

By Mr. OTIS: Petition of citizens of Mount Vernon and Port Chester, N. Y., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PALMER: Petition of Rev. R. B. Webster and 56 other voters of Wilkesbarre, Pa., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. PORTER: Resolution of the Union Steel Casting Company, of Pittsburg, Pa., in opposition to the eight-hour bill—to the Committee on Labor.

Also, petition of Typographical Union No. 7, of Pittsburg, Pa., in support of the anti-injunction bill—to the Committee on the Judiciary.

Also, resolution of the North Dakota Retail Hardware Association, of Grand Forks, N. Dak., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Scranton Board of Trade, of Scranton, Pa., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the American Association of Masters and Pilots of Steam Vessels, favoring the construction of a light-house on Outer Diamond Shoal, North Carolina—to the Committee on Rivers and Harbors.

Also, communication from John Mellor, publisher of the Record, of Pittsburg, in opposition to bills H. R. 7050 and S. 1261—to the Committee on the Judiciary.

By Mr. RIXEY: Petition of Rev. W. R. Flanagan and 37 other voters of Orange, Va., for the Hepburn bill—to the Committee on the Judiciary.

By Mr. ROBERTS: Resolutions of the Massachusetts legislature, in favor of legislation to protect food fish from sharks and dogfish—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Old and New Club, of Malden, Mass., in favor of a national forest reserve in the White Mountains—to the Committee on the Public Lands.

By Mr. ROBINSON of Indiana: Petition of L. E. Ferguson, of Scott, Ind., against restriction in carrying parcels by rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolutions of the United German Societies of New York City, in opposition to the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of the Manufacturers' Association of New York, urging a reduction in the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, approving the purposes of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCOTT: Petition of citizens of Phillips County, Kans., favoring the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of Elsmore (Kans.) Post, No. 15, Grand Army of the Republic, favoring the passage of the Curtis service-pension bill—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Appeal of James Sheakley, governor of Alaska, from the auditor's settlement of his account for contingent expenses of the Territory of Alaska for the quarter ending June 30, 1895—to the Committee on Claims.

Also, petition of A. K. Dakin and 57 other voters of Sugar Grove, Pa., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Rev. William O. Stoval and 29 others, of Plymouth, Mich., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petition of the Woman's Christian Temperance Union of Odessa, Tex., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. SNOOK: Paper to accompany bill granting an increase of pension to James Hoy; papers to accompany bill granting an increase of pension to Thomas W. Prentiss; papers to accompany bill granting an increase of pension to Andrew P. McConkey; papers to accompany bill granting an increase of pension to Thomas E. Davis; resolutions of Zeller Hamilton Post, No. 260, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of M. E. Stover and others, of Grover Hill, Ohio, favoring a bill forbidding the sale of liquor in Soldiers' Homes and all Government buildings, and favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SPERRY: Resolution of the Business Men's Association of New Haven, Conn., favoring appropriation for a harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of women's clubs of Connecticut, favoring the establishment of a national forest reserve in the White Mountains—to the Committee on Agriculture.

Also, resolutions of Union Grange, of Southington, Conn., for the passage of a bill for road improvements—to the Committee on Agriculture.

Also, petition of the congregations of the Methodist Episcopal

and First Congregational churches and E. R. Brown and 33 other voters of Cheshire, Conn., for passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. TAWNEY: Petition of W. H. Koch and 11 other voters of Utica, Minn., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. THAYER: Petition of the executive council of the Massachusetts State Board of Trade, to abolish the revenue tax on grain alcohol used in the arts and manufactures—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Letter to accompany House bill for the relief of Elizabeth C. Trafton—to the Committee on Invalid Pensions.

Also, affidavit to accompany bill for a special pension to Lola Qualls—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Resolutions of Captain E. Z. Rice Post, of Factoryville, Pa., favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Phelps Post, No. 1241, Grand Army of the Republic, of Pennsylvania, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petition of 43 members of Calvary Baptist Church, of Parkersburg, W. Va., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

FRIDAY, February 26, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. KEAN. Mr. President, I should like to hear the Journal read.

The PRESIDENT pro tempore. Objection is made, and the Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

FRANCIS S. HOPKINS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2596) granting a pension to Francis S. Hopkins, which was, in line 9, before the word "dollars," to strike out "twelve" and insert "eight."

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

The motion was agreed to.

JESSE J. FINLEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2809) granting an increase of pension to Jesse J. Finley, which was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty."

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

The motion was agreed to.

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 they were thereupon signed by the President pro tempore:

A bill (S. 496) granting a pension to Green B. Yawn;

A bill (S. 1330) granting a pension to Jerry S. Fish; and

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

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the congregation of the United Evangelical Church, of Crawford County, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a memorial of the Builders' Exchange, of Lafayette, Ind., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Greensburg and Kokomo, in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Woman's Chris-

tian Temperance Union of New Hampshire; of the congregation of the Methodist Episcopal Church of West Derry; of P. E. Meras, of Exeter; of sundry citizens of Littleton, Plaistow, Tilton, Hampton Falls, and Dover, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Morgan Park, Duquoin, Kankakee, Lamoille, Wheaton, River, Forrest, Rockford, Aledo, Norris, Hoopston, Laclede, Rogers Park, Rochelle, Cooksville, Prophetstown, Yorkville, and Mortonpark, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Reformed Presbyterian Church of Houston; of the congregation of the Reformed Presbyterian Church of Sparta; of the congregation of the First Presbyterian Church of Aledo, and of the congregation of the Zion Methodist Episcopal Church, of Grundy County, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Carpenters and Joiners' Local Union No. 174, American Federation of Labor, of Joliet, Ill., praying for the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Trades and Labor Assembly, American Federation of Labor, of Quincy, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Chicago, Springfield, Rockford, and Peoria, all in the State of Illinois, remonstrating against the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Joliet, Roslyn, and Sigel, all in the State of Illinois, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Chicago, Elgin, Mount Carmel, Centralia, Charleston, Momence, and Hebron, all in the State of Illinois, praying for the passage of the so-called "Brownlow good-roads bill," which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Hecker Post, No. 443, of Belleville; of Pope Post, No. 411, of Pana, and of John Wood Post, No. 96, of Quincy, all of the Department of Illinois, Grand Army of the Republic; of the Union Veterans' Union of Quincy; of the Chicago post-office civil war veterans, of Chicago; of George A. Wilson Circle, No. 49, Ladies of the Grand Army of the Republic, of Peoria, and of Florence Nightingale Circle, No. 60, of Chicago, all in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. STEWART presented a petition of U. S. Grant Circle, No. 26, Department of California and Nevada, Ladies of the Grand Army of the Republic, of San Diego, Cal., and of General O. M. Mitchell Post, No. 69, Department of California and Nevada, Grand Army of the Republic, of Reno, Nev., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. LONG presented petitions of the Woman's Missionary Society of the Westminster Presbyterian Church, of Topeka; of sundry citizens of Moran, Topeka, Belpre, Galena, Effingham, Sumter, Shawnee, Eskridge, Jackson, Mount Ayr, Ottawa, Garnett, Solomon, Jennings, Phillipsburg, Pleasanton, and Lyons, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DRYDEN presented a memorial of the Valentine & Weldon Company, of Trenton, N. J., and a memorial of the Trenton Pottery Company, of Trenton, N. J., remonstrating against the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the Young Peoples' Society of Christian Endeavor of Springton, N. J., and a petition of sundry citizens of Blackwood, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Iron Molders' Local Union, No. 114, American Federation of Labor, of Newark, N. J., praying that an appropriation be made to increase the capacity of the Naval Gun Factory at Washington, D. C.; which was referred to the Committee on Naval Affairs.

Mr. MCENERY (for Mr. MONEY) presented sundry papers to accompany the bill (S. 1211) for the relief of Eugenie Baptiste, sole surviving heir of Francisco Krebs; which were referred to the Committee on Claims.

Mr. PETTUS presented a petition of the Southern Branch of the National Dental Association, praying for the appointment of dental surgeons in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. KEAN presented a petition of the American Association of Masters and Pilots of Steam Vessels, of Camden, N. J., praying for the enactment of legislation providing for the construction of a light-house on Outer Diamond Shoal, on the coast of North Carolina; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Jersey City, N. J., praying for the enactment of legislation providing for the construction of a bridge across Newark Bay, in that State, and also for the completion of the harbor at Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented a petition of the Immigration Restriction League of Elizabeth, N. J., praying for the passage of the so-called "Lodge immigration bill," which was referred to the Committee on Immigration.

