when a committee asks for a little matter of this kind technicalities ought not to be raised.

Mr. HAWLEY. It may be all right; I do not know.

SENATOR FROM MONTANA.

Mr. GALLINGER. The Senator from South Dakota [Mr. PETTIGREW] yields to me that I may make a motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. Before that motion is made, I ask leave to give a notice.

The PRESIDENT pro tempore. Does the Senator from New Hampshire withdraw his motion?

Mr. GALLINGER. I will for that purpose.

Mr. HOAR. I give notice that to-morrow morning, at the conclusion of the routine morning business, I shall move to take up the resolution reported from the Committee on Privileges and Elections upon the right of Mr. CLARK to hold a seat as a Senator from the State of Montana.

Mr. GALLINGER. I recall the Senator's attention in that connection to the fact that by unanimous consent the Committee on Pensions has been granted one hour at the conclusion of the routine morning business to-morrow, and I trust the Senator will not antagonize that.

Mr. HOAR. If at the time the motion is made the Senate is ready for a vote, I shall ask for a vote; which will take but a few minutes. If, however, any Senator shall desire further time for debate, undoubtedly an arrangement will be made by the Senate, so that the matter will not be pressed upon any Senator who is not ready for his speech. I think we ought to try to put the matter in order for consideration.

Mr. BATE. I ask the Senator if he means now to ask the action of the Senate upon the question?

Mr. HOAR. I do not. I give a notice.

Mr. BATE. Merely a notice?

Mr. HOAR. I give notice that to-morrow morning at the conclusion of the routine morning business I shall make the motion which I have indicated.

Mr. BACON. What is the motion?

Mr. BATE. I believe the Senator from Massachusetts was not here when this matter was discussed a few days ago. Three large volumes of testimony have been laid before us; and sufficient time should be given Senators to examine them before we enter upon the discussion of the case.

Mr. HOAR. Very well. That consideration may be suggested when the motion is made to proceed with the consideration of the case; and the suggestion will be received, so far as I am personally concerned, and I have no doubt so far as the committee and the Senate are concerned, with proper consideration. If any Senator shall say he desires further time, instead of taking up the resolution immediately I will modify my motion to take it up a little later.

Mr. BATE. Very well.

Mr. HOAR. If it should turn out at that time that the Senate will be ready to deal with the case either by beginning the debate or by voting, the Senate will have that opportunity. If any Senator desires a further reasonable time, it is not at all likely that any other Senator will object.

Mr. BACON. I should like to ask the Senator from Massachusetts a question. The Senator says that he proposes on to-morrow to ask that the Montana case be taken up; and, as I understand it, if no Senator then announces that he desires time in order that he may prepare for a speech, the Senator will ask for a vote.

Mr. HOAR. I did not say "in order that he may prepare for a speech."

Mr. BACON. Then I ask the Senator to please state what he did say, for I misunderstood him.

Mr. HOAR. I said I should make that motion, and that the Senate could then decide it; but if any Senator desires reasonable delay when that motion is made, it will receive the full consideration of the Senate. I think Senators will probably not object to that, but I want to have some understanding.

Mr. BACON. I did not understand the Senator to express himself in that way.

Mr. CHANDLER. Mr. President, in other words, if no other Senators, except the members of the committee and the Senators who may be in favor of the passage of the resolution, as we understand it, want to debate it, there is no desire to debate it; but if Senators do wish to debate it, or wish a little time to ascertain whether or not they want to debate it, it will be very satisfactory to give that time.

Mr. BATE. It is not so much a question of debating the matter as it is that we should have an opportunity to examine these three books of testimony. We have to vote upon the case, and we ought to understand it before we are called upon to vote.

Mr. CHANDLER. That raises the question as to what length of time Senators want in which to read these three books. It is a mere question of what is reasonable delay. Reasonable delay will be given, of course. Unreasonable delay will not be given. I do not think there is any reason for discussing the question now as to what will be reasonable and what will be unreasonable delay.

Mr. BACON. I think the Senator from New Hampshire indi-

cates that he does not recognize as reasonable that which others of us would certainly contend for as reasonable, in view of the fact that there have been presented here three volumes of testimony upon a most serious question; and the Senator evidently desires that we should be rushed into a consideration and a vote upon it without time even to read that testimony.

Mr. CHANDLER. The Senator from Georgia is just as wrong—

Mr. STEWART. I suggest to the Senator from Georgia—

Mr. COCKRELL. One at a time.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor.

Mr. STEWART. I wish to state—

Mr. CHANDLER. I have the floor. I will yield to the Senator in a minute.

The Senator from Georgia is just as wrong when he says I want to rush this thing as he was the other day when he said that I challenged him to introduce a resolution because I suggested to him that he introduce it. I had no such purpose. I had not thought that Senators would want to read 3,000 pages of testimony all through before taking up this case for consideration; but, the question being raised as to what is a reasonable time, I should like to ask the Senator from Georgia or the Senator from Tennessee to state to the Senate what he would think would be a reasonable time for delay in calling up this case?

Mr. BATE. I do not myself know. I will wait until the morning when the motion is made, and we can then discuss the matter.

Mr. CHANDLER. What would be reasonable delay, I ask the Senator from Georgia?

Mr. BACON. The Senator from New Hampshire asks me a question as to what I think would be reasonable delay. It is impossible to state, from the fact that no Senator can tell what time he will have to devote to the examination of this subject. I shall certainly never consent to vote upon the question until I have had an opportunity to examine the testimony.

Mr. CHANDLER. How long will it take the Senator to do that?

Mr. BACON. It depends very much on what time can be spared from other duties in this Chamber. If I had nothing else to do but to read the testimony, I could tell the Senator, within a reasonable approximation, how long it would take to examine it; but it is impossible to tell when a Senator does not know how many days or parts of days he will be able to devote to the subject.

But I do say that there ought not to be here to-day any such Senators as the Senator from New Hampshire speaks of—those who are now ready to vote upon this case—because I am sure there is nobody outside of the members of that committee who has had time to make even the most cursory examination of the testimony; and no Senator ought to be ready to vote upon a question involving the seat of a man in this Chamber upon the gravest of charges without having made a decent—no; I will not use that word—a proper examination.

Mr. CHANDLER. That is a better word.

Mr. BACON. I did not intend even hastily to use the word in any offensive sense; but I do say this to the Senator—

Mr. STEWART. Mr. President—

Mr. BACON. If the Senator from Nevada will allow me a moment, I had intended to say that I myself do not desire, and I do not believe any other Senator on this side of the Chamber or on the other side of the Chamber desires, that there shall be undue delay; but there should be a reasonable time given within which to look at the testimony which it has taken the committee three months to elicit from the witnesses upon the stand.

Mr. STEWART. I should like to suggest to the Senator from Georgia that he need not be alarmed about any undue rushing of this matter. I observe that there are three large volumes of depositions. Rushing the matter might create a desire to have them read in order to ascertain whether the testimony in those depositions is relevant. I do not suppose anybody will try to rush this case. I suppose there will be a reasonable time given to examine the depositions outside of the Senate. I do not suppose that any Senator will contend that they should be examined in the Senate. There can be no rushing. If that should be attempted, the reading of the testimony would occupy more time in the Senate than out it.

Mr. CHANDLER. Mr. President, the suggestion of the Senator from Nevada [Mr. STEWART] can not be taken as anything but a challenge or a threat, and the Senator means it as a threat. The Senator means to threaten that, if any attempt is made to urge the consideration of this case, he will have the three volumes of testimony read in the Senate. That is what the Senator means. I have not been unreasonable, and the Senator from Massachusetts [Mr. HOAR] certainly has not been.

I have heard that there is outside of this Chamber—not in it, of course—a determination to delay this case in order that the present governor of Montana shall not appoint a Senator to take the place of the sitting member. I have also heard that there is a purpose to delay this case until next winter, in order that the

Senator from Montana, the sitting member, may the more easily and advantageously conduct his canvass for reelection.

Mr. President, I acquit every Senator in this body of having any such intention; but such an intention has been suggested to me as existing outside of this Chamber; and when the Senator from Nevada makes a threat of the kind he does, I think it is proper for me to say to Senators that these ideas are in the air; and when the question comes to be decided whether a delay is reasonable or unreasonable, the question may have to be decided by a yea-and-nay vote of the Senate.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Massachusetts [Mr. HOAR] to the fact that unanimous consent was given that unobjected pension cases on the Calendar should receive one hour's consideration to-morrow morning, immediately after the routine business.

Mr. HOAR. Mr. President, if I may be permitted a moment, I supposed when I gave that notice it would result in some suggestion like that of the Senator from Georgia [Mr. BACON] or the Senator from Tennessee [Mr. BATE] to-morrow when the motion was made, or some suggestion on the part of Senators who are not yet ready to proceed, as to the time to proceed with the consideration of the case—say, three days, or a week, or ten days. I would accede to such a suggestion, unless it turned out that Senators would be ready to vote without debate or delay. I supposed that that proceeding would only occupy three or four minutes and would not interfere with the pension bills in charge of the Senator from New Hampshire [Mr. GALLINGER]. Of course if it should turn out that it would lead to a serious and extended debate, I should postpone the motion to the end of the hour.

EXECUTIVE SESSION.

Mr. GALLINGER. Some time ago I made a motion that the Senate proceed to the consideration of executive business. I withdrew it simply to enable the Senator from Massachusetts [Mr. HOAR] to give a notice. I now renew the motion 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 six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 3, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 2, 1900.

SUPERVISOR OF CENSUS.

Mr. Andrew R. Venable, of Farmville, Va., to be a supervisor of the Twelfth Census for the Fourth supervisor's district of Virginia, vice Francis R. Lassiter, resigned.

PROMOTION IN THE NAVY.

Lieut. Commander William H. Turner, to be a commander in the Navy, from the 29th day of March, 1900, vice Commander James H. Dayton, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant quartermaster with the rank of captain.

First Lieut. Thomas B. Lamoreux, Second Artillery, United States Army, April 18, 1900, to fill a vacancy in the Volunteer Army created, under the first proviso to section 14 of the act approved March 2, 1899, by the appointment of Littell, assistant quartermaster, United States Army, to be quartermaster, United States Volunteers.

The nomination of First Lieut. Thomas B. Lamoreux, Second Artillery, United States Army, for the above-named office, which was delivered to the Senate April 23, 1900, is hereby withdrawn.

To be assistant commissary of subsistence with the rank of captain.

First Lieut. Thomas Franklin, Twenty-third Infantry, United States Army, April 28, 1900, vice Hutchins, honorably discharged.

PROMOTIONS IN THE ARMY,

Adjutant-General's Department.

Lieut. Col. John C. Gilmore, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, April 28, 1900, vice Volkmar, retired from active service.

Maj. Henry O. S. Heistand, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, April 28, 1900, vice Gilmore, promoted.

Medical Department.

Lieut. Col. Albert Hartsuff, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, April 28, 1900, vice Alden, retired from active service.

Maj. Charles L. Heizmann, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, April 28, 1900, vice Hartsuff, promoted.

Capt. William Stephenson, assistant surgeon, to be surgeon with the rank of major, April 28, 1900, vice Heizmann, promoted.

CONSUL.

Thomas T. Prentis, of Massachusetts, now consul at Rouen, to be consul of the United States at Batavia, Java, vice Sidney B. Everett, nominated to be secretary of the legation at Guatemala City, Guatemala.

POSTMASTER.

Harry C. Budge, to be postmaster at Miami, in the county of Dade and State of Florida, in the place of J. S. Warner, resigned. (Through error Mr. Budge was nominated to the Senate and confirmed as Henry C. Budge.)

WITHDRAWAL.

Executive nomination withdrawn May 2, 1900.

George W. Buswell, to be postmaster at Blue Earth (late Blue Earth City), in the State of Minnesota.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 30, 1900.

INDIAN AGENT.

Oscar A. Mitscher, of Oklahoma, Okla., to be agent for the Indians of the Osage Agency, in Oklahoma Territory.

Executive nominations confirmed by the Senate May 2, 1900.

ASSISTANT SECRETARY OF THE INTERIOR.

Frank L. Campbell, of the District of Columbia, to be Assistant Secretary of the Interior.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

John W. Ross, of the District of Columbia, to be a Commissioner of the District of Columbia.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia.

POSTMASTER.

Oliver Howard Tuthill, to be postmaster at Rockville Center, in the county of Nassau and State of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 2, 1900.

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

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

SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the following bill.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, by direction of that committee, makes the following report.

The Clerk read as follows:

A bill making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1901, and for other purposes.

The SPEAKER. Ordered printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. Mr. Speaker, I reserve all points of order. The SPEAKER. The gentleman from Tennessee reserves all points of order.

NICARAGUAN CANAL.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2538, and pending that motion, I move that general debate on this bill be now closed.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 2538, and pending that motion, he also moves that all general debate on said bill be declared now closed. The question is on the motion to close general debate.

The question was taken: and the motion was agreed to.

The motion to go into Committee of the Whole was then agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. COOPER of Wisconsin in the chair, for the further consideration of the bill H. R. 2538, to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of House bill 2538. General debate is closed. The Clerk will read the first paragraph of the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HEPBURN. There is a committee amendment—

Mr. COONEY. I desire to offer an amendment.

Mr. HEPBURN. I am authorized by the committee to offer at this time an amendment to the pending section—to strike out, in line 8, page 1, the word "defend" and insert "protect."

The CHAIRMAN. The question is on the amendment proposed on behalf of the committee.

Mr. MANN. Mr. Chairman, it is very seldom that I have trespassed upon the time or patience of the House; but on this matter, which comes from the committee of which I am a member, I wish to address the House for thirty minutes, and I ask unanimous consent that I may be permitted to proceed for that time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he be permitted to proceed for thirty minutes. Is there objection?

Mr. ADAMS. There are a great many members who are similarly situated to the gentleman from Illinois.

The CHAIRMAN. Does the gentleman object?

Mr. ADAMS. I do.

Mr. MANN. I hope the gentleman from Pennsylvania will withdraw the objection. As a member of the committee—

Several MEMBERS. Make it fifteen minutes.

A MEMBER (to Mr. MANN). You have had an hour.

Mr. MANN. I have had no time at all.

Mr. LIVINGSTON. I understand that the entire time yesterday was divided among the committee.

Mr. ADAMS. The rest of the House has had no chance at all.

Mr. MANN. This member of the committee has had no chance.

Mr. ADAMS. Are members of the House never to have a chance?

Mr. MANN. I do not wish to engage in any controversy with the gentleman. If he insists upon his objection, I can not help myself.

Mr. ADAMS. If the gentleman will yield me ten minutes of his time, I will not object. Otherwise I must protect my five minutes.

The CHAIRMAN. Objection is made.

Mr. MANN. Mr. Chairman, by the treaty of Guadalupe Hidalgo with Mexico, proclaimed July 4, 1848, the United States had vastly extended its Pacific coast by the acquisition of California. Only a short time prior to that treaty the boundary line between the Territory of Oregon and British Columbia had been settled by the Webster-Ashburton treaty.

There was considerable rivalry between this country and Great Britain as to the ownership and possession of the Pacific coast. The statesmen of Great Britain had been more keenly alive to the future possibilities of that wonderful country and climate beyond the Rocky Mountains. They had gained a decided diplomatic victory over the United States in the settlement of our northern boundary line in the far West. They had succeeded in locating by treaty that boundary line far south of what it should have been.

Before we gained California, the United States and Great Britain had almost equal possessions on the Pacific coast, but by our acquisition of California we were put far in the lead both as to the length of coast line and the value and importance of the territory occupied.

Great Britain became jealous of our increased power there. Let it be remembered that no one at that time considered the probability of transcontinental railway lines reaching from the Atlantic to the Pacific. The mode then of reaching the Pacific was either by a year's journey across the continent and over the wild plains and rugged mountains of the West or by vessels sailing around Cape Horn, or by crossing the continent at the Isthmus of Central America. The latter seemed likely to prove the key to the situation in the near future.

Even before the treaty with Mexico had been finally agreed upon, Congress, with the view of facilitating communications with our military and naval stations on the Pacific and to aid in the transmission of communication with the hardy immigrants who were already settling on the Pacific coast, had established a line of monthly steamers from New York to the Atlantic side of the Isthmus of Panama and from Panama on the Pacific side to California and Oregon.

MEMORIAL TO CONGRESS IN 1848.

At the first meeting of Congress after the treaty with Mexico and during the first days of the session there was presented to Congress on December 11, 1848, a memorial, by William H. Aspinwall and his associates, comprising the Pacific Mail Company, which then had the contract for the transportation of the mail from Panama to California and Oregon, asking for governmental aid in constructing a railroad across the Isthmus of Panama.

At that time a treaty had been negotiated by the United States with the Government of New Granada by which the United States had undertaken, in consideration of a free and uninterrupted right of way over the Isthmus of Panama by any road or roads then existing or thereafter to be made, to guarantee to that Republic the neutrality of the Isthmus and the sovereignty of the Republic of New Granada over it, so that if the Isthmus should be invaded by any foreign power the United States was bound to protect it with its Army and Navy. This treaty had been ratified by the Senate without a dissenting vote, and indicated the importance with which this route across the Isthmus was then regarded by the United States.

In order to show the feeling and the appreciation which was had at that time of the new situation, let me quote from the memorial:

Your memorialists believe that events have been rolling on toward the consummation of this long talked of work, and that the appointed time has now arrived; that the acquisition of California by the United States and the establishment of an organized government in our Territory of Oregon have fixed the period and the hands by which it is to be accomplished; that it has become the destiny of this country for its own interest, for the benefit of its own people, and for the good of the world alone, promptly, and without delay, to achieve an enterprise which for more than three centuries has, under some aspect, been contemplated and proposed by all the great powers of Europe. It is under a strong sense that they but speak the feelings of the great mass of our people, that they have ventured to embark in the enterprise before them and to aim at becoming instruments in carrying out a work which from the time when Nunez Balboa from the heights of Darien first saw the great South Sea has occupied the minds of all civilized people, which must reflect honor upon American enterprise, and which, by bringing into close relations the most distant parts of our Republic, must add to and enlarge the sphere of human happiness.

Your memorialists hope that these and other considerations of the like nature may have all proper influence upon your honorable body; but they ask your cooperation on none of these grounds. They ask it only on the grounds, first, of economy and pecuniary saving to the Government in the transportation of men, munitions of war, and naval stores to our military and naval stations in California and Oregon; and, second, on the higher and more important political ground of being able, on an emergency and when occasion requires, to send reinforcements and supplies in less than thirty days instead of six months, as required to send them around Cape Horn or across the Rocky Mountains.

This memorial was referred in the House of Representatives to the Committee on Naval Affairs, and on January 16, 1849, Mr. T. Butler King, from that committee, made a report in favor of the passage of a bill making a grant of \$250,000 per annum for twenty years to the memorialists for the purpose of enabling them to build the railroad. The committee in this report estimates the saving to the trade of America by the construction of the railroad across the Isthmus to be the sum of \$85,000,000 in the course of the first twenty years.

In the course of its reports the committee said:

We are so much nearer to the Isthmus than the ports of Europe, and our means of communication and information will be so frequent and certain, our means of steamers and coasting vessels so constantly on the alert, and will move with so much celerity, that heavy European freighting ships will find it quite impossible to compete with them. If this view of the subject be correct, and we believe it is, the construction of this railroad will throw into our warehouses and shipping the entire commerce of the Pacific Ocean. Our ports are on the very wayside from Europe to the Isthmus of Panama, and our lines of steamers and packet ships across the Atlantic will come laden with the freights destined for that channel of trade. The commerce, therefore, from Europe to the East Indies, China, and the west coast of this continent will be forced to pursue the old route or fall into our hands. * * *

When we consider the remarkable results presented in the foregoing tables, and compare our present condition with what it will be when the proposed railroad shall be completed and the advantages we shall then possess over all competitors for the commerce of the Pacific and the East, we need not be surprised that European capitalists have refused to lend their aid to the accomplishment of an undertaking which will not only deprive them of the decided superiority which they now possess over us in their intercourse with nine-tenths of the world—exclusive of ourselves—but will place us so far ahead in the race for commercial supremacy that they can never overtake us. * * *

Thus it appears as if California was designed by nature to be the medium of connecting, commercially, Asia with America and as the depot of the trade between those two vast continents, which possess the elements of unbounded commercial interchange.

And referring to the treaty between the United States and the Republic of New Granada, which had only been ratified on the preceding 12th of June, the report said:

This is, in fact, a defensive league on our part with New Granada, in which we virtually guarantee her sovereignty and independence for the term of twenty years, and as much longer as neither party shall notify the other of "its intention of proceeding to a reform" of the treaty. This is a very wide departure from our foreign policy hitherto, and its justification is only to be found in the exigency of the case—the overruling necessities of our position with reference to our territories on the Pacific. The pass across the Isthmus of Panama is the only route by which easy, regular, and speedy communication can be established with them, and by which, in fact, it has already been established, and there is no power on earth, except New Granada herself, which may say to us, "Thou shalt not cross the Isthmus," without meeting

the prompt resistance of the whole power of the Union. This treaty, therefore, is but a simple advertisement to all the world that for the next twenty years at least we will, with the permission of New Granada, cross the Isthmus of Panama, and you must not interfere.

As a part of the history of the Clayton-Bulwer treaty, permit me to call your attention to a communication addressed by Mr. Niles, chargé d'affaires of the United States to Sardinia, to Mr. Clayton, the Secretary of State, under date June 30, 1849. In this communication Mr. Niles presented his view in reference to the construction of an isthmian canal and included his idea of a project for such canal.

As this communication appears to have had great weight with Mr. Clayton in fixing his views as to the ownership and control of such a canal, it may be proper to know what the views of Mr. Niles were. Among other things, in his letter Mr. Niles stated:

It is evident that such a channel of commercial communication should not inure to the exclusive advantage of any one nation, or to any limited number of nations, or be subjected to the liability of interruption by the eventualities of war. It should be a common international thoroughfare, always open and always free on equal terms to the commerce of all nations, great and small, the weak as well as the powerful, those nations that are situated at remote distances as well as those in its immediate vicinity.

His project included the following propositions:

That the work shall be executed by the united contributions of the commercial nations of the world, or such of them as may agree in the undertaking.

That the ratio of contributions among the parties shall be that of their respective amount of tonnage engaged in foreign commerce, or some analogous basis of equality that may be agreed on.

That the contracting parties shall empower the said commissioners to treat with the State through the territories of which it is contemplated to construct the canal for the cession of the required extent of territory with the entire sovereignty thereof from sea to sea, say a belt of 6 miles in width reaching from shore to shore.

That no forts or buildings of any kind shall be constructed upon the ceded territory but such as may be thought necessary by the commissioners to carry out the objects of the proposed convention.

That the President of the United States propose to the maritime powers of the world, through simultaneous instructions to our diplomatic agents in foreign countries, to unite in the execution of the work.

THE HISE-SELVA TREATY.

On June 21, 1849, there was negotiated a treaty between the United States and Nicaragua, which, if it had been ratified by our country, would have then settled for all time our right to own and fortify an isthmian canal, as well as our absolute supremacy on the American continent and also in the Pacific Ocean. Elijah Hise, chargé d'affaires of this Government in Central America, without having obtained directions so to do, but with a keen understanding of the possibilities of the future and an evident realization of the importance to this country of controlling the isthmian canal whenever built, entered into a convention on behalf of the United States with Nicaragua, which is known as the Hise-Selva treaty. This treaty granted to the United States, or a company of its citizens, the "exclusive right and privilege" to construct a canal or railway through the territory of Nicaragua between the Atlantic and Pacific oceans. The treaty provided as follows:

The State of Nicaragua cedes and grants to the United States, or to a chartered company of the citizens, as the case may be, absolutely, all the land that may be required for the location and construction of said canal or canals, road or roads, etc.

Article V of that treaty provided:

The Government of the United States shall have the right to erect such forts and fortifications at the ends and along the lines of said works and to arm and occupy the same in such manner and with as many troops as may be deemed necessary by the said Government for the protection and defense thereof, and also for the preservation of the peace and neutrality of the territories of Nicaragua, to whom pertains equal rights as inherent to her sovereignty.

Article VI provided:

The public armed vessels, letters of marque, and privateers, and the private merchant and trading vessels belonging either to the governments or the subjects or citizens of nations, kingdoms, or countries with which either of the contracting parties may be at war, shall not, during the continuance of such war, be suffered or allowed to come into the ports at the terminations of said canals nor be allowed to pass on or through the same on any account whatever, etc.

Article XII of the treaty provided that the United States should protect and defend Nicaragua in the possession and exercise of the sovereignty and dominion over all the territories within her boundaries and, if necessary, employ the naval and military force of the United States for that purpose.

But on August 27, 1849, and before the Hise-Selva treaty had been acted upon in any way, Nicaragua had granted a concession to the American Atlantic and Pacific Ship Canal Company, composed of Cornelius Vanderbilt, Joseph L. White, Nathaniel H. Wolfe, and their associates for the exclusive right to construct the Nicaraguan Canal. I think, however, that it has always been understood that this concession was subject to the prior rights under the treaty in case that should be ratified.

SITUATION IN 1850.

Permit me to call your attention to one other circumstance of great importance in connection with the making of the Clayton-Bulwer treaty. Great Britain was then in possession of Greytown and the mouth of the San Juan River, claiming a protectorate over it as a part of the Mosquito Indian territory. It was also

claimed by the Republic of Nicaragua as a part of her domain. Great Britain had seized her opportunity and seized the mouth of the San Juan at the same time for the undoubted purpose of gaining control and possession of one of the necessary ends of any Nicaragua Canal route.

This, then, was the situation in 1850: The Hise treaty, if ratified, would give to this country the right to construct, own, operate, fortify, and defend an isthmian canal by the Nicaragua route, and at the same time would have required us by force of arms, if necessary, to compel Great Britain to relinquish her possession of that portion of the territory of Nicaragua which she had seized on the claim that it was a part of the Mosquito Indian lands. Such a situation might easily have brought on an armed conflict between this country and Great Britain. Whatever may be the reasons which have been given in print, or which may have been stated in debate, the fear of a controversy with England, which might involve war over the extent of the territory of Nicaragua and the possession of the east end of the Nicaraguan Canal route, was one of the reasons why the then Administration proceeded hurriedly to head off a demand for the ratification of the Hise treaty by the negotiation of the deplorable Clayton-Bulwer treaty. The concession granted to the Vanderbilt-White syndicate aided in this proceeding. The Administration then in power started in with great zest to negotiate a treaty which would insure to the private company an opportunity to construct this work unhampered by the existing conflict in regard to the territorial ownership of the region about the mouth of the San Juan River.

THE MAKING OF THE CLAYTON-BULWER TREATY.

On September 15, 1849, Mr. Crampton, the British minister, wrote to Lord Palmerston a letter in which he said, referring to Mr. Clayton, then our Secretary of State, as follows:

Mr. Clayton, having requested me to call upon him at the Department of State, said that he wished to converse with me frankly and confidentially upon the subject of the proposed passage across the Isthmus by way of Nicaragua and the river San Juan, with regard to which he had long felt a great deal of anxiety—an anxiety lately very much increased by intelligence he had received from Mr. Elijah Hise.

Mr. Hise, it appears, upon his own responsibility and without instructions, either from the late or from the present Administration, signed, on the part of the United States, a treaty with the State of Nicaragua, by which the latter grants to the United States an exclusive right of way across her territories, including therein the river San Juan, for the purpose of joining the two oceans by a canal across the Isthmus. The treaty contains a number of provisions, such as stipulations for the construction of forts and military works upon the banks of the San Juan for the protection of the proposed passage.

These Mr. Clayton enumerated to me, but he read to me at length the article which he regards as the most objectionable in the treaty, by which it is stipulated that the United States guarantees to Nicaragua forever the whole of her territory, and promises to become a party to every defensive war in which that State may hereafter be engaged for the protection of that territory.

To the whole of this treaty, as well as to the "absurd stipulation" which he had just read, Mr. Clayton said it was scarcely necessary to remark that he was entirely opposed.

The signature of the present treaty has, Mr. Clayton remarked, placed the Government of the United States in a most embarrassing situation. You know he said that the Government have no majority in the Senate; you know that the treaty will be called for by Congress; the substance of it, indeed, has already found its way into the newspapers. You are aware of the opinion which, right or wrong, is generally entertained in this country of the claim of the Mosquito chief to any part of the territory claimed by Nicaragua, and you can form an idea of the eagerness with which the party opposed to the Government will avail themselves of the opportunity of either forcing us into collision with Great Britain on this subject or of making it appear that we have abandoned, through pusillanimity, great and splendid advantages fairly secured to the country by treaty.

On October 1, 1849, Mr. Crampton again wrote concerning another interview with Secretary of State Clayton, in which he states that Mr. Clayton said—

That the United States Government would entirely disapprove of the treaty signed by Mr. Hise with the State of Nicaragua, unless they were driven to adopt it to counteract the exclusive claim of some other country.

That treaty both secured exclusive advantage to the United States with regard to the proposed canal, which they did not wish, under any circumstances, to possess, and threatened besides to bring them into collision with Her Majesty's Government upon the Mosquito question pending between them and the State of Nicaragua.

What the United States Government would now propose, therefore, was this: That the United States should abandon the treaty signed by Mr. Hise; and, instead of ratifying it, should propose, simultaneously with Her Majesty's Government, another treaty to Nicaragua, by which no exclusive advantage should be conferred on any party.

Mr. Crampton was shortly succeeded at Washington in the conduct of negotiations by Sir Henry Bulwer, who entered into a project of convention with Secretary of State Clayton, which, with some modifications, afterwards became the Clayton-Bulwer treaty. In a letter to Lord Palmerston, dated February 3, 1850, Sir Henry Bulwer, referring to what he had done and to conversation had with Mr. Clayton, stated that—

When Mr. Clayton, explaining to me the very critical position in which he himself stood, added that he must either deliver up the whole subject to popular discussion and determination or come to some immediate settlement upon it, I entered with him into a full consideration of the affair, and finally agreed to submit to your lordship's sanction the inclosed project of convention.

I may add that it will probably be attacked with violence by the parties who are for supporting Mr. Monroe's famous doctrine at all hazards, and

who contend that Mr. Hise's convention is the only one that this country ought to adopt or sanction; but, on the other hand, I think I can promise that it will be duly esteemed and approved of by the Senate and carry with it the weighty sanction of all reasonable men.

The Clayton-Bulwer treaty shortly followed. It is dated April 19, 1850. The preamble of that treaty provides:

The United States of America and Her Britannic Majesty being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by shipping canal which may be constructed between the Atlantic and Pacific oceans by way of the river San Juan de Nicaragua * * * to any port or place on the Pacific Ocean, etc.

And Article VIII of the treaty provides that—

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by way of Tehuantepec or Panama.

Article I of the treaty provides that—

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, agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

THE POLITICAL BIAS OF PRESIDENT TAYLOR'S ADMINISTRATION.

In connection with the making of this treaty, which, to a large degree, surrendered the theory of the Monroe doctrine, I call your attention to the political bias of the Administration then in power. In 1848 Gen. Zachary Taylor had been elected President as the Whig candidate. He had been the most successful and popular military man in connection with the prosecution of the Mexican war. Politically he had been an unknown quantity, but the public welcomed him as a hero with an admiration almost reaching adoration. He was elected President on his personal popularity as the Whig candidate, and Whig influences surrounded and controlled him. He was a plain military man. He was not bothered about the theories of government or the traditions of our own Government and its position on the American continents.