He also presented a petition of the Brunswick-Balke Collender Company, of New York City, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Iron Molders' Local Union No. 305, American Federation of Labor, of Plainfield, N. J., and of Iron Molders' Local Union No. 267, American Federation of Labor, of Trenton, N. J., praying that an appropriation be made to increase the capacity of the Naval Gun Factory at Washington, D. C.; which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Fitz-Gibbon & Crisp Carriage and Wagon Company, of Trenton, N. J., remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Elizabeth, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Grand Lodge of Boiler Makers and Iron Ship Builder of New Jersey, praying for the enactment of legislation to regulate shipping in the trade between ports of the United States and ports in the Philippine Islands, and also praying for the enactment of legislation to create a commission to consider legislation for the development of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the Presbyterian Church of Flemington, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BERRY presented a petition of sundry citizens of Prairie Grove, Ark., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented memorials of sundry citizens of Philadelphia and Harrisburg, Pa., remonstrating against the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented petitions of E. F. Roberts Post, No. 437, Department of Pennsylvania, Grand Army of the Republic, of Mishoppen, Pa., and of Philander Billings Post, No. 392, Department of Pennsylvania, Grand Army of the Republic, of Nicholson, Pa., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Oxford and Altoona; of the Temperance Alliance of Oxford; of the congregation of the Presbyterian Church of Conshohocken; of sundry citizens of Shiremanstown and Scranton; of the Woman's Christian Temperance Union of Little Britain; of the Woman's Christian Temperance unions of Millersville and Bucks County; of sundry citizens of Mount Carmel; of the Young Men's Christian Association of the United Brethren Church of Mount Carmel; of the Presbyterian Church and Methodist Episcopal Church of Mount Carmel; of the Lutheran Church and Church of God, of Northumberland County; of sundry citizens of Mount Carmel; of the Evangelical Church and the Reformed Church of Mount Carmel; of the Woman's Christian Temperance Union of Makefield; of the Prohibition Alliance of Grover; of sundry citizens of Reading, and of the Ladies' Aid Society of Winwood, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of General Milroy Post, No. 62, Department of Washington and Alaska, Grand Army of the Republic, of Washington, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Dayton Business Men's Association, of Dayton, Wash., praying for the establishment of an eastern and western judicial district in that State; which was referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of P. Stevens Davis Post, No. 57, of Cambridge; of Washburne Post, No. 175, of Lancaster; of Kilpatrick Post, No. 71, of Holyoke; of H. V. Smith Post, No. 140, of Massachusetts; of George K. Bird Post, No. 169, of Norwood; of Charles H. Stevens Post, No. 53, of Leominster; of Ward Post, No. 90, of Danvers; of Everett Peabody Post, No. 108, of Georgetown; of E. B. Nye Post, No. 203, of Bourne; of D. Willard Robinson Post, No. 112, of Norwell; of Needham Post, No. 39, of Lawrence; of Captain Horace Niles Post, No. 110, of Randolph; of Sergeant Plunkett Post, No. 184, of Ashburnham; of Samuel Woods Post, No. 129, of Barre; of O. H. P. Sargent Post, No. 152, of Essex; of J. W. Lawton Post, No. 85, of Ware; of George S. Boutwell Post, No. 48, of Ayer; of G. C. Parker Post, No. 153, of Winchendon; of Joseph C. Wilder Post, No. 83, of Hanover; of Hartsuff Post, No. 74, of Rockland; of James A. Perkins Post, No. 156, of Massachusetts; of G. H. Maintien Post, No. 133, of Plainville; of J. C. Freeman Post, No. 55, of Provincetown; of Thomas G. Stevens Post, No. 26, of Roxbury; of Theodor E. Hall Post, No. 77, of Holden; of General Sedgwick Post, No. 17, of Orange; of Gettysburg Post, No. 171, of Boston; of Isaac Davis Post, No. 138, of Massachusetts; of A. St. John Chambre Post, No. 72, of Stoughton; of H. F. Wolcott Post, No. 102, of Milton; of George C. Strong Post, No. 166, of Easthampton; of General E. W. Hinks Post, No. 95, of Saugus; of Timothy Ingraham Post, No. 121, of Hyde Park; of Veteran Post, No. 194, of Reading; of Frederick Hecker Post, No. 21, of Boston; of Franklin Post, No. 60, of Franklin; of Major George L. Stearnes Post, No. 149, of Charlestown; of Bridgewater Post, of Bridgewater; of William Wadsworth Post, No. 165, of Duxbury; of Henry H. Johnson Post, No. 171, of Northfield; of Joseph P. Rice Post, No. 69, of Westminster; of General James L. Bates Post, No. 118, of Swampscott; of Theodore Parkman Post, No. 204, of Centerville; of Union Post, No. 50, of Peabody; of Henry C. Kinsley Post, No. 139, of Somerville, and of George G. Meade Post, No. 119, of Lexington, all of the Department of Massachusetts, Grand Army of the Republic, in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. MITCHELL presented sundry affidavits in support of the bill (S. 4624) granting an increase of pension to James W. Wheeler; which were referred to the Committee on Pensions.

Mr. ALLISON presented a petition of T. J. Potter Post, No. 440, Department of Iowa, Grand Army of the Republic, of Creston, Iowa, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Washington and Guthrie Center, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HALE presented a memorial of Local Division, No. 2, Ancient Order of Hibernians, of Portland, Me., remonstrating against the ratification of an arbitration treaty between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Maine, praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

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

He also presented petitions of sundry citizens of North Yarmouth, Pittsfield, Bridgewater, Jonesport, Machias, Fairfield, New Sharon, Portland, Bingham, and Kingfield; of the Woman's Christian Temperance Union of New Sharon; of the Woman's Christian Temperance Union of Fairfield, and of Local Grange No. 102, Patrons of Husbandry, of Pittsfield, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of the congregation of the First Methodist Episcopal Church of Elizabeth City, N. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Elizabeth City, N. C., praying for the enactment of legislation to regulate the

interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of the board of directors of the Merchants' Association of Indianapolis, Ind., praying for the enactment of legislation providing an increase in the salaries of rural letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of Connecticut. I have a petition which I think, by reason of the eminence of the persons who have signed it, deserves a little more than the passing notice which is usually given to petitions. It is a petition of citizens of Connecticut, in which they urge upon the Congress of the United States, through its Chief Executive, "that it use its good offices, in cooperation with the other Christian nations—England, France, and Italy—toward the speedy fulfillment of the treaty of Berlin of 1878, which guarantees to those Christians humane rule and protection from lawlessness and traditional outrages;" which refers to the atrocities which have been perpetrated upon the Christians in Macedonia.

This petition is signed by the governor, by the bishop of the Episcopal Church, and by numerous citizens of the State of Connecticut, I think representing the best sentiment of that State.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PLATT of Connecticut presented a petition of sundry citizens of Stamford, Conn., praying that an appropriation be made to increase the capacity of the Naval Gun Factory, at Washington, D. C.; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Stamford, Conn., remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Womans' Club of Enfield, Conn., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Price Lee & Co., of New Haven, Conn., and the memorial of F. S. Buckingham and sundry other citizens of Bridgeport, Conn., remonstrating against the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of the Norwich District Ministerial Association of the Methodist Episcopal Church, of Stafford Springs; of sundry citizens of Waterbury, Wolcott, and Meriden; of the congregation of the Main Street Baptist Church, of Meriden; of the congregation of the Methodist Episcopal Church of Waterbury; of the congregation of the First Baptist Church of Meriden; of the Young People's Society of Christian Endeavor of the Presbyterian Church of Groton; of the Woman's Christian Temperance Union of Meriden, and of the congregation of the St. Paul Methodist Episcopal Church, of Waterbury, all in the State of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the German Methodist Episcopal Church of Bridgeport, Conn., praying for the enactment of legislation to prevent the nullification of State liquor laws; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the German Methodist Episcopal Church of Bridgeport, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Military Affairs.

He also presented the affidavit of Joseph F. Kelly, of New Haven, Conn., to accompany the bill (S. 4492) restoring the name of Joseph Kelly, late of Troop I, Second United States Cavalry, to the pension roll; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of sundry citizens of Lake Preston, S. Dak., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Washington National Monument Society of the District of Columbia, praying that an appropriation of \$2,500 be made to provide a room or inclosure within the Washington Monument for the protection and accommodation of visitors; which was referred to the Committee on Appropriations.

ALLOTMENT OF INDIAN LANDS.