The Whigs had been bitterly opposed to the Mexican war. A Democratic Administration had inaugurated that war, and it was carried to a close under Democratic control of the Government. The treaty with Mexico by which we acquired from her California and the New Mexico country was savagely assaulted and bitterly denounced by the Whigs. The Whig party at that time on the subject of expansion was very much like the Democratic party to-day upon the same subject. It could not see farther than the end of its nose. When, therefore, General Taylor had been elected by reason of his personal popularity and, through him, a Whig Administration and a Whig Cabinet came into power, it was natural that the Administration should look with opposition upon the plans inaugurated by the Administration of President Polk for the extent of our influence farther south. Mr. Hise, who negotiated the Hise-Selva treaty, was an appointee of President Polk, and was in sympathy with the ideas of his Administration, but the Whigs had not wanted California, and they cared little about building it up. Daniel Webster had traded off a large share of our proper Pacific coast to Great Britain in exchange for an inconsequential shipping privilege on a river leading out of New England.

The Whigs had no special interest in the Pacific coast and were bitterly opposed to the schemes of the Democratic party for extension, expansion, and aggrandizement. They had not the slightest desire to enter into any controversy, much less a conflict, with Great Britain over the title to and possession of the mouth of the San Juan River in order to build up the South and the Pacific coast as against the free-soil sentiment of New England. It was very natural, therefore, that upon the subject of an isthmian canal the best interests of our country should have been betrayed by the Taylor Administration. Instead of submitting the Hise-Selva treaty to the Senate for consideration, Mr. Clayton, Taylor's Secretary of State, in a manner which all history must pronounce contemptible, begged the British Government to come to his assistance and agree with him upon a treaty wholly in the interest of Great Britain and absolutely destructive to the influence and supremacy of our country on this hemisphere. Not content with entering into a treaty to this effect, Mr. Clayton, by a secret agreement, practically nullified all portions of the treaty by which Great Britain had yielded up anything. No more sorry spectacle is presented anywhere in the history of our diplomatic dealings.

THE CLAYTON-BULWER TREATY STILL IN FORCE.

The terms of the Clayton-Bulwer treaty upon their face expressly provided that Great Britain should not occupy or fortify or colonize, or assume or exercise any dominion over, Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. Language could not well have been made more explicit. At that

time Great Britain was in possession of a portion of Nicaragua and the Mosquito Coast, both occupying it and colonizing it, and exercising dominion over it. Great Britain was also in possession and colonizing a portion of Honduras, known as the Belize country. Various islands in Central America, known as the Bay Islands, were also being occupied and colonized by Great Britain. Instead of promptly withdrawing its claim over these localities, Great Britain persisted in claiming that under the treaty and under the arrangement with Mr. Clayton it was not required to withdraw, but was to be permitted to remain in the same control as before the treaty.

For ten years this was a source of constant friction and frequent communication between the two governments, but finally, at the end of about ten years, all sources of complaint in regard to the attitude and action of Great Britain in these matters were removed to the satisfaction of the Administration of President Buchanan, who, in his message to Congress December 3, 1860, stated that—

The discordant constructions of the Clayton and Bulwer treaty between the two Governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this Government. In my last annual message I informed Congress that the British Government had not then "completed treaty arrangements with the Republics of Honduras and Nicaragua in pursuance of the understanding between the two Governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished." This confident expectation has since been fulfilled. Her Britannic Majesty concluded a treaty with Honduras on the 28th November, 1859, and with Nicaragua on the 28th August, 1860, relinquishing the Mosquito protectorate. Besides, by the former the Bay Islands are recognized as a part of the Republic of Honduras.

In my opinion, it may therefore be fairly stated that while the action of Great Britain during the ten years following the ratification of the Clayton-Bulwer treaty might have fully justified a notice on our part of the abrogation of that treaty because of its nonfulfillment by Great Britain, still when Great Britain finally yielded to our contention and gave up the possession about which we so strenuously complained, that cause of complaint was entirely removed, and we would have no right now to insist that the treaty is abrogated already or that it should be now abrogated because of the action of Great Britain immediately following the making of the treaty.

Mr. Chairman, I think we ought to deal in perfect good faith with Great Britain. In whatever we do we should act in a manly way. The Clayton-Bulwer treaty was an absolute betrayal or misunderstanding of the best interests of our country. It yielded up the strongest protection for defense which any nation was ever granted by nature. But it is still legally in force. We have had our attention more particularly called to that treaty recently by the new treaty which has been negotiated. In the effort to escape the Clayton-Bulwer treaty the present Secretary of State has negotiated a new treaty, now pending in the Senate for disposition and known as the Hay-Pauncefote treaty.

THE HAY-PAUNCEFOTE TREATY.

The Hay-Pauncefote treaty does not remove any of the objectionable features of the Clayton-Bulwer treaty. No right which was yielded up by the former treaty is recovered by the new treaty. Under the Clayton-Bulwer treaty it was the expectation and intention that the company which was then in existence, and which had acquired a concession from Nicaragua, would proceed with the construction of the canal with funds to be raised largely in England. One of the reasons given for entering into that treaty at the time was that in an enterprise of such great vastness it was necessary to have the financial support of England as well as of the United States in order to complete it, and when the Clayton-Bulwer treaty provided that neither the one Government nor the other would ever obtain or maintain for itself any exclusive control over the said ship canal, it was intended merely to provide that neither Government should so obtain control over a canal as to fortify it or as to give preferential rates to the shipping interests of its own country over those of the other country.

Such provision was not put in that treaty for the purpose of preventing either Government from expending its own funds in the mere construction of the canal. Either country would have been glad to have had the other country furnish the money with which to build the canal, provided it could be assured that the operation of the canal should be on even terms to the marine interests of both countries.

Now, what does the Hay-Pauncefote treaty do? It provides that—

The canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

And also that—

The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

Various other provisions are in the new treaty, including one that no fortification shall be erected commanding the canal or the waters adjacent, but there is not a single provision of any kind in the Hay-Pauncefote treaty in the interest of the United States in any way, shape, or manner. Not a single preference can be given to the vessels of the United States, either in time of peace or war.

The proposition of the Hay-Pauncefote treaty simply is this: It is desirable to have a canal built. For four hundred years an endeavor has been made to reach the waters of the Pacific from those of the Atlantic without going around Cape Horn. For more than fifty years active enterprises have been in evolution for the purpose of constructing an isthmian canal. Various companies have been incorporated, various treaties have been entered into, numerous concessions have been granted. One company has spent over \$5,000,000 and another company nearly \$300,000,000 in a vain effort to complete the work of construction. Engineers have stated that the enterprise can be carried through. No two engineers have apparently agreed upon the method and plan of work.

Private capital is unwilling to enter upon such an adventure-some undertaking. No European government is willing to advance funds out of its own treasury for that purpose; but by the grace of its overflowing Treasury and the consent of Great Britain, the United States may run all the risks of the adventure without any possible hope of special reward. In the benign goodness of her heart, England will grant us the authority to expend from one to two hundred millions or more in an enterprise, not for our own special benefit, but for the benefit of humanity, civilization, and English shipping. We are kindly given the consent of Europe to break down the barrier of defense which protects our Pacific coast and our interests in the Pacific Ocean, and to bring our possessions there 10,000 miles nearer to the guns of the navies of Europe.

Mr. Chairman, I do not wish to pass any adverse criticism upon the distinguished gentleman who presides over our Department of State. He has proven his ability and his farsightedness on many occasions. His triumph of diplomacy in the open-door policy of China earns him the gratitude of America present and America future. I can very well understand that, bewildered by the clear paper title which Great Britain had to the continuance of the Clayton-Bulwer treaty and the embarrassments which were constantly arising over the propositions made in Congress that the United States should aid or undertake the construction of the Isthmian canal, Mr. Hay finally entered into this treaty, giving our country as much consent as could be granted if the Clayton-Bulwer treaty were to remain in force, in order that public sentiment might be tested throughout the nation.

I can not believe that either the Secretary of State or the great man at the head of the nation has ever in heart advocated the ratification of this treaty, which would forever put an end to the rightful claim of supremacy for the United States in the Americas. But public sentiment has been tested. Our people do not favor the treaty. They do not wish it ratified. Speaking only for myself, I feel at liberty to say that if the Hay-Pauncefote treaty should by ratification become a binding law upon this country, I should oppose in every way possible every proposition to construct an Isthmian canal under its provisions.

OPINIONS OF FORMER REPUBLICAN ADMINISTRATIONS.

The position of our country in reference to this proposition is one which has been publicly expounded on various occasions.

In his message to Congress, March 8, 1880, President Hayes had the true American manhood to say:

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power, or to any combination of European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations, stand in the way of this policy, a contingency which is not apprehended, suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject, consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must, in a great degree, look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

An interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America as will protect our national

interests. This, I am quite sure, will be found not only compatible with, but promotive of, the widest and most permanent advantage to commerce and civilization.

In a letter to Mr. Lowell, our minister at London, that stalwart American, James G. Blaine, while Secretary of State, wrote June 24, 1881:

Nor in time of peace does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway, under the exclusive control of an American corporation.

It is as regards the political control of such a canal, as distinguished from its merely administrative or commercial regulation, that the President feels called upon to speak with directness and with emphasis. During any war to which the United States of America or the United States of Colombia might be a party, the passage of armed vessels of a hostile nation through the Canal of Panama would be no more admissible than would the passage of the armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia. And the United States of America will insist upon her right to take all needful precautions against the possibility of the Isthmian transit being in any event used offensively against her interests upon the land or upon the sea.

And in another letter, dated November 19, 1881, Mr. Blaine wrote to Mr. Lowell, referring to the Clayton-Bulwer treaty, and used the following language:

This convention was made more than thirty years ago, under exceptional and extraordinary conditions which have long since ceased to exist—conditions which at best were temporary in their nature, and which can never be reproduced.

The remarkable development of the United States on the Pacific coast since that time has created new duties for this Government, and devolved new responsibilities upon it, the full and complete discharge of which requires, in the judgment of the President, some essential modifications in the Clayton-Bulwer treaty. The interests of Her Majesty's Government involved in this question, in so far as they may be properly judged by the observation of a friendly power, are so inconsiderable in comparison with those of the United States that the President hopes a readjustment of the terms of the treaty may be reached in a spirit of amity and concord.

It consequently becomes evident that the one conclusive mode of preserving any Isthmian canal from the possible distraction and destruction of war is to place it under the control of that government least likely to be engaged in war, and able, in any and every event, to enforce the guardianship which she shall assume.

For self-protection to her own interests, therefore, the United States in the first instance asserts her right to control the Isthmian transit; and, secondly, she offers by such control that absolute neutralization of the canal as respects European powers which can in no other way be certainly attained and lastingly assured.

The following is a summary of the changes necessary to meet the views of this Government:

First. Every part of the treaty which forbids the United States fortifying the canal and holding the political control of it in conjunction with the country in which it is located to be canceled.

THE FRELINGHUYSEN-ZAVALA TREATY.

During President Arthur's Administration a new treaty was negotiated between the United States and Nicaragua, providing for the construction of the Nicaraguan Canal, which is known as the Frelinghuysen-Zavala treaty. This treaty provided among other things:

ART. I. The canal shall be built by the United States of America, and owned by them and the Republic of Nicaragua, and managed as hereinafter provided.

ART. II. There shall be perpetual alliance between the United States of America and the Republic of Nicaragua, and the former agree to protect the integrity and the territory of the latter.

If the Frelinghuysen-Zavala treaty had been confirmed and ratified it would have brought the canal matters to a head. That treaty was laid by President Arthur before the Senate for its action.

I wish to call the attention of my Democratic friends, who are now so actively assailing the present Administration for the Hay-Pauncefote treaty, to what took place in reference to the Frelinghuysen-Zavala treaty. One Grover Cleveland, whose name is now greeted with derision by the Democratic side of this House, had been elected President, and out of deference to his incoming the Senate took no action upon the Frelinghuysen-Zavala treaty prior to the inauguration of Mr. Cleveland as President in March, 1885. Mr. Cleveland thereupon recalled the treaty from the Senate and it became a dead letter. It will not do for our Democratic friends now to say that Mr. Cleveland did not represent their party at that time. Twice after that he was nominated in their national conventions, and once after that was again elected by them as President. It is not necessary for me to pass any word of criticism on his actions in reference to that treaty. He, like President Taylor, was unacquainted with the history of the policies of our country and the theories of our supremacy. He, like Taylor, relied upon the proposition that whatever had been advocated by his predecessor of the opposite party was bad and ought to be killed.

Mr. Frelinghuysen and President Arthur had had the nerve to negotiate a treaty which stood for America and for the United States. It was the first treaty of that kind in reference to an interoceanic canal which had ever been negotiated by direction of the President, and it was promptly killed as soon as the Democratic

Administration came into power. Very likely not killed so much through viciousness as through ignorance.

When Mr. Cleveland had been longer in office and had acquired a better knowledge of American history and American principles as well as an abler Secretary of State, he thrilled the hearts and raised the pride of every true American by his action in the Venezuelan affair.

REASONS FOR AN AMERICAN PROTECTED CANAL.

Mr. Chairman, I favor an American canal, owned, controlled, fortified, and defended by the United States. Nature has granted to our country certain natural advantages for our own defense, which we ought not to destroy or in any way relinquish. We possess two great ocean coast lines, separated and far removed from each other. At the present time our Atlantic and Gulf coasts are the most vulnerable points of attack by a foreign sea foe. We have in the past at enormous expense attempted, and are now at still greater expense endeavoring, to so protect the points of attack on these two coast lines by land fortifications as to render them comparatively safe from assault and capture by the naval forces of an enemy.

But we have not been willing to trust to the land defenses constructed through these great expenditures. In addition, we have proceeded on the line of policy of building up a navy which shall be equal in defense to any navy of the world. This the united wisdom of the country, without regard to party lines, has considered it necessary to do in order to protect our present points of attack and to maintain our power on the seas, as the condition of our hemisphere now exists.

At this session we will authorize the expenditure of more than \$60,000,000 for the maintenance of and additions to our Navy. It is no slight sum. For an annual expenditure, purely in time of peace so far as the Navy is concerned, it is an enormous amount.

But we have no difficulty in protecting and defending our Pacific coast line, far greater in length than the Atlantic and Gulf coasts combined. The battle ships of no foreign power, except England, can reach any part of our Pacific coast in fighting trim in time of war. If war should break out to-day between the United States and France, or Germany, or Italy, or Russia, or any other nation, excepting only Great Britain, the opposing power, under the doctrines of international law as practiced, could not, for lack of coaling facilities, succeed in having any of its war ships reach a single port on our Pacific coast prepared to give battle. No such nation could even maintain a fleet in the vicinity of our coast there. It could not send a war vessel there after war had begun, and if one were already there when war commenced, its first duty would be to hurry away to some point where it could obtain coal and protection. No other nation in the world possesses such a long, almost continuous coast line as ours on the Pacific.

No other coast in the world is to-day so easily defended as our Pacific coast. It is to-day absolutely free from attack by any European or Asiatic power except Great Britain. Nature has provided us with a barrier of defense for California, Oregon, Washington, and Alaska which all the wealth, power, and ingenuity of man could not have erected. She has given us what we could not have made. The fortifications erected by us on land may succumb before the assaults of the enemy or of time and neglect. But the barrier of distance—impassable space—can never be overcome except by a change of conditions. We are now free from attack in that quarter, except from Great Britain, and she could not use her present fleets with advantage to attack us there. From the other powers we are not only free from attack, but we are also free from even menace in that quarter. Sir, out on the Pacific will be the future great development of civilization, of progress, of commerce, of art and culture, of humanity itself. No one can measure the probabilities, much less the possibilities, of that region.

Shall we now maintain its splendid isolation from foreign invasion or attack or shall we, in our hunger for present commerce, barter away our birthright of safety for a mess of pottage of trade? Shall we in our eagerness for riches kill the goose which would lay for us the golden eggs?

I am aware, Mr. Chairman, that there are eminent minds in our country who insist that a purely neutral canal can be as easily defended as, and will be much safer than, a fortified canal. The distinguished Admiral of the Navy, flushed with the ease and completeness of his victory at Manila, has recently stated that the proper way to defend the Nicaragua Canal is by a naval fleet. It is natural for him to magnify the importance and power of his branch of the service. Every department and branch of the public service does the same. But Admiral Dewey would not have won his victory and his laurels if the bay of Manila had been provided with proper land fortifications. Spain chose to rely upon her fleet for defense there, and we all know the rest. It is said that to fortify the canal would simply result in making it a battleground in time of war. Mr. Chairman, the experience of all history shows that if this canal be built unfortified and unprotected it will then become not only the battle ground in case of war, but the constant

bone of contention and desire both in war and peace. To impregnably fortify it at each end is to remove it from the field of battle.

Our recent war demonstrated the fact that the Navy can not accomplish much against land fortifications. Sampson before San Juan, and Sampson and Schley combined before Santiago, should be sufficient proof that guns on land, properly protected, can not be captured by guns on the sea.

And not only will land fortifications much better assure the protection of the canal, but that protection will be thus furnished at vastly less expense. Sufficient land fortifications can be erected at a small proportion of the cost of constructing and equipping a sufficient fleet.

The expense of care and maintenance will also be far less. If we propose to construct a canal as United States property, and then be prepared to guard and defend it with our Navy only, we must contemplate the intention of providing a sufficient fleet at each end of the canal to withstand the assault, unprotected by guns on land, of any foreign fleet which may gather there. Such fleets could not be constructed, in the first instance, at a cost of less than \$80,000,000, and could not be maintained at less than an annual cost of probably \$5,000,000, in addition to the interest on the original cost. I protest, sir, against adding this heavy burden to the real and necessary cost of the Nicaragua Canal.

Mr. Chairman, when the battle ship *Oregon* was pursuing her historic trip from San Francisco to Santiago, as well as after her journey had been completed, it seemed to be the common thought and expression of our country that if the isthmian canal had been in operation at that time the *Oregon* might have pursued her way through it unmolested to join our fleet hovering around Cuba or watching our own coast. Let us imagine, however, for the sake of a proper consideration of the subject, that an isthmian canal had been in operation at that time; that it was unfortified, absolutely neutral; that ships of war might pass into it, through it, out of it, unmolested and unattacked while so doing; and that because of the great marine interests of the other commercial nations of the world, which would thereby be so affected and injured, we would not have been willing to take possession of or close up the canal. What would have been the result?

If under such circumstances we had endeavored or attempted to interfere in any way with the free use of the canal by the vessels flying neutral flags, we would have been immediately interfered with ourselves and would have thereby enlisted on the Spanish side of the combat other nations of Europe, which only needed a reasonable excuse to take some part in the fray.

But suppose the canal had been left open; then what? You will remember, sir, that Dewey was at Manila Bay without land forces or land fortifications; that Sampson was trying to blockade Habana and adjoining points; that Schley was on watch to guard our own coast or make a flying trip to any point where needed; that the people along the Atlantic coast, and especially in New England, were in a condition of nervous excitement and fear, dreading that a Spanish fleet might make its appearance off that coast; that Cervera and the fleet under him started from Spain and we did not know whether it was pointed toward some portion of our Atlantic seaboard or toward Habana or San Juan, or toward the approaching *Oregon*, or toward some other objective point.

He did not have a fleet of magnitude or even of considerable strength under him, and yet the uncertainty of the destination of that fleet exercised, alarmed, and disturbed our people, and particularly our Navy Department and naval board of strategy. Nearly our entire navy in the Atlantic was set to work to hunt for and chase Cervera's fleet. No one knew where it was or where it was going to be. We had a fleet immensely its superior, but our fleet at that was not large enough to have watched the entrance to an isthmian canal and at the same time have prevented the Spanish fleet making the entrance of Habana Harbor. Or, if we had kept our fleet hunting Cervera and left the canal unguarded, he could easily, during the days when his whereabouts was unknown to us, have made the entrance to the canal and had several days start of any part of our fleet on his way to San Francisco or Portland or Seattle or the Hawaiian Islands, and from there across the Pacific to attack Dewey with a stronger fleet than his, and our Navy would not have known in which direction to pursue him. And then let us suppose that Cervera's fleet, instead of being much weaker, had been much stronger than ours. We could not have guarded our own coast, watched the entrance to the canal, and at the same time have engaged in any offensive operations.

In my opinion, the lesson to be learned from the Spanish war and the naval operations therein is that it would be dangerous and unsafe for us to construct or permit to be constructed any isthmian canal through which a foreign foe could in time of war send its battle ships.

NO NEED TO WAIT UPON COMMISSION.

But it has been said, sir, that Congress ought not to take any action concerning the canal until the report of the commission authorized by the last Congress shall have been made and received. I do not propose to dwell upon the manner in which the

provision for that commission was inserted in the river and harbor bill of last year. It was done in secret conference between the three conferees of the House and a like number from the Senate, with no chance to review the action so taken except by the defeat of a great appropriation bill. It did not reflect the sentiment or the will of the House. I would not be understood, however, as criticising the conduct of those who acted for the House and inserted that provision. They were pursuing their ordinary parliamentary rights.

But, sir, the Nicaragua Canal route has been the object of careful examination and survey, from time to time, for fifty years by eminent engineers and commissions. Every engineer who has examined it has pronounced in favor of the practicability of a canal by that route. Hardly any two engineers have agreed upon exactly the same route or the same details for the construction of the work. I have given considerable study, according to the best of my limited ability, to the reports and recommendations of the different engineers who have examined into the feasibility of an isthmian canal, either by the Nicaragua route or the Panama route. In my opinion, one is as likely to be successful as the other. It would probably cost as much to finish the Panama Canal as it would to build the Nicaragua Canal. No one knows whether either can be finished within a reasonable limit of cost. No one knows whether any isthmian canal will be safe to operate when built. No one will or can know these things until the experiment has been made, until the money has been expended, until the genius of man has had the opportunity to cope with the forces of nature in a struggle to do, to act, and not merely to estimate and to theorize. The canal may be a success or it may be a failure.

No one can tell until it has been tried. The present commission will probably report, as it ought to, that a canal can be safely undertaken at either Nicaragua or Panama. Other routes may also be approved or discovered. For various reasons we do not need to wait on the report of the present commission. One reason is that even if this bill should become a law at the present session of Congress, it will authorize the beginning of negotiations which can not possibly be concluded before the report of the commission is ready. The first step toward building a canal by our own Government is not the determination as to the engineering possibilities, but is the ascertainment whether we can obtain the necessary authority and consent of the Government which now owns and possesses the territory through which the canal is to be constructed.

There will be plenty of time for the commission to report long before that matter is disposed of. It is also undoubtedly true that it will be much easier for our Government to negotiate with the different Central American republics before the commission has definitely reported in favor of any particular plan. The passage of this bill will place our Government in much better position to negotiate than it now occupies. And it can do no harm. It is an indication of our intention to undertake the work. It is an evidence of good faith on our part.

But, Mr. Chairman, there is, to my mind, a much stronger reason why we do not need to wait upon the present commission before taking action. That commission may acquire data which will be of great value to the engineers who undertake the work of actual construction, but it will not, in the face of the many previous favorable reports, now declare the Nicaragua route to be impracticable, especially as four members of the present commission were also members of previous commissions which reported favorably upon that route. Nor would we have faith in them if they did so report. But they may report that the Panama route is more feasible than the Nicaragua route. What then? It would not affect the line of my action. We can not become the sole and absolute owners of a canal which we may fortify and protect by the Panama route.

The diverse and conflicting interests of the people who have sunk \$280,000,000 in that enterprise, ought to prevent our Government from ever assuming its completion, because if we did complete the work and made the canal a success, we would always be harassed by claims growing out of the original expenditures. We would never hear the last of them and we might easily become embroiled with France over them. The difficulties in the way of acquiring an absolute and complete title to the present Panama route are well-nigh insuperable.

A FORTIFIED CANAL.

I am not willing, sir, to lend my voice or vote in favor of our Government constructing, or permitting to be constructed, any canal connecting the Atlantic and Pacific waters which shall be so neutralized as to permit a foreign foe at war with us to pass her battle ships from ocean to ocean. I would as soon agree not to attack the war vessels of a foreign foe while passing up the Mississippi or the Hudson. It would be, in my opinion, absolute folly for us to permit a canal to be constructed upon such terms of neutrality. I think it would be criminal idiocy. It would be not only to invite foreign attack, but to expose ourselves to easy

attack. The idea is abhorrent to my mind. Unless I am blinded, its future effects would be most disastrous if not fatal to us.

For us to permit the construction by others of such a neutral canal would be an act of monumental folly almost unequalled in the experience of the world. But for us to undertake the construction of an entirely neutral canal ourselves, with our own money, located in a distant country, with no means of defense or protection except a navy, and thereby double the exposure of our entire coast to attack from foreign foe, would be an act of foolish folly beyond proper characterization.

It might fit in well with the actions of the Democratic party for the last forty years, but it can have no proper place in a Republican programme or a Republican platform. Will anybody believe that a property owned by this Government at a distant point, unguarded and unprotected, worth \$150,000,000, would not itself be the object of determined attack? We might build the canal, but England or some other power might soon own another Gibraltar. Mr. Chairman, Great Britain possesses the mightiest navy in the world. All other navies seem like infants or dwarfs beside hers. But has anyone heard that Great Britain proposed to dismantle her fortifications at Gibraltar and hereafter rely upon her navy entirely for her control of the entrance to the Mediterranean? Has anybody heard that England proposed to make the St. Lawrence River and Welland Canal neutral to our battle ships in time of war with us?

But, sir, the claim has been made that it would do no good to fortify the canal, for the reason as stated that anyone could at will destroy its usefulness, at least temporarily, with a stick of dynamite, so that in case of war it might thereby be temporarily obstructed and rendered useless for war purposes. Let us see. If the United States itself, as the owner of the canal, should direct or willingly permit the obstruction thereof so as to injure the shipping interests of other nations, contrary to the treaty provisions regarding the canal, those other nations would not only have grounds for a protest and an excuse for war, but would undoubtedly have a just claim against us for the damages accruing to their merchant marine. So that the United States would not be in a very good position to obstruct the canal of its own motion. We could only do it by a violation of our treaty obligations, which might make us great trouble.

But it is said that our foe might easily have some one destroy a lock of the canal, and thereby shut in or shut out our own war vessels. It is true that if we do not fortify and protect the canal our foe might destroy to a large extent our property there; but if we have the canal properly guarded and protected there will not be much danger of its injury through a stick of dynamite or other explosive. No more danger to the locks there than to our forts or our war vessels in harbor. The locks will not be of a character of construction easily injured or destroyed. A stick of dynamite would do them but little harm without an opportunity to use a drill first. It would be just about as easy to get a chance to use the dynamite in injuring the canal as it was for the mice to bell the cat.

I repeat, sir, that our only safety lies in a fortified and protected canal or in no canal at all. There is inevitable danger in every halfway proposition. Our course should be clear, determined, and honorable. We should maintain our own self-respect and endeavor to retain the respect of the world. I recognize the difficulties in the way. I appreciate the obligations of the Clayton-Bulwer treaty.

Mr. Chairman, I do not endeavor to hide behind the subterfuge that the Clayton-Bulwer treaty was abrogated by the action of Great Britain immediately after its ratification. I do not doubt that treaty is still legally in force; but the conditions have vastly changed since it was entered into. We have developed California and Oregon, and have acquired Alaska, Hawaii, and the Philippines since then. The value of our Pacific possessions has been increased many fold. The real importance to us, therefore, of an isthmian canal has been largely increased. On the other hand, the opening of the Suez Canal, giving England a direct communication between her shores and India, has greatly decreased the real importance to her of an isthmian canal. So that as between ourselves and Great Britain the relative value of the canal has increased to us and decreased to her. The Clayton-Bulwer treaty only concerned England and ourselves. It did not affect or bind any other nation of Europe.

I would now say to Great Britain: In view of the change of conditions and the increase to us of the value of the canal, we respectfully ask you to release us from the obligations of the Clayton-Bulwer treaty, assuring you that we desire this release to be obtained by friendly methods, and upon terms which will insure to your commercial interests equal treatment with our own through the canal; but that in any event we do not intend to be forever bound by those provisions of the treaty which would prevent our building and operating the canal as a national enterprise, and from fortifying and protecting our own. This would be

no act of moral turpitude on our part. Experience, justice, propriety, and civilization would all justify us.

The Hay-Pauncefote treaty is worse for us than the Clayton-Bulwer treaty. The latter at least contemplated that the people of both nations should join in furnishing funds for the enterprise. The former contemplates that our country shall foot all the bills without receiving a single particle of additional benefit thereby, and without even being permitted to secure protection to the money which we invest. The Hay-Pauncefote treaty ought to have no friends and supporters in this country. It flies in the face of the line of policy adopted by our country for years. It is an absolute surrender, in principle, of the Monroe doctrine and "America for Americans." The passage of this bill will be the finishing strokes on its coffin.

Mr. Chairman, the distinguished gentleman from Ohio [Mr. BURTON] urges delay until the commission now at work shall have reported and, I think, stated that their report would forever settle the proper location of the canal. He makes a rash prediction. Some people thought it was settled when Colonel Childs made his famous report in 1852. Others thought it settled when Commander Lull of our Navy made his report in 1873. Others, again, thought it settled when Civil Engineer A. G. Menocal made a report, by direction of our Government, in 1885. Still others were convinced that it was settled by the elaborate surveys and reports of the engineers of the Maritime Canal Company from 1887 to 1893. Some people thought it would be forever settled by the report of the Ludlow commission, authorized by Congress in 1895.

Mr. Chairman, it was supposed that all the doubters left would be willing to abide by the report of the Walker commission, authorized by Congress in 1897. That commission has reported. And now another one has been appointed, and we are told by the gentleman from Ohio that the report of this last one will satisfy him. But if the report of the present commission should satisfy him, some other doubting Thomas would arise and want still another and yet another, and so on until the end of time. Sir, when Count de Lesseps took up the subject of the isthmian canal, he called together 135 eminent engineers and scientists, and they considered and discussed the various isthmian canal routes, including both the Nicaragua and Panama routes and others, and they arrived at the conclusion that a sea-level canal at Panama was the most feasible. It has taken the expenditure of nearly \$300,000,000 to demonstrate that their project can not be constructed, and it has been abandoned for a high-level canal.

Sir, you can appoint commissions until the heavens fall and the canal will remain unbuild. What is required is action. The first thing toward the construction of the canal is to do something. The way to build the canal is to build it. This bill is a definite declaration of intent. It means action; it means expedition; it means something which leads to positive results. Mr. Chairman, I leave others to describe the unlimited value of an isthmian canal to the commercial interests of the world. I leave others to tell of the time shortened and the distance saved, of the unsafe seas avoided, of the freights reduced, and the perishable commodities preserved, the commerce enlarged, the civilization advanced, and the tremendous benefit to humanity in many ways by the operation of an isthmian canal connecting the waters of the Atlantic and the Pacific.

Our duty to our country, the maintenance of our position in the world, the upholding of our supremacy on the American continents, our proper protection of the other republics in Central and South America, as well as a due regard for our own feeling of self-respect and pride in country, all demand that we should proceed with this great undertaking, the greatest single enterprise ever attempted. Let us fear not. Let us halt not. Let us not delay. The passage of this bill will be a sign of promise like the rainbow of God. The judgment of history and the mandate of the people direct us to proceed now and not delay further.

Before Mr. MANN had concluded his remarks,

The CHAIRMAN said: The time of the gentleman has expired.

Mr. ADAMS. I ask unanimous consent that the time of the gentleman be extended for ten minutes.

The CHAIRMAN. Is there objection?

Mr. COONEY. I object. I would not object to five minutes. But I wish to state that gentlemen in favor of this bill occupied the attention of the House during the whole of yesterday, so that it was scarcely possible for a member opposed to the bill to get himself on record.

Mr. SHERMAN. Then I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes. I understand the gentleman from Missouri [Mr. COONEY] does not object to that.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Illinois for five minutes?

There was no objection.

Mr. GAINES. Will the gentleman yield for a question?

Mr. MANN. I can not in five minutes.

Mr. GAINES. Only a brief question.

Mr. MANN. Very well; if the gentleman wants to get into the RECORD, I will answer his question.

Mr. GAINES. If you treat my question, which was intended to be deferential, in such a way as that, then I yield back your measly time.

Mr. MANN resumed his remarks as already given.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask consent to extend my remarks in the RECORD.

Mr. GAINES. I object.

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. ADAMS. Mr. Chairman, it is with the greatest regret that I am compelled to cast my vote against the passage of this bill, and I desire to state the reasons which prevent my adherence to this measure.

Mr. HEPBURN. It may seem ungracious to do so, but I want to confine this debate to the legitimate purpose provided by the rule, and I want the gentleman to confine his remarks to the amendment which is pending.

Mr. ADAMS. This amendment provides for the defense of the harbors at the entrances and exits of the proposed Nicaraguan Canal. Under the Clayton-Bulwer treaty this country has obligated itself not so to fortify. I trust the gentleman will think my remarks in keeping with the amendment; and had he given me time enough to start what I had to say, his point of order would have been unnecessary. The Constitution of the United States prohibits legislation impairing the obligation of contracts, and the constitution of every State in our Union contains a similar prohibition. The most solemn contract known in the civilized world is an agreement entered into by the sovereign states to do or not to do any particular things. This is recognized in the Constitution of our country, which provides that treaties duly executed and ratified shall be the supreme law of the land.

The first article of the Clayton-Bulwer treaty, executed in 1850, between our country and England provides:

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; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

Mr. Chairman, if this treaty is in existence to-day, any legislation in violation of its provisions is in direct conflict with the supreme law of our land as declared by the Constitution. This treaty was entered into at our solicitation in 1850 to facilitate the construction of a proposed canal across Central America and to declare, so far as that region was concerned, that the Monroe doctrine was to be enforced, both of which provisions were accepted by England. From that day to this our executive department, as represented by the President and the Department of State, has held it to be in force, and in pursuance of the agreements contained in it a treaty was made with Nicaragua in 1867 providing for the neutrality of the canal in the event of its construction.

Four different times we held England to the stipulation that she would assume no control over territory in Central America, and she was obliged to withdraw her jurisdiction from the "Mosquito" land and the Bay Islands of Honduras. It has been contended in this debate that acts were performed by England which abrogated this treaty. Without going into a discussion of that point, our Government never claimed or took advantage of those acts. Our Secretaries of State, without exception, have maintained that the treaty was in full force.

Secretary Frelinghuysen alone held that the treaty referring to these alleged acts might be "voidable," but he never asserted the claim of its abrogation. Of the attitude of the present Secretary there can be no question. The Hay-Pauncefote treaty was negotiated to amend the Clayton-Bulwer treaty, and I can not entertain the idea that our Department of State would proceed in solemn negotiation to amend something that did not exist.

Mr. Chairman, I have endeavored to show that the argument that this treaty is not in existence is not tenable. This bill, with this provision for the sole control by the United States Government, is in direct conflict with the stipulations contained in that treaty. I can not vote for a bill which puts our Republic in the position of deliberately breaking the supreme law of our own land and of stating to the civilized world that we will not keep our solemn obligations imposed upon us by a treaty with a sovereign power. It has always been the boast of our country that our diplomacy has been founded on truth and frankness and has been carried out with sincerity and honor.

Among the movements for the betterment of the people of the world we have been foremost in proposed negotiations. The recent treaty consummated at The Hague was largely inspired and

mainly directed by the force of our representatives; it was our adherence to the great principle of arbitration and peace. I can not vote for a measure which will hold out to the world that we are not sincere and do not mean to keep obligations solemnly entered into, and put such a stain upon the fair name of our country.

Mr. Chairman, international law rests entirely on the adhesion and good faith of the sovereign nations of the world. Break down that confidence and future negotiations will not only be useless but the obligations incurred in the past will lose their efficiency and stability. In my judgment this is a sufficient reason to cause any conservative legislator to withhold his vote from this measure under present conditions and endeavor to keep this blot from being put on the fair name of his country.

I turn now, Mr. Chairman, to another provision of this bill. In the first section the President is directed to secure control of the right of way and to construct this canal with unlimited powers as to price at his command. A greater tribute was never paid to any Executive of our country than by the confidence displayed by the Democratic party in placing such unlimited financial power in the hands of the President as they are willing to do in this measure. It is the second time that such an honor has been conferred upon President McKinley, the first being in the appropriation of \$50,000,000, to be expended at his discretion, at the outbreak of the Spanish war.

While I do not consider this prudent legislation, my opposition to it is not based on any want of confidence in the ability and wisdom of our Chief Executive; it is at the other end of the line. Pass this law designating that the route must be through Nicaragua and directing the President to purchase the right of way and control of it, and my knowledge of the people of Central and South America is such that I know he will have a hard bargain to secure the object named, hampered as he will be by the limitation as to one route, and with unlimited funds at his command to purchase the right of way. One need only turn to the former effort made in the Frelinghuysen treaty to purchase a similar concession, when the terms proposed by Nicaragua were so exorbitant that the treaty had to be rejected.

But, Mr. Chairman, there is a stronger reason against the passage of this bill, which I think will appeal to the business instincts and good sense of the people of our country. One year ago we appropriated \$1,000,000 for a commission, composed of the ablest engineers and men of experience in the Army and Navy of our country, to examine into the various proposed routes across the Isthmus and to report upon the one which, in their judgment, was the best geographically and from the standpoint of economy.

That commission has not yet reported. It might mean the saving of millions of dollars to the taxpayers of our country in the difference in the cost of construction and maintenance between the different routes surveyed. It is certainly reckless legislation to decide upon a route before we have heard from the very people upon whose judgment we rely to furnish us with the necessary information.

Mr. Chairman, in closing, I must reiterate the great regret I feel in not being able to vote for a bill for the construction of an interoceanic canal. Anyone who heard my remarks last week in favor of the expansion of our trade and commerce with the Orient, of the great opportunity at this time open to it, owing to the acquisition of our Pacific islands, must know that any measure tending in that direction has my fullest sympathy and support, but there are ways and times to do all things, and under present conditions I can not give my adhesion to the passage of this bill.

Mr. UNDERWOOD. I should like to make the same request. I ask to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LIVINGSTON. I ask that all who may speak under the five-minute rule on this bill may have the same privilege, to extend their remarks in the RECORD.

Mr. GAINES. I object.

The CHAIRMAN. That is a general privilege, which the Committee of the Whole does not exercise in that manner.

Mr. DAVIS. Mr. Chairman, that I favor the passage of this bill and the building of this canal goes without saying, since I am a member of the committee reporting the bill, and I joined with the members of the committee in giving it a favorable report.

I want to say just a word in reference to these amendments proposed by the committee. If we want to build the Nicaragua Canal, if we are earnest in this matter, there is no rational reason why the amendment proposed by the committee to strike out the word "defend" and insert the word "protect" should not be adopted. If I say I "defend" you, or I "will defend" you, I thereby propose to do an abstract thing. If I say I "will protect" you, I mean not only that I will defend you if you are assaulted, but that I will be ever with you, giving to you not only

defense, but my countenance and comfort and aid in every respect in which it may be needed. When I say I will protect you I mean everything.

When I say I will protect you I mean not only that I will defend you, but I mean also to be aggressive if it be necessary. I say the word "protect" is not only a better word, but a more statesmanlike expression. It is less menacing, but it means more; and if you are in earnest in this proposition, you should accept this amendment without quibble and without sentiment.

Mr. McCULLOCH. I would like to ask the gentleman from Florida what does the word "protect" mean in this connection?

Mr. DAVIS. Everything.

Mr. McCULLOCH. Protection from overflow, from storms at sea?

Mr. DAVIS. It means protection in every respect, and in this connection it means to defend; it means to protect from overflow; it means to protect from assault; it means to protect from menace.

Mr. McCULLOCH. Then I will ask, if it means all this, why not put it in here in connection with "defend" and not strike that word out?

Mr. DAVIS. I call my friend's attention to the word "defend" used in this connection, and included in the other proposed amendment to this bill, because on the next page my friend will find this expression that we propose:

To construct safe and commodious harbors at the termini of said canal and make provisions for defense.

Mr. McCULLOCH. Why, is it because it is tautology to use it that it should be placed in this present connection?

Mr. DAVIS. It is for defense, and for whatever may be necessary to protect this canal. Not only should this amendment be adopted, but the other amendments proposed by the committee should be adopted without quibble. I undertake to say to my friend that if he were going to draft this bill himself he would prefer the word "protect" to the word "defend."

Mr. McCULLOCH. What objection would you have to the word "fortify"?

Mr. DAVIS. I prefer the words suggested by the committee. They are more lawyerlike, more statesmanlike, mean more, and sound better in a public statute, and ought to be adopted. We ought to cease caviling and pass this bill.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ADAMSON and others. Division!

The committee divided; and there were—ayes 95, noes 49.

So the amendment was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I offer an amendment to this section.

The Clerk read as follows:

Amend section 1 as follows:

"Strike out the words 'from the States of Costa Rica and Nicaragua,' in lines 4 and 5.

"Also the words 'now belonging to Costa Rica and Nicaragua,' in line 6.

"Also the words 'a point near Greytown on,' in line 10.

"Also the words 'via Lake Nicaragua' and the words 'Brito on,' in line 11."

Mr. PARKER of New Jersey. Mr. Chairman, this amendment leaves this bill one that fulfills its title and provides for the construction of a canal connecting the waters of the Atlantic and the Pacific oceans, or, as the section is amended in lines 10 and 11, from the Caribbean Sea to the Pacific Ocean. The object of this amendment, Mr. Chairman, is to give the President the absolute power to negotiate for control of the territory necessary for building a canal across the Isthmus, wherever that control can be cheapest and best obtained, and wherever that canal, according to information that we shall get and get soon, can best be placed.

Some remarks have been made here by gentlemen on the committee about the danger of authorizing the President, possibly, to buy stock in the Panama Canal. Such stock is usually held in large blocks. The Suez Canal now belongs to the great commercial rival of the United States. It was obtained by purchasing canal stock, and was a good purchase. Let me say to this committee that it is not right to leave out of consideration all the difficulties of constructing a canal across the Isthmus, either by Nicaragua or Panama. We have yet to find an engineer who, when he reflects that the harbor of Greytown had 30 feet of water fifty years ago and has but 6 now, will say he is certain or that it is absolutely certain that 30 feet can be maintained there now. We have yet to find an engineer who will say that there is no danger from earthquakes, when he reflects that there is a live volcano—Ometepe, in Lake Nicaragua—that after being dead for practically a hundred years broke out in the year 1883 and is still emitting steam and sulphurous smoke.

I do not see, then, how gentlemen can say there is no danger from earthquakes, especially in view of the fact that in 1895 the experience of the city of Leon was relied on to prove that there were none, and in 1898 an earthquake there threw down many buildings and cracked the walls of the old cathedral. There are

16 miles of canal embankment endangered by earthquakes. More than that, I have yet to find the engineers who will say that they are absolutely certain, without enormous expense, or even with enormous expense, to put a dam across a river like the San Juan, which sometimes carries 50,000 cubic feet of water every second.

Mr. STEWART of New Jersey. Will the gentleman from New Jersey allow me a question?

Mr. PARKER of New Jersey. I can not now; I have no time to yield. Meanwhile the changes in the plan of the Panama Canal have, in the opinion of engineers chosen from the best engineers all over the world, made that canal feasible which before was regarded as not feasible; its estimated cost is lower than that of Nicaragua; we do not know how cheaply its stock may be bought or what arrangement may be made; and that whole question ought to be left to the wise discretion of the President of the United States. And even if there were no thought of going to Panama, the fact that it is thought that we may go there is likely to create a competition which will enable us to make better terms in Nicaragua.

Mr. Chairman, I have said all I have to say. I desire to add but one word more. In my opinion the principle of this bill is right. We should wait no longer, but should give to our Executive, as a railroad would give to its executive committee, the power to act. The bill is wrong when it limits the discretion or the full power of that Executive to do the very best that he can and to exercise a full discretion.

Mr. HEPBURN. Mr. Chairman, the gentleman's proposition at the conclusion of his remarks justifies me in saying what all men know, that he proposes a choice now between two special routes. I want to say here that there are but two that have ever had the consideration of intelligent investigation by intelligent men. The gentleman's proposition looks to the securing upon our part of the remnants of one of the foulest scandals that ever agitated the civilized world. There are to-day in the Capitol the emissaries of that discredited and dishonored corporation, the Panama Canal Company, seeking to unload their enterprise upon the American people.

What is that? They have now outstanding \$256,000,000 of stock, and it is scattered all over the face of France. When that stock was being subscribed for, it was a popular one; it fooled all the poor, and for its benefit there was the outpouring of their hoarded wealth. That stock is so held now, and believed by them to be valuable. Men who have appeared in the interest of that discredited concern before our committees have said that they have now expended more than \$90,000,000 in a canal, and yet they have not touched the serious propositions that are involved in the completion of it. They tell us they have completed two-fifths of the linear extent of the work, and yet the three great works are scarcely begun, two of them not yet touched by any human being, save in a speculative sense that the engineer may labor.

Now, the gentleman proposes that we give to the President of the United States, no matter how eminent as a financier or poor he may be, that sum of money, he to determine it and go into the French stock market and secure \$256,000,000 of stock which is now held all over that republic. Is that a wise proposition? I do not distrust the Chief Executive, but I would put no such power as that in the hands of any living man. And yet that is what the gentleman proposes, for there are but two propositions, the one embodied in this bill and the one that is being promoted now in this city by the agents of the so-called new Panama Canal Company.

[Mr. CLAYTON of New York addressed the committee. See Appendix.]

[Mr. NOONAN addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. NOONAN. I ask consent, Mr. Chairman, to extend my remarks in the RECORD.

There was no objection.

Mr. CORLISS. I would ask, Mr. Chairman, if debate upon the existing amendment has not been exhausted?

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BURTON. Mr. Chairman—

Mr. CORLISS. Is not debate exhausted on this amendment?

The CHAIRMAN. It is. The question is on the amendment of the gentleman from New Jersey.

Mr. BURTON. I desire to offer an amendment, to strike out, in line 10, the words "near Greytown."

Mr. CORLISS. An amendment is already pending, which must be disposed of.

Mr. BURTON. The amendment now pending, as I understand, has reference to the option between the two routes. In that case I move to amend the amendment by striking out the last word.

Mr. Chairman, I have not been at any time and am not now an advocate of the Panama route. I repeat what I said to this House yesterday, that good administration, good business, requires a comparison of these two routes by experts, and also a comparison of

the concessions and privileges which can be granted with reference to each. But I can not allow some remarks made in reference to the Panama Canal Company to go unchallenged. It is not correct to say that the stock and bonds of that company are held all over France and we must settle with the holders. In the brief time in which this matter was before the Committee on Rivers and Harbors in February and March, 1899, this subject was gone into very thoroughly. The old company had both stock and bonds. The stock has been completely wiped out.

Mr. HEPBURN. Allow me to say that there is absolutely no bonded indebtedness on the part of that company. That statement has been made under oath here. All its resources were raised by stock subscription.

Mr. BURTON. I will come to that point. Official liquidators, or receivers, as we would call them, were appointed by special act of the Republic of France in 1894. A new company was organized with a capital of 65,000,000 francs. The old company, while moribund, is not altogether dead. It has certain miscellaneous assets. It has a reversionary right to the Panama Railroad provided the canal is not built. It has one-fourth of these sixty-five millions of stock. But the new company formed by the Republic of France, or under one of its laws, has absolute power of disposition of that canal. It can sell it to the United States; it can give a portion of the stock to us; it can give just as complete a title as can the Republic of Nicaragua or Costa Rica.

I do not think it bears upon the question to speak of the scandals that attach themselves to the old company. They are nothing with which we have anything to do. Upon the appointment of this commission we owe it to the people of France, a nation with which we are on friendly relations—it matters not whether thousands and tens of thousands of the peasantry of France were robbed in this original scheme—to give fair treatment and examination to the project.

It is true there are certain rights in the old company. After the payment of the expenses of maintenance, interest on bonds, interest on stock, 5 per cent of net income to the promoters, 5 per cent to the managers, 5 per cent for the sinking fund, then after these amounts are carved out, 60 per cent of the net remaining goes to the security holders of the old company. But that would not prevent this new company, with its 65,000,000 francs—not dollars—which the gentleman from Iowa [Mr. HEPBURN] has stated has no bonds—from absolutely selling the canal, in which case the rights of the old bondholders would be transferred to the fund resulting from the sale.

I say we owe a degree of comity to England also in this great enterprise. We can not go ahead regardless of the rights of foreign powers or foreign peoples. An international canal is what it will be.

Yesterday I sought to give complete extracts from messages of Presidents and correspondence of Secretaries of State; but I omitted several.

President Taylor, in a message to Congress December 4, 1849, said:

* * * All States entering into such a treaty will enjoy the right of passage through the canal on payment of the same tolls. The work, if constructed under these guaranties, will become a bond of peace instead of a subject of contention and strife between the nations of the earth. Should the great maritime states of Europe consent to this arrangement (and we have no reason to suppose that a proposition so fair and honorable will be opposed by any), the energies of their people and ours will cooperate in promoting the success of the enterprise. * * * Should such a work be constructed under the common protection of all nations, for equal benefits to all, it would be neither just nor expedient that any great maritime state should command the communication. The territory through which the canal may be opened ought to be freed from the claims of any foreign power. No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway which ought to be dedicated to the common uses of mankind.

As regards the Clayton-Bulwer treaty, Secretary Cass, in some remarks to the British minister detailed in a letter of Lord Lyons to Lord Russell, July 15, 1859, spoke of certain public men as— young and ardent politicians, who were loud in their condemnation of the Clayton-Bulwer treaty, who considered that the engagement not to exercise dominion over Central America was a sacrifice of interest and dignity and an unjustifiable obstacle to the fulfillment of the manifest destiny of the United States.

I do not regard it as necessary to answer the remarks of the gentleman from Illinois. The fact that a private enterprise had in contemplation the building of this canal does not affect the question—does not affect the stand we have taken. It was the principle that Henry Clay and Jackson and Van Buren and Polk and Taylor and all of them were contending for. It was the principle of the neutralization of this canal. The question how it should be built was an entirely secondary one.

Mr. NOONAN. Regarding the Hay-Pauncefote treaty, which embraces that stipulation regarding neutrality which conforms to the stipulation regarding the neutrality of the Suez Canal, I will ask the gentleman whether in his opinion any nation or any fleet at war with England—

The CHAIRMAN. The time of the gentleman from Ohio [Mr. BURTON] has expired.

Mr. NOONAN. I ask unanimous consent—

Mr. BURTON. I ask that my time may be extended only to enable me to answer the gentleman's question.

The CHAIRMAN. Is there objection to extending the time so that the gentleman from Illinois [Mr. NOONAN] may ask his question and the gentleman from Ohio [Mr. BURTON] may answer it? There was no objection.

Mr. NOONAN. Would the neutrality of the Suez Canal be preserved for any enemy of the British Empire?

Mr. BURTON. Do I understand the gentleman is inquiring in regard to the Suez Canal?

Mr. NOONAN. The Hay-Pauncefote treaty, in the opinion of my distinguished colleague [Mr. HITT], is a triumph of diplomacy. It is because of that remark on his part that I take occasion to use his name in asking this question. The Hay-Pauncefote treaty refers to and makes a part of its provisions the stipulation as to neutrality with reference to the Suez Canal. It is as to those stipulations that I take exception, and I ask if in the opinion of the gentleman—

Mr. BURTON. I do not clearly understand the gentleman's question.

Mr. NOONAN. Will the neutrality of the Suez Canal be maintained to any enemy of the British Empire?

Mr. BURTON. The gentleman is now asking in regard to the Suez Canal.

Mr. NOONAN. I am.

Mr. BURTON. Certainly. It is true there would be advantages to Great Britain on both sides, in the possession of naval stations and probably a larger fleet; but the neutrality would be absolutely secured for any nation in the Suez Canal in peace or in war.

Mr. NOONAN. Does the gentleman not recognize this fact that was stated by Lord Granville in reply to Secretary Blaine—

Mr. BURTON. I do not care to go out into these collateral discussions in regard to it.

Mr. NOONAN. It is in regard to the Hay-Pauncefote treaty, which the gentleman has exploited in the highest encomiums of language.

Mr. BURTON. In answering the question I must say that the gentleman must recognize a vital difference between the Suez Canal and the Nicaraguan Canal. The Nicaraguan Canal goes through exclusively foreign territory. The Suez Canal has provision for protection or defense by the Turkish Government, because Egypt is a nation subject to Turkey. The two are not in the same position. One is a canal through absolutely foreign territory. In the other case the principal power reserves the right to defend the territory of its subject power.

Mr. NOONAN. Nevertheless, it is not neutral to any enemy of the British Empire?

Mr. BURTON. Certainly it is.

Mr. NOONAN. Lord Granville states that England maintains the ports of Gibraltar, Cyprus, Malta, Aden, and Port Said, all fortified, but he contends that those fortifications were acquired by the English Government prior to the construction of the Suez Canal. He facetiously observes—

Mr. BURTON. If I may have time to answer the gentleman's question, I think he is laboring under a very great degree of mental confusion. [Laughter.]

Mr. NOONAN. I assure you that I am not, and this laughter does not disturb me in the least.

Mr. BURTON. The neutrality of the canal does not mean the neutrality of the whole world. It means the neutrality through that artificial strait and an interval of twenty-four hours between war ships passing through. Great Britain has certain islands near to the Suez; just as near to Nicaragua and Panama we have Porto Rico and other places. The gentleman's question relates to islands and fortifications which a country has somewhere else away from the two entrances to the canal.

Mr. NOONAN. Immediately adjoining the canal.

The CHAIRMAN. The Chair thinks that the question has been answered. [Laughter.]

Mr. NOONAN. This neutrality of the Suez Canal is a delusion and a snare.

The CHAIRMAN. Does the gentleman from Ohio withdraw his amendment?

Mr. BURTON. I withdraw the amendment; and while I am on my feet, if I may have the consent of the House, I want to say a word in regard to the striking out of the words "near Greytown." It has appeared that there is a possible other route which might be adopted into the Indio River, not far away. Now, it is true that that would be near to Greytown, but I am sure that the chairman of the committee would have no objection to the words being stricken out. There are three tributaries of the San Juan River where the canal might possibly be constructed across the divide.

Mr. HEPBURN. It was for just such contingencies as that that the words "near Greyton" were included.

Mr. Chairman, the gentleman from Ohio has said that there was a large amount of bonds of this company that the new company had extinguished, as I understood his statement. If I understood him correctly, he is in error in that. It was in testimony before the Committee on Interstate and Foreign Commerce that this company never had a bonded indebtedness.

Mr. BURTON. The gentleman will excuse me.

Mr. HEPBURN (continuing). And the new company never paid a dollar of indebtedness, nor did they ever pay a dollar to the old company, nor have they extinguished any right of any kind of the old company, excepting as to the immediate management of the canal.

Mr. BURTON. The gentleman is certainly in error.

Mr. HEPBURN. I am talking about things that I know and statements that were made by representatives of this company under oath.

Mr. BURTON. Does the gentleman from Iowa intend to state that there were never any bonds issued by the old Panama Company?

Mr. HEPBURN. I intend to state that that was stated before our committee by persons who were representing the new company.

Mr. BURTON. The gentleman is wide of the fact in his understanding.

Mr. HEPBURN. Now, I desire to say that I hold in my hand the printed hearing, where the gentleman from Illinois [Mr. MANN] interrogated Mr. Cromwell, the representative of this company, as follows:

Mr. MANN. When you speak of the amount of your assets, I want to get at just what you mean. The canal itself constitutes the bulk of your assets, does it not?

Mr. CROMWELL. Yes, sir.

Mr. MANN. How much did that canal cost this company?

Mr. CROMWELL. I endeavored to explain that, and I will be glad to repeat—

Mr. MANN. I have been very attentive. I have been an attentive listener.

Mr. CROMWELL. Yes, sir; I know you have. All the property without reserve was, by decrees of court—

Mr. MANN. I understand that, but how much did it cost the new company? Mr. CROMWELL (continuing). Sold to the new company under agreements which provide as follows: That the new company should place in its treasury \$13,000,000 of fresh money. It did that, and of that \$13,000,000 some millions are still in the treasury. Further, that it would pay to the old stockholders, after all expenses of operation, maintenance, exploitation, dividends, reserve fund, etc., are provided for, a specified share of the surplus income—that is to say, after taking out the operating expenses, maintenance, sinking fund, reserves, and a moderate dividend to the new capital employed, that the balance remaining should be divided into two parts, and that 40 per cent should go to the shareholders of the new company and 60 per cent to the liquidator of the old company.

Now, I say it conclusively shows that the old stock existed as it had heretofore existed; that it was a commercial entity; that he was to receive as dividend 60 per cent of this fund after paying expenses, etc.; that that stock does exist—and it was stated too that that was a popular loan, and that the stock was held all over France. The poor people, we were told, had taken their hoardings—their reserves—and invested in this enterprise because of the confidence that all Frenchmen felt at that time in De Lesseps.

Mr. BURTON. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. BURTON. The gentleman states that the stock is still in existence. Is it in existence in any different sense or in any different way from the stock of the Erie Railway or the Northern Pacific Railway before the reorganization?

Mr. HEPBURN. I do not know how that stock is held, but I know that each individual stockholder holds his stock to-day. The liquidator is to receive 60 per cent, and then he is to divide with each stockholder holding the stock, and it is to be paid to him as a dividend.

Mr. BARHAM. It is held by express contract.

Mr. HEPBURN. It is held by express contract with this company.

Mr. BURTON. Does the gentleman contend that the stock of De Lesseps is so held that it can not give an absolute title?

Mr. HEPBURN. I do; without the consent of every one of these stockholders.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] The question is on the adoption of the amendment moved by the gentleman from New Jersey.

Mr. BERRY. Will the Chair let the amendment be reported?

Mr. PAYNE. I wish that the amendment may be reported again.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. PARKER of New Jersey. Division.

The committee divided; and there were—ayes 31, noes 87.

So the amendment was rejected.

Mr. McCULLOCH. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 1, in line 8, after the word "construct" and before the word "and," insert the words "fortify, garrison;" so as to read, "construct, fortify, garrison, and protect."

Mr. McCULLOCH. Mr. Chairman, the purpose I have in view in introducing this amendment is to make certain the meaning of the word "protect," which has been inserted in the bill in lieu of the word "defend," by the amendment of the gentleman from Iowa. The word "protect" in this bill may have a different signification to the one given to it by the chairman of the committee.

Mr. SHAFROTH. Will the gentleman indicate where that amendment is to be inserted?

Mr. McCULLOCH. In line 8, after the word "construct," and before the word "and," insert the words "fortify, garrison," so as to read: "to construct, fortify, garrison, and protect." The word "protect" may be construed by the courts to mean something as peculiar to the physical condition of the canal itself. In other words, to protect from erosion, to protect from overflow, interior overflows that might come down from the mountains, overflow this canal and destroy it; to protect from storms at sea; but we desire, at least I desire, to give this word "protect" such a significance as there will be no question that we intend to control and defend it—this canal—as an American enterprise, and to repeal, if it is now in force, the Clayton-Bulwer treaty. [Applause.] If the word "protect" means to defend and fortify, why not give it that signification? Why leave it in the bill subject to different interpretations?

Why do we not use words here that are unequivocal, and which must carry conviction even to foreign countries as to the intent of the American Congress. This amendment can be no hurt to the bill if the word "protect" means to defend and to fortify. There can be no objection to these words which lend emphasis to the meaning which we desire to put into the bill; hence, sir, I insist that they go in the bill, so that there can be no equivocation or any quibbling as to what the words mean. I reserve the remainder of my time.

Mr. HEPBURN. I want to suggest to my friend that he accomplishes nothing by this amendment. This section simply relates to a strip of territory: "He shall get such a strip of territory as is sufficient on which to excavate, construct, and make a canal." Now why do you want to insert here the words "fortify and garrison?" When you get that strip, that is sufficient to construct the canal; does not that include an instruction to get that portion of territory upon which you place your fortifications and upon which you would build your barracks for your garrison? This does not in any sense instruct the President to fortify or to build a canal; it simply relates to the portion of territory, the quantity of land that he must secure.

Mr. McCULLOCH. Let me say to my friend from Iowa this, that is just what I am striking at. If the word "protect" should be construed—as I think it may be construed—simply to protect the physical condition of the canal, then the purchase will only be of sufficient land upon which to put the canal, looking to the physical conditions only. But if we fortify or garrison it, it will be necessary to buy more land than enough upon which to locate the canal. Perhaps it may be necessary to build the fortifications a half a mile from the entrance of the canal, or it might be necessary to go a mile or more to get a good elevation upon which to locate the forts. But to purchase land merely for the right of way upon which to locate the canal itself would not necessitate the purchase of land upon which to build garrisons and fortifications.

Mr. HEPBURN. It certainly would if in securing that quantity of land you had to protect it.

Mr. McCULLOCH. In the way you construe the word "protect" you may be right; but how will others who come after us construe it?

Mr. HEPBURN. I mean protection in every way.

Mr. McCULLOCH. Well, then let us put the words in so that there will be no doubt about it.

Mr. HEPBURN. What does the gentleman want? Does he want to secure a canal, or has he some other purpose? If you want to secure the canal, let us have such language used in the bill that all its earnest friends can support it.

Mr. McCULLOCH. I am heartily in favor of the canal, but let it be American. Do you mean that you will put equivocal terms in the bill so as to get men to vote for it?

Mr. HEPBURN. We have no equivocal terms in the bill.

Mr. McCULLOCH. Why not make use of positive terms—terms about which there can be no doubt?

Mr. HEPBURN. We have them in there now.

Mr. McCULLOCH. I mean terms that will mean that it shall be under American control and American control only.

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, in my opinion the main thing is to construct this canal, to wipe out 10,000 miles of ocean voyage and a proportionate amount of transportation charges from our Atlantic to our Pacific seaboard and from the

Atlantic to the Orient and from the Gulf to the Pacific and the Orient. I would myself like to see the word "fortified" in the bill, not because I believe for one moment that the American people would not fortify the canal, or at least defend it, whether the word was in the bill or not, but simply because I believe it is better for nations, as it is for men, always to be frank and candid and open with one another. If there is to be any international trouble growing out of the fact that we propose to fortify this canal, I would rather have the trouble before we spend our money upon the canal than afterwards.