Mr. LONG. I present a memorial of citizens of the Indian Territory in general convention assembled at Okmulgee, January 19, 1904, through their duly authorized delegate, A. Grant Evans, together with petitions of various municipal and ecclesiastical bodies, depositions of leading citizens, etc., relative to the removal of restrictions upon the sale of surplus allotments, etc. I move

that the memorial and accompanying papers be printed as a document and referred to the Committee on Indian Affairs.
The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 3376) to authorize the Secretary of the Interior to acquire for the Government, by exchange of public lands, the ownership of the private lands within certain public parks in the State of California, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (S. 2705) for the relief of the wandering American-born Indians of Rockyboy's band, Montana, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3379) to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 842) to correct the military record of Esau Henkle, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment authorizing the Commissioners of the District of Columbia, in their discretion, to grant leave of absence, with pay, not to exceed thirty days to any individual in any one year, to regular employees above the grade of skilled laborer, appointed directly by the Commissioners, whose services are continuous but who receive per diem compensation and have been in the service of the District one year, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 25th instant, proposing to increase the appropriation for the salary of the fire marshal of the District of Columbia from \$1,200 to \$1,800, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 1st instant, proposing to appropriate \$10,000 to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

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

A bill (S. 4033) to authorize the abandonment of W street NE., Washington, D. C.; and

A bill (S. 4419) in relation to contracts with the District of Columbia.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3869) for the extension of Albemarle street, reported it with amendments, and submitted a report thereon.

Mr. PLATT of Connecticut. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 2051) to authorize the purchase of lands in the Indian Territory under certain conditions, to report it adversely. The Senator from Texas [Mr. BAILEY] takes an interest in this bill, and I am quite sure that he would wish to have it placed upon the Calendar with the adverse report.

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

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 3338) to amend and codify the laws relating to municipal corporations in the district of Alaska, reported it with amendments, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 1654) for the relief of Theodore F. Northrop, reported it without amendment, and submitted a report thereon.

Mr. FORAKER. On November 17, 1903, the Senator from Missouri [Mr. COCKRELL] presented a petition of the Union soldiers of Gentry County Missouri Home Guards, praying for the correction of the rolls of their regiment so as to show their muster in to have been June 1, 1861, instead of August 28, 1861, and had it referred to the Committee on Military Affairs.

I am directed by that committee to submit an adverse report thereon, and to move its indefinite postponement.

The PRESIDENT pro tempore. The adverse report of the committee will be agreed to, and the petition will be postponed indefinitely.

Mr. FORAKER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 819) to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 2710) for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 3638) to relieve Orville B. Merrill, late captain Company I, Thirty-sixth Regiment Illinois Volunteers, of the charge of dishonorable dismissal, reported it without amendment, and submitted a report thereon.

GOVERNMENT PRINTING OFFICE.

Mr. SCOTT. From the Committee on Public Buildings and Grounds, in response to a resolution of the Senate introduced by the Senator from Massachusetts [Mr. HOAR] December 15 last, directing that committee to inquire as to the safety of the old Government Printing Office, so called, and whether any persons are, or are likely to be, employed therein by the Government under circumstances involving their personal safety, I am directed, as representing the subcommittee of the whole committee, to submit the following report:

Your committee, to whom was referred the matter of investigating and reporting on the condition of the building at the corner of North Capitol and H streets NW., known as the "old Printing Office," beg leave to report and recommend as follows:

That after as thorough examination as we were able to make of the structure, we found that the walls of the building are 17 inches thick at the bottom and 9 inches thick at the top; that it has four stories and, with the exception of the walls, is entirely of wood. The walls are laid with lime mortar, no cement being used whatever, and are cracked in several places from top to bottom. The roof is not trussed, and it is pushing the walls out of line instead of tying them together, as it should. The floors are all in bad condition, and many of the floor joist are showing indications of dry rot. All through the building it has been necessary to place supports for the floors to support the weight, the walls not being strong enough for that purpose. The whole inside structure is of very inflammable material, making the danger of fire very great. The means of exit are very poor, and the ventilation and hygienic conditions are a menace to health. The danger of collapse under any excessive weight is very great, and on account of the wooden construction of the interior its collapse would probably occur without warning. We are of opinion that the building is unsafe, unhealthy, and dangerous in its present condition, and that it should not be used for the heavy machinery and fixtures of a printing office. We are informed that the Public Printer is compelled to rent two buildings now, at the rate of \$5,000 per annum, to afford the necessary space for the work of his office, and every inch of the available space of the old Printing Office is in use. In view of these facts, we recommend as follows:

That the old Printing Office be torn down and a new building erected on the site, to be seven stories in height and to correspond with the new Printing Office as far as possible. It would be impossible, in our judgment, to use any part of the old structure, for the reasons above set forth.

That the annex to the old building and the machine shop in the rear be allowed to remain as they are, to be used for storage purposes.

That the Superintendent of the Capitol be instructed to make an estimate of the cost of taking away the old structure and replacing it with a new building to conform with the new Printing Office and to report the same to this committee as early as possible.

N. B. SCOTT,
A. C. LATIMER,
Subcommittee.

FEBRUARY 9, 1904.

Mr. HOAR. May I ask the Senator from West Virginia what the fact turned out to be as to whether persons are now or were at the time of the adoption of the resolution employed in the building, and the number so employed?

Mr. SCOTT. There are a great many employed there. I am not able to state the number, but I should say 100.

Mr. HOAR. If I understand the report, then, the statement is that hundreds of human beings, who are of course employees of the Government and compelled to go there whether they will or no, on pain of losing their places, are employed in a building which is in a most dangerous condition and unfit or unsafe for human beings to occupy in that way.

The committee, who seem to have done their duty with admirable thoroughness and fidelity, recommend that there be some estimates made for a new building. But in the meantime the present dangerous condition of the very worthy and meritorious persons seems to be continued, perhaps for a year or two.

If the Senator will pardon me, his report reminds me a little of what happened in the supreme court of Massachusetts some years ago, when I was practicing law. They held court at Northampton and went over to Mount Holyoke, where there is an elevator which takes travelers up the side of a steep rock a hundred or two hundred feet, to save the difficulty of climbing. The judges, as judges are apt to be, were nearly all of them rather corpulent men. Six or seven got into the elevator at once. They saw that the rope which held the car in which they went was very much frayed, and they asked the manager if he did not think it was a

little unsafe. "Yes," the manager said, "it is wholly unsafe and likely to break every minute, but we are going to have a new one next Monday." [Laughter.]

The PRESIDENT pro tempore. Should not the report be referred to the Committee on Public Buildings and Grounds, being the report of a subcommittee?

Mr. SCOTT. It is reported back from the Committee on Public Buildings and Grounds in answer to a resolution of the Senate. The resolution was referred to the Committee on Public Buildings and Grounds and the Senator from South Carolina [Mr. LATIMER] and myself were appointed a subcommittee to make a personal investigation, which we did. This is our report, and we were ordered by the committee to make it to the Senate this morning.

The PRESIDENT pro tempore. The report will simply be printed, then.

Mr. HOAR. Mr. President, I do not wish to appear to be an alarmist, and I do not wish to be talking about matters that do not come within any personal duty of mine as a representative of a committee; but with the history of the Ford's Theater building fresh in our memory, since I was in public life, a building belonging to the Government, occupied by Government employees, who were there against their will, young women and young men in the prime of life being killed or wrecked in that accident, and with the recent terrible tragedy at Chicago fresh in our memories, that the Government of the United States, the wealthiest human organization on the face of the earth, whether Government or other, allows such a condition of things as that described in the report which has just been made, when the Senator reports that for various reasons this building, which contains heavy machinery and heavy burdens—

Mr. SCOTT. Books.

Mr. HOAR. Books, the heaviest things most likely to be stored there, with rotten timbers and an imperfect roof, and all wood except the walls, liable to fall in a minute, with an imperfect exit in case of fire, highly inflammable, so that the Senator who has made the examination would not be surprised if within an hour the news should come that the building had fallen from its own weight, or if within an hour the news should come that a fire had caught there under circumstances preventing the escape of the hundreds of persons we are keeping there at work, I think we ought to give those employees a vacation without loss of pay until we get a better place for them to work; and, although it would be a terrific public calamity, even if the CONGRESSIONAL RECORD, which, however, is not printed in that building, I suppose, but is under the same department, were also to take a vacation and we should not have any more speeches printed for the next few months, I think we ought to do it.

Mr. GALLINGER. Mr. President, the Senator from Massachusetts disclaimed any purpose of being an alarmist, but I think there would have been a rapid exodus from some portions of the Government Printing Office if his speech could have been heard by the employees.

Now, Mr. President, I do not share to any very large extent the apprehensions that agitate the mind of the distinguished Senator from Massachusetts.

Mr. HOAR. If the Senator will pardon me, I only stated what is in the report. I know nothing about it myself.

Mr. GALLINGER. We have heard this from time to time for nearly twenty years. It was my province when a Member of the other House, in the Forty-ninth Congress, to be on a committee which made a very thorough investigation of the Government Printing Office. There were, I think, some 3,000 employees at that time in the old building. Since that time we have constructed two new buildings, and we now have the largest printing office in the world.