But, Mr. Chairman, if we can not insert the words contained in the amendment of the gentleman from Arkansas, I do not think that the omission of them would make quite as much difference as he seems to think. I feel certain of the fact that seventy-five or eighty million people are not going to spend one hundred and forty or one hundred and fifty million dollars for that great work and then tamely submit to its being taken away from them in case of war. I also feel certain of the fact that whatever may be contained in any treaty now existing or hereafter to be entered into, a state of war would abrogate the treaty as between the belligerents, and that then the United States could and would, as against the other belligerent, assert its right of sovereignty, of control, of ownership of that canal, while at the same time allowing to neutral powers the passage of their vessels even during the time of war.

I feel not the slightest degree of hesitancy in trusting the American people to protect this canal, even under the language of this bill. I feel that even if the Hay-Pauncefote treaty were to be confirmed—and I am almost certain in my own mind that it never will be—the power given in that treaty to "police" the line of that canal could be taken advantage of for the purpose of garrisoning it in the first place, and in the second place leaving it unfortified perhaps in time of peace, but the moment the tocsin of war was sounded I am certain we would proceed with a garrison then and there to throw up earthworks and fortifications necessary to protect the interests of our people and their money invested in the canal.

Mr. Chairman, when I think of this long route by Cape Horn; when I think of the Southern cotton lying upon the banks of the Mississippi on both sides; when I dwell upon the fact that the construction of this canal will virtually empty the Mississippi River into the Pacific Ocean, giving it a new mouth; when I think of the fact that the construction of this canal will realize the dream of Christopher Columbus and enable people to sail directly west from Europe to reach "far Cathay" and the "rich East where Prester John once ruled," it seems to me that all little matters in connection with the mere verbiage of the bill sink into absolute insignificance. [Applause.]

I shall vote for the amendment, and I hope it will not be defeated, because I think we ought to be plain about expressing beforehand what our undoubted intent is, and then if the amendment shall be defeated, I shall then vote for the bill, firmly believing that the mere fact of enabling the cotton goods of the South to reach Japan and China, Manchuria and Korea, with the obliteration of 10,000 miles of ocean transportation, will amount to something like a cent a pound of additional net receipts to every Southern planter upon every pound of cotton which he sells to those markets. I shall vote for the bill, because I believe it will carry Tennessee iron and coal entirely by waterway to a market where coal sells now for \$14 a ton, coal that we can get out of the mines at a cost of a dollar and a quarter a ton. I hope, Mr. Chairman, that the amendment will prevail. [Applause.]

Mr. GILLET of Massachusetts obtained the floor.

Mr. CANNON. Mr. Chairman—

The CHAIRMAN. The gentleman from Massachusetts has been recognized.

Mr. CANNON. I would be glad of recognition at the earliest time possible.

Mr. GILLET of Massachusetts. I will yield to the gentleman from Illinois.

Mr. CANNON. I should be glad if the gentleman would; I will do that much for him later on.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. CANNON. Mr. Chairman, I have picked up for the first time in the last few minutes the RECORD of yesterday's proceedings; and I find that at last night's session, at which I was not present, the gentleman from Iowa [Mr. HEPBURN] in charge of this bill, when arraigning me for my position in regard to the bill, used, among other things, the following language touching myself:

I challenge the sincerity of the gentleman in this matter. I do that in the light of all that has gone before.

And so on.

Mr. Chairman, on yesterday, when I had the honor of addressing this committee, I said:

Now, men openly charge that people who are not friendly to the construction of an isthmian canal are promoting this bill. I do not know whether that is true or not. Within the last twenty-four hours a gentleman came to me and said a story was about to go out that members on the floor of this

House promoted this legislation because it would tend to delay the construction of the canal, and wanted to know what I thought of it. I said "these men are honorable men, and I want to say here and now from my acquaintance with them, honest and filled with fidelity, they have no such intention." I said it to him and I say it now, and as I am fully satisfied and believe.

The gentleman who came to me and made the statement I have just read connected the name of the gentleman from Iowa [Mr. HEPBURN] with the statement, as promoting this legislation for the purpose named.

Mr. HEPBURN. Who was the party who made that statement?

Mr. CANNON. A representative of the Scripps-McRae Association—

Mr. HEPBURN. I ask the gentleman to give his name.

Mr. CANNON. I do not recollect the name; but if the gentleman will allow me to proceed without interruption, this statement was made, I was going to say, that the gentleman from Iowa had this purpose in view in this legislation.

I said promptly to him that I did not believe it; that the gentleman from Iowa, as I knew from my services with him in the House, was an honorable man, and although he might be mistaken in his judgment with reference to this proposition, I was satisfied that there was no truth in such a rumor.

I was satisfied then, Mr. Chairman, and would be now satisfied if my doubts were not justified or aroused, I may say, by these words of the gentleman from Iowa last night in the course of the discussion on this bill, when he said:

I challenge the sincerity of the gentleman—

Referring to myself—

in this matter. I do that in the light of all that has gone before.

Now, Mr. Chairman, my observation induces me to believe that when a man anywhere is ready to challenge the sincerity of a fellow-member on the floor of the House that he is only ready to do so perhaps because he turns his glance inward and applies the proposition to himself as to what he might do under similar circumstances.

I do not rise, sir, to make any justification or assertion as to my sincerity. According to the light given to me as a Representative, heretofore and now on the floor of the House, and exercising my right as such Representative, I have confirmed by my vote and voice what I believe to be the best legislation for the best interests of my country, and by my record on such ideas I must stand or fall in that regard. [Applause.] And the gentleman from Iowa can doubt my sincerity as much as he chooses; I shall not pay further attention to his doubts, but will trust to the judgment of my fellow-members and to my constituents and the country in the premises. [Applause.]

Mr. HEPBURN. I think it entirely possible, Mr. Chairman, that some man whose name the gentleman from Illinois [Mr. CANNON] can not recall or whose name he does not know may have made such a statement as that to which he refers, because it is a well-known fact, I take it, that there are scoundrels and liars about this Capitol, employed in the interest of or as special agents, ready to beslime every man who interferes with their projects.

I believe there are interests in his own city of Chicago—men who went down to Nicaragua last year for the purpose of securing franchises for the purpose of selling to the Government, and which they said before the committee of which I am a member they were ready to sell—I think those people are ready to attack my sincerity about this matter. I think it altogether likely that the Panama Canal Company, who are trying now to unload, or to delay this measure, might do that, and I would ask the gentleman now, since he has been referring to others that have seen fit to speak evil of me, if he has not had interviews with some of those men?

Mr. CANNON. I know no man connected with the Panama Canal, officially or unofficially, and never have known one of them.

Mr. HEPBURN. That is sufficient for me.

Mr. CANNON. Can the gentleman say as much?

Mr. HEPBURN. Yes, sir; except as they have appeared before me in committee, I can say that.

Now, Mr. Chairman, for what I said of the gentleman I appeal to the RECORD, and I say that on all occasions where he has had an opportunity, by insolent interference, he has attempted to stop the progress of this great work.

Mr. CORLISS. For five years.

Mr. HEPBURN. Twice in the last five years his committee, that never gave a word of attention or study to the subject, have intervened and have secured a suspension of action; have stopped the project under the pretense of more information—the same plea made then that was made here yesterday. I appeal to the RECORD, nothing more than that. I care nothing about what interviews the gentleman may have had. I say this to him, if he means to father it, that the man who said that I was not in good faith, that I had any other purpose than that of securing at the earliest moment that canal that would most benefit us, I say that he lied; and if it was parliamentary to do it, I would say the man that at-

tempted to give currency to it by its repetition here was a liar. That is all I desire to say about it.

Mr. CANNON. Mr. Chairman, I will ask the gentleman before he sits down to whom he referred in the last clause?

Mr. HEPBURN. I say this, if you intended by anything you said to impute to me falsehood—

Mr. WHEELER of Kentucky. A point of order.

Mr. HEPBURN (continuing). Or bad faith—

Mr. WHEELER of Kentucky. Mr. Chairman, a point of order. I think that the orderly procedure of this body demands that gentlemen should be a little more respectful in their language.

The CHAIRMAN. The Chair has not heard anything unparliamentary yet.

Mr. WHEELER of Kentucky. I think it is.

Mr. HEPBURN. I will say that it was a gross and violent injustice to me; and the gentleman from Illinois was the only one that I could assume, by that underhand manner, tried to make such an imputation upon me.

Mr. CANNON. Now, Mr. Chairman, if I may be recognized a moment, I have seen in my time other men and members trying to play the cuttlefish act and muddy the waters and swim away.

Mr. HEPBURN. Let me interrupt the gentleman to say that I propose no cuttlefish movement here. I do not propose to muddy the waters and get away. I am responsible for what I have said to the gentleman and to this House. I have weighed my words; and while they are earnest, I know what they mean. I believe that he tried to dishonor me here, and I resent it. I want him to understand it.

Mr. CANNON. Very well; I will read now what the gentleman refers to again:

Now, men openly charge that people who are not friendly to the construction of an isthmian canal are promoting this bill. I do not know whether that is true or not. Within the last twenty-four hours a gentleman came to me and said a story was about to go out that members on the floor of this House promoted this legislation because it would tend to delay the construction of the canal, and wanted to know what I thought of it.

Now, then, give attention:

I said "these men are honorable men, and I want to say here and now from my acquaintance with them, honest and filled with fidelity, they have no such intention." I said it to him and I say it now, and as I am fully satisfied and believe.

Mr. BARHAM. Will the gentleman pardon me?

Mr. CANNON. The gentleman is not in this at this moment.

Mr. BARHAM. I want to get in.

Mr. CANNON. Just let me complete it. Now, then, it is an open secret that in many papers of this country statements have been made touching the gentleman from Iowa's intention. Now—

Mr. HEPBURN. Mr. Chairman, I am not willing that the gentleman should make that statement. I say it is untrue.

Mr. CANNON. I do not yield.

Mr. HEPBURN. There is a paper in Chicago that has said so.

Mr. CANNON. Very well.

Mr. HEPBURN. Representing certain Chicago interests in this connection.

Mr. CANNON. Now, then, in view of that statement that the gentleman refers to and in view of the statement which I referred to here, I felt that I was doing a generous and praiseworthy act in referring to it, and that statement came from my heart, inspired with respect for the gentleman from Iowa, rather than from disrespect or hatred. Judge of my surprise, animated as I was, to read in the RECORD a few moments ago the assault that he committed upon me in my absence; and then he says, "And if the gentleman says," while he did not say he did, he says he referred to me at this point, "in promoting this bill seek to delay the construction of the canal, then the gentleman lied."

Yes; and if the Lord was the devil, then the Lord would be the devil, and so forth, and so forth. I dismiss this whole matter, because I think the sober second judgment of the gentleman from Iowa, when his partisanship for this bill has had time to cool, will cause him to take account of stock and see that it was his temper rather than his calm judgment that inspired the attacks upon me yesterday and to-day. [Applause.]

Mr. HEPBURN. Mr. Chairman, in commencement of that laudable enterprise, to please the gentleman, if it is parliamentary to do it, I will withdraw the "and ifs, and ifs, and ifs." [Applause.]

Mr. CANNON. Well, the gentleman having withdrawn, can keep them withdrawn if he chooses, and pursue that course that his own sense of honor and his own self-respect shall dictate.

Mr. GIBSON. I call for the regular order.

Mr. GILLET of Massachusetts. Mr. Chairman, I am rather sorry I yielded the floor, for while these personalities are exciting, they are not instructive and to me are very distasteful. Like almost every disinterested person in the country, I heartily favor the speedy building of an isthmian canal; but there is an argument which to me is conclusive against this bill. We can not pass it without violating a solemn contract of the United States and committing a deliberate breach of international law.

The Clayton-Bulwer treaty provides:

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

It is argued that Great Britain has broken the treaty, and hence we can consider it void. This argument seems to me quite untenable. Immediately after the adoption of the treaty England claimed an interpretation which we vigorously denied. The dispute continued for some years. We doubtless then could have said to her: "Your conduct is a breach of the treaty, and if you persist we shall consider it null and void." Did we do so? Quite the contrary. We wanted the treaty to continue in force. We considered it greatly for our benefit. Our statesmen of those days, who knew something about the Monroe doctrine and who had enlarged views about international relations, thought the treaty important for us and for commerce; and so they forced their views persistently upon England, and insisted that she should abandon her interpretation, and finally England did yield some of her claims and made a settlement with Central America in which we acquiesced; and although some of our statesmen have since argued that the treaty was voidable, yet our authorized Administrations have several times recognized its validity—the last time this very winter. Under the circumstances, how can we honorably treat it as void? Of course we can ignore it, but only by palpably breaking our agreement.

The chairman of the committee said yesterday in answer to a question that the House of Representatives could by this bill abrogate the treaty, although the more orderly way would be to abrogate it by another branch of the Government. The gentleman was not accurate in his use of language. He should have said Congress can break it, can violate it, instead of abrogate it. That, in my opinion, this bill does. We do not abrogate the Ten Commandments every time we violate them. And that is sufficient reason for defeating this bill.

Mr. RAY of New York. Mr. Chairman, may I interrupt the gentleman to state that the Supreme Court of the United States have decided three times that while the House can not do it the Senate and the House together—that is, Congress—can repeal a treaty; that it is nothing but law, and they may repeal it.

Mr. GILLET of Massachusetts. The House, Senate, and the President can repeal, but this House can not, and this bill does not assume to. We have always claimed as a nation to disregard the conventionalities and etiquette of diplomacy. Our representatives abroad have not been allowed to conform to diplomatic usage in dress, and we have thought lightly of diplomatic ceremonial and elaborate expressions which have made the word diplomacy sometimes a synonym for deceit and have assumed a bluntness and straightforwardness at variance with the world's custom. But our only excuse must be a most careful and scrupulous directness and honesty of conduct to accord with our plainness of manner.

If we abandon diplomatic customs and courtesies which, like the politeness of individuals, are intended to smooth away asperities and prevent sudden anger and give time for self-restraint and reason, then we ought to be very careful that in the essence of our diplomacy we never depart from the straight course of honest dealings. I agree with the argument of the chairman that conditions have greatly changed since the treaty was ratified in 1850, and that we have just ground for claiming its modification. But that claim ought to be presented in the usual and friendly way. That claim justifies us in asking that the treaty be changed; it does not justify us in brutally saying it is dead. That claim has been presented in the proper way by the President; a modification has been agreed upon which is pending in the Senate. The result we do not know. If it fails there, before declaring discourteously that we do not propose to recognize the treaty, we ought at least to again offer modifications and give notice that the present condition is unendurable. Our new acquisitions have just compelled us to step into the current of international affairs. I trust if we have shown a giant's strength that we shall not use it like a giant. I trust we shall not at once signalize our active participation in the world's movements by ignoring honesty as well as courtesy, and deliberately violating a treaty whose modification is pending before the appropriate tribunal.

Mr. GAINES. Mr. Chairman, I have tried industriously and intelligently to give my support to this canal project. I hope it will be built. My people are for it for more reasons than I have time to state.

Now, Mr. Chairman, I desire for a moment, for fear that I may unintentionally impose on the House a visitation I do not intend—denying members unanimous leave to extend their remarks. I desire to state that on yesterday the gentleman from Missouri [Mr. CLARK] asked a pertinent question of law of the distinguished gentleman from Iowa [Mr. HEPBURN], as to what effect the passage of this bill, or a canal bill, into law would have upon the Clayton-Bulwer treaty, or the Hay-Pauncefote treaty, if the latter is ratified. The question was left, as it were, in a state of legislative pendulosity.

This morning, coming into the Hall, the distinguished gentleman from Illinois [Mr. MANN] had the floor, and in view of the fact that I had on one occasion read one of the "printed" speeches of the gentleman from Illinois in which he displayed great industry, and at least a reasonable amount of the knowledge of law, I concluded, Mr. Chairman, that I would ask the question of the gentleman from Illinois, the question that had been asked on yesterday by the gentleman from Missouri, and the following colloquy occurred:

Mr. GAINES. Will the gentleman yield for a question?

Mr. MANN. I can not; I have only five minutes.

Mr. GAINES. Only a brief question.

Mr. MANN. Very well; if the gentleman wants to get into the RECORD, I will answer his question.

Mr. GAINES. If you treat my question, which was intended to be deferential, in such a way as that, then I yield you back your measly time.

That is the stenographer's report. The report is not quite correct by omitting this, which the Reporter probably did not catch. I said, "Only a brief question. I know you are industrious and considered a lawyer of repute." That last part is not reported, but, nevertheless, I used the language; and in face of the fact that I had, as the gentlemen who sat around me will bear witness, paid the gentleman from Illinois the compliment that I did, and in face of the further fact that I was on the floor when he asked the courtesy of the House for unanimous consent to continue his speech for five minutes, I was one of the gentlemen who was on my feet to ask for that consent for him, and when that consent was unanimously given by each and every member of the House, including myself, the gentleman, who is evidently devoid of common propriety and common decency and generosity, was unfair and discourteous enough to use the language which I have read from the stenographer's report.

Mr. Chairman, in the Fifty-fifth Congress the gentleman from Illinois [Mr. MANN] told me in the Speaker's lobby that he was a Southern man. If he is, Mr. Chairman, I thank God that the Southern people have the good fortune to have him live and represent the people at least fifteen hundred or two thousand miles away from the place where a gentleman on all occasions knows where and how to treat others when he meets them. [Laughter.]

Mr. MANN. Mr. Chairman, if the remarks which have just been made had come from any other member of this House I should consider that they required attention, but coming from the gentleman from Tennessee, they demand no answer. [Laughter.]

Mr. GAINES. I want to say that I do not withdraw one word that I have said, and I am responsible for what I have said, here and elsewhere.

Mr. COONEY. Mr. Chairman, I have never witnessed in this House or elsewhere so remarkable an exhibition of logic as has accompanied the discussion of this bill. I have never seen a measure denounced by so many men who declare they will vote for it. One member in favor of the bill has had the candor to admit that it had so many obnoxious features that its friends would have to force it through the House by brute force and trust to time to make it better. With the reckless spirit that is behind and urging the bill, I look upon it as a measure that will, if it becomes a law, inaugurate an era of appropriations and public scandals that will continue until the American people grow heartsick.

The undertaking is new and foreign to the usual functions of government. It proposes the expenditure of vast sums upon an improvement in a foreign country and a necessary subtraction from the appropriations for improvements in our own country, where in many places trade and commerce are dead or lie languishing and people are being daily impoverished, and where, by the generous assistance of the Government, more trade and commerce and wealth would be built up than can ever be realized by the United States from any isthmian canal.

I partake of the feeling indulged in by all Americans that an isthmian canal should be built, owned, and operated by the Government of the United States independently of any European power. That is one reason why I am opposed to this bill.

The advocates of this bill are engaged in a vigorous effort to make this House and the country believe that it will give us a canal that will be absolutely at our disposal for any national purpose, free from the right of any foreign power to dictate how and upon what terms we shall operate it. Nothing can be further from the truth. It is made to masquerade in the highly wrought colors of a manufactured patriotism, for the moment, to facilitate its passage through this House; but when it returns from the Senate, through the wash-tub of the conference committee, its color will be faded into harmony with every line of the Hay-Pauncefote treaty. That treaty has been vigorously condemned by the American people. It was put to sleep in the Senate by popular indignation. This bill is the trumpet blast for its resurrection, and every man who votes for it votes for the confirmation of that treaty.

I have no objection to any individual favoring that treaty, but what I do object to is the attempt to force this bill through under

the false pretense of antagonism to that treaty or the Clayton-Bulwer treaty when, in fact, it is a measure that creates the opportunity and necessity for the confirmation of the Hay-Pauncefote treaty now pending in the Senate.

There is a general opinion throughout the country that the Clayton-Bulwer treaty is as dead as Hector and that somehow Blaine was the Achilles that slew it and dragged it to pieces at his chariot wheels. If it is dead, its body has been kept in a mighty healthy state of preservation, for every politician fastens the same dead body to his rolling car and plays "the insulting victor" as a prelude to urging the Government to a hasty building of the canal. I can not believe that any member of Congress regards the Clayton-Bulwer treaty as dead or that its provisions are less binding on this Government than they were when executed and confirmed fifty years ago.

That treaty provided for the absolute neutralization of any canal that might be built across the Isthmus by any power or organization; neither the United States nor Great Britain was ever to obtain for itself any exclusive control over such canal; nor erect fortifications commanding it or its vicinity; nor colonize or exercise dominion over Nicaragua, Costa Rica, or any part of Central America; that in case of war the vessels of each, in traversing said canal, should be exempt from blockade, detention, or capture; that every right and privilege that either of said powers might possess in or concerning said canal as to trade, commerce, navigation, or otherwise should be shared by the other and its citizens and by all other nations that were willing to grant similar protection to the neutralization of the canal.

No matter what changes in commerce, population, and policies have taken place since that time to cause this Government to look upon that treaty as a burden on its aspirations, the fact remains that Great Britain and the balance of the world have rights under it that, to say the least, are as valuable to-day as they were fifty years ago.

It should be remembered that it was through the urgent insistence of this Government that Great Britain was induced to enter into that treaty. In June, 1849, our chargé d'affaires in Central America negotiated a treaty with Nicaragua which granted to the United States exclusive rights, with other great powers, to build a ship canal between the Pacific Ocean and the Caribbean Sea. That treaty was procured from Nicaragua at the instance of Mr. Clayton, then Secretary of State. It was never presented to this Government, but was used as a pressure on Great Britain, which had treaties and interests in Central America, to enter into the Clayton-Bulwer treaty.

Writing to our minister to Great Britain, Mr. Clayton instructs him how to handle this Nicaragua treaty:

You will inform him [Lord Palmerston] that this treaty was concluded without a power or instructions from this Government, * * * and that consequently we are not bound to ratify it and will take no steps for that purpose if we can, by arrangements with the British Government, place our interest upon a just and satisfactory foundation.

The "arrangements" desired were: That the British Government should join in a treaty with the United States for the mutual protection and neutralization of any canal that might be built across the Isthmus. This piece of American diplomacy had its influence on Great Britain, and the Clayton-Bulwer treaty was the result. Since then frequent negotiations have occurred between the two Governments concerning this treaty or on some subject directly related to that treaty. The adjustment of England's interest and treaties in Central America to conform to that treaty occupied the attention of both Governments for years thereafter. In these latter negotiations this Government repeatedly recognized and confirmed the treaty and in one instance refused the suggestion of Great Britain to abrogate it.

Article VI of the Constitution declares:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The same section requires every member of this House to take an oath to support that Constitution. If this Clayton-Bulwer treaty is not the law of the land to-day, it is impossible to say what is the law. The committee that reported this bill to the House say that in the Clayton-Bulwer treaty the words "Nicaragua Canal" should be construed to mean the "short route to the East;" that Great Britain, in securing the control of the Suez Canal, has seized the "short route to the East," violated the Clayton-Bulwer treaty, and it is therefore abrogated. I can conceive of but one other reason along the same line of argument that the committee might give for the validity of a bill hostile to the treaty, and that is that while the Constitution speaks about what "shall be the supreme law of the land," their bill deals only with the subject of water.

Now, in the light of the provisions of the Clayton-Bulwer treaty, let us see some of the arguments given by the committee to induce the passage of its bill, which directs the appropriation of \$160,000,-

000 for the building of the canal and unlimited millions to secure the right of way from the countries through which it is to pass. The report of the committee declares that by the provisions of its bill the United States may have—

full ownership and control of a waterway connecting the oceans that it can defend, and that it can use in the interest of its Navy and merchant marine, as wisdom may dictate.

Of course wisdom will dictate a compliance with our treaties, so the defense of the canal and the interest of our Navy means nothing.

Or, if it should be the policy to use the canal to stimulate the building up of our merchant marine, it could be made a most powerful factor.

But the treaty has put all the stimulant in a loving cup that is to be passed to the lips of all the nations, and it will not be the policy of the American people to spend two or three hundred millions on a "free treat."

A British merchant trading from any port in Great Britain to Hongkong, chartering a 6,000-ton vessel and using the Suez Canal, must pay as tolls a sum in excess of \$18,000 for the round voyage. His American rival trading from New York to Hongkong, using the Nicaragua Canal free of toll because he used a vessel made in an American shipyard, out of American material, and by American labor, and loaded with American merchandise, would possess marked advantages—advantages so marked as to make it his interest to stimulate American shipbuilding. It is this kind of a canal that may be used in this way, discriminating in favor of our merchants and our shipbuilders and our labor (if such should be the policy of the Government) that your committee are anxious to secure.

Of course all that would be very nice; but it would be much nicer and much nearer to the truth if the committee had frankly declared that their bill would not and could not confer a single one of the blessings that they have so eloquently set forth.

Can any of these special privileges which have been hypothetically suggested by the committee be realized under the Hay-Pauncefote treaty if it is confirmed? Everyone agrees that they can not. The Hay-Pauncefote treaty, which the President made with Great Britain and sent to the Senate for confirmation last February, among other things, provides that—

The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end.

No fortifications shall be erected commanding the canal or the waters adjacent.

The Clayton-Bulwer treaty never contemplated the building of the canal directly by either Government. All its provisions looked to its construction and ownership by and through individuals and corporations. The Hay-Pauncefote treaty permits and provides for the Government of the United States to build, own, and operate the canal itself, subject to the same laws and provisions provided in the Clayton-Bulwer treaty for its construction and operation by private companies and corporations. That is the only practical difference between the two treaties. Therefore I say that the passage of this bill by Congress for the building and ownership of the canal is in exact compliance with the Hay-Pauncefote treaty. It is an acceptance and confirmation of that treaty. It confirms it as it was sent to the Senate. It deprives the Senate of the power of rejecting the treaty, and deprives it of the power of adding to it the patriotic amendment that has been offered to it by the Senate Committee on Foreign Relations, and which preserves to the United States the right, when necessity demands, to use the canal in its own defense and in the maintenance of public peace.

As a matter of pride and policy, the Administration will use all its great power and influence to secure in some manner the adoption of the Hay-Pauncefote treaty without any change. The fact that it lies dormant in the Senate, is evidence that it lacks the necessary two-thirds vote of that body for its confirmation. But by a majority vote for this bill the treaty is practically forced to confirmation. This certain result can not escape the attention of the gentlemen, who are anxious for the passage of the bill, and who desire to see the Government bound and pledged to enter upon the construction of a labor that is to cost it hundreds of millions, without, in any manner, attempting beforehand to secure a single right or privilege as a recompense.

In this connection it is well to note the position and attitude of the very able and distinguished Senator from Alabama, who, in season and out of season, has for years labored to draw the Government, partly or wholly, and in any shape, into this undertaking. He is perhaps better acquainted with this whole subject than any other man in Congress; he says the Clayton-Bulwer treaty, as a law, is in full force; he is in favor of the confirmation of the Hay-Pauncefote treaty as it was sent to the Senate; he is opposed to amending it so as to permit the United States, in extreme cases of danger, to use the canal in its own defense; he believes that the Government should build the canal, no matter what the cost may be to the people, and then, that neither the Government nor any American citizen should be permitted a single right or privilege,

in war, in peace, in commerce, or in toll, in the use of it, that is not given to every nation and to all mankind.

When this bill was amended and put in its present shape, he sealed it with the stamp of his approval, and the committee has his assurance that it will be cordially received and advocated by him in the Senate. No man knows better than he that this bill will aid in the confirmation of the dormant treaty, and will comply with all the provisions for an absolutely neutral canal.

The public opinion which sustains any proposition at the present time for the Government to build and own the canal springs from the universal belief that the provisions of the Clayton-Bulwer treaty, nor those of any other treaty, will apply to its control; that it will bring to American commerce special privileges, and, in time of war, to our Army and Navy and national policies an advantage over our enemies that will be commensurate with the labor undertaken and the expenditure required. This opinion has been nourished and strengthened by the public press and the declarations of public men, while the obstacles that lie in the way of building the canal have been belittled and concealed, but are yet too many and conspicuous for any member of Congress to be deceived on the subject.

A few of the chief obstacles are the Clayton-Bulwer treaty, the pending Hay-Pauncefote treaty, the rights of certain private companies which hold franchises and right of way given by Nicaragua to build the canal on the same route proposed by this bill, the lack of any treaty rights for the building of the canal by the United States with the Central American States over whose territory this bill proposes to build the canal, and the lack of information as to which of several routes is the most feasible and economical. One of the very last acts of the Fifty-fifth Congress was an appropriation of a million of dollars to defray the expenses of a commission to investigate all practicable routes for an isthmian canal and to report to Congress the results, that the most feasible route could be determined on before taking any direct action in building the canal. That commission is now engaged in its labors. It will not be able to complete its work and report to Congress before the next session. Even if it was generally agreed to build the canal under the neutralizing provisions of the British treaty, there are still many obstacles in the way that should be removed before millions are appropriated for its construction. I hold that there is not a gentleman on the committee that reported this bill for passage who would on the same false and reckless business principles provide for the expenditure of \$25 of his own money for any purpose.

I believe in proceeding immediately to the task of removing all obstacles that are in the way of building a purely American canal and procuring the right of way and franchise to the most practicable route free from all incumbrances, before a dollar of the people's money is appropriated to the direct building of it. It is bad policy for an individual to appropriate his money in the building of a house on another man's land and then ask him what he will take for it; but that is what this bill proposes to do with the people's money. The Maritime Canal Company has for years held the franchises to the Nicaragua route. It has not been able to build it or induce the floating and unoccupied wealth of the world to come to its assistance in the enterprise. Its franchises have been slipping away from its grasp by limitation. It is said it has spent \$5,000,000, which, with its franchises, are estimated to be worth ten millions. The Nicaragua route or no route champions have always insisted that the franchises of this company could be purchased by the Government. No one doubts it; but to overlook and ignore all the serious obstacles we must meet and to recklessly rush into such a great undertaking before we are ready, that the Maritime Company may be rescued from its unpleasant condition, is a matter that will not meet with the approbation of the country.

I believe the United States will, through its strong sense of justice, maintain the neutralization of any canal it may build without giving treaty hostages for its good conduct to any foreign power. But if it is ever built and maintained exclusively out of the revenues of this Government, either within or without the provisions of any treaty, we should retain for ourselves the absolute right in time of war to use it in the defense of our country. We can not now build such a canal without a wicked breach of our treaty with Great Britain. The American people stand on the law. They are not lawbreakers or treaty violators. The Clayton-Bulwer treaty can be annulled in the orderly course of law, and that is the proceeding that should be taken. Congress has the power to annul and abrogate any treaty as well as any other law of the land. For that purpose I have introduced the following joint resolution, which I recommend to the attention of gentlemen who favor the building of an exclusively American canal, and ask their assistance to urge the Committee on Foreign Affairs to report it to the House:

Joint resolution (H. J. Res. 242) to repeal the treaty between the Governments of the United States and Great Britain commonly called the Clayton-Bulwer treaty.

Whereas the Governments of the United States and Great Britain did, on the 19th day of April, 1850, enter into a treaty, commonly called the Clayton-

Bulwer treaty, for the purpose of facilitating and aiding the construction of a ship canal between the Atlantic and Pacific oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of the Nicaragua or Managua to any port or place on the Pacific Ocean, and to jointly control and protect the use thereof; and

Whereas although a half century has elapsed since said treaty was made, no canal connecting said oceans has been built, but the changed conditions of population, of commerce, and of said Governments, while grievously increasing the necessity for, have rendered said treaty a barrier to the successful construction and operation of any ship canal between said oceans; and

Whereas it is the expressed desire and purpose of the people of the United States, through their Government, to immediately construct, own, and operate a ship canal connecting the Atlantic and Pacific oceans independently of any European power, and that this Government, recognizing its disposition and ability to control such canal on the broadest principles of liberality and justice toward all nations and peoples, can not be strengthened or made more secure by compulsory treaties with European nations: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and directed to notify the Government of Great Britain of the desire and purpose of this Government to construct a ship canal across the Isthmus of Panama, connecting the Atlantic and Pacific oceans, and to negotiate with said Government of Great Britain for the mutual and absolute abrogation of all the unexecuted parts of the treaty made between said Governments the 19th of April, 1850, relative to the construction of a ship canal connecting the Atlantic and Pacific oceans, and commonly called the Clayton-Bulwer treaty; and that should the President be unable, or from any cause fail, to effect the abrogation of said treaty as aforesaid on or before the 1st day of December, 1900, then said treaty is hereby annulled, abrogated, and repealed from and after said date.

In connection with that resolution, I desire to read the following comments thereon by The Times newspaper, of this city:

In the House of Representatives yesterday Mr. COONEY, of Missouri, introduced a resolution providing for the abrogation and repeal of the Clayton-Bulwer treaty. This would be unnecessary and vicious legislation. It would recognize the validity of an alleged agreement which was never in force, because never constitutionally ratified. It involved a secret understanding concealed from the Senate by Secretary Clayton, and that fact vitiated the whole business. The thing to do with the so-called Clayton-Bulwer treaty is to ignore it altogether and pass an American canal law without the slightest reference to the ancient British diplomatic bogey.

It is just such vicious literature and false declarations that have caused the widespread opinion that the Clayton-Bulwer treaty is dead. The object is to create the pressure of public opinion on legislation in the expenditure of vast sums of money out of which certain interests will be profited. Those engaged in manufacturing that opinion do not give a fig as to the interest the Government will have in the canal when built; their interests lie in the Government spending the money on it. They belong to the same class that urged the Government to build the Pacific railroads, and, when built, declared it was bad policy for the Government to own them, and urged it to give them to corporations at any price offered. [Loud applause.]

Mr. GAINES. Mr. Chairman, I now withdraw my objection made to the request of the gentleman from Georgia [Mr. LIVINGSTON] for general leave to print remarks on this bill.

Mr. HEPBURN. Mr. Chairman, I ask a vote on the amendment.

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

The Clerk read as follows:

On page 1, after the word "construct," in line 8, and before the word "and," insert the words "fortify, garrison," so as to read "construct, fortify, garrison, and protect."

The question being taken, there were, on a division—ayes 75, noes 93.

Mr. McCULLOCH. I call for tellers.

Tellers were ordered; and Mr. HEPBURN and Mr. McCULLOCH were appointed.

The committee again divided; and the tellers reported—ayes 66, noes 114.

So the amendment was rejected.

Mr. BURTON. Mr. Chairman, I now offer the amendment which I before indicated, to strike out, in line 10, page 1, the words "near Greytown." I do not think the chairman of the committee will make any objection to this amendment.

Mr. HEPBURN. I think the bill is amply broad as it is.

Mr. BURTON. May I suggest to the gentleman from Iowa that the expression "near Greytown" would inevitably be accepted as meaning along the line that has been surveyed in two or three other instances, while the other route, which is a possible and, if feasible, a very much preferable route, would be a radically different one.

Mr. HEPBURN. I think the language of the bill is broad enough for all purposes. I call for a vote.

The question was taken; and on a division (demanded by Mr. BURTON) there were—ayes 14, noes 28.

So the amendment was rejected.

Mr. LOVERING. Mr. Chairman, I desire to offer an amendment at this point, which I send to the desk, and ask to be heard briefly upon it.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Add at the close of the first section of the bill as follows: "Provided, That the amount of money to be paid to Nicaragua and Costa Rica for the acquisition of all rights, privileges, and concessions necessary for the construction, operation, maintenance, and protection of said canal and its accessories shall not exceed \$3,000,000."

Mr. LOVERING. Mr. Chairman, I am aware that the language of the bill simply authorizes the President of the United States to negotiate with these Governments, Costa Rica and Nicaragua, for the concessions which are necessary in the construction of the canal. But the language is tantamount to a command, and for that reason it seems to me necessary that some limit should be put on the sum of money to be expended under his jurisdiction for this purpose.

I believe that this will commend itself to members on this floor, and to that end I have offered the suggestion. It will be within the province of the President to purchase as much, and get as much, for his money as he can, but this fixes a maximum limit beyond which he may not go in making such purchase.

Mr. THROPP. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. LOVERING. Certainly.

Mr. THROPP. Does the gentleman think that we could acquire the right and title to this property on better terms than was granted to the company of which Mr. Miller was the head?

Mr. LOVERING. I answer the gentleman, No.

Mr. THROPP (continuing). And do you think that we can make a better agreement with the Governments of Nicaragua and Costa Rica than has been already agreed upon, in which case, I believe, 6 per cent of stock was given to Nicaragua and one and a half million dollars to the smaller Government, Costa Rica?

Mr. LOVERING (interrupting). If the gentleman will permit me, I think it safe to say that if the Government of the United States goes there with untold millions of dollars at its command, there is no knowing what the expenditure may be. It may run anywhere from five millions to twenty millions of dollars. No person can tell what the expenditure will be. We will find possibly the same condition of affairs as was found in the negotiations that followed the Zavala-Frelinghuysen treaty. These men went down there as private individuals, with a limited sum of money, and made arrangement on that basis. But that does not apply to a rich and powerful Government like the United States.

Mr. THROPP. But, if the gentleman will permit me, these people got the concessions and agreed to give seven and a half million dollars in all—that is to say, six millions to Nicaragua and a million and a half to Costa Rica.

Mr. LOVERING. And that was to be paid in stock, as I understand it.

Mr. THROPP. Certainly; but in this case, according to the statements made on the floor of the House, our stock would be worth at least par.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, I hope the amendment of the gentleman from Massachusetts will not prevail for this reason—that I am satisfied, from the information which the committee has and from the testimony before us, that the expenditure will not be anything like half the sum the gentleman names in his amendment. I am satisfied that it will cost nothing like that, and the committee have something before us which indicates what the probable expenditure will be. For instance, this company secured its franchise from the Nicaraguan Government, which owns practically most of the right of way, for the sum of \$100,000.

Now, I think if we say, "Put this \$3,000,000 of limit," that they will at once say, "Why, that is what you yourselves expect to pay," and we will have to do it.

Mr. SHAFROTH. Will the gentleman permit a question?

Mr. HEPBURN. Certainly.

Mr. SHAFROTH. Is it not a fact that a treaty was made between Nicaragua and the United States, which, however, failed of ratification, by which the Government of the United States agreed to give \$4,000,000 and also one-third of the net profits?

Mr. HEPBURN. I am not prepared to say whether that statement is true or not. I do not remember the terms of that treaty, but we refused to ratify it, and I want the gentleman to remember this, that the people of Nicaragua are as much interested in this as we are, that this canal is to them what our whole internal railway system is to us. It is their means and hope of getting to the Atlantic Ocean. It is their only prospect. They are as much interested in its building as we are, and then you must remember that they have great expectations, because it puts them on a line of travel, it makes Nicaragua an open country, it opens up to the vision of men the advantages that are there, and the information that I have from letters and from others that have traveled there is that the people of the country are as anxious as we are, and I do not expect that the Government will have to pay a solitary cent for this concession.

Mr. SHAFROTH. Is it not safe to make a limit?

Mr. HEPBURN. Then, if you want to make a limit and advertise to them what you think ought to be done, do it. I think it is not wise. I have no idea that the President of the United States would pay \$3,000,000 for this concession.

Mr. KING. Will the gentleman permit an inquiry here?

Mr. HEPBURN. Certainly.

Mr. KING. Is the gentleman or the committee with which he is associated in possession of any information indicative of the fact that a concession will be made to this Government without cost?

Mr. HEPBURN. Well, I can not say that any proposition of that kind has ever been made, but suggestion of that character has been made time and again to me by persons who were familiar with the subject. You will find something bearing upon that subject in the investigation of Admiral Walker before the Senate committee last year.

Mr. COX. Will the gentleman, while he is on his feet, permit me to ask him one question?

Mr. HEPBURN. Certainly.

Mr. COX. We have sent a commission down there and have appropriated a million dollars to pay for them. They are in the field. When will they probably make their report?

Mr. HEPBURN. I have no idea upon that subject. I have been told in the newspapers that it will be some time in December. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. BURTON. Mr. Chairman, I move to strike out the last word. I hope this amendment will prevail. It emphasizes the vicious form in which this project is presented, but it is a means of protecting us against absolute extortion.

I can not dismiss this treaty with quite the same nonchalance as the chairman of the committee does. It is the only document or the only negotiation ever entered into between the United States and the State of Nicaragua to fix the price for this concession. It distinctly provided that we should build a canal with all appurtenances, that on appropriation and adequate compensation we should pay the private owners, that we should lend \$4,000,000 to the Government of Nicaragua, and that when it is all done we should pay them one-third of the net proceeds. If the chairman of the Interstate and Foreign Commerce Committee desires to examine this treaty, it is published in Document No. 291, of the Fifty-fifth Congress, second session, immediately after the Clayton-Bulwer treaty.

Mr. WILLIAMS of Mississippi. What is the date of that treaty?

Mr. BURTON. The date of the treaty was December 1, 1884. Now, I repeat what I said yesterday, that that was when it was a project in the air. If we pass this bill, it will be an assured fact. If they did those things in the green tree, what will they do in the dry, when we are simply at their mercy and must take whatever terms they choose to give us.

Mr. HEPBURN. The gentleman should remember that since that time there have been sixteen years of waiting on the part of those people to secure this necessary highway, and they are more anxious to-day than ever before.

Mr. BURTON. Sixteen years of waiting, but this bill puts an end to the waiting and says, "We will build the canal and build it now. Here we are at your mercy, without power of condemnation, without power of negotiation, except just to walk up as a lamb to the slaughter and say we will pay what you want." We are a great Government and they are a small one. We should be generous to them, but we should not throw our opportunities away.

Mr. HEPBURN. Will the gentleman remember that the President is only authorized to lead us as a lamb to slaughter. He is not required to do it.

Mr. BURTON. What does the word "authorize" mean in all these sections?

Mr. HEPBURN. It means that it gives him the power or authority.

Mr. BURTON. What do you mean when you say "may," when you say that the Secretary of War "may" make a contract? That is interpreted as mandatory, as "must." Then the bill appropriates ten millions immediately, and one hundred and forty more are made available. "The President is authorized." What is the meaning of "authorized" there?

That word there means, I think, not that he may or may not, but he "must." There is another concession belonging to the Maritime Canal Company of America, whose concession in Nicaragua expired recently, but that in Costa Rica does not expire until the 10th day of February next. There is still another concession, and there is no telling what we would have to pay for all these rights. If a limit were fixed, it would not cost so much. I believe that it is due to the House of Representatives and the country that we should not drive ahead and give the largest opportunity for extortion. We ought to put some limit upon the amount that the people of the United States can be compelled to pay for a concession for the building of a canal that is infinitely more valuable to Nicaragua and Costa Rica than it is to us.

Mr. LOVERING. Mr. Chairman, I am at liberty to say, from information received from very authoritative quarters, it is a fact that the men constituting the Governments of Costa Rica and Nicaragua will enforce upon the President onerous terms if he goes down there or sends a commission there under the provisions

of this bill. But this limitation upon his authority in the matter can not hurt him in any way. It puts him in a position where he can get as much for the money as possible. I hope, Mr. Chairman, that this amendment will be adopted in the interest of the bill. [Cries of "Vote!"]

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, in connection with what has been said by the gentleman from Colorado and the gentleman from Ohio I want to call the attention of the House to the fact that this treaty referred to and the \$4,000,000 referred to was not the amount of money to be paid by the United States as payment for the canal at all, but was a loan to be made by the United States to Nicaragua, in view of the fact that Nicaragua would build a railroad along the line of the proposed canal and extend telegraph roads, and Nicaragua was to pay the money back to the United States and give a lien upon its interest in the canal for the repayment of the loan. A totally different thing from four millions paid for the privilege of building the canal. This will be found in Article XIII on page 10 of this treaty, and I shall have it inserted in the RECORD for the benefit of the House.

The following is the article in the treaty referred to by Mr. WILLIAMS of Mississippi:

ART. XXIII. It appearing that the financial condition of Nicaragua is prosperous, that the Republic is without incumbrance of debt, and that the Government finds it necessary to finish as soon as possible certain railways within the Republic, to extend its telegraph line, and to improve the navigation of the river San Juan, which enterprises will be of aid to the canal and favorable to its speedy construction and successful operation, the Government of the United States agrees to loan to the Government of Nicaragua the sum of \$4,000,000 to be applied to the above-mentioned projects. Of this amount \$1,000,000 shall be paid in the city of Washington within ninety days after the exchange of the ratifications of this convention, and the remaining three millions of installments of \$500,000 each every six months thereafter until the whole amount shall have been paid; but a failure to pay any of these sums from accident or nonaction of Congress at the exact dates herein specified, such payments being made thereafter in good faith, shall not be held as affecting in any way the other engagements of this convention.

The Government of Nicaragua agrees that the Government of the United States shall be credited with and receive the share of Nicaragua in the net revenues of the canal to be applied to the payment of this loan until it shall have been entirely extinguished, with the interest thereon at 3 per cent per annum from the dates when the several sums shall be received by Nicaragua, and the Republic of Nicaragua may vote yearly through its Congress an additional sum from the general revenues of the Republic, to be applied to the payment of this loan and to aid in its speedy extinguishment.

And further, the Government of Nicaragua, assuming the repayment of said loan, binds itself to consider it, until extinguished, together with the interest thereon as hereinbefore provided, as a lien upon all rights of Nicaragua in the canal, its accessories and appliances, this lien to continue until the repayment of the sum so advanced with the interest; but the repayment is not to be exacted until ten years after the said canal shall have been completed and opened to commerce.

Mr. BURTON. I want to say to the gentleman from Mississippi that I so stated that it was a loan.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Massachusetts.

The question was taken; and the amendment was disagreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. That when the President has secured full control over the territory in section 1 referred to, he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest depth now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal, and such fortifications for defense, as will be required for the convenience and safety of all vessels desiring the use of said canal.

With the following amendment, recommended by the committee:

In line 14, page 2, strike out the word "fortifications" and insert "provisions."

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, some gentlemen a few moments ago betrayed what I regarded a premature anxiety about fortifications. I do not rise to make any argument as to this proposed committee amendment. I simply call the attention of gentlemen who desire fortifications to the fact that I, too, favor fortifications; but I desire to have them erected at the proper time and place.

This bill already contains a provision for fortifications. Now is the time for the gentlemen who want fortifications to vote, and they can express their desire effectually by voting now against the amendment, in order to prevent the striking of "fortifications" from the bill.

The CHAIRMAN. The question is on agreeing to the committee amendments of section 2.

Mr. UNDERWOOD. Let the amendments be read.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read the first amendment, as follows:

Also, in line 14, page 2, strike out "fortifications" and insert "provisions."

Mr. UNDERWOOD. Mr. Chairman, I ask that we have a separate vote on the amendments.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 90, noes 63.

So the amendment was agreed to.

The next amendment of the committee was read, as follows:

In line 15, page 2, strike out "will be required" and insert "may be necessary."

The amendment was agreed to.

The next amendment of the committee was read, as follows:

In lines 15 and 16 strike out the words "convenience and safety of all vessels desiring the use" and insert "safety and protection;" and in line 17, after the word "canal," insert "and harbors."

The amendment was agreed to.

Mr. NEVILLE. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 2, line 8, after the word "Ocean," insert the following: "All estimates and contracts for work in the construction thereof to be based upon the wages of labor in America, and all contracts shall provide for the employment of American labor when possible."

Mr. NEVILLE. Mr. Chairman, I wish to state briefly my reasons for offering this amendment. This Government has for years had a protective tariff, for the purpose, as claimed, of protecting American labor and American wages. We have passed laws for the purpose of excluding from this country pauper contract labor. We have had a Chinese exclusion act, which is still upon the statute books. Now, I am unwilling that this Government should embark in a great enterprise, such as the construction of this canal, by the expenditure of the money of the American people—a canal to be owned by the American Government—and yet leave it possible that the Government shall employ in its construction cooly labor, which will result in reducing the price of labor of the American workingman. For these reasons I ask that the amendment be adopted.

The question being taken on the amendment of Mr. NEVILLE, it was rejected, there being on a division (called for by Mr. NEVILLE)—ayes 15, noes 65.

The next section of the bill was read, as follows:

SEC. 3. That in making surveys for said canal and harbors, and in constructing the same, the President shall detail such number of engineer officers of the Army or Navy, and shall employ such civil engineers as may be necessary, and may require of them the performance of such professional duties as he may desire.

The amendment reported by the committee was read, as follows:

Strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors and in the constructing of the same and employ such persons as he may deem necessary."

Mr. COX. Mr. Chairman, I move to amend by striking out the last word. I desire to state my position as clearly as I can in regard to this matter. I believe there is scarcely a man on this floor who does not favor the building of this canal. The only trouble seems to arise upon two propositions. We are all in favor of this enterprise, with the distinct understanding that the Government of the United States shall own it, control it, protect it, and defend it as the property of the United States. No other kind of a canal will I vote for. I want no partnership with anybody in regard to this matter, and I think that is the sentiment of the House, for when the chairman of the committee announced that proposition, it was received with great applause, and properly so.

We have agreed on that proposition; there can be no misunderstanding about it. But how are we going to accomplish that object? In order to carry on this work we must get control of foreign territory; and we are proposing to authorize the President of the United States to secure control of the necessary foreign territory. Now, is it wise in us to say to the President, "You may expend a certain amount of money in securing that control, but there your authority stops."

I do not think it is a sound argument to maintain that Nicaragua will say to us, "Why, go ahead and complete your canal; we shall be glad for you to do it." My prediction is that whenever you pass this bill and undertake to negotiate with Nicaragua on this question, you will find her demand equal to the price fixed in the bill.

One more suggestion, and I am through. I sat here in my seat—and I think every member of the House did the same—and voted a million dollars to send men down there to examine that country with a view to the construction of this canal. I learn from the best information I can get that these men will be ready to report at the next session of Congress, with proper charts and everything of that kind, what they have done, so that each of us can sit down and examine the work of the commission. For the purpose of having that examination made we have spent a million dollars. Now, will any member tell me why the proposition is made that we should, paying no attention to the money which has been expended, giving ourselves no opportunity to examine the report of that commission, pass this bill now?

[Here the hammer fell].

Mr. COX. I ask for two minutes more.

There was no objection.

Mr. COX. Mr. Chairman, there is no member on this floor who has any idea that this bill will pass the House at this session of Congress. It is utterly impossible. Now, then, I want a canal. I am as earnest as any man on this floor for a canal. But will it hurt us to let the matter alone until that commission that cost a million dollars shall report?

Mr. WILLIAMS of Mississippi. How long does the gentleman think it will take them to report?

Mr. COX. I understand they will have their report printed by the time of the meeting of the next session of Congress in December. Gentlemen on the other side have told me that, and they got their information, as I am informed, from Admiral Walker, who has charge of the matter. So every item of this survey will be before us at the December meeting of Congress. But if you do not think that spending a million dollars amounts to anything, then run over them.

One more idea and I am done. I do not see how, upon an examination of this treaty, you are going to avoid the effect of it. The only way you can do it is to lock them out, and complications will arise that will trouble Congress for years to come.

Now, I want to repeat that I will vote for a canal bill, but it must be for a canal that will belong to the Government of the United States. It must be under the control of the United States. It must be exclusively under the control of the United States, and we will fortify it when and where we please.

[Mr. CLAYTON of Alabama addressed the committee. See Appendix.]

Mr. SIBLEY. Mr. Chairman, at the very outset it seems to me that the American Congress can wisely determine whether this canal is to be constructed and dedicated to the arts of peace or of war. We propose to construct a canal primarily for the commerce of America and secondarily for the commerce of the earth. I believe the canal should be built under the provisions of the Clayton-Bulwer or the Hay-Pauncefote treaty, under the same conditions practically, so far as applicable, as control the Suez Canal and its operations.

Governments may change, dynasties may crumble and fall, revolutions may shake Europe to its center, but that canal is open to the commerce of the earth. Does any gentleman think that the American Congress would sit silent and see those who control the Suez Canal issue an edict forbidding American vessels to pass through its waters? We would rise in arms against the world, and the civilized thought of the world will rise in opposition to us if we claim the right to fortify that waterway and limit its use to our selfish purpose. I am in favor of this canal, and in favor of it at the present moment. The report that my friend from Tennessee [Mr. Cox] wishes to have first presented will not be labor lost. It will let those who have this work in change proceed more intelligently than if that commission had not been formed and had not investigated it.

Mr. COX. Will my friend yield for a question?

Mr. SIBLEY. My time is so short.

Mr. COX. I will give the time back to you. What was the use of appointing that commission and sending it down there at the cost of a million dollars, to go down there to examine this matter if we were going to run over them before they can present their report? What was the use of that?

Mr. SIBLEY. We want to build this canal, and we want to build it right away. Cotton is 9 cents a pound, and the Orient is clamoring for it, and I hope you will have a bigger crop this year than ever before and get more money for it; but we want the opportunity of reaching the markets of the world with that crop.

Mr. COX. Will you help us to get it?

Mr. SIBLEY. We are going to help you get it. We are going to help you get rid of that Tennessee iron and coal and cotton and reach the markets of the earth.

Mr. Chairman, my time is so limited that I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SIBLEY. Mr. Chairman, is this canal to be constructed as a commercial highway, or is it to be undertaken as a military measure? It is to be a great artery whose pulse beats measure the movements of the world's commerce. It should be dedicated to all the arts of peace. Upon its bosom should be borne the people and their products to the home or market haven. It should be built to draw into closer fellowship the nations of the world; to be a tie connecting in closer bonds the distant portions of our national domain. Its construction should be to the end that American agriculture, industry, and commercial genius shall dominate and control in the Orient and in South America. We should construct

it to the end that America may become the source and central point of production and distribution for the globe.

Shall we place at its gateways statues dedicated to war or to peace? Is military glory the end of your aim and the focus point of your ambition, prompting your support to this project? Will you dig this canal as dug the feudal chiefs the moats surrounding their baronial castles? If so, let their wisdom be your guide. Across the moat hang your drawbridge and your portcullis, make strong your gates, build thick your walls and high your towers, provision and man your castle for defense, for in so doing you are setting in defiance the juster, kindlier sentiments of every nation of the civilized world; you are challenging the right of equality in the use of maritime waters; you are asserting the right, when it seems your pleasure, to bar, upon the completion of this canal, what will be the highway of nations.

Upon the assertion of such rights this canal must be fortified and manned to sustain any attack the strongest military nation of the world could land against you. You must defend its gateways with a naval force equal to any that the greatest naval power of the earth can bring against you. In event of the difficulties arising with any other nation, leading you to war, this canal, instead of strengthening us, becomes at once our chiefest source of weakness.

At a distant point, if we would maintain our supremacy in that canal, we must station a force, distant from a base of supplies or easy transportation, equal to the entire power of the other nations of the world to bring force against it, and leaving our entire seaboard defenseless and unprotected. Single-handed and alone, amidst international complications, we must defend and protect this work. In the revolutionary uprisings of the Central American States we must be present with sufficient force to defend this canal, and necessarily embroil ourselves in the political complications of these people. Wherever the pathway of military glory inclines you will find in this project no occasion for the celebration of military triumphs, nor fitting opportunity for the acquirement of martial glory, but rather humiliation and disaster.

Let me suggest to some of the professional tail twisters of the British lion that you will be at the same time occupied in the pleasant pastime of pulling tail feathers from the German eagle and bidding a general defiance to the civilized powers of the world. While our patriotic ardor on the occasion of a Fourth of July oration might prompt us to the declaration of the opinion that the United States alone can whip the whole earth, with New Jersey thrown in, our deliberate and sober reason tells us that Sherman's estimate that "War is hell" is about correct, and the majority of us do not propose to send this nation there.

Who are the gentlemen who cry for war and thirst for gore, and profess their opposition to this measure unless it be fortified, garrisoned, and used exclusively as a military project? These men are politicians, few of whom ever smelled smoke, or ever will, except from the end of their cigars. Your talk about military campaigns is to help some lame brother in his political campaign. Let politics take care of dead issues, and let us for once apply our business sense to a business proposition.

We have for guidance, fortunately, the history and example of successful enterprise identical with the one under consideration, namely, the Suez Canal. And I shall append herewith two articles by Professor Woolsey, professor of international law in the Yale University, and published by the Century Company with other articles from the same author in a book called "America's Foreign Policy." Professor Woolsey is justly regarded as one of the highest authorities of the world on topics of international law, and I earnestly commend the perusal of his remarks to thoughtful and patriotic Americans.

You will observe that an act of aggression, a blow at the neutrality of that canal, is an affront to every civilized nation of the world. Since the construction of that canal Europe has thundered and vibrated in the shock of war. Empires, kingdoms, and caliphates have crumbled, dynasties have been overthrown, but the waters of the east and the west still mingle, and on their bosom, in that canal, ships laden with the aspirations of humanity find unvexed passage, buffeted neither by the storms of the capes nor hindered by the swelling tides of political revolutions.

And so, Mr. Chairman, invoking neither the spirit of bluster nor sacrifice of national dignity, we would see this grand work accomplished, in which as a nation we have more to gain or lose than all the world beside. We would see this mingling of waters of the east and west coming to the world, not as a covert threat of war, but as the preliminary to the inauguration of a reign of peace on earth and good will to men.

Humanity and all its aspirations, commerce with all her future conquests, American agriculture with all its possibilities, American industries with their achievements present and prospective, demand that this canal shall be constructed, and in its inception and its completion come to us and the people of the world, not as a menace, not as a threat, not as provocative of strife, but that

it shall come as a blessing and a benediction and remain through the ages as a monument dedicated, not to the art of war, but to the conquest of man over matter, of love over hate, of business sense over race prejudice, and patriotic achievement over political buncombe.

APPENDIX.

AN INTEROCEANIC CANAL IN THE LIGHT OF PRECEDENCE.

[By Theodore Salisbury Woolsey, M. A.]

Sooner or later, by private enterprise or by national aid, it is likely that some portion of the Central American isthmus will be crossed by a ship canal joining the oceans. The vast importance of such a waterway to the world's commerce, its vast importance particularly in the development of the United States, needs no demonstration. To enable an interoceanic canal, however, to attain its highest usefulness; to make for it a sure passageway for the flags of all nations, unblocked in war, secure from the vicissitudes of semi-tropical politics; to use it as not abusing it—that is a problem which demands study and statesmanship.

To show, if it may be, that the neutralization of such a canal under the guaranty of the chief commercial powers is the status most in accordance with precedent and history and our own policy is the object of these pages.

The international status of an interoceanic canal is a question of much perplexity, upon which the history of the past throws but a partial light. Such a canal is not a mere strait like the Dardanelles, the Danish Belts, or the channel of Magellan, naturally formed, and indestructible. Exclusive jurisdiction over these waters as a matter of right has never been conceded by the United States, and their passage is now free to all nations.

On the other hand, it is, in theory at least, entirely subject to the sovereignty and control of the state within whose jurisdiction it lies. For example, the North Sea Canal in Germany, or, if constructed, the ship canal across southwestern France, from the Garonne to the Mediterranean, will be controlled by those countries alone. Other States may insist upon a commercial use on the footing of the most favored nation; but they can not prevent an exclusive military use by the possessory government.

There is, however, a vital difference between such canals as these and the interoceanic variety, analogous though they are. The former are built, guarded, managed by agencies of their own nationality, all adequate to the purpose. The latter, in a point of fact, must lack every one of these characteristics. No country through which an interoceanic canal has been proposed can itself afford the capital for its construction. Its military and naval strength are inadequate for protection. Without sure protection neither management nor construction would be practicable, for capital is timid. As compared with the simple status of the North Sea Canal, notice, therefore, the complex character of one across Panama or Nicaragua. The elements of complexity are three:

1. A weak State granting the concession, without capital or credit or military power.

2. A foreign construction company, dependent upon its chartering government for that security and permanence which are its very breath of life.

3. A treaty, between the givers of concession and of charter, which authorizes the work and grants to the chartering power the rights under which it acts. Here are limitations upon the jurisdiction of the sovereign on every hand—limitations, too, which may be capable of indefinite expansion under pressure. And this danger introduces a fourth element into the problem.

No commercial State can afford, in justice to its own commerce, to permit that commerce in its use of such a canal to suffer any, even the least, discrimination against it. Nor will any one State permit another, save as the result of necessity, the military use of such a canal, from which use it is itself barred. Contrary as they are to the free, liberal, enlightened spirit of our time, such exclusive rights can only be the result of major force. Both the States in question, therefore, the one conceding the right to dig a canal and the other chartering and protecting the company for its construction, must be ready to give appropriate guaranties of equal rights to all other interested States.

The problem restated, then, is this: How can an interoceanic canal be constructed and administered securely and continuously when the resources of the State in which it lies are inadequate to the purpose? Toward the solution of this problem are presented here those historical precedents which seem to bear upon it. And foremost should be studied the Suez Canal, the only interoceanic waterway in existence which presents the features described.

The Suez Canal was dug by a French company under a concession from the Khedive of 1856, confirmed by the Sultan, his suzerain. Article XIV of this concession embodied a formal declaration that the canal should be always open as a neutral passageway to merchant ships of every nationality. But this was clearly insufficient; for Egypt, even with the possible backing of Turkey, was too weak to make the declaration good, and a much stronger guaranty was needed for its effectiveness. Moreover, nothing prevented Turkey in case of war from blocking the canal or even breaking it. The world's commerce was not guaranteed against the guarantor. For the security of this commerce a European concert was needed. What shape should this take?

Twenty years before a spade was struck into the sands of Suez, Prince Meternich had answered the question. In 1838 Mohammed Ali had asked his opinion in regard to a Suez Canal project, and received this reply: That if he wished to secure the accomplishment of his plan he should look to a neutralization of the canal by a European treaty. On this line the solution of the problem has been worked out, not without difficulties. The first step was taken in 1873. At Constantinople, in December of that year, was signed an agreement that the Suez Canal should be open to transports and ships of war of all signatories alike. Accepted by Turkey and the canal company, this act was acceded to by nearly all the European powers, including Russia. Thus the principle of European control was initiated.

In 1877 came the war between Russia and Turkey. It was of the greatest importance to commerce that the canal should be free from its operations. To this end Great Britain issued a declaration that any attempt to blockade the canal or its approaches would be regarded as a menace to India and an injury to the commerce of the world, which would compel the abandonment of British neutrality. This threat drew from Prince Gortchakoff the announcement that Russia desired neither to interrupt nor threaten the canal's navigation, but, on the contrary, considered it an international enterprise, affecting the world's commerce, which must remain free from all attack.