The report comes to us now that there is not room for the employees or for the machinery, notwithstanding we have spent, I suppose, a couple of million dollars, more or less, on new buildings. The old building is beyond doubt in a state of partial decay, as all old buildings are; and I am glad that two distinguished Senators have taken up the matter and made an investigation.

But it seems to me that before we advertise to the men and women who are employed in that building that their lives are in momentary danger we ought to have an investigation by experts, who could determine whether there is any possibility of the building falling or not. I have great confidence in the Senator from West Virginia in certain lines, but I have not any more confidence in his judgment in reference to the safety or unsafety of a public building than I have in my own, and I have not a particle of confidence in my own judgment in that regard.

It seems to me, Mr. President, that if this matter could be put in such shape that the Senate would ask for an investigation by experts, by gentlemen connected with the Engineer Corps of the Army and the Superintendent of this building, we would get the

true facts in the case, and that pending that we ought not to send out to the country statements so alarming as the one which has been made by the Senator from Massachusetts. There are not many more employees there than there were in 1887, when that very noted investigation was made, covering all the details of the Government Printing Office at that time, and I can not conceive of such an alarming state of affairs in view of the fact that since that time we first constructed a building under the superintendency of the War Department, which is there now, and since then have constructed that magnificent Printing Office building, which of course is safe in every particular.

If heavy machinery remains in the old building, it seems to me it might be removed. If books are stored there, they certainly could be removed. But pending a thorough, careful, and scientific investigation of the conditions of the building, I must enter my protest against so alarming a statement going out to the country, involving, as it does, the honor of the National Congress in its relations to its employees, and saying to the country that we are absolutely negligent in a matter which involves human life.

I hope, Mr. President, that whatever disposition may be made of this matter, it will result in a careful investigation on the part of very competent men, whose judgment on the subject will be conclusive, and if such report comes here, that we may then take immediate steps to remove the employees from the building, that it may be razed to the ground and a new building constructed in its stead.

Mr. PLATT of Connecticut. Mr. President, if it be not disagreeable to the Committee on Public Buildings and Grounds, I move that the report be referred to the Committee on the District of Columbia.

Mr. SCOTT. If the Senator will allow me, I do not believe the Senator from Connecticut means that as any reflection on the committee.

Mr. PLATT of Connecticut. Not at all. I said if it was not disagreeable to the Committee on Public Buildings and Grounds.

Mr. SCOTT. Mr. President, I should like to say a word. The distinguished Senator from New Hampshire would like to have an investigation made by experts. I do not claim to be an expert, although I have been engaged in erecting a great many buildings in my life, many of them suitable for heavy machinery. I know a little something about a building. When the joist under a floor where it rests on a 9-inch wall is partly rotten, with dry rot, I know that that floor is not safe. I do not need an expert to tell me that that joist is rotten. I do not need an expert to tell me that a 9-inch wall is not sufficient to carry heavy machinery, especially when that machinery is in motion, and the working of the shafts, etc., naturally jars and continually shakes the building.

Now, Mr. President, the Public Printer and his assistants have moved the heavier machinery into places in that building where they thought it was more safe for it to be. They have moved a great deal of the heavy weight, books and materials, into a more safe place in the building to take the weight off the uprights holding the floor above. For instance, take the uprights on the second floor, supporting the third floor; they tore away the boards of the floor, and they found the end of those supports rotted off with dry rot. They are now engaged in splicing them, putting additional pieces under them.

If the Senator from New Hampshire wants an expert to find that out, of course I have no objection, but I do know (and I am willing to stake my reputation on what little I do know about buildings) that that is a very unsafe building. I do not say that the building is going to fall down in twenty-four hours or in ten years, but I say that it is not a safe building.

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me, I will respond to him that I do not want an expert to determine the matters he has called attention to; but I will say to the Senator that it requires a great deal of that kind of thing to get a building in such an unsafe condition that it will fall to the ground. They have been repairing that building from year to year; they are repairing it now; and I know of no reason why that large machinery can not be for the main part removed from that building, and all the books taken out of the building if necessary.

I will ask the Senator if it is not a fact that a very large proportion of that machinery has been removed from the old part of the building?

Mr. SCOTT. A great deal of it has been removed. If the Senator will allow me, it is not stated in the report, neither have I said in my remarks, that the building is going to fall down. I remarked that it might stand for ten years, but I should not care to work in it.

Mr. PLATT of Connecticut. I withdraw the motion I made. I think perhaps it would not be agreeable to the Committee on Public Buildings and Grounds.

Mr. ALLISON. Mr. President, this matter of the Public Print-

ing Office is not a new one. We have had a contest about the Public Printing Office for twenty years, as the Senator from New Hampshire has stated. All have agreed for many years that the present Printing Office is not fireproof, and that in that sense it is in more or less danger; and we all have known that it was wise to erect a new office for the Public Printer as rapidly and as soon as practicable.

So, after Congress finally settled that a new building was to be constructed on the old site, there was at once commenced the reconstruction of a new Printing Office. The first thing that was done was to put a wing on the west side of the printing office, completely fireproof. That building, I think, is seven stories high, and there was moved into it the heavy machinery of the Printing Office.

That being done, the Committee on Appropriations immediately made provision for the construction of a new building for the Public Printer. That new building could not be built in a day or in a year, nor could the employees of that office be permitted to go into rented quarters so that the entire building could be torn down; therefore the southern portion of that building was torn away gradually and the new and imposing structure which is now completed was put up in its stead.

Mr. GALLINGER. Will the Senator from Iowa permit me?

Mr. ALLISON. Certainly.

Mr. GALLINGER. The Senator omits to state what is a very important matter—that a large additional tract of land was purchased and the building was extended to a very considerable extent, I think doubling its capacity.

Mr. ALLISON. Nearly doubling its capacity. Now, the work of construction of that new building is, I understand, completed. It cost, I think, nearly \$2,000,000, and it is complete in every particular. I speak of this matter from knowing something about it, because it was brought to the attention of the Committee on Appropriations every year. The old building, which is now under consideration, on the north side of the office, of course, is an ancient structure. It has been repaired from time to time to make it safe, and I think that if the committee who examined this subject will state what they know about it, they will say that every possible precaution is found there to prevent fire or to deal with fire should it occur. I do not believe there is a building in this city that has as many and such effective appliances to deal with fire as that old structure has.

It has been understood all the time, as far as I know, that as soon as this new structure was completed the work of tearing down the north end of the printing office could be begun, and I think it ought to be begun; but I do not believe it is necessary for us to either express or have any great alarm as to the imminent danger of that building. Of course it is growing older all the time, as some of us are, and it needs repairs and care.

Mr. FAIRBANKS. Mr. President, may I interrupt the Senator from Iowa?

Mr. ALLISON. Certainly.

Mr. FAIRBANKS. I suggest to the Senator whether, perhaps, the resolution of the Senator from Massachusetts, and the report made in response to it by the Senator from West Virginia may not so call attention to the situation as to lead to precautions being taken which will properly secure the safety of the employees for the time being.

Mr. ALLISON. I have no doubt it will have that effect, but my information is, or, rather, my observation has been, that every possible precaution against fire has been already provided for.

Mr. SCOTT. Will the Senator from Iowa allow me?

Mr. ALLISON. Certainly.

Mr. SCOTT. I will say to the Senator from Iowa that every precaution has been taken against fire, but the Senator well knows that old, rotten wood—boards—burn very quickly even when the very greatest care is being used. The building, if he will allow me, has been propped; that is, it had extra rows of studding put through and uprights put under them in order to hold up the floor.

It was the intention of the committee, as the chairman has suggested, only to call attention to the fact that that part of the building facing on North Capitol street and the L on H street that the Senator refers to should at as early a date as possible be taken down.

Mr. ALLISON. That is valuable information for the Senate, and I agree with that portion of the report, although, if I was wholly out of employment and desired some congenial occupation, I for myself would be willing to risk it in that old building for a few months or even a few years, until a new construction could be completed. Therefore it is that I want to second the suggestion made by the Senator from New Hampshire that it is not really necessary at this moment that we should create such an alarm as respects the employees who are in that building that they will at once scamper away from it and fear that if they stay in it a month they will lose their lives. I do not think there is such danger.

The gentleman who constructed the new building is an expert in construction, and I should be willing to intrust to him, as I am sure the Public Printer will be willing to intrust to him, the making of such repairs as may be necessary in that building to protect the lives and comfort of the employees until such time as a new building can be constructed. I hope that construction will take place at an early day, and I understand that already preliminary plans are being made to that end. When that time comes the Committee on Appropriations will undertake to present to the Senate the appropriation of such sums of money as will commence the construction of the building. Therefore I am quite willing to have this matter rest where it is, and I am sure it will have proper attention in due time.

We are just now engaged in a great question as respects public buildings in this District. If we were to undertake the building of all of them at this moment, it would cost a very large sum of money to make the necessary constructions.

For one I do not share the alarm of the committee that has made this report as to the great danger of the building. If there is such danger, money will be provided, and I am sure that architects and mechanics can be found who will hold up the building until a new structure can be completed.

Mr. HOAR. Mr. President, I myself think this inquiry and discussion have been pretty healthy and have done great good. I suppose it is all true that the Senators have spoken, especially the Senator from New Hampshire and the Senator from Iowa, and there is not very great probability that any tragedy will happen in that building before something can be done, which certainly ought to be done, and that it ought to be done promptly I suppose both Senators agree. But I suppose, from the account given by the committee in its report, that this building would not now stand the inspection of the fire inspector in any considerable city in the United States. Further, so far as I understand it, the report is no more favorable than would have been the report of a like examination of Ford's Theater, or of the theater in Chicago, which was the condition of every theater there. If the Senator had known the condition of the Chicago theater and if he had been invited that afternoon to go there, he would have said: "Well, it is all right to point out these difficulties; but I guess I shall take the risk one night. The chances are one in a thousand."

Mr. ALLISON. Will the Senator allow me?

Mr. HOAR. Certainly.

Mr. ALLISON. So far as my knowledge extends, this old building has in it every possible precaution against fire, which was not true at all in the case suggested by the Senator.

Mr. HOAR. I have no doubt that is true.

Mr. ALLISON. Everything is provided there that ingenuity and skill can provide to prevent fire in that building.

Mr. HOAR. Except the building itself. Now, it is not quite logical to have a children's school over a powdermill and say that every possible precaution human ingenuity can take has been taken against that powdermill's explosion. Do not put the children there. Every precaution has been taken against fire except the precaution of not having a building so inflammable that it will burn like tow if it catches fire. There is the trouble with the matter.

Mr. ALLISON. There is no powder stored there.

Mr. HOAR. I know there is no powder stored there.

Mr. President, I offered the original resolution as a pure resolution of inquiry, at the request of a good many people whose lives are exposed in that building and without myself knowing how the building was used or anything about it. All I know about the matter now is from the report of a subcommittee, made by an eminent business man, who says he has had large experience in construction. I am not responsible for its correctness or otherwise, but that is the way it was given to me.

It seems to me to be my duty to call attention to what that report says, and if in the judgment of Senators of such excellent judgment as those who have spoken, who themselves know all about the matter, the condition of things, while not one which should be submitted to permanently, warrants the risk of remote danger and remote probability of trouble there, of course I suppose their judgment will be acquiesced in. But the condition of alarm, to which my friend from New Hampshire [Mr. GALLINGER] has alluded, I think I can affirm already exists in a good many minds.

Mr. GALLINGER. Mr. President, a single additional word. This matter has been talked about for nearly twenty years, off and on, and I think it has been very much exaggerated in the minds of some people.

The Senator from Massachusetts [Mr. HOAR] alluded to the old Ford's Theater. The Senator will remember that that building fell because some careless men undermined it. This Capitol would fall under similar circumstances. Ford's Theater was an old building, it is true, but the workmen dug under the foundations, and the building collapsed.

I think that a great service has been performed in calling attention to this matter, and I wish to give the Senator from Massachusetts my thanks and the Senator from West Virginia [Mr. SCOTT] my thanks.

I want to say one thing further. The Senator has alluded to the unfortunate affair that occurred in Chicago a few weeks ago. Mr. President, the subject of protecting the public from such catastrophes has been before the Committee on the District of Columbia, to my knowledge, during the entire time I have served in that committee, which is now almost thirteen years. We have investigated the public buildings in Washington from time to time, and a recent investigation, in response to a resolution submitted by the Senator from Maine [Mr. HALE], which is now in print, shows that, so far as the theaters in this city are concerned, they are as safe as human ingenuity can make them; and a recent inspection by the fire marshal of the churches and school-houses in this city brings to me verbally the same assurance. We have not been neglectful of our duty in that regard; and I want it to go out to the country, not quite in the language of the Senator from Massachusetts, in reference to this printing house, but in reference to all our buildings here, that there is probably no city in the Union that has given such careful attention to the details of building construction and safety of the buildings in which people congregate as has been given in the city of Washington. It is a great gratification to me that that is the fact.

Mr. President, the Senator from Iowa [Mr. ALLISON] has stated this matter exactly as it stands. This old building will in due time, and I trust before long, be removed, and a new structure be put on that site. We have greatly enlarged the facilities of that Printing Office during the last few years. The business has increased, and the employees to a limited extent have increased. I think we have doubled the capacity of that building in the two structures which have been placed there at, I think, a cost of almost \$3,000,000 in the total, and as speedily as possible this matter will be taken up, pending which I feel sure that that building can be repaired in a way that will make it absolutely safe to the employees.

That is what I want to have appear, so that those employees may not be panic-stricken every time they enter that building, because personally I should certainly have no fear if I were employed in that structure.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PENROSE introduced a bill (S. 4599) to authorize the President to place the name of Adam K. Baylor on the retired list of the United States Navy with the rank of mate, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4600) authorizing the Secretary of War to procure medals for the members or the legal heirs of the deceased members of the Worth Infantry and York Rifles, who were the first fully armed and equipped soldiers to do active service in response to President Lincoln's call for 75,000 volunteers, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4601) granting an increase of pension to Urbanus Hubbs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 4602) granting an increase of pension to Hiram Imus; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4603) to modify the mining laws applicable to the district of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. BARD introduced a bill (S. 4604) granting an increase of pension to Frances E. Kent; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 4605) granting an increase of pension to Charles R. Schmidt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 4606) granting an increase of pension to Edward G. Horne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 4607) granting an increase of pension to Jonathan B. W. Bennington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4608) appropriating \$50,000 for a textile and agricultural exhibit by the Government of the United States at Cape Town, South Africa, during the months of December, 1904, and January, 1905; which was read

twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 4609) to authorize the Secretary of Commerce and Labor to appoint a deputy collector of customs at Manteo, N. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

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

A bill (S. 4610) for the relief of the estate of Esidore Cohn, deceased;

A bill (S. 4611) for the relief of the Bank of Rutherfordton, in the State of North Carolina (with an accompanying paper); and

A bill (S. 4612) for the relief of William C. Rains (with accompanying papers).

Mr. OVERMAN introduced a bill (S. 4613) granting a pension to William T. Carliel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4614) granting an increase of pension to Joseph Reed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4615) for the relief of the heirs of Sidney W. Spears, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 4616) for the relief of William S. Livingston; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4617) for the relief of C. B. McClenny; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Health and National Quarantine.

He also introduced a bill (S. 4618) granting an increase of pension to William Varnes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4619) granting an increase of pension to Anna L. Bartleson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4620) to amend section 8 of an act approved April 15, 1902, authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4621) granting an increase of pension to George Draper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 4622) to amend section 2305 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SMOOT introduced a bill (S. 4623) to authorize the Secretary of the Interior to extend the trust period provided for in patents for lands in Utah entered as homesteads by Indians of the Shoshone tribe; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 4624) granting an increase of pension to James W. Wheeler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 4625) for the relief of John Holderby; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4626) for the relief of Thomas McGrath; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4627) granting a pension to Elizabeth Sadler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4628) granting a pension to William P. Edson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 4629) granting a pension to Elizabeth Benson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4630) granting an increase of pension to John Lindt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 4631) for the relief of the legal representatives of Joseph H. Maddox, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a joint resolution (S. R. 52) authorizing the Secretary of the Interior to use so much of the amount appropriated by the act approved February 18, 1904 (Public No. 22), as may be necessary for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$5,000 for the improvement of Twenty-second street from Decatur place to S street NW., in the city of Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

J. HUDSON KIBBE.

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

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 167, granting an increase of pension to J. Hudson Kibbe.

BLACK WARRIOR RIVER BRIDGE, ALABAMA.

Mr. PETTUS. I ask unanimous consent of the Senate for the present consideration of the bill (H. R. 7288) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Black Warrior River, in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

BUILDING FOR THE DEPARTMENT OF STATE, ETC.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of Senate bill 1508.

The PRESIDENT pro tempore. The Senator from Indiana moves to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

Mr. QUARLES. The Senator from Indiana has kindly consented to yield to me for a moment, that I may secure consideration of a bill which will not lead to debate.

The PRESIDENT pro tempore. The Chair will first put the question on the motion of the Senator from Indiana.

Mr. COCKRELL. Mr. President, I hope that question will not be put until I can make an explanation as to why I think the motion should not be adopted. It is not a debatable proposition, I believe, but I think there are reasons why the bill ought not to be taken up just at this time.

The Senator from Maryland [Mr. GORMAN] is absent, and is very much interested in this bill, as he is in all similar matters, and I do not suppose he will be here to-day. My information is that he will not be. I hope, therefore, that the bill will not be taken up until the Senator from Maryland may have an opportunity to be present.