The Arabi outbreak in 1882 threatened the security of the canal still more seriously, and proved even more forcibly the insufficiency of a merely Egyptian guaranty, the necessity of European control. France timidly declined the responsibilities of joint occupation, and thereby lost her share in the dual control. Great Britain shelled the insurgents out of Alexandria, occupied the canal as a base, and defeated Arabi's forces, acting throughout at the request of the Khedive. Her subsequent occupation of Egypt, without the urgent solicitation of the Khedive, is another matter, having a bearing upon the protection of the canal, but not upon its international status. It was induced rather by the English ownership of Egyptian bonds and by the threat-

ening rise of a fanatical invader out of the deserts. By those who are always suspicious of England's good faith her renunciation of sole control of the canal, while occupying Egypt, is a fact to be pondered.

Nor did the purchase of canal shares by the British Government give it additional political rights. Were the Emperor of Germany to own a thousand square miles of land in Texas, it would none the less be subject solely to the sovereignty and jurisdiction of the State and the nation. So in the Suez Canal, the jurisdiction of the sovereign was not qualified by English financial control. The relations of state and corporation were laid down by the concession under which the English Government enjoyed rights in common with other shareholders. And this would be true in our own case were the United States to lend its credit to a Nicaragua Canal. Rights in the line of management would be gained thereby, but the political status would not be affected.

In the case of Suez this status was not yet definitely and satisfactorily determined. By force of circumstances Great Britain had assumed, single-handed, responsibilities which properly belonged to Europe, and which she desired Europe to assume. An invitation to the powers with this end in view in 1883 remained unaccepted for two years. Then, in 1885, a commission representing ten States met in Paris to draw up for consideration an international act which should offer a definite form of control, capable of guaranteeing at all times and for all powers the free use of the Suez Canal.

This was the basis upon which was built the convention of Constantinople in 1887. Its conditions are briefly these:

The Suez Canal shall forever be free and open, in time of war as well as in time of peace, to the vessels, whether merchantmen or men-of-war, of all nations.

Neither it nor its approaches to the distance of 3 marine miles shall ever be blockaded.

The canal itself, the various works connected with it, and the Sweetwater Canal, which furnishes its fresh-water supply, shall ever be inviolable.

No act of war shall take place upon it, though belligerent ships may be using it, and a twenty-four hours' interval shall elapse between the departures of hostile ships from either terminal.

No troops or material of war shall be landed along it, and no ships of a belligerent shall be stationed in its ports, but neutral states may maintain not to exceed two ships of war each for its protection.

When in the opinion of the representatives of the powers in Egypt the security of the canal is threatened, the Government of the Khedive shall first be called upon for its protection. Failing in this, the Porte shall have the duty of treaty execution laid upon it; and if Turkey should prove unequal to the task, the signatory powers shall act in concert with her.

No permanent fortifications are permitted.

No contracting power shall enjoy special territorial or commercial advantages in it.

The sovereignty shall reside, as before, in Turkey.

The accession of as many powers as possible shall be secured to this treaty.

These stipulations have been agreed to by Austria, France, Germany, Great Britain, Holland, Italy, Spain, and possibly others. Russia and Turkey held aloof, but in 1888 Turkey yielded to pressure and acceded. The present status of the Suez Canal, therefore, is that of neutrality guaranteed and protected by the leading powers of Europe, with the exception of Russia.

The details of this arrangement have been given at some length, since they furnish the most valuable, in fact the only, precedent for the settlement of similar questions elsewhere—a settlement, it is right to add, which has not yet borne the test of war.

In our own diplomacy there is abundant proof that for the most part similar ideals have prevailed.

Five routes have been proposed for a canal across the Central American isthmus. These are, in the order of southing, the Tehantepec route in Mexico, the Honduras route, the Nicaragua route along the San Juan River and the lakes, the Panama route, the Darien or Atrato route, these last two lying in the territory of the United States of Colombia.

Of these five the first two were impracticable; our treaties with their sovereign states therefore touch upon railway, not canal, transit. The treaties negotiated by the United States which do relate to interoceanic canals and their status are three: with New Granada, now the United States of Colombia, in 1846; with Great Britain in 1850; with Nicaragua in 1867. The provisions of these treaties relating to a canal are here summarized.

1. The United States and New Granada, 1846, Article XXV.

Commerce of the United States crossing the Isthmus of Panama is put on an equal footing as to tolls, duties, or other charges with the merchandise of New Granada. Any transit route constructed shall always be free and open to the United States. In return and to render these rights secure the United States "guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists, and in consequence the United States also guarantee in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory."

This treaty is still in force, but may be terminated by either party on twelve months' notice. Under this guaranty the Panama Railway was built and operated, and the United States has in fact landed troops for its protection.

2. The United States and Great Britain, 1850, commonly known as the Clayton-Bulwer treaty.

This primarily sets forth the views and intentions of the contracting powers "with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific oceans, by the way of the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua." In the second place, it lays down a general principle. Its main provisions are as follows:

Each Government declares that it will never "obtain or maintain for itself any exclusive control over the said ship canal," nor fortify the same, nor acquire any exclusive privileges in it, nor fortify, colonize, or exercise dominion over any portion of Central America.

The canal in case of war shall be free from blockade to an indefinite distance from its terminals.

It shall be under the joint protection of the two Governments, and its neutrality shall be guaranteed, that it may be forever free and open.

All other States shall be asked to enter into similar engagements. And this is not only a specific contract, but a general principle for the protection of any other practicable communications by rail or by canal across the Isthmus. Comment on this much-abused and much-debated treaty is reserved for another place.

3. The United States and Nicaragua, 1867, Articles XIV, XV.

This grants to the United States and its citizens the right of transit across Nicaragua from ocean to ocean on any route of communications, natural or artificial, by land or water, which may be constructed on equal terms with itself. All rights of sovereignty are reserved.

"The United States hereby agree to extend their protection to all such

routes of communication, as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection. Free transit is granted United States troops and ships under conditions. After protection, when necessary, has been afforded by United States troops, they must be withdrawn.

It is terminable at twelve months' notice.

One common feature runs all through these treaties, that whatever canal is built shall be neutralized; that is, exempted in some way from all the operations of war. The same idea appears in the agreement between the United States of Colombia and Lieutenant Wyse, acting for the French Panama Canal Company. By Article V of this instrument the "government of the Republic declares neutral in all times the ports of both extremities of the canal and the waters of the latter from one ocean to the other," but forbids the passage of the war ships of its enemies unless they have gained the right by treaty.

When we ask, however, how this neutralization is to be secured, there is a lack of uniformity. In the case of De Lesseps's Panama Canal, it was declared by the sovereign of the country. The Panama Canal of 1846 was to owe its neutrality to the United States alone. Our treaties of 1850 and 1867, just cited, contemplate a neutralization joined in by other powers; that is, a general concert of nations.

This remained our policy until about 1880. With the beginning of work by De Lesseps at Panama came a change. Secretaries Blaine and Frelinghuysen argued for a neutralization to be undertaken by the United States exclusively, and finding the Clayton-Bulwer treaty in the way of this pretension, attacked that. Mr. Blaine said that it needed modification; Mr. Frelinghuysen called it voidable; both by implication admitted its existence. It is true that the Clayton-Bulwer treaty left a string of misunderstandings behind it. It was entirely satisfactory to neither party. But what can not be denied—and this is emphasized here—is the fact that throughout the entire history of this country's attitude toward a Central American canal, the neutralization of that canal has been held desirable, a status to be effected sometimes by the sovereign of the route, sometimes by the United States alone, more often by many States acting together.

As in the case of Egypt and the Suez Canal, neutralization by the sovereign solely is not strong enough to build on and to build under; so that really the choice must lie between a neutral status guaranteed by the United States alone, and one guaranteed by many commercial powers. To the former policy there are two very serious objections. The first is this: A guaranty of neutrality by a single State, in the nature of things, can not be effective. You may protect in case of attack, but you can not neutralize. The guaranty of the neutrality of a State is a guaranty that it shall not be a combatant in war, nor affected by its operations. As against the guarantor this is good; as against all third powers it is worthless. For how can one State prevent another from the exercise of its sovereignty, of which the right to make war is an important feature?

In Wharton's Digest of International Law of the United States this view is clearly presented (last paragraph, page 145): "Neutralization is the assignment to a particular territory or territorial water of such a quality of permanent neutrality in respect to all future wars as will protect it from foreign belligerent disturbance. This quality can only be impressed by the action of the great powers by whom civilized wars are waged and by whose joint interposition such wars could be averted. As the neutrality of the Isthmus is by the convention before us [with New Granada, 1846] guaranteed only by the United States, it is not a neutralization in the above sense, but only a pledge and guaranty of protection."

And again, and more specifically, the United States do not possess, and could not raise for a considerable time, ships and men enough to make their sole guaranty of the neutrality of a Central American state or of the waters of a Central American canal good against all assailants. It is easy to say that the power of this great country is illimitable. That may be true. But to translate this power into ironclads requires a change of national policy, years of time, and unlimited expenditure.

There is, then, both a legal and a practical difficulty—though both, in truth, are practical—in the way of a guaranty of the neutrality of a canal by the United States. But let all commercial powers act in unison and see how simple the thing may become. Protection becomes effective and the canal status fixed, because each power for itself unites in the protection, lays down the status, and renounces the right to injure. "Neutralization" becomes actual and practical because each power, in the exercise of its sovereignty, promises to respect the neutrality. The empty phrase becomes a fact.

The argument, then, thus far is this:

We find in the history of the Suez Canal a powerful precedent for the policy of general rather than single-handed canal protection.

We find in our own treaties and diplomacy a uniform desire to keep an interoceanic canal free from all the operations of war, sometimes inclining to the rôle of sole protector, more often desirous that this responsibility shall be assumed by all commercial states.

We find that "neutralization" is incapable of being effected by the act of a single protecting power; that "protection" demands superior force at command to be adequate.

We should now be in position to consider the second part of our question, which is this: In order to exempt a proposed Nicaragua or other interoceanic canal from the dangers and operations of war, is it better for the self-interests of the United States that this should be attained by a general or a sole guaranty? This question is considered in the next chapter.

AN INTEROCEANIC CANAL FROM THE STANDPOINT OF SELF-INTEREST.

[By Theodore Salisbury Woolsey, M. A.]

What does the United States want of an interoceanic canal? How can it best get what it wants? These are questions of policy which may shortly require an answer.

It is often asserted, in and out of Congress, that the United States must "control" any such waterway, and it is commonly believed that by lending the national credit to the company, by seeing the work through, the right to such control will be acquired. The first of these statements is indefinite, the second is mistaken. The fixing of rates, the choice of officials, the physical and financial regulation of the canal might indeed be gained by this Government, as by any other controlling stockholder, subject to the conditions of the concession; but the political control, the right to determine its international status, its use in war time, its protection—this is an attribute of sovereignty qualified by the treaty. As has been argued in the case of Great Britain and the Suez Canal, the rights of the stockholders and the rights of the sovereign have no real connection; they lie in different planes.

Though no control in a real sense is acquired by financial ownership, it may be gained by a surrender of sovereignty. The simplest form which this could take would be the transfer of sovereignty over the region in which the canal lies. This region might be ceded to another state or be raised to statehood itself with the condition of neutrality attached to it. For instance, the

annexation of Nicaragua by the United States or the cession of canalized territory to it would give us real control.

More complicated is the condition which results from a partial surrender of its jurisdiction by the sovereign in favor of one or more powers. This would be effected by formal treaty. An example of this is our protection of the Panama Railway, under the treaty of 1846 with New Granada, which carries the right of landing troops and exercising jurisdiction for a specific purpose. But is there not another right of action in Central American affairs, based on the Monroe doctrine, which belongs to the United States exclusively and which by common report is as well grounded as any treaty stipulation?

This is apt to be construed as warranting the United States in interfering to prevent any and all European claims upon our neighbors in the South which involve territory. Now, without going at length into the history of the Monroe doctrine, it is enough to say that it is a very good thing when properly used and interpreted. For it is still the settled policy of the United States to prevent European powers from armed interference in the politics of South and Central American states against their will.

The French intervention in Mexico during our civil war is an instance where the Monroe doctrine was properly applicable. But being somewhat vague and never crystallized into a law, a great deal of extraneous matter has been read into it, until it has become a political fetish superstitiously worshiped by the whole tribe of jingoes. They will have it mean the right of interference by the United States instead of what it really is—a protest against foreign interference. They would make of it a law overriding treaties, instead of an expression of policy quite subordinate to treaties. They hail it as the American policy, forgetting that Canning first suggested it. They build upon it a "manifest destiny" theory, overlooking the fate of the house in Holy Writ built upon sand.

The United States has a peculiar interest in the affairs of those countries lying to the south of it as being itself the most powerful and influential State on this continent. It has a peculiar interest in any canal which will bring its western and eastern coasts many thousands of miles nearer by water. To it, therefore, belongs the right—nay, the duty—of securing the use of such canal by its vessels of every class, in war and in peace, under the most favorable terms.

Emphasizing all this, it is asserted that the Monroe doctrine is not the instrument fit to accomplish these results. As well use a saw to drive a nail. You blunt your tool and do not gain the end desired.

The proper weapons are to be sought for in our treaties, made and to be made, and in those general principles of law which govern the intercourse of nations.

As to the principles of law, for lack of specific rules to cover this new question we have the wider expressions of that order which binds the civilized world together. Such are the principle of nonintervention; the most-favored-nation treatment; freedom of navigation; freedom of intercourse; neutral interests paramount to belligerent interests; good faith; observance of treaties.

As to treaties, the precedents for the treatment of an interoceanic canal have already been cited. The issue was there defined between canal protection assumed by the United States alone, and canal neutralization carried out by a concert of nations, precedent being in favor of the latter. In the following pages some considerations are presented to show that sole protection and sole control by this country are neither practicable nor desirable. This is an argument from the standpoint of self-interest.

What does the United States want of an interoceanic canal? Clearly it is its uninterrupted use under all circumstances by merchantmen and men-of-war alike, whether itself a belligerent or a neutral, on the footing of the most-favored nation. Our most ardent patriots have never claimed lower tolls than other countries, nor exclusive commercial use. But is there nothing more? Is there not a darling wish entertained by some for which no price seems too dear and which would make the canal of peculiar value to our own land? There certainly is.

Though not often formulated clearly, but wrapped rather in the ceremony of stately words, this wish appears to be for an exclusive use of the canal by the Navy of the United States when a belligerent. Suppose, for example, England and this country to be at war. Then our ships could pass the canal, could mass or separate for attack and defense, while her ships could be barred. The value of such right is at once apparent. But is it attainable, and what would be the cost?

The difficulties in the way are these:

First. No power of the first class would permit the negotiation of such an arrangement without a protest, which would probably lead to war. To suppose that Germany, for instance, or Great Britain would consent to such a provision in our favor would tax the credulity of a child. The very first result of such a treaty would be a combined demand of Nicaragua by all the maritime powers that they each and all be put on the footing of the most-favored nation, that their warships be granted transit at all times as well as ours. This demand would be reasonable; for how could they afford to tie one hand behind their backs in advance of a contest? To meet it successfully would require a defensive alliance of the United States and Nicaragua, backed by a fleet as large as the combined fleets of the remonstrants.

But suppose, for argument's sake, that foreign powers display no such sensitiveness as to their interests and their rights, and fail to combine against us. Suppose that our sole guaranty of the canal, coupled with its exclusive military use, is permitted to pass unnoticed, or with a diplomatic remonstrance merely. Suppose the canal garrisoned by our troops in violation of the Clayton-Bulwer treaty, which had been officially declared to be abrogated. What follows?

We are the sole protectors and guarantors. We must maintain, therefore, on the spot a force sufficient for this end, or the canal may be broken, even ruined. Single handed we must crush out riot and revolution. Strange responsibilities in Central American politics must be assumed, constant influence exerted, or else our protection would be nugatory. And, apart from local dangers, a war may arise to which we are a party. We should require an army of occupation as large as any which our enemy could land, a fleet equal to that which he could equip, and the canal would be made simply the first scene of the struggle. It is apparent that this would involve a complete change in the policy which has guided this Republic from its earliest years, that it would result in a struggle far from our natural base, on disadvantageous rather than advantageous ground, against, not in accord with, the sentiment of the political world.

There is another objection to the exclusive war use of a canal by the United States, coupled with that guaranty of its neutrality, whether sole or general, which all our treaties have contemplated. The two are inconsistent. The exclusive use in war would conflict with the neutral status. Imagine the perpetual neutrality of Belgium qualified by an exclusive right of transit across its territory granted to German armies. All powers must approach a canal on an equal footing, or its neutrality will become an alliance between its sovereign and the favored nation.

Let us suppose, on the other hand, that our policy follows more moderate counsels. Guided by European precedent and the provisions of our own

treaties, it renounces the attempt to shoulder singly the task of canal protection. Calling in the cooperation and the aid of all powers likely to make commercial use of the canal, this country, taking the lead, proposes to place it on a footing of neutrality guaranteed by all. All have a common right of passage, in peace and in war, for war ships and for merchantmen. The coast sea of the terminal ports for a distance of fifty or a hundred miles, is also exempted from the operations of war.

Proper provision is made, as in the Suez Canal convention, for the avoidance of the hostile meeting of belligerent ships. Military occupation for internal security, protection from outside pressure, are joint, not single. A violation of the integrity of the canal is an attack upon, and will be resented by, the whole commercial world. With absolute confidence it may be asserted that such a status, such a solution of the problem as this, would give the United States every advantage which it would hope to reap from the canal, save and except the exclusive right, as against an enemy, of using it in case of war.

Is this single privilege worth what it would cost—the abandonment of settled policy, the yearly expenditure of Army and Navy enormously increased, the greater danger of political complication? This price is real, not imaginary. A nation with a chip on its shoulder can not rely on bluff and bluster alone. That this is more or less clear to the advocates of a "spirited foreign policy" is let drop occasionally. "I would be willing to go to war to prevent England from obtaining control of the Nicaragua Canal or from interfering in our control of that waterway," a member of the House is reported to have said recently, amid a chorus of approval, as if the two were equivalent statements.

We may well agree with him as to his first proposition, but just as surely does it follow that our control would be regarded with similar jealousy by other States.

Why go to war, however—an expensive and uncertain business—when the same end could be reached by a general concert of powers? Why go to war with Great Britain, in particular, on the subject of canal control, when by a solemn treaty that country already has renounced canal control?

But here arises a serious question. That Clayton-Bulwer treaty of forty-eight years ago, which has just been alluded to, is it now in force? Is it really a good thing to get rid of it in force?

The charge has been made that it is no longer valid, because long ago violated by Great Britain. This violation lay in retaining control over certain Central American territory in spite of the treaty, the excuse and defense being that the treaty was not intended to refer to the status existing at its negotiation. Since then—very slowly and very exasperatingly, it is true—all such territorial claims have been yielded, the Mosquito protectorate quite recently, until nothing clouds the validity of this treaty except what is past.

Now, so far as appears, no responsible official in this country has ever claimed that this treaty is actually void, but merely that it should be amended or, at worst is voidable. A treaty unlimited in its terms as to duration must certainly be held binding until notice of its abrogation has been given. No such notice exists in this case. Two Secretaries of State have argued that there was ground for terminating it, and a committee of Congress once reported in favor of its abrogation; there the matter dropped. To say that this treaty is no longer binding, therefore, is to be inaccurate. Even admitting that there is reason for its abrogation, it must be considered still in force. And what I desire to emphasize here is the extreme impolicy of such abrogation, the very decided present value of this Clayton-Bulwer treaty to the United States.

What State is it, as we are so constantly told, which arbitrates with the strong and bullies with the weak? Great Britain. What State is it, on the same authority, which for schemes that are subtle, for earth hunger, for trade expansion by fair means and foul, for the liking to have a finger in every other nation's pie, is most notorious? Again, Great Britain. She, then, is the power most to be dreaded as a meddler in Central American affairs. If so, the Clayton-Bulwer treaty is an instrument made to our hand. It is a bulwark of defense, a contract to be enforced, not surrendered. Listen once more to its terms:

"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; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or to occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

Does Great Britain covet Corn Island, commanding one terminal of the Nicaragua Canal? Does she "exercise dominion over" Corinto, to hold as indemnity for a debt? Does she seek to control the future canal in any way? We appeal to Article I of this treaty. We do more; we enforce it. To an aggressive power it is a strait-jacket.

In a frank and striking passage which is contained in one of Mr. Blaine's dispatches to Mr. Lowell this is well expressed: "I am more than ever struck by the elastic character of the Clayton-Bulwer treaty and the admirable purpose it has served as an ultimate recourse on the part of either Government to check apprehended designs in Central America on the part of the other, although all the while it was frankly admitted on both sides that the engagements of the treaty were misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious."

Why, then, should we seek to do away with it? The only possible reason can be, because we seek to control, to occupy, to fortify, to do things we there renounce—in short, to assume the aggressive ourselves. This, then, is the real object and ideal of the opponents of this treaty. They would throw away the shield to grasp the spear more firmly. They would prevent the building of a canal unless permitted exclusive rights in it. They would choose a policy without regard to cost and consequence. Here, then, we have come to the parting of the ways.

In the one direction lie "peace with honor," a growing trade, a traditional policy, the military and naval establishments of to-day, the enforcement of the Clayton-Bulwer treaty, a well-considered plan for general protection and guaranty of the canal which commerce cries out for.

In the other lie single control, the abrogation of every treaty which stands in the way, an Army and Navy to make our position good, the exclusive use of the canal, as against our enemies, by our Navy in time of war. In short, it is to prefer belligerent to neutral interests, and to launch forth into the troubled sea of foreign politics.

To enforce or to abrogate the treaty of 1850; to use the canal on the same terms with other States, or to insist upon exclusive military privileges in it—these are the real points at issue. Between these policies let the American people choose, counting the cost of each, and striving to see which will bring it honor and true ascendancy and the highest good.

Mr. GROSVENOR. Mr. Chairman, the discussion has taken so wide a range that I can not hope to cover in the five minutes I shall ask for all the phases presented. I want to emphasize a little strongly the remark made by the gentleman from Massachusetts [Mr. GILLET], who said that the Clayton-Bulwer treaty was still obligatory upon the United States. I do not think there

is any doubt about that, and I think that no man with ordinary intelligence, whether he is a lawyer upon international lines or whether he is a man of ordinary common sense, will for one moment understand or attempt to argue that the Clayton-Bulwer treaty has been abrogated by the act of the United States or by that of England.

It is not important here. It cuts no figure in my judgment; but I think it is a true proposition that a treaty deliberately entered into by two powers, if one violates that treaty and the other goes forward without any regard to it, making no protest, and acting upon that treaty itself, acting upon its stipulations as though they were in force, I understand that that power can not go back afterwards and set up a claim of abrogation, because of a matter that by their own action in pais they have waived at the time; but I do not care anything about that.

One gentleman on the other side of the House said that we had attacked and violated, by reason of the recognition of the Clayton-Bulwer treaty, as I understand, the Monroe doctrine. Why, the gentleman from Massachusetts very well said that the Monroe doctrine was proclaimed by this Government in 1823, and our Government has never faltered in insisting on that doctrine as a guide to ourselves. We never claimed that any other nation had acted upon it or enacted it into international law. All we claim is that we gave notice to them as to what we will do if they invade this hemisphere, and those people have kept clear of raising the issue with us. Now, more than twenty years afterward we made the Clayton-Bulwer treaty, but nobody believes that in doing that we attempted to repeal or waived or set aside the Monroe doctrine.

But now, Mr. Chairman, this is the important consideration here to-day. I hope that we will meet now on this point and cease to encumber this bill by any attempt at amendments that are not germane and not directly in line of the bill itself. This is a great measure that both parties of this country stand pledged to. I will put into my remarks the declarations of the Republican platform in 1892 and 1896, which are just as much a part of our doctrine as any other; and bear in mind, gentlemen, that we have always called it the Nicaragua Canal.

We have not yet permitted the skirts of the people of the United States officially to be soiled by recognizing that infamy that broke a French cabinet and almost precipitated a great number of their people into ruin, that sent an old man into the penitentiary and sent him to a dishonored grave, dying in the utmost poverty, and I hope we will never see, in any official declaration of any political party platform, Panama mentioned; and I pray God my country may be saved the stain of ever attempting to dig out of a dishonored grave, where the Panama Canal was buried, anything that will in any wise involve us in the future with that canal.

They spent \$250,000,000. They spent 8,000 lives. My friend over there, the gentleman from Nebraska, spoke about wanting to work up a scheme for American labor there. I want to say to him that I do not want the laboring men of my district to go down to the Panama Canal. Eight thousand dead men mark the perils of that section of country, and one of the strongest points in favor of changing the route and going up on the Nicaragua Canal line is the difference of the conditions there that affect labor so directly.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"]

[Mr. GREEN of Pennsylvania addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Pennsylvania asks consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I shall renew my request to the same effect.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The question is upon agreeing to the amendment to substitute for section 3 proposed by the committee.

The question was taken; and the substitute was agreed to.

Mr. BURTON. Mr. Chairman, I desire to offer an amendment to that section.

The CHAIRMAN. The substitute has been adopted.

Mr. BURTON. The substitute having been adopted, I think it comes in here. I had some question whether it ought not to have been offered before the substitute was adopted. In other words, it is an amendment to the section.

Mr. HEPBURN. It should have been offered when the substitute was pending.

The CHAIRMAN. It should have been offered as an amendment to the substitute, and then adopted as amended. The gentleman from Ohio is too late.

Mr. BURTON. I will offer it to the next section.

The Clerk, proceeding with the reading of the bill, read section 4, as follows:

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

Mr. BURTON. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the close of section 4 insert the words "the President is also authorized to secure, if possible, jurisdiction over the territory upon which said canal or waterway is located, including a strip or strips on either side thereof."

Mr. BURTON. Mr. Chairman, I see no possible objection to the adoption of that amendment. It is very desirable not only in the construction of a canal, but its maintenance thereafter. Jurisdiction should be obtained over a strip of territory on both sides of the central line of the canal. The courts of the country in which the canal is built might be inefficient and American capital would be invested there—

Mr. SHATTUC. Will the gentleman from Ohio allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. SHATTUC. Would the Constitution of the United States go over that territory?

Mr. BURTON. That would be a matter of treaty. I have some doubt whether extraterritorial jurisdiction— [Laughter.] Oh, I took the question a little more solemnly, perhaps, than the gentleman intended. I do not propose to answer that question, whether the Constitution of the United States goes there or not.

Mr. CORLISS. Will the gentleman from Ohio vote for this bill if this amendment is adopted?

Mr. BURTON. If this and other amendments are adopted, I am laboring in good faith to get a vicious bill—not only vicious at all times, but particularly vicious at this time—in good shape; and if this and other amendments are adopted, I may vote for it. I will not make any promises.

Mr. MANN. The first section as amended provides for obtaining control of enough land on which to excavate, construct, and protect a canal, etc.

Mr. BURTON. Well, neither of those words is broad enough.

Mr. MANN. Is not the word "protect" broad enough to obtain territory to protect the construction and operation and including the men who are working there?

Mr. BURTON. An illustration will show what I mean. Suppose there is a strip 5 miles in width on both sides. The material would be taken very near the edge. That would not be included by fair inference in the language of this bill. One especial reason for a strip is this: On some portions of the river which are to be utilized there is a large overflow, so that the engineers who have examined the proposed route estimate that it will be as much as 5 miles on each side when the country is flooded.

I think it is desirable to declare in this bill that Congress desires the President to acquire a strip on either side of the central line of that canal by language which is clear and unequivocal. I do not desire to discuss the question further. I submit the amendment on its merits.

Mr. HEPBURN. During the last session of Congress a bill was introduced bearing upon this subject containing that word "jurisdiction," and it was stricken out by my consent, at the instance of many gentlemen, who said it placed an insuperable barrier to our securing what we desired; that there was a provision in the constitution of Nicaragua that forbade that Government from parting with the jurisdiction over any part of the soil.

Mr. BURTON. I am thoroughly aware of that provision; it is equivocal, but that is the way it is interpreted. But it has been proposed that a lease for a large number of years should be given, like the Suez Canal, where it is ninety-nine years, with the privilege of renewal.

Mr. HEPBURN. Is not the word "control" broad enough?

Mr. BURTON. It seems to me not. Our courts and judicial officers should have control there. A large number of men will be employed, and many desperadoes will come there. A large amount of money will be disbursed, and it will bring desperate characters there from all over the world. This has been suggested by some people who have made thorough examination on the ground.

Mr. HEPBURN. Then this would raise an additional difficulty, and I hope that it will be voted down.

Mr. MANN. Of course, any provision of this sort is a provision directed to the President in negotiating the treaty. No such provision could be of any effect except to influence the Administration as to the terms of the treaty. It is not desirable, as it seems to me, to give that direction any further than it is already given in the bill. The first section of the bill authorizes the President to negotiate such treaty as he can for the purpose of obtaining protection and jurisdiction over sufficient land. For that reason the amendment ought not to be adopted.

The question being taken, the amendment was rejected. The next section of the bill was read, as follows:

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

The next section of the bill was read, as follows:

SEC. 6. That the sum of \$140,000,000, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the work herein authorized, said money to be drawn from the Treasury from time to time, as the same shall be needed, upon warrants of the President based on estimates made and verified by the chief engineer in charge of the work and approved by the Secretary of War.

The amendment reported by the committee was read, as follows:

Strike out all of section 6 and substitute therefor the following:

SEC. 6. That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is, further, hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, defense, and completion of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed in the aggregate \$140,000,000.

Mr. MARSH. Mr. Chairman, I move to amend by striking out the last word. In the five minutes allowed me I desire simply to say that I am in favor of a Nicaragua Canal. I am in favor of it because it will connect the two great oceans of the world and will inure to the benefit and prosperity of all the people of these United States. I favor it because it will bring the people of the Atlantic coast in closer connection with the Orient and the Pacific coast upon the great highway of commerce in the coming quarter of a century.

Mr. SHACKLEFORD. I make the point of order that the discussion in which the gentleman is indulging is not pertinent to the question pending.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MARSH. I favor this canal because it will bring the people of the Pacific coast in closer connection with the European world and with the Atlantic coast. I favor it, moreover, because it opens up for the people of the great Mississippi Valley, in which I live, a near-by communication with the great Pacific Ocean and the wonderful commerce that is yet to be developed from the Orient. It is the entering wedge, Mr. Chairman, of a ship canal that will connect the Great Lakes of the North, at Chicago, by way of the Illinois River and the Mississippi River, with the Atlantic and the Pacific oceans and the Orient. [Applause.] The construction of the Nicaraguan Canal means, in other words, a ship canal from the Lakes of the North to the Gulf of the South.

I will admit that in my humble judgment this bill is a little premature. I wish that our committee had delayed for another six months its introduction, in order that they might have the information that is now being secured by 150 engineers and 750 workmen who are engaged in examining this ground on the Isthmus under an act of Congress. But, sir, while I consider it a little premature, I am willing to go forward and plow the ground now, even if it should become necessary to again plow it before seeding time. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. MARSH. I hope I may have five minutes more.