Mr. FAIRBANKS. I always like to accommodate the Senator from Maryland, for whom I have the highest possible esteem, but I have desired the Senate to consider this measure for some time, and have yielded because of the pressure of other business. Yesterday I gave notice that I should move this morning to take up the bill. It is very important that action should be had soon if we are to accomplish anything.

The Senator from Missouri understands very well that the session is fast fading away, and unless a measure like this, which needs the action of the other House, is considered here promptly, it might as well not be considered at all.

The Senator from Maryland said nothing to me of his desires in relation to this bill or as to the necessity of his absence. We know that it is difficult to have here at all times all the Senators who are interested in any particular measure; and so I hope the Senator from Missouri will consent to the taking up of the bill.

Mr. COCKRELL. Mr. President, to be frank with the Senator, I think that it probably would hasten action on the bill if some delay is permitted. I am satisfied the Senator can not pass the bill to-day in the absence of the Senator from Maryland.

Mr. FAIRBANKS. Then, if the Senator please—

Mr. COCKRELL. I think that if the Senator presses the bill now, it will necessarily lead to unnecessary discussion, because I know a number of Senators who feel that the Senator from Maryland ought to have an opportunity to be heard on this matter.

Mr. FAIRBANKS. Does not the Senator think it would be better for the Senator from Maryland to communicate with Senators in charge of the bill?

Mr. COCKRELL. I have not seen the Senator from Maryland for two or three days and do not know whether or not he is in the city, or whether he has had information of the notice which was given by the Senator from Indiana last evening.

Mr. FAIRBANKS. Does the Senator from Missouri know when the Senator from Maryland will be in the Senate?

Mr. COCKRELL. I can not say, but I suppose he will be here on Monday.

Mr. FAIRBANKS. Mr. President, does the Senator think it is quite fair to delay a measure in which many are interested and to which they have given considerable attention upon so vague a suggestion as that?

Mr. COCKRELL. Mr. President—
The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. COCKRELL. I understand that, and that is the reason I asked leave to be heard upon it. I know the proposition is not debatable.

I think the better way would be for the Senator from Indiana to give notice to that effect if he wants to call up the bill on Monday or Tuesday morning. I do not know that there will be any appropriation bill that will then be in the way, or any other privileged question.

Mr. FAIRBANKS. The honorable Senator from Missouri is himself a member of the Committee on Appropriations.

Mr. COCKRELL. Yes.

Mr. FAIRBANKS. And he knows there are large appropriation bills before his committee which are liable to come into the Senate almost any day. Now, will the Senator agree, on behalf of the Appropriations Committee, that this bill may be taken up on Monday and disposed of then?

Mr. COCKRELL. I could not agree to that because I do not represent anything more than a small minority of the Appropriations Committee; but if there is any bill which is liable to come from the Committee on Appropriations before the middle or last of next week, I do not know anything about it.

Mr. FAIRBANKS. Mr. President—

Mr. HALE. Will the Senator allow me to make an observation?

Mr. FAIRBANKS. Certainly.

Mr. HALE. I had hoped that we might have received the naval appropriation bill from the other House, so that the proceeding of the committee could be had on it to-morrow, in order that the bill might be reported on Monday; but looking over the debate in the House yesterday and finding that the bill has been by no means finished, I am entirely satisfied that we shall not only not be able to report that bill on Monday, but that we shall not be able to get it before Monday. So we shall not have an appropriation bill then in the way of the Senator.

The Senator from Maryland [Mr. GORMAN] spoke to me about the bill of the Senator from Indiana. The Senator from Indiana had given notice once before, and then was called away, and the matter fell out. The Senator from Maryland, whom I may call, as to matters relating to public buildings here, an old hand at the bellows, takes a great deal of interest in these measures.

I see force in what the Senator from Missouri [Mr. COCKRELL] has said, and I should be very glad to have the matter go over until Monday, and either the Senator from Missouri or I will notify the Senator from Maryland that the Senator from Indiana will call up the bill on Monday morning. That will give the Senator from Maryland an opportunity of being here.

Mr. FAIRBANKS. Well, Mr. President, I will ask the Senator if he will agree that this bill be made the special order for Monday morning, after the routine business?

Mr. HALE. This matter is in charge of the Senator from Missouri, but so far as I am concerned, I see no objection to the request.

Mr. FAIRBANKS. Upon that statement—

Mr. BERRY. Will the Senator permit me to say a word?

Mr. FAIRBANKS. Yes, sir.

Mr. BERRY. The Senator from Maryland [Mr. GORMAN], as I understand, is suffering with a severe attack of neuralgia. He is not seriously sick, but he is unable to go out of his house. He was not here yesterday, and I do not think he is informed as to the notice which was given by the Senator from Indiana [Mr. FAIRBANKS] last evening. The Senator from Maryland, speaking to me about another matter, said that he expected to be able to be here next week. I think he is opposed to some of the provisions in the bill in charge of the Senator from Indiana and is anxious to present his views in regard to that measure. For that reason I hope the Senator from Indiana will not insist on asking for the consideration of the bill until the Senator from Maryland can be communicated with.

Mr. FAIRBANKS. I greatly desire, of course, to accommodate the Senator from Maryland so far as I reasonably can. The only purpose I have in pressing for the early consideration of the bill is that it may not come into conflict with the appropriation bills, which take precedence. I hope that the Senator from Maryland will be well enough to be in his seat on Monday. If it is understood that the bill shall be made the special order after the

routine business is closed on Monday morning, I will not press the motion to-day. I ask unanimous consent to that effect.

Mr. TILLMAN. Mr. President, I do not know what the Senator means by that; but it seems to me that he can not make the bill the unfinished business without first having a vote of the Senate to take it up. If the bill should come in after the routine morning business, it would go out at 2 o'clock, under the rule.

Mr. FAIRBANKS. If the Senator will allow me, I have moved to take up the bill now.

Mr. TILLMAN. I understood that; but the request was then made that the Senator would not press that motion in the absence of the Senator from Maryland. It seems to me that the Senator can not get his bill before the Senate and make it the unfinished business to be disposed of one way or the other without a vote.

Mr. FAIRBANKS. Certainly, I can not.

Mr. TILLMAN. If the Senator will give notice that on Monday or Tuesday he will, without regard to whether the Senator from Maryland is here or not, call up the bill and have the Senate decide whether or not they will make it the unfinished business, that would seem to accomplish his purpose, and not undertake to have any unanimous-consent agreement about it.

Mr. FAIRBANKS. I do not see how there can be any objection to the request I have made. I do not wish to press the measure in the absence of the Senator from Maryland, as the Senator from South Carolina very well understands, and I do not wish to jeopardize the consideration of the bill by too long a delay. The Senator knows that appropriation bills are liable to come into the Senate, and if they do we can not tell how much time they will consume. The Senator from Maine [Mr. HALE] indicates that there will be no appropriation bill ready for consideration so early as Monday next.

I ask unanimous consent that the bill may be made the special order on Monday.

Mr. HOAR. I desire to remind the Senator that that does not require unanimous consent.

Mr. FAIRBANKS. No.

Mr. HOAR. The Senator can move to make the bill the special order for next Monday, and that can be done by a two-thirds vote, I think.

Mr. FAIRBANKS. Mr. President, I will withdraw my motion and now move that the bill be taken up after the routine business on next Monday morning and made the special order.

Mr. TILLMAN. Do I understand that by that the Senator is asking the Senate now to fix the order of business for Monday?

The PRESIDENT pro tempore. The Chair so understands the motion.

Mr. TILLMAN. By a vote?

Mr. FAIRBANKS. Yes.

The PRESIDENT pro tempore. By a vote.

Mr. TILLMAN. Is not the Senator rather taking advantage of the situation and, let me say, more or less the ignorance of Senators on this question and the merits of it, without discussion to put it before us whether or no, when, if the matter could be presented, the Senate might decide that it did not want to consider it, or it might desire to kill it, or it might desire to amend it, or something like that. It seems to me the Senator will reserve all of his rights and will secure his end just as expeditiously if he will wait until Monday and then move to take it up, just like he is doing this morning.

The only reason why those on this side are asking delay is in order to have the Senator from Maryland present. He seems to have the matter very much in interest and to be concerned about it, and has asked us to look after it. That is the only object I have in view. I suggest to the Senator that he possibly will get further along in passing the bill if he will let the matter rest now without any further notice other than that he will call it up and ask the Senate to take it up.

Mr. FAIRBANKS. This is only asking that it be made the special order. It will be open to amendment or rejection by the Senate.

Mr. HOAR. Or postponement.

Mr. FAIRBANKS. Or postponement.

Mr. HALE. It will be subject to any other motion.

Mr. FAIRBANKS. Yes.

Mr. HALE. It only starts it.

Mr. HOAR. I suggest to the Senator from South Carolina that this vote does not amount to much more than a notice that it will come up then. The Senator can get up at that time and move to take it up without notice. If it is made the special order, it does not take precedence of the unfinished business. If the Senator from Missouri should come in and say that the Senator from Maryland—

Mr. TILLMAN. Very well. I shall not object any further.

Mr. HOAR. If the Senator from Missouri should come in and say that the Senator from Maryland was still absent and would like a delay of a day or two, that he was ill, or that any other interested Senator was, all these questions would be open. Making

it the special order is a very much more convenient thing for the opponents of the measure, because instead of that they are liable to be constantly surprised by a special motion.

The PRESIDENT pro tempore. The Senator from Indiana moves that the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor, be made a special order for Monday next immediately after the conclusion of the routine morning business. [Putting the question.] The "ayes" have it; and two-thirds having voted therefor, it is made the special order for Monday next immediately after the conclusion of the routine business.

PROOFS IN LAND CASES.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated. It is a bill which ought to receive attention. It will take only a moment, being a short bill.

Mr. GALLINGER. I will not object to this bill, but after it has been disposed of, unless other business intervenes, I will ask that we proceed with the Calendar in order.

Mr. TILLMAN. I shall ask the Senator from New Hampshire to indulge me to pass one bill. I have not asked the favor of the Senate before this session, and after the Senator from Wisconsin gets through, if he will let me pass a brief bill, I shall be obliged.

Mr. GALLINGER. Let this one be disposed of.

The PRESIDENT pro tempore. The Senator from Wisconsin asks for the present consideration of the bill, which will be stated by title.

The SECRETARY. A bill (H. R. 11812) relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Has not the bill been read once?

Mr. QUARLES. The bill has not been read. It has only recently been reported, and there are reasons why it should be passed at an early day.

Mr. COCKRELL. Day before yesterday I undertook to pass this bill, thinking it was another bill which I wanted to have passed, and it was read, beyond any question.

The PRESIDENT pro tempore. It was read.

Mr. COCKRELL. I found it was not the bill, and the other bill was passed.

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

LEGISLATION AFFECTING ALASKA.

Mr. BEVERIDGE. Mr. President, I desire to ask unanimous consent of the Senate that on Thursday next, after the completion of the morning business, the day shall be given to the consideration of Alaskan legislation, providing it does not interfere with appropriation bills.

There are now before the Senate, from the Committee on Territories, about four bills of immediate and pressing importance, upon very material and much-needed subjects up there, such as roads, municipal corporations, etc. I do not think that any of these bills reported will be controverted, but unless we can fix a day next week for their consideration it is pretty clear that there may not be any legislation at the present session on this subject, which would be very unfortunate. These bills are the result of the subcommittee's investigation into Alaskan conditions and are agreed to by all of us. I ask unanimous consent, as I have indicated.

The PRESIDENT pro tempore. Has the Senator from Indiana completed his request?

Mr. BEVERIDGE. I have completed my request.

Mr. GALLINGER. It is not to interfere with appropriation bills.

Mr. BEVERIDGE. I stated that—not to interfere with appropriation bills.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that on Thursday next, after the completion of the routine morning business, the Senate shall proceed to the consideration of bills relating to Alaska, not to interfere, however, with appropriation bills.

Mr. BEVERIDGE. Yes.

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

ORDER OF BUSINESS.

Mr. LODGE. I ask that we go to the Calendar now. Is that in order?

The PRESIDENT pro tempore. The Calendar itself is in order.

Mr. LODGE. I ask for the regular order.

Mr. TILLMAN. I hope the Senator from Massachusetts will not cut me off after I asked permission and have given notice that I wanted a little bill passed. It is the first time I have asked that favor this session.

Mr. LODGE. We all of us want to pass little bills, and I do not see why the fair way is not to go to the Calendar instead of each scrambling for time.

Mr. TILLMAN. If the Senator would apply the same rule to all it would be all right, but he sat there and let one bill go through. I do not see why he can not allow me to have my bill passed.

Mr. LODGE. That was a request for unanimous-consent agreement to fix a day next week for the consideration of certain bills.

Mr. TILLMAN. Oh, on the other side of you. The Senator from Wisconsin passed a bill.

Mr. LODGE. I was not aware of that.

The PRESIDENT pro tempore. The Senator from Massachusetts demands the regular order.

Mr. LODGE. If we are going in and scramble for time I withdraw the request.

Mr. PROCTOR. I ask unanimous consent for the present consideration of Order of Business 788.

Mr. TILLMAN. Mr. President, I want to know how I got sidetracked by the Senator from Vermont?

The PRESIDENT pro tempore. Did the Senator from Massachusetts withdraw his demand for the regular order?

Mr. LODGE. Yes; but I think I will renew it. I think it is the only fair way. We are all of us anxious to get bills through, and it seems to me it is the only fair way.

Mr. PROCTOR. The Senator from Massachusetts had withdrawn his demand when I made the request.

Mr. LODGE. Very well; then I will withdraw it. Let the Senator from Vermont and the Senator from South Carolina get their bills through. They must always pass their bills.

The PRESIDENT pro tempore. Then, the Chair will recognize the Senator from South Carolina.

Mr. GALLINGER. Mr. President, in this connection I desire to say that I have, at the request of some Senators, been trying to facilitate the consideration of bills on the Calendar. I always want to be courteous, and I gave notice that I would ask that we go to the Calendar. But, if it is agreeable to the Senate, I certainly have no objection to devoting the time until 2 o'clock to the consideration of bills which individual Senators may want to have considered.

Mr. TELLER. I want to know whether they will be subject to objection?

Mr. GALLINGER. Certainly.

Mr. TELLER. I do not want to object unless somebody proposes the consideration of a bill that is going to occupy the Senate for some length of time, and in that case I should object.

Mr. GALLINGER. Bills will be subject to objection.

Mr. TELLER. As it is for only a few moments, I will not interfere. Otherwise I should.

Mr. ALLISON. The proposition is to consider bills on the Calendar under Rule VIII.

Mr. GALLINGER. Certainly.

The PRESIDENT pro tempore. The Senate will be proceeding under Rule VIII, and one objection will prevent the consideration of a bill unless on motion a majority determine otherwise. The Senator from South Carolina is recognized.

Mr. TILLMAN. I ask unanimous consent to call up out of its order the bill (S. 2667) for the relief of the estate of R. W. Bullock, deceased.

Mr. HOAR. I should like, before the bill is proceeded with, to understand the parliamentary situation. I understand that two Senators called for the Calendar, and then waived the demand in order that matters unobjected to might be called up by Senators.

Mr. TILLMAN. If this bill is objected to, I shall not expect to press it.

Mr. HOAR. Let me say a word, if you please. They waived the Calendar in order that Senators might call up bills until 2 o'clock. Is it not necessary to reserve the right to call up the Calendar at 2 o'clock?

The PRESIDENT pro tempore. At 2 o'clock the Calendar of General Orders will come up, under the rule.

Mr. HOAR. Very well.

Mr. BEVERIDGE. In any event?

The PRESIDENT pro tempore. In any event, unless by unanimous consent other disposition is made.

ESTATE OF R. W. BULLOCK, DECEASED.

Mr. TILLMAN. I now ask unanimous consent for the present consideration of the bill (S. 2667) for the relief of the estate of R. W. Bullock, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the

estate of R. W. Bullock, deceased, for mail service performed as contractor on route 5726, South Carolina, from October 1, 1859, to January 31, 1861, the sum of \$95.21, with interest to date.

Mr. ALLISON. I ask that the report be read. It seems to be one of these old mail affairs.

Mr. TILLMAN. It is an old mail bill.

Mr. COCKRELL. It goes back to the 1st of January, 1861.

Mr. TILLMAN. It involves only ninety-odd dollars.

The Secretary read the report submitted by Mr. STEWART on the 10th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 2667) for the relief of the estate of R. W. Bullock, deceased, beg to report the same back to the Senate and to recommend its passage without amendment.

That the claim is just and should be paid will be seen from the following letter of the Postmaster-General, written in response to your committee's request for the Department's views as to the merits of the claim:

OFFICE OF THE POSTMASTER-GENERAL,

Washington, D. C., January 15, 1904.

SIR: Receipt is acknowledged of your request of the 6th instant for papers, or copies of same, on file in this Department relating to the claim covered by Senate bill 2667, for the relief of the estate of R. W. Bullock, deceased, which bill is for payment for mail service said to have been performed as contractor on route 5726, South Carolina, from October 1, 1859, to January 31, 1861.