There was no objection.

Mr. MARSH. Mr. Chairman, there is another feature in connection with this subject, which I wish could be remedied now. It is rather humiliating to an American citizen that our Government should engage in the construction of this wonderful enterprise, involving an expenditure of one hundred and forty or one hundred and fifty million dollars, as a tenant upon foreign soil. I would rather construct this canal as a landlord than as a tenant. [Applause.] In other words, I wish it were in the power of this Congress and this Administration to-day to annex to this country both Costa Rica and Nicaragua and make them a part of this glorious Union of ours.

Sir, I would do that on perfectly honorable terms toward the people of Nicaragua and Costa Rica. This Nicaragua Canal will be built. We may enter upon that land as a tenant, but I give notice here and now that the time is not far distant when this tenant, the United States, will become the landlord down there, just as many a tenant in the Western country has become the owner of his landlord's farm. And, Mr. Chairman, when those countries become a part of the United States, who will be afraid of them? Who is afraid of contamination of the blood of the people of Costa Rica and Nicaragua? There are 80,000,000 of people here and a few hundred thousand down there. The infusion of their blood into our veins and of our blood into their veins will Americanize them in two generations. [Laughter and applause.]

Now, Mr. Chairman, I wish to say that if the proposition is made here to refer this bill, to recommit this bill back to the committee with instructions to report a bill here next winter, after Admiral

Walker's commission has made its report, I will vote for that proposition. If that fails, then I will vote for the bill as it may be perfected by the majority of this House; and I thank you all for your attention. [Loud applause.]

Mr. HEPBURN. I suggest that debate is exhausted.

The CHAIRMAN. Debate is exhausted on this amendment. The question is on the amendment proposed by the committee.

Mr. BURTON. I propose to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of section 6 add the words, "Provided the location of the canal provided for in this act shall not be fixed or determined until the Isthmian Canal Commission, now engaged in an examination of the various routes proposed, shall have made its report to the President, and provided such report shall be made on or before December 10, 1900."

Mr. BURTON. Mr. Chairman, perhaps I have detained this committee too long—

Mr. RICHARDSON. I rise to a point of order. I think the sixth section has not yet been voted upon.

Mr. BURTON. This is an amendment to that section.

Mr. HEPBURN. I make a point of order against the amendment that it is not germane.

Mr. RICHARDSON. I thought the gentleman offered it as an independent section. That is the reason I made the point.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on the point of order.

Mr. HEPBURN. The proposition contained in this section is simply in the nature of an appropriation and confers authority upon the Secretary of War to make continuous contracts. The amendment that is offered is a proposition to limit the authority that is given to the President in the first section of the bill.

Mr. BURTON. The whole object and purport of the bill is the construction of a canal. There are divers limitations as to route, as to amount, as to surveys, as to authority. It seems to me this belongs very appropriately at the end of this section and is germane not only to the bill but to that section.

Mr. HEPBURN. I will say to the gentleman that perhaps it would have been germane to the first section, but certainly not to the sixth, and the first section has been passed.

The CHAIRMAN. The Chair is of the opinion that the amendment proposed by the gentleman from Ohio [Mr. BURTON] is not strictly germane, but it can be offered as an independent section.

Mr. BURTON. Then I offer it as a separate section.

The CHAIRMAN. The gentleman from Ohio offers the following amendment, which the Clerk will report:

The Clerk read as follows:

On page 3, line 4, insert:

"SEC. 7. *Provided, however,* That no money shall be disbursed or expended under the provisions of this act until the Isthmian Canal Commission, appointed by the President under the act of Congress, March 3, 1899, shall have made its report.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that that amendment is not now in order until section 6 has been disposed of.

Mr. BURTON. I withdraw it and will reintroduce it.

Mr. LEVY. I move to strike out the last word.

One of the reasons why I am opposed to this bill is that it is undemocratic and opposed to the principles of the greatest thinker of modern times, Thomas Jefferson.

Now, let me read you a few words that he said to Albert Gallatin, on October 13, 1802. He expressed his doubts, or rather convictions, about the unconstitutionality of the act—

Mr. HEPBURN. I make the point of order that the gentleman is not discussing the question now before the House.

The CHAIRMAN. Will the gentleman again state his point of order?

Mr. HEPBURN. That the gentleman from New York is not discussing the amendment now pending before the House.

Mr. LEVY. I am speaking to that, sir.

Mr. HEPBURN. He is discussing the bill as a whole.

Mr. UNDERWOOD. I ask unanimous consent that the gentleman may be allowed to proceed for five minutes—

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from New York may proceed for five minutes—

Mr. UNDERWOOD. Along the line of argument that he is now proceeding to develop.

The CHAIRMAN. Along the line of argument that he is now proceeding to develop. Is there objection?

There was no objection.

Mr. LEVY. Mr. Jefferson expressed his doubts, or rather convictions, about the unconstitutionality of the act for building piers in the Delaware, and the fear that it would lead to a bottomless expense and great abuses. He also said that whenever the surplus revenue of this country exceeded its expenses it should be expended within the borders of its States. That was the opinion of Thomas Jefferson, and I do not propose to leave the lines of

Thomas Jefferson. That is one of the reasons why I am opposed to this bill. [Applause.]

Mr. GRAHAM. Mr. Chairman, while I am heartily in favor of an interoceanic canal, and from some investigation and research I think from the present light I have upon the subject I should favor the Nicaragua route, but I am not prepared to vote in favor of the bill under consideration at this time.

Last session of Congress we provided for appointment of an able and impartial commission, and instructed them to make an exhaustive examination and survey of at least two routes, the Panama and Nicaragua, furnishing us with detailed estimates of cost, together with the nature of the concessions already granted or agreed to be granted by the governments of the countries through which it was proposed to construct the canal.

Now, in accordance with these instructions that commission, at an immense outlay for a large corps of surveyors and engineers, have been and still are at work procuring for us the necessary data for intelligent action.

And now, after the expenditure of perhaps a million of dollars, it is proposed that before we receive this data we shall determine and fix the route, authorize the construction, and appropriate the necessary money, even before we have the concessions for territory along the route absolutely determined or agreed upon. That we shall rush in and, as humorously shown by the gentleman from Illinois [Mr. CANNON] agree to buy the horse before we know what price is set upon it.

Is this sensible; is it businesslike, let alone statesmanlike?

Have our constituents sent us here to act in this childlike manner, especially when we have to deal with crafty and diplomatic men, representatives of the Spanish Central American governments.

We know they are anxious to have us locate and build this canal, but there is enough of human nature in their make-up to have them drive the best bargain possible, and as long as we have two routes to balance against one another we do not put ourselves altogether in their power.

Let us recommit this bill to the able and intelligent committee that have reported this bill, with instruction to hold it until they receive the full report from the commission now at work gathering the data authorized, and then they can report us a bill that can receive hearty and perhaps unanimous support from both sides of this Chamber. [Applause.]

Mr. CANNON. Mr. Chairman, I rise for but a moment. Yesterday, Mr. Chairman, I made the following quotation from a conversation I had with Admiral Walker. He said:

We are not prepared to say now—

Speaking of the commission and of himself—

We are not prepared to say now where any canal across the Isthmus should be constructed or which is the best location on the Nicaragua route, and it will take the remainder of this year to enable us to determine that.

Mr. STEWART of New Jersey. If the gentleman will allow me, why did not Admiral Walker and the engineer who conveyed this private information convey it to the Committee on Interstate and Foreign Commerce?

I want to say, Mr. Chairman, that by accident, while I was coming to the Capitol this morning, I met Admiral Walker on the sidewalk, and, in referring to the query of Mr. STEWART, he said to me that he said the same matter to the chairman of the Committee on Interstate and Foreign Commerce.

Mr. GROSVENOR. Mr. Chairman, if these commissions can place themselves across the pathway of legislation, judging the future by the past, we never will build this canal. This commission was appointed on top of another commission that Admiral Walker was at the head of, and the Lord only knows how long he had been at the head of that commission, and he had made no particular sign of making a report; but a little over a year ago, when we had this same struggle, it was said that he almost was ready to report; but the debate on the million dollars placed on the river and harbor appropriation bill will show that that was the claim set up. Then there came this million-dollar performance, and it was reorganized on the 3d day of March.

Now, what did they do? Well, I personally know that some of them made their appearance in Paris some time in August, and some of them went to Hamburg and Bremen, and then they had a decided interest developed in the canal up at Kiel and they went up there; and I would like some gentleman who keeps in touch with this august body to tell me when they really started under their appointment of March 3—when they really undertook to go to Nicaragua and look after this canal. My recollection is that they did not go until some time about the beginning of the winter—October, some gentleman says. What they were doing up to that date I do not know. I suppose it is likely that they were keeping out of the way of the bad climate that my friend wants American laborers to go into down there.

Now, when will they report? Let us pass this bill, and let their report come. If we do not pass it into law, it will go to the Senate, and the Senate will have their report, perhaps. The Lord only knows. They have got 800 men boring holes in the ground

down there, so we are told; and 300 men gone on some other line of investigation. Well, let them go on and investigate. They have got a million dollars, and it is not all expended or they would have been back here long ago. [Laughter.] Why have they not put in a tentative or partial report of what they have done and what they are going to do? These men have not sent a word to Congress as to what they are going to report. Let us, then, pass this bill, and their information after the passage will be just as valuable as it will be now. [Cries of "Vote!"]

Mr. THROPP. May I ask the gentleman from Illinois a question? In quoting Admiral Walker did you not say that he wished time to determine which is the best location on the Nicaragua route?

Mr. CANNON. Oh, no.

Mr. THROPP. Did he not say that?

Mr. CANNON. No; that and the other, too.

We are not prepared to say now where any canal across the Isthmus should be constructed or which is the best location on the Nicaragua route—

You see, it is very broad—

And it will take the remainder of this year to enable us to determine that.

[Mr. THROPP addressed the committee. See Appendix.]

Mr. BURTON. I desire to yield a moment to the gentleman from Illinois.

Mr. HEPBURN. I move that all debate on this amendment close in ten minutes.

The CHAIRMAN. The gentleman asks unanimous consent that debate be closed in ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I want to say in reply to the gentleman from Ohio [Mr. GROSVENOR], who has made an attack upon this commission—

Mr. GROSVENOR. I did not make any attack upon the commission. My friend is so fluent in attacks to-day that he thinks everything is an attack. [Laughter.]

Mr. CANNON. If my friend would stand for a moment in some position or other, I would know where to find him. [Laughter.] Now, Mr. Chairman, the gentleman from Ohio did seek to ridicule this commission. Whose commission is it? A man appointed under law by the President, whose mouthpiece the gentleman from Ohio at most times claims to be. [Laughter.] I have confidence in this commission, and I shall follow its recommendation. I yield back the remainder of my time to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman, I am conscious that I have already taken too much of the time of the House; but there has never been a question before this House upon which I have had more profound conviction. I am sure we are making a mistake this day if we pass this bill. I have been trying to do my duty, and I am willing to stand upon my record of yesterday and to-day, and appeal with confidence to the future. Duty does not consist alone in securing human rights, sacred as they may be; it consists also in saving the taxpayers of this land from burdens; in the proper construction and maintenance of public enterprises; in businesslike management of all that we do. We are going ahead in an illogical and improper manner. First, I want to answer some little misapprehension about this commission.

The gentleman from Pennsylvania is mistaken in two particulars. Admiral Walker did not report in favor of the Nicaragua route as against any other. They did not examine the other route except in a cursory manner, and it was not their duty to examine it at all. He states that this bill provides that the President may examine other routes. If anything is plain in this bill, we are committed by hard and fast rule to one route, to one country, and all others are eliminated. My colleague from Ohio [Mr. GROSVENOR] speaks—and I do not think he does quite justice to his usual intelligence—about befouling ourselves because of that old company in France. Why, I do not believe that that makes much difference. Will the excavations through Panama be more or less foul because some swindlers defrauded the French people? It is not the swindlers with whom you are to deal, but with the persons who have invested in it.

If the gentleman from Ohio adopts so severe a rule that he will not patronize anything where the management has ever been dishonest I am afraid it will restrict the railroad routes that he will patronize in this country, so that in going to his own home he will have to go by a roundabout way to get there. [Laughter.]

We are proceeding hastily and without logical order. This commission is made up of men who need no defense. They are not to be ridiculed because they are not engaged in boring, as the gentleman from New Jersey suggests. Many of the gentleman's constituents think it would be better for him if he was boring around getting places for his constituents rather than sharing in the deliberations of this body. Some of the most perfect engineering works in the world have been planned by men in their offices who only made a cursory survey of the ground.

Mr. GROSVENOR. Mr. Chairman, my friend from Ohio [Mr. BURTON], whom I always like to hear speak, especially when he is trying to go straight at a thing, not trying to kill a measure by indirection, says that we are guilty here of hasty legislation in trying to pass a bill to build the Nicaragua Canal. Well, the agitation of this enterprise began fifty years ago—before my friend was born, I think; about fifteen years before. [Laughter.] And he has grown up to be a full-fledged statesman, with strong characteristics and great ability; yet the Nicaragua Canal is not built yet, nor has there been any act done in good faith tending to the building of the Nicaragua Canal. Every step that has been taken here during the last ten years has been met by a commission. When the last armed foe was about to expire, somebody has regularly shot a commission under the wheels and stopped the enterprise.

My friend from Illinois [Mr. CANNON], who is so good-natured to-day—he is always good-natured when the votes are running his way, though sometimes, if something happens that he does not exactly want to happen, I am afraid his temper is not quite as angelic as we would all like to have it—my friend from Illinois says that this proposition for a commission came here upon the recommendation of somebody. I will tell him how it came here. The proposition for a Nicaragua Canal bill was put upon the river and harbor bill by the Senate as an amendment. The eulogy paid by the gentleman from Alabama this afternoon was worthily bestowed. It was Senator MORGAN who put the amendment on there and sent it over to us [laughter]; and I am glad that the people of Alabama have given him the assurance that they have. And it was this identical bill that came here. We have had all the time since then to improve this measure if we wanted to.

Just as we thought we had got the accomplishment of the project within reach, my distinguished friend from Ohio, with that degree of shrewdness and cunning of which he does not look to be the possessor [laughter], suddenly projected a commission under our wheel. We had a commission. As I have stated, it never had reported. It was working hard. It was one of those "endless-chain" commissions which we always have; and just in the nick of time the gentleman said—that was the effect of his logic; I do not say those were his words; if he were going to say it, he could say it a good deal prettier than I can—"Oh, that old Walker commission don't amount to anything. We have had them down there, and they don't report; they don't know anything. Let us get up another commission, with Admiral Walker at its head. Let us go on with this commission business until those 800 poor devils down there die, or until we get the holes bored down there." [Laughter.] Now, I say let us put the horse ahead of the cart. If Admiral Walker has anything to say about the construction of this canal, has any opinion to give that is worth hearing—and I have no doubt he has—let him give it. There is plenty of time before this bill can become a law. Let the American people know that the American Congress has reached a point beyond this endless and eternal quibbling about this bill. Let us pass it. [Applause.]

Mr. BURTON. I offer the amendment which I send to the desk. The Clerk read as follows:

On page 3, at the end of section 6, insert the following:
"Provided, however, That no money shall be disbursed or expended under the provisions of this act until the Isthmian Canal Commission appointed by the President under the act of Congress of March 3, 1899, shall have made its report."

Mr. HEPBURN. I move that all debate on this amendment close in one minute.

The CHAIRMAN. The Chair thinks that motion is not in order, as there has been no debate yet.

Mr. NEWLANDS. Mr. Chairman, in reply to the suggestion of the gentleman from Ohio [Mr. BURTON], that we are proceeding with undue haste in this matter, I wish to say that so formidable are the interests that are arrayed and have been for years arrayed against this measure; so strong is the caution and fear of many statesmen; so strong is the opposition of those who object to Government participation in an enterprise of this kind; so formidable is the moral argument that is presented to us with reference to the restraining effect which it is claimed that the Clayton-Bulwer treaty should have on our action—if all these sources of opposition are united against this measure, it will be delayed and perhaps defeated.

A certain amount of brute force is required in order to put this bill into the legislative hopper. When it comes out of the hopper nine months hence, for it will take that time, we then hope it will be a perfected product. For recollect, admitting for the sake of argument that it is unbusinesslike to act before we have plans and specifications and estimates of cost; admitting that it is unbusinesslike to deprive the Executive of the opportunity of arraying the Panama and the Nicaragua schemes against each other in a competitive contest involving favorable terms to us; admitting the force of the moral considerations regarding the Clayton-Bulwer treaty presented by the gentleman from Illinois [Mr. HITT]—recollect that this bill, after passing this House, has to go through the

Senate and will not be acted upon there at this session; that it will be acted upon there during the short session of only three months, and that during the intervening time the reports of these engineers can come in, diplomatic negotiation can be conducted, the competitive test, as has been suggested, can be applied to the Panama and Nicaragua canals, and by the time the Senate at the next session takes it up for action we will have all the information that is required and all the diplomatic negotiation conducted that is necessary to remove the practical, moral, and legal objections that have been made to this measure.

A failure to pass the measure in the House at this session means that it will go over to the short session without time to consider or pass it then, as the appropriation bills will absorb the limited time given to legislation. Postponement of action now means a delay of two or three years before we can get the legislation necessary to make a start in this project.

So, whilst this bill may not be perfect, whilst it may not meet all the considerations of law and of businesslike procedure, I am for giving it a shove now into the hopper of legislation, so that it may come out a finished product eight or nine months hence.

Mr. DOLLIVER. Mr. Chairman, so far as I have any knowledge of public opinion, the whole community of the United States is in favor of the Nicaragua Canal. I shall vote for this bill in obedience of what I believe to be the unanimous judgment of the American people. Yet I would not vote for it if it were not for the possibility, and I may say the certainty, that the bill in the course of legislation will lose some of the features which are objectionable. I do not like that feature of it which first locates the canal and then begins a negotiation with the States of Central America that are interested in the property to be taken and condemned. That feature of it I think ought to be guarded and, I believe, will be before the legislation is finished. I do not believe either that the United States ought to set itself in a brutal way to ignore existing treaties.

I have read a good many of the treaties which we have with foreign countries, and about the only one of them I am able to thoroughly understand from the language of it is the Clayton-Bulwer treaty of 1850. I have read the opinions of statesmen and diplomatists about that treaty, and my judgment fully concurs with the judgment spoken here yesterday by the chairman of the Committee on Foreign Affairs [Mr. HITT], that that treaty is in force and that no policy ought finally to be put into the form of law in this country which is not accompanied by a negotiation for the modification of that treaty. [Applause.] I believe also that this canal ought not to express merely the military prowess of the American people. I cherish the hope and the conviction that the world's civilization has advanced beyond that. I would have this canal express the aspiration of our people for a larger commerce and for a permanent peace among the civilized nations of the world. I take no interest in and give no consent to that argument, which is based upon a narrow view of patriotic duty, which claims that we should own this canal and operate it mainly as an instrument of war. As such an instrument it is not worthy of this age nor this nation. It is worthy of us only as it expresses the national aspiration for peace and for enlarged commerce which will reflect the progress and spirit of our age and of our civilization. [Applause.]

Mr. FLEMING. Mr. Chairman, I have listened with a great deal of pleasure to the remarks made by the gentleman from Iowa [Mr. DOLLIVER]. It seems to me, however, that his conclusion to vote in favor of this bill is sadly out of joint with the reasons for his opinion.

I shall vote against the bill, Mr. Chairman, for two reasons:

First, I think it exceedingly unwise as a business proposition for a body of men representing the American people to appoint a commission of competent officers to make an examination of an important subject of this kind, and for us absolutely to make up our minds upon that question and commit ourselves irretrievably to it before we have had the result of the examinations of that commission, which result, however, we can get by a few months' delay. The enterprise is too vast to be entered upon without knowledge.

In the second place, I shall vote against the bill because I believe to pass it now, in its present shape, would be to cast a stain in some sense upon our national honor. The gentleman from Iowa admits that the Clayton-Bulwer treaty is in conflict with this bill. He seeks to place upon the other House of Congress the responsibility of observing that solemn obligation. I would call his attention to the fact that he, too, has sworn to support the Constitution of the United States, as well as the Senators in the other end of this Capitol building, and he can not shift his responsibility. The treaty is a part of the law of the land, subject to the Constitution.

Mr. Chairman, I think it is time that our leading men, on that side of the House especially, should seek to guard carefully what has always been understood to be the honor of the American Republic. I think, sir, that we came near enough to sacrificing it

in our dealings with the Philippine question. I think we came near enough to sacrificing it in our dealings with the Porto Rican question, and now to fly in the face of an existing treaty, plain in its terms and in full force, in this blunt, brutal way, without even asking for a modification, against the interests of England, with whom we have made this solemn obligation, it seems to me is the height of folly and in violation of good faith as between man and man. If we desire to abrogate the Bulwer-Clayton treaty, let it be done in a decent and formal manner.

Mr. Chairman, if we do not stop violating our good faith in our dealings with other people, whether they be subject colonies or not, we will find ourselves the laughingstock of the nations and will be known as a nation which does not keep its faith. How can we pass this bill in the face of the Clayton-Bulwer treaty without even asking England to modify that treaty to suit our purposes?

For those two reasons, Mr. Chairman, I shall be compelled to vote against the passage of this bill, notwithstanding the fact that I am heart and soul in favor of an isthmian canal, and all of my constituents, without a single exception that I know of, are also in favor of it. I believe that by casting my vote as I am doing to-day I am subserving their interest, as well as my own, better than I would by voting in favor of the bill. [Applause.]

Mr. HEPBURN. I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate on the pending amendment close in five minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, the gentleman from Iowa [Mr. DOLLIVER] and the gentleman from Nevada [Mr. NEWLANDS] openly voice what is voiced in conversation all over this side of the House, and I presume all over that side of the House, namely, that if this was the final vote that enacted this bill into law it would not get one-fourth of the members of the House for it. Nevertheless it is proposed to pass it through the House, and the Senate is expected to hang it up until next winter. As I understand it, the legislative branch of the Government consists of the House, the Senate, and the President. Each one has its functions to perform. Whatever other men may think, for one I can not see my duty plain to vote to pass a bill that does not meet my judgment touching a great question like this. Therefore I shall vote against it.

See at what a disadvantage it places the House. First, we go to the country on the eve of a campaign, both sides hurrahing for the Nicaragua Canal, and we say, "Oh, we have passed it through the House. We do not expect it to be enacted at the other end of the Capitol. We pray and hope and expect that they will not pass it as voiced by these gentlemen who speak this afternoon." Who is to be cheated? Are the people to be cheated or do we cheat ourselves touching this matter? I fancy we will not cheat the people. I fancy that they will know as much about it as we do, and from the standpoint of sound legislation it does not become this great body that directly represents the people to pass its functions over to the other coordinate branch of Congress and say as we send it to them, "Help me or I sink."

Gentlemen may do so if they choose, from pride of opinion or temporary political popularity. I will not do it whatever the consequences may be to me personally, because I do not believe it is right, and I do not believe it is good politics or just to the House or the people. [Applause and cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that as amended the bill do pass.

Mr. SHACKLEFORD. I move a substitute for the bill.

Mr. HEPBURN. Make your motion to recommit with instructions to report that bill.

Mr. GROSVENOR. That will facilitate the matter.

Mr. HEPBURN. The gentleman knows that he will be recognized for a motion to recommit.

Mr. SHACKLEFORD. I move to recommit with instructions to report back the bill which I offer as a substitute.

Mr. HEPBURN. The gentleman will undoubtedly have the opportunity.

Mr. CANNON. Very well; I want to put the gentleman on notice that I shall ask recognition for a motion to recommit.

The CHAIRMAN. What motion does the gentleman submit?

Mr. HEPBURN. I move that the committee rise and report the bill and amendments to the House with the recommendation that as amended the bill do pass.

Mr. SHACKLEFORD. I want this considered as pending. It is a substitute for the bill.

Mr. HEPBURN. There is no objection to that, Mr. Chairman. There is no disposition to take advantage of the gentleman.

The CHAIRMAN. The gentleman offers the following substitute.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States of America, control of such portions of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, control, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has acquired full control over the territory in section 1 referred to, he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Such canal shall be of such capacity and depth that it may be used by vessels of the largest tonnage and greatest depth, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through it; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal and such fortifications for its defense as may be necessary.

SEC. 3. That the President shall cause such survey as may be necessary for said canal and harbors, and in constructing the same he may employ such persons as he may deem necessary.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, may be used.

SEC. 5. That in any negotiations with the States of Nicaragua and Costa Rica the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is further hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed in the aggregate \$140,000,000.

SEC. 7. That this act shall not take effect nor be in force until the Senate of the United States shall have taken final action on the Hay-Pauncefote treaty now pending therein, and not then if said treaty, or any amendment thereof which in any manner limits the right of the Government of the United States to absolutely own and control said canal, shall be ratified.

[Cries of "Vote!"]

The CHAIRMAN. The question is on the adoption of the substitute proposed by the gentleman from Missouri.

The question was taken; and the substitute was rejected.

Mr. HEPBURN. Now, Mr. Chairman, I move that the committee rise and report the bill and amendments to the House with the recommendation that as amended the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COOPER of Wisconsin, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2538) providing for the construction of a canal connecting the waters of the Atlantic and the Pacific oceans, and had instructed him to report the same with several amendments, and with the recommendation that the amendments be adopted and the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. ADAMSON. I demand a separate vote on one of the amendments.

Mr. HEPBURN. I demand the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman moves the previous question on the bill and amendments to its passage.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman from Georgia has demanded a separate vote.

The SPEAKER. That will come later.

The question was taken; and the previous question was ordered.

Mr. ADAMSON. Now, Mr. Speaker, I demand a separate vote.

The SPEAKER. The gentleman will state what amendment he desires a separate vote on.

Mr. ADAMSON. The second committee amendment, striking out "fortifications" and inserting "provisions," etc.

The SPEAKER. The amendment will not now be considered. Is there any other amendment on which a separate vote is demanded? If not, the Chair will submit the question on the adoption of all the other amendments in gross.

The other amendments were agreed to in gross.

The SPEAKER. The question now is upon the amendment referred to by the gentleman from Georgia—the second committee amendment—which the Clerk will read.

The Clerk read as follows:

In line 14, page 2, strike out the word "fortifications" and insert the word "provisions."

The SPEAKER. The question is on agreeing to the amendment. The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ADAMSON. Division.

Mr. WILLIAMS of Mississippi. Let us have the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 104, answered "present" 11, not voting 86; as follows:

YEAS—151.

- | | | | |
|----------------|------------------|--------------|------------------|
| Acheson, | Crumacker, | Hoffecker, | Parker, N. J. |
| Adams, | Curtis, | Howard, | Payne, |
| Aldrich, | Cushman, | Howell, | Pearce, Mo. |
| Alexander, | Dahle, Wis. | Jack, | Powers, |
| Allen, Me. | Dalzell, | Jenkins, | Ransdell, |
| Babcock, | Davenport, S. A. | Jones, Wash. | Reeder, |
| Bailey, Kans. | Davidson, | Joy, | Roberts, |
| Baker, | Davis, | Ketcham, | Rodenberg, |
| Bankhead, | Dayton, | King, | Russell, |
| Barber, | Denny, | Knox, | Shattuc, |
| Barham, | Dick, | Lane, | Shelden, |
| Barthold, | Dolliver, | Lawrence, | Sherman, |
| Berry, | Driscoll, | Lester, | Shwalter, |
| Bingham, | Eddy, | Linney, | Sibley, |
| Bowersock, | Elliott, | Littauer, | Slayden, |
| Brantley, | Emerson, | Littlefield, | Smith, H. C. |
| Brewer, | Esch, | Livingston, | Smith, Samuel W. |
| Brick, | Fleming, | Long, | Southard, |
| Brosius, | Fletcher, | Loud, | Spalding, |
| Brown, | Fowler, | Lovering, | Sperry, |
| Brownlow, | Freer, | Lybrand, | Sprague, |
| Bull, | Gamble, | McCall, | Steele, |
| Burke, S. Dak. | Gardner, N. J. | McPherson, | Stewart, N. J. |
| Burkett, | Gaston, | Mann, | Stewart, Wis. |
| Burleigh, | Gillet, N. Y. | Marsh, | Sulloway, |
| Burton, | Gillett, Mass. | Meekison, | Tawney, |
| Butler, | Graff, | Miller, | Thropp, |
| Calderhead, | Graham, | Mondell, | Van Voorhis, |
| Cannon, | Greene, Mass. | Moody, Mass. | Vreeland, |
| Capron, | Grosvenor, | Moody, Oreg. | Wachter, |
| Clarke, N. H. | Grout, | Morgan, | Wanger, |
| Cooper, Wis. | Grow, | Morris, | Warner, |
| Corliss, | Hamilton, | Needham, | Waters, |
| Cousins, | Haugen, | O'Grady, | Weaver, |
| Crawford, | Hawley, | Olmsted, | White, |
| Cromer, | Hedge, | Otjen, | Wise, |
| Crump, | Hepburn, | Packer, Pa. | Wright. |

NAYS—104.

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|-----------------|-------------------|-----------------|-----------------|
| Adamson, | De Vries, | McAleer, | Ryan, N. Y. |
| Allen, Ky. | Dinsmore, | McClellan, | Ryan, Pa. |
| Allen, Miss. | Dougherty, | McCulloch, | Shackelford, |
| Ball, | Driggs, | McLain, | Shafroth, |
| Bartlett, | Finley, | Maddox, | Sheppard, |
| Bell, | Fitzgerald, Mass. | May, | Sims, |
| Boutell, Ill. | Fitzgerald, N. Y. | Meyer, La. | Small, |
| Breazeale, | Foster, | Miers, Ind. | Smith, Ky. |
| Brenner, | Gaines, | Moon, | Snodgrass, |
| Broussard, | Gilbert, | Mudd, | Stark, |
| Brundidge, | Glynn, | Muller, | Stephens, Tex. |
| Burleson, | Green, Pa. | Neville, | Sutherland, |
| Burnett, | Griggs, | Newlands, | Talbert, |
| Caldwell, | Hall, | Noonan, | Terry, |
| Carmack, | Heatwole, | Norton, Ohio | Thayer, |
| Chanler, | Henry, Miss. | Norton, S. C. | Thomas, N. C. |
| Clark, Mo. | Jett, | Pierce, Tenn. | Turner, |
| Clayton, Ala. | Johnston, | Polk, | Underwood, |
| Clayton, N. Y. | Kitchen, | Ray, | Vandiver, |
| Cooney, | Kleberg, | Rhea, Ky. | Wheeler, Ky. |
| Cowherd, | Lacey, | Richardson, | Williams, W. E. |
| Cox, | Lanham, | Ridgely, | Williams, Miss. |
| Daly, N. J. | Lassiter, | Robinson, Ind. | Wilson, Idaho |
| Davey, | Latimer, | Robinson, Nebr. | Wilson, N. Y. |
| De Armond, | Little, | Rucker, | Zenor, |
| De Graffenreid, | Loudenslager, | Ruppert, | Ziegler. |

ANSWERED "PRESENT"—11.

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|----------|----------|-----------|---------------|
| Atwater, | Dovener, | Landis, | Pugh, |
| Benton, | Gibson, | McDowell, | Wilson, S. C. |
| Boreing, | Hull, | Mesick, | |

NOT VOTING—88.

- | | | | |
|------------------|----------------|------------------|-----------------|
| Bailey, Tex. | Gardner, Mich. | McRae, | Spight, |
| Bellamy, | Gayle, | Mercer, | Stallings, |
| Bishop, | Gill, | Metcalf, | Stevens, Minn. |
| Boutelle, Me. | Gordon, | Minor, | Stewart, N. Y. |
| Bradley, | Griffith, | Naphen, | Stokes, |
| Bromwell, | Hay, | Otey, | Sulzer, |
| Burke, Tex. | Hemenway, | Overstreet, | Swanson, |
| Campbell, | Henry, Conn. | Pearre, | Tate, |
| Catchings, | Henry, Tex. | Phillips, | Taylor, Ohio |
| Cochran, Mo. | Hill, | Prince, | Taylor, Ala. |
| Cochrane, N. Y. | Hopkins, | Quarles, | Thomas, Iowa |
| Connell, | Jones, Va. | Beeves, | Tompkins, |
| Cooper, Tex. | Kahn, | Rhea, Va. | Tongue, |
| Crowley, | Kerr, | Riordan, | Underhill, |
| Cummings, | Klutz, | Rixey, | Wadsworth, |
| Cusack, | Lamb, | Robb, | Watson, |
| Davenport, S. W. | Lantz, | Robertson, La. | Weeks, |
| Faris, | Levy, | Salmon, | Weymouth, |
| Fitzpatrick, | Lewis, | Scudder, | Williams, J. R. |
| Fordney, | Lloyd, | Smith, Ill. | Young. |
| Foss, | Lorimer, | Smith, Wm. Alden | |
| Fox, | McCleary, | Sparkman, | |

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. OVERSTREET with Mr. SCUDDER.

Mr. LORIMER with Mr. NAPHEN.

Mr. BISHOP with Mr. CAMPBELL.

Mr. MESICK with Mr. BURKE of Texas.

Mr. COCHRANE of New York with Mr. CROWLEY.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. PRINCE with Mr. GRIFFITH.

Mr. MINOR with Mr. RIXEY.

Mr. LANDIS with Mr. LAMB.
 Mr. PUGH with Mr. TAYLOR of Alabama.
 Mr. THOMAS of Iowa with Mr. STALLINGS.
 Mr. McCLEARY with Mr. SPIGHT.
 Mr. DOVENER with Mr. CATCHINGS.
 Mr. GIBSON with Mr. TATE.
 Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.
 Mr. BROMWELL with Mr. McDOWELL.
 Mr. REEVES with Mr. SPARKMAN.
 Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.
 Mr. HILL with Mr. UNDERHILL.

For this day:
 Mr. FOSS with Mr. LLOYD.
 Mr. PEARRE with Mr. KLUTTZ.
 Mr. TONGUE with Mr. SWANSON.
 Mr. WATSON with Mr. SULZER.
 Mr. YOUNG with Mr. HENRY of Texas.
 Mr. MERCER with Mr. JAMES R. WILLIAMS.
 Mr. STEWART of New York with Mr. OTEY.
 Mr. WEEKS with Mr. RIORDAN.
 Mr. HENRY of Connecticut with Mr. STOKES.
 Mr. FORDNEY with Mr. MCRAE.
 Mr. SMITH of Illinois with Mr. GORDON.

For the session:
 Mr. HULL with Mr. HAY.
 Mr. METCALF with Mr. WHEELER of Kentucky.
 Until Friday:
 Mr. CONNELL with Mr. STANLEY W. DAVENPORT.
 On this bill:
 Mr. KAHN with Mr. JONES of Virginia.
 For two weeks:
 Mr. HOPKINS with Mr. BAILEY of Texas.
 Until the 6th of May:
 Mr. GARDNER of Michigan with Mr. ATWATER.
 Mr. GILL with Mr. LEWIS.

Mr. BENTON. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. YOUNG, and I wish to withdraw my vote of "no" and be marked "present."

Mr. BENTON's name was again called, and he answered "present," as above recorded.

Mr. STANLEY W. DAVENPORT. I am paired with my colleague from Pennsylvania, Mr. CONNELL. I have voted "no." I desire to withdraw my vote and be recorded "present."

Mr. WHEELER of Kentucky. I am paired with the gentleman from California, Mr. METCALF; but after consulting with one of his colleagues I concluded to vote on this question, as I shall on the passage of the bill, because both he and I are in favor of the construction of the canal.

The SPEAKER. The statement just made by the gentleman is out of order.

Mr. BROUSSARD. Mr. Speaker, I am announced as paired with the gentleman from Massachusetts, Mr. WEYMOUTH; but I have a telegram from him stating that he is in favor of the bill and authorizing me to vote for it. Therefore I have voted "aye."

Mr. LANDIS. I am paired with the gentleman from Virginia, Mr. LAMB. I desire to withdraw my vote and be recorded "present."

The result of the vote was announced as above stated. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BURTON. I move that the bill be recommitted to the Committee on Interstate and Foreign Commerce with instructions to report forthwith a substitute which I will send to the desk; and on that motion I ask the previous question.

The SPEAKER. The gentleman from Ohio moves to recommit the bill with instructions to report back forthwith the substitute which will be read, and on this motion he asks the previous question. The Clerk will report the proposed substitute.

The Clerk read as follows:

SEC. 1. That the President of the United States be, and he is hereby, authorized to acquire, for and in behalf of the United States, the control of such territory as may be desirable and necessary on which to excavate, construct, and preserve a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use or in reasonable contemplation, from some point on the Caribbean Sea to some point on the Pacific Ocean, the route selected to be such as the President shall determine to be the most feasible, practicable, economical, and for the best interests of the United States. Such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over such territory he shall direct the Secretary of War to excavate and construct a canal and waterway on the route selected. Such canal shall be of sufficient capacity and depth so that it may be used by vessels of the largest tonnage and greatest draft now in use or in reasonable contemplation, and shall be supplied with all necessary locks, other appliances, and harbors to meet the necessities of vessels using the same. The President shall take such measures as may be necessary to preserve the interests of the United States therein.

SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors and in the constructing of the same, and shall employ such persons as he may deem necessary.

SEC. 4. That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is further hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, completion, and preservation of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed, in the aggregate, \$140,000,000.

Mr. BURTON. I rise to a parliamentary inquiry. If my motion should prevail, would not it be possible, under the order of business adopted for to-day, to pass the bill during this parliamentary day?

The SPEAKER. The Chair supposes that it would. The bill might be reported back at once without members leaving their seats. The question is on ordering the previous question. The Chair is in some doubt whether this motion is necessary, but will put the question, believing it to be in order.

Mr. GROSVENOR. Merely for the purpose of keeping the record correct for the future, I want it understood that that question is reserved and not passed upon by the Chair. I do not want to discuss it now.

The SPEAKER. The Chair has covered that point in the statement he has just made.

The question being taken, the previous question was ordered. The question was then taken on the motion of Mr. BURTON, to recommit with instructions; and there were—ayes 52, noes 171.

Mr. BURTON. I call for the yeas and nays.

The yeas and nays were not ordered, only 16 voting in favor thereof.

So the motion to recommit with instructions was rejected.

The SPEAKER. The question is now on the passage of the bill.

Mr. WILLIAMS of Mississippi, Mr. DAVIS, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 36, answered "present" 8, not voting 84; as follows:

YEAS—224

Adamson,	Dahle, Wis.	Lacey,	Robinson, Nebr.
Aldrich,	Daly, N. J.	Landis,	Rodenberg,
Alexander,	Davenport, S. A.	Lane,	Ruppert,
Allen, Ky.	Davenport, S. W.	Lanham,	Russell,
Allen, Me.	Davey,	Latimer,	Ryan, N. Y.
Allen, Miss.	Davidson,	Little,	Ryan, Pa.
Atwater,	Davis,	Livingston,	Shafroth,
Babcock,	Dayton,	Long,	Shattuc,
Bailey, Kans.	De Graffenreid,	Loud,	Shelden,
Baker,	De Vries,	Loudenslager,	Sheppard,
Ball,	Dick,	Lovering,	Sherman,
Bankhead,	Dinsmore,	Lybrand,	Showalter,
Barber,	Dolliver,	McAleer,	Sibley,
Barham,	Driggs,	McClellan,	Sims,
Barney,	Eddy,	McCulloch,	Slayden,
Bartholdt,	Elliott,	McLain,	Small,
Bartlett,	Emerson,	McPherson,	Smith, Ky.
Bell,	Esch,	Maddox,	Smith, H. C.
Berry,	Finley,	Mahon,	Smith, Samuel W.
Bingham,	Fitzgerald, Mass.	Mann,	Snodgrass,
Boreing,	Fitzgerald, N. Y.	Marsh,	Southard,
Boutell, Ill.	Fowler,	May,	Spalding,
Bowersock,	Freer,	Meekison,	Sparkman,
Brantley,	Gaines,	Meyer, La.	Sperry,
Breazeale,	Gamble,	Miers, Ind.	Stark,
Brewer,	Gardner, N. J.	Miller,	Steele,
Brick,	Gillet, N. Y.	Mondell,	Stephens, Tex.
Brosius,	Glynn,	Moody, Oreg.	Stewart, N. J.
Broussard,	Graff,	Moon,	Sulloway,
Brown,	Green, Pa.	Morgan,	Sutherland,
Brownlow,	Greene, Mass.	Morris,	Tawney,
Brundidge,	Griggs,	Mudd,	Taylor, Ohio
Bull,	Grosvenor,	Muller,	Terry,
Burke, S. Dak.	Grout,	Needham,	Thomas, N. C.
Burkett,	Grow,	Newlands,	Thropp,
Burleigh,	Hall,	Noonan,	Tongue,
Burleson,	Hamilton,	Norton, Ohio	Turner,
Burnett,	Haugen,	Norton, S. C.	Underwood,
Butler,	Hawley,	O'Grady,	Van Voorhis,
Calderhead,	Heatwole,	Olmsted,	Vreeland,
Caldwell,	Hedge,	Otjen,	Wachter,
Carmack,	Hemenway,	Packer, Pa.	Wanger,
Chanler,	Henry, Miss.	Parker, N. J.	Warner,
Clarke, N. H.	Hepburn,	Payne,	Waters,
Clayton, Ala.	Hoffecker,	Pearce, Mo.	Weaver,
Clayton, N. Y.	Howard,	Pierce, Tenn.	Wheeler, Ky.
Cooper, Wis.	Howell,	Pearre,	White,
Corliss,	Jack,	Polk,	Williams, W. E.
Cousins,	Jett,	Powers,	Williams, Miss.
Crawford,	Johnston,	Ransdell,	Wilson, Idaho
Cromer,	Jones, Wash.	Ray, N. Y.	Wilson, N. Y.
Crump,	Joy,	Reeder,	Wilson, S. C.
Crumppacker,	Ketcham,	Richardson,	Wise,
Cummings,	Kitchin,	Ridgely,	Wright,
Curtis,	Kleberg,	Roberts,	Zenof,
Cushman,	Knox,	Robinson, Ind.	Ziegler.

NAYS—38

Acheson,	Dalzell,	Hitt,	Neville,
Adams,	De Armond,	King,	Rhea, Ky.
Burton,	Denny,	Lawrence,	Rucker,
Cannon,	Dougherty,	Lester,	Shackleford,
Capron,	Fleming,	Levy,	Sprague,
Clark, Mo.	Fletcher,	Littauer,	Stewart, Wis.
Cooney,	Gaston,	Littlefield,	Talbert,
Cowherd,	Gillett, Mass.	McCall,	Thayer,
Cox,	Graham,	Moody, Mass.	Vandiver.

ANSWERED "PRESENT"—8.

Benton, Dovener,	Foster, Gibson,	Gilbert, McDowell,	Mesick, Pugh.
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NOT VOTING—84.

Bailey, Tex. Bellamy, Bishop, Boutelle, Ma. Bradley, Brenner, Bromwell, Burke, Tex. Campbell, Catchings, Cochran, Mo. Cochrane, N. Y. Connell, Cooper, Tex. Crowley, Cusack, Driscoll, Faris, Fitzpatrick, Fordney, Foss,	Fox, Gardner, Mich. Gayle, Gill, Gordon, Griffith, Hay, Henry, Conn. Henry, Tex. Hill, Hopkins, Hull, Jenkins, Jones, Va. Kahn, Kerr, Kluttz, Lamb, Lassiter, Lentz, Lewis,	Linney, Lloyd, Lorimer, McCleary, McRae, Mercer, Metcalf, Minor, Naphen, Otey, Overstreet, Phillips, Prince, Quarles, Reeves, Rhea, Va. Riordan, Robb, Robertson, La. Salmon,	Scudder, Smith, Ill. Smith, Wm. Alden Spight, Stallings, Stevens, Minn. Stewart, N. Y. Stokes, Sulzer, Swanson, Tate, Taylor, Ala. Thomas, Iowa Tompkins, Underhill, Wadsworth, Watson, Weeks, Weymouth, Williams, J. R. Young.
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So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. REEVES with Mr. CUSACK.

Mr. JENKINS with Mr. BRENNER.

Mr. WM. ALDEN SMITH with Mr. ROBB.

Mr. BALL. My colleague, Mr. HENRY of Texas, has a general pair with the gentleman from Massachusetts, Mr. KNOX, but on this question, both being for the bill, the pair is canceled, and the gentleman from Massachusetts, Mr. KNOX, has voted.

My colleague, Mr. COOPER of Texas, has also released Mr. HAWLEY from his pair. If present, Mr. COOPER of Texas would have voted for the bill.

The SPEAKER. All explanations of votes are entirely out of order.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

VIEWS OF MINORITY ON SHIPPING SUBSIDY BILL.

Mr. FITZGERALD of Massachusetts. I move that the minority of the Committee on Merchant Marine and Fisheries be given until Friday, May 11, to present their views on the shipping subsidy bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the minority of the Committee on Merchant Marine and Fisheries have until May 11 to file their views on the shipping subsidy bill.

Mr. GROSVENOR. Mr. Speaker, I can not consent to as much time as that. It is entirely unnecessary. For something like six weeks now this has been going on. I am willing that the gentleman shall have until next Tuesday, but not later than that.

The SPEAKER. The gentleman from Ohio objects to the request as made.

Mr. GROSVENOR subsequently said: Mr. Speaker, once more I withdraw my objection to the request of the gentleman from Massachusetts.

The SPEAKER. The gentleman from Ohio withdraws his objection, and the order is made according to the request.

Mr. GROSVENOR. But, Mr. Speaker, the understanding is that there is a limit now to the time.

The SPEAKER. That is outside of this question.

Mr. GROSVENOR. No; under the suggestion of the gentleman from Massachusetts. How much time did the gentleman ask?

Mr. FITZGERALD of Massachusetts. One week; that is all.

Mr. GROSVENOR. Will the gentleman fix a date?

Mr. FITZGERALD of Massachusetts. May 11. It was so stated in the order.

The SPEAKER. That was the request of the gentleman and the order has been made.

REQUEST FOR LEAVE TO PRINT ON NICARAGUA CANAL BILL.

Mr. HEPBURN. I ask unanimous consent that all gentlemen who may desire to print remarks upon the bill just passed be permitted to do so within the next ten days.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all members who have spoken—

Mr. HEPBURN. All members who desire.

The SPEAKER. That all members who desire to print remarks upon the bill that has just passed may do so within the next ten days. Is there objection?

Mr. STEELE. I object, Mr. Speaker.

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9824. An act authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 755. An act granting a pension to Hannah R. Johnson;
S. 1271. An act granting a pension to Charles Williamson;
S. 1202. An act granting an increase of pension to Sarah E. Stubbs;

S. 1600. An act granting an increase of pension to John T. Hayes;
S. 1754. An act granting an increase of pension to Burton Packard;

S. 1787. An act granting an increase of pension to Joseph P. Pope;

S. 1804. An act granting an increase of pension to Rida B. Haskell;

S. 1977. An act granting an increase of pension to Levi Moser;
S. 2200. An act granting an increase of pension to Elizabeth W. Murphy;

S. 2332. An act granting an increase of pension to Margaret H. Kent;

S. 2505. An act granting an increase of pension to James C. Carlton;

S. 2863. An act restoring to the pension roll the name of Francis H. Staples;

S. 1296. An act granting a pension to Mary R. Bacon;

S. 2869. An act authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska;

S. 820. An act granting an increase of pension to Anna M. Dietzler;

S. 681. An act granting a pension to Julia D. Richardson;

S. 2545. An act granting a pension to Nellie A. West;

S. 2880. An act granting an increase of pension to Caroline B. Bradford;

S. 3004. An act granting an increase of pension to James H. Stevens;

S. 3018. An act for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory;

S. 2943. An act granting an increase of pension to James J. Holland;

S. 1007. An act granting a pension to Mary E. Fenn;

S. 3186. An act granting a pension to Margaretha Lippert;

S. 3125. An act granting a pension to Emily A. Larimer;

S. 3102. An act granting a pension to Seleder Burnham;

S. 1242. An act granting an increase of pension to Adele W. Elmer;

S. 752. An act granting an increase of pension to Isaac W. Comery;

S. 950. An act granting a pension to Sarah Ann Fletcher;

S. 995. An act granting an increase of pension to Nelly Young Egbert;

S. 342. An act granting a pension to Eleanor McDevitt;

S. 474. An act granting an increase of pension to Isaac Patterson;

S. 268. An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes; and

S. R. 51. Joint resolution recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*, of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious service in command of the cutter *Hugh McCulloch* at Manila.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COOPER of Texas, indefinitely, on account of sickness.

To Mr. FITZPATRICK, indefinitely, on account of sickness in his family.

And then, on motion of Mr. PAYNE (at 5 o'clock and 21 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a

copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for deficiencies in appropriations for the Navy Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Ohio River from Marietta, Ohio, to the mouth of the Big Miami River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the harbor at Madison, Ind.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Ohio River bank at New Liberty, Ill.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the mouth of the Brazos River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, relating to the issue of rations to officers of the Army in Alaska—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CANNON, from the Committee on Appropriations, reported a bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, accompanied by a report (No. 1190); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11081) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis., reported the same with amendment, accompanied by a report (No. 1191); which said bill and report were referred to the House Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1477) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, reported the same with amendment, accompanied by a report (No. 1193); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10963) to provide for ascertaining the indebtedness of certain Osage Indians to the traders at the Osage Agency, and for making payments upon such indebtedness, reported the same with amendment, accompanied by a report (No. 1194); which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3296) to provide for the establishment of a port of delivery at Worcester, Mass., reported the same without amendment, accompanied by a report (No. 1195); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 9099) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894-95, reported the same without amendment, accompanied by a report (No. 1192); which said bill and report were referred to the Private Calendar.

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. CANNON, from the Committee on Appropriations: A bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes—to the Committee of the Whole House.

By Mr. WILSON of Arizona: A bill (H. R. 11213) for relief of the occupants of lands included in the Algodones grant, in Arizona—to the Committee on the Public Lands.

By Mr. ALDRICH: A bill (H. R. 11214) to amend an act entitled "An act for the erection of a public building at Anniston, Ala."—to the Committee on the Judiciary.

By Mr. MOON: A bill (H. R. 11215) to provide a temporary government for the Territory of Jefferson, and for other purposes—to the Committee on Indian Affairs.

By Mr. BURNETT: A bill (H. R. 11223) to authorize the Secretary of the Interior to reclassify the public lands of Alabama—to the Committee on the Public Lands.

By Mr. DE GRAFFENREID: A bill (H. R. 11241) repealing section 4716, Revised Statutes, so far as the same relates to soldiers and sailors and the widows of soldiers and sailors of the Mexican war—to the Committee on Pensions.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 43) to print and bind 15,000 copies of the coinage laws of the United States, including in whole the act of March 14, 1900—to the Committee on Printing.

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. ALLEN of Kentucky: A bill (H. R. 11216) to grant a pension to Mrs. Sarah D. Lightfoot, of Henderson, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11217) to correct the military record of Nathaniel L. Lightfoot—to the Committee on Military Affairs.

By Mr. BARTHOLDT (by request): A bill (H. R. 11218) referring to the Court of Claims the claims of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased—to the Committee on Private Land Claims.

Also, a bill (H. R. 11219) to increase the pension of Charles A. Rubin, late sergeant, Company A, Fourth Missouri Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11220) granting a pension to Charles W. Cook, of Montevista, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11221) granting an increase of pension to George Schmeltzer, of Lake City, Colo.—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 11222) for the relief of estate of Edward Sigur, late of St. Mary Parish, La.—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 11224) for the relief of E. A. Gilliland, of Attalla, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 11225) removing the charge of desertion from the military record of James W. Gutherie—to the Committee on Military Affairs.

Also, a bill (H. R. 11226) for the relief of Amos L. Griffith, of Pell City, Ala.—to the Committee on War Claims.

By Mr. COCHRANE of New York: A bill (H. R. 11227) granting a pension to Charlotte D. Alden, widow of the late Col. and Bvt. Brig. Gen. Alonzo Alden, United States Volunteers, deceased—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 11228) granting an increase of pension to Smith Thompson—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11229) to correct the military record of Isaac N. Collins—to the Committee on Military Affairs.

By Mr. PIERCE of Tennessee: A bill (H. R. 11230) for the relief of the trustees of the Walnut Grove Church, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 11231) for the relief of John W. Wade, executor of John M. Wade, deceased—to the Committee on War Claims.

By Mr. RYAN of Pennsylvania: A bill (H. R. 11232) granting a pension to Jane L. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11233) removing charge of desertion from military record of Isaac Purnell—to the Committee on Military Affairs.

Also, a bill (H. R. 11234) for the relief of the Columbia Brewing Company, of Shenandoah, Pa.—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 11235) to remove the charge of desertion borne opposite the name of Abram Williams, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 11236) granting an increase of pension to Michael Hoare—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 11237) granting an increase of pension to August Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11238) granting a pension to Frank D. Simpson—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 11239) referring the claim of the owners of the schooner *A. B. Sherman* to the Court of Claims—to the Committee on the Judiciary.

By Mr. CAPRON: A bill (H. R. 11240) to remove the charge of desertion against the Army record of Francis J. Brady—to the Committee on Military Affairs.

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. ACHESON: Petition of Forward Grange, No. 1003, Patrons of Husbandry, of Pennsylvania, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, resolutions of the Keystone Society of Mesa County, Colo., for the erection of public building at Grand Junction, Colo.—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Pure Butter Convention, in favor of the Grout bill to increase the tax on oleomargarine—to the Committee on Agriculture.

Also, resolutions of the Presbytery of Chartiers, of the United Presbyterian Church, at Washington, Pa., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

Also, resolution of the State Legislative Board of Railroad Employees of Pennsylvania, urging the passage of House bill 10302 and Senate bill 3604, relating to accidents to railroad employees and reporting the same to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: Petition of the State Legislative Board of Railroad Employees, urging the passage of House bill 10302 and Senate bill 3604, requiring common carriers to report to Interstate Commerce Commission the details of all injuries to employees—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Petition of Estrie Burbank Post, No. 248, of Mather, Wis., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of W. H. Howde, of Grant County, Wis., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. BARNEY: Petition of William Steinmeyer Post, No. 274, of Milwaukee, Wis., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of farmers of Sheboygan, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Papers to accompany House bill increasing the pension of Charles A. Rubin—to the Committee on Invalid Pensions.

Also, petition of the board of directors of St. Louis Baptist Hospital, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. BINGHAM: Memorial of trade, commercial, and maritime associations of Philadelphia, Pa., urging an appropriation for the maintenance and continuance of the pneumatic-tube service—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE of Maine: Petition of Eli Parkman Post, No. 119, Department of Maine, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: Petition of Austerlitz Grange, No. 819, Patrons of Husbandry, of New York, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, paper to accompany House bill granting a pension to Charlotte D. Alden—to the Committee on Invalid Pensions.

Also, petition of Austerlitz Grange, No. 819, Patrons of Husbandry, of New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. H. Van Wie and others, of New York City, to prohibit the sale of intoxicants in our new possessions—to the Committee on Insular Affairs.

Also, resolutions of Bolton Post, No. 471, and Post No. 18, Grand Army of the Republic, Department of New York, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Presbytery of Troy, N. Y., urging the passage of House bill prohibiting the sale of liquor in the Army and in Government buildings—to the Committee on Military Affairs.

Also, petition of Bolton Post, No. 471, of Lansingburg, N. Y.,

favoring the passage of House bill No. 1477—to the Committee on Invalid Pensions.

By Mr. CRUMP: Resolutions of George R. Muir Post, No. 442, of Rose City; U. S. Grant Post, No. 67, of Bay City; Post 63, of East Tawas; H. S. Roberts Post, No. 139, of Alpena; H. P. Merrill Post, No. 419, of Bay City, Department of Michigan, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DRISCOLL: Resolutions of R. B. Hayes Post, No. 667, of Fayetteville, and W. H. Stringer Post, No. 658, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Hugh P. McCarthy and other substitute letter carriers of Syracuse, N. Y., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD of Massachusetts: Papers to accompany House bill for the relief of James P. Mulcahy and John Shea—to the Committee on Claims.

By Mr. GASTON: Memorial, etc., showing contest of seat of Mr. Gaston and abandonment of same—to the Committee on Elections No. 1.

By Mr. GIBSON: Petition of George W. Vittetoe, of Union County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the Woman's Christian Temperance Union, churches, and Sunday schools at Deer Lodge, Tenn., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of the Mary T. Lathrop Woman's Christian Temperance Union, of Knoxville, Tenn., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of the Keystone Society of Mesa County, Colo., for the erection of a Federal building at Grand Junction, Colo.—to the Committee on Public Buildings and Grounds.

Also, petition of the American Chamber of Commerce of Manila, for a modification of the taxes in the Philippines—to the Committee on Insular Affairs.

Also, resolutions of Carpenters' Union of Columbus, Ohio, against increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petitions of the Dairymen's Supply Company and Pure Butter Protective Association of Philadelphia, Pa., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. HOFFECKER: Petition of Milford Grange, No. 6, Patrons of Husbandry, and farmers in the State of Delaware, urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. JACK: Paper to accompany House bill No. 5147, to remove the charge of desertion now standing against John A. White, of Punxsutawney, Pa.—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 10470, to correct the military record of W. Scott King, of New Kensington, Pa.—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 5146, for the relief of John A. Seitz, of Westmoreland County, Pa.—to the Committee on Military Affairs.

By Mr. McDOWELL: Affidavits to accompany House bill to correct the military record of Elijah Rowe—to the Committee on Military Affairs.

By Mr. MOODY of Oregon: Petition of the Woman's Christian Temperance Union of Moro, Oreg., for the passage of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. O'GRADY: Petitions of Irondequoit Grange, No. 849, Patrons of Husbandry, of New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Irondequoit Grange, No. 849, Patrons of Husbandry, of New York, in favor of House bill No. 3717, to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. POLK: Petition of Elkland Grange, No. 976, Patrons of Husbandry, of Pennsylvania, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lincoln Post, No. 140, and Post No. 435, of Pennsylvania, Grand Army of the Republic, in favor of House

bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union of Millville and Methodist Episcopal Church of Mount Carmel, Pa., urging the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 9479, to grant a pension to Henry Small, of Nordmont, Pa.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 484, to remove the charge of desertion from the record of Thomas Evans, of Milton, Pa.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 9366, to correct the military record of Samuel Hardy, of Bloomsburg, Pa.—to the Committee on Military Affairs.

By Mr. RICHARDSON: Petition of heirs of John McGill, late of Coffee County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John W. Wade, executor of John M. Wade, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN of Pennsylvania: Paper to accompany House bill for the relief of Jane L. Richards—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Petition of P. A. Scott, John A. Schumm, and other citizens of Oil City, Pa., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of the Woman's Christian Temperance unions of Garland and Tidioute, and citizens of East Branch and Kane, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. STEWART of Wisconsin: Resolutions of John A. Eaton Post, No. 213, Greenwood, Wis., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of Samuel H. Sizer Post, Grand Army of the Republic, of Marinette, Wis., favoring the Morris amendments to Senate bill No. 1477—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of E. C. Buckwalter and 32 other farmers of Audubon, Pa., in favor of the passage of House bill No. 3717, known as the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. WATERS: Resolutions of Los Angeles Chamber of Commerce, for the repeal of revenue-stamp tax on telegraphic dispatches, shipping receipts of express companies, etc.—to the Committee on Ways and Means.

By Mr. WILSON of Idaho: Petitions of citizens of Chesley and Lewiston, Idaho, for the passage of a free-homestead bill—to the Committee on the Public Lands.

SENATE.

THURSDAY, May 3, 1900.

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

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

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

ADDITIONAL APPROPRIATION FOR NAVAL ESTABLISHMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting additional estimates of appropriations for certain navy-yards and stations, amounting to \$57,400; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

VESSEL BRIG THETIS.

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

VESSEL BRIG HARRIOT.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented the petition of J. Franklin Fort and 38 other members of Essex Troop, National State Guard of New Jersey, praying for the establishment of a veterinary corps in the United States Army, equal to that in foreign countries; which was referred to the Committee on Military Affairs.

Mr. ROSS presented a petition of sundry churches of St. Johnsbury, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange or canteen or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. KYLE presented a memorial of the Retail Merchants' Association of South Dakota, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Stock Growers' Association of Western South Dakota, remonstrating against the enactment of legislation providing for a further increase of the tax on oleomargarine, butterine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Methodist Episcopal Church, the Congregational Church, and the Baptist Church, all of Armour; of the congregations of the Baptist Church and of the Methodist Episcopal Church, all of Brookings, in the State of South Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in military camps; which were referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Deadwood, S. Dak., praying that an increase in the appropriation be made for the United States Geological Survey for the continuance of their hydrographic work in platting and surveying irrigable lands, etc.; which was referred to the Committee on the Geological Survey.

Mr. BERRY presented a memorial of sundry citizens of Fort Smith, Ark., remonstrating against a further appropriation being made for the maintenance of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. RAWLINS. I present a petition of the mayor and city council of Salt Lake City, Utah, praying for the cession to that city of all the public lands of the United States undisposed of within the watershed contributing to the water supply of that city. I move that the petition be printed as a document, and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. BURROWS presented petitions of the Woman's Christian Temperance Union of Otsego, the Woman's Christian Temperance Union of Grandledge, the Christian Endeavor Society of the Church of Christ of Ann Arbor, and of George D. Adams and 90 other citizens of Kalamazoo, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of Cedar Camp, No. 4419, Modern Woodmen of America, and a memorial of Bridal Veil Camp, Modern Woodmen of America, all of Minneapolis, in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Boot and Shoe Club, of Boston, Mass., praying for the enactment of legislation to secure the upbuilding of the United States merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Shawmut Universalist Society, of Boston, Mass., and a memorial of 75 members of the Shawmut Social Circle, of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. FOSTER presented a petition of sundry citizens of Clallam County, Wash., praying for the adoption of a proposed amendment to the Army reorganization bill providing for the establishment of an organized veterinary service; which was referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of sundry trade, commercial, and maritime associations of Philadelphia, Pa., praying for a continuance of the appropriations for the postal-tube service in that city; which was referred to the Committee on Post-Offices and Post-Roads.