In reply I have the honor to inform you that the records of this office show that from October 1, 1859, to January 31, 1861, Richard W. Bullock, of Ninety-six, S. C., was contractor at \$163 per annum. Under a general order of the Postmaster-General all service in South Carolina, including this route, was discontinued from May 31, 1861.

The records of this office do not show what amounts were actually paid under this contract, and your letter has been referred, for further attention, to the Auditor for the Post-Office Department, from whose records this information may be obtained.

Very respectfully,

H. C. PAYNE, Postmaster-General.

Hon. FRANCIS E. WARREN,

Chairman Committee on Claims, United States Senate.

Mr. ALLISON. I merely ask for information, but according to the bill the account is to draw interest. I believe there is a general law that the rate of interest shall be 4 per cent, and I think it might be well to put such a provision in this bill.

Mr. TILLMAN. It might as well be put in.

Mr. COCKRELL. I had not noticed the matter of interest. Has the Senator from South Carolina the report of the Auditor?

Mr. TILLMAN. I have the report of the Acting Auditor of the Treasury Department.

Mr. COCKRELL. All right.

Mr. TILLMAN. I will read it.

TREASURY DEPARTMENT,

Washington, January 23, 1904.

Hon. FRANCIS E. WARREN,

Chairman Committee on Claims, United States Senate.

SIR: In reply to your letter of the 6th instant, received by reference from the Second Assistant Postmaster-General, relative to a claim of the estate of R. W. Bullock, deceased, for payment of the amount standing to his credit for mail service performed as contractor on route No. 5726, South Carolina, as set forth in Senate bill No. 2667, I have the honor to inform you that the records of this office show that Richard W. Bullock, of Ninety-six, S. C., was the contractor of route No. 5726, South Carolina, from October 1, 1859, to January 31, 1861, and there is a balance of \$95.21 remaining to the credit of his account for service from July 1, 1860, to January 31, 1861.

Many of this class of claims were paid by the Confederate States government, but the Confederate records (mutilated) now in the possession of this office do not show, so far as they go, that any payment was made to Mr. Bullock or his heirs for mail transportation under his contract with the United States.

Respectfully,

N. L. CHEW, Acting Auditor.

Mr. PLATT of Connecticut. Mr. President—

Mr. COCKRELL. I move to strike out the words "with interest to date." We never have paid interest on any claim of that kind during the last twenty years, and I do not think it right that we establish a precedent of paying interest.

Mr. PLATT of Connecticut. I was going to say that for several years I tried to get one of these claims allowed, and it was finally passed by Congress. It was for the widow of a contractor, and involved some three or four thousand dollars. The widow lived in Connecticut, and I know in that case the Government did not pay interest.

Mr. TILLMAN. Of course if it is the rule that interest shall not be paid, I can not ask that you shall make any change in behalf of this citizen of my State.

Mr. COCKRELL. That is the universal rule; and I will say frankly that I am very much astonished that the Senator from Nevada reported the bill with those words in it. It is the first time for a long while that the Committee on Claims has made a report of this kind. The only report that has been made here in the last twenty years allowing interest was a report made—

Mr. TILLMAN. I expect this man will be glad to get anything. He has been kept out of this money for forty years.

Mr. STEWART. I did not observe the matter of interest.

Mr. COCKRELL. I was going to say that the only time in recent years when a bill allowing interest was reported was when the Committee on Post-Offices and Post-Roads reported a bill allowing interest, and we beat them in the Senate by a vote of nearly two-thirds against the report when it was tested. So the precedent of not paying interest has been very firmly established.

Mr. BEVERIDGE (to Mr. TILLMAN). You do not insist on interest?

Mr. TILLMAN. I can not insist on anything. I suppose my friend down there will be glad to get the principal.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Missouri offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to strike out "with interest to date."

The amendment was agreed to.

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

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

LEONARD I. BROWNSON.

Mr. PROCTOR. I ask unanimous consent to call up the bill (S. 4066) for the relief of Leonard I. Brownson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to revoke so much of General Orders as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, and to cause to be issued to him a certificate of honorable muster out of the service.

Mr. ALLISON. I hope the Senator from Vermont will make a brief explanation of the bill.

Mr. PROCTOR. I have explained this measure two or three times in previous sessions of the Senate, and a similar bill has passed unanimously, I think, three times—I know twice. I served in the regiment with this gentleman. There was a little misunderstanding with the adjutant and a few sharp words passed, and he was tried and dismissed very unjustly. He was a fine soldier, and has a fine record.

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

LEOPOLD HERBERT SCHWERIN.

Mr. DRYDEN. I ask unanimous consent for the present consideration of the bill (S. 2605) to authorize the appointment of Acting Asst. Surg. Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

CITIZENS' BANK OF LOUISIANA.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 2467) for the relief of the Citizens' Bank of Louisiana.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. I think I will allow it to be passed over without prejudice.

ELECTRIC WIRING IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3) to regulate electrical wiring in the District of Columbia.

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

The bill was reported from the Committee on the District of Columbia with amendments.

Mr. ALLISON. Section 14 ought to be stricken out certainly.

Mr. KEAN. There are amendments to the bill. I do not know what they are.

The PRESIDENT pro tempore. There are amendments pending to that section.

Mr. GALLINGER. Section 14 was amended by the committee, I will say to the Senator from Iowa.

The PRESIDENT pro tempore. The amendments of the committee will be stated in their order.

The SECRETARY. In section 1, page 1, line 4, after the word "construction," insert the words "or installation;" and in line 6, after the word "act," insert "or who is not working under the supervision of some person so licensed;" so as to make the clause read:

That it shall be unlawful for any person to act as an electrical wiring contractor or to engage in electrical construction or installation in the District of Columbia who shall not have been licensed as provided in this act or who is not working under the supervision of some person so licensed:

The amendment was agreed to.

The next amendment was, in line 9, after the words "United States," to strike out "or of the District of Columbia;" so as to read:

Provided, That nothing in this act shall be construed to apply to public buildings of the United States or to diminish the authority of the officer in charge of public buildings and grounds or the Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

Mr. COCKRELL. I offer an amendment to that clause. After the word "grounds," in line 12, I move to insert "the Superintendent of the Congressional Library Building and Grounds." We do not want him placed under the bill any more than the Superintendent of the Capitol Building and Grounds. There is no language in the bill which excludes the Congressional Library from its operation, and this amendment is therefore necessary.

Mr. GALLINGER. Would not that be considered a building of the United States?

Mr. COCKRELL. No more than the Capitol building would be a building of the United States.

Mr. GALLINGER. I think we intend to exclude the Capitol building.

Mr. COCKRELL. But you have put that provision in here, and therefore it becomes necessary to make provision for the Library building.

Mr. GALLINGER. I have no objection to the amendment.

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

The SECRETARY. On page 1, line 11, after the word "grounds," insert the words "the Superintendent of the Congressional Library Building and Grounds."

Mr. ALLISON. Are not all public buildings of the United States exempt from the operation of this proposed statute?

Mr. GALLINGER. The bill provides—

That nothing in this act shall be construed to apply to public buildings of the United States.

As the bill was originally drafted (and I will state that it was drafted by the Commissioners or the law officers of the District) it had the words "or of the District of Columbia," and it seemed to the committee that the District authorities ought to supervise their own buildings at least.

Mr. COCKRELL. Certainly.

Mr. GALLINGER. So we struck that out. But it seemed to me that this was a complete exemption of buildings owned by the Government.

Mr. ALLISON. So it seems to me.

Mr. GALLINGER. The other clause is as to the authority.

Mr. COCKRELL. The other provision is as to the authority to control the buildings.

Mr. GALLINGER. It reads:

That nothing in this act shall be construed to apply to public buildings and grounds of the United States or to diminish the authority of the officer in charge of public buildings and grounds or the Superintendent of the Capitol Building and Grounds.

The Senator from Missouri wishes to extend that to the Library building, and I think there is no objection to that amendment.

Mr. ALLISON. There is none certainly, but it seems to me that if all public buildings are excluded that is sufficient.

Mr. DANIEL. I should think so.

Mr. COCKRELL. But the Capitol building and the Congressional Library building are directly under our own control. We do not want to have this authority interfere with the authority of our Superintendents, and they would probably have the authority to interfere if they were not named.

Mr. ALLISON. I understand, but how will that affect the Treasury Department building or the State, War, and Navy Department building? They are under the general authority of the Government of the United States. Is it intended that they should take control of the supervision of those buildings?

Mr. GALLINGER. Not at all. I will say to the Senator that it is the purpose of the bill to absolutely prevent them from doing that.

Mr. ALLISON. So I supposed; but I wondered why it was that we are to name two or three buildings at this particular point and omit all the others.

Mr. TELLER. The bill excepts two or three buildings.

Mr. ALLISON. It excepts two or three buildings. For instance, the State, War, and Navy building is under the control of the joint board there. The Treasury Department building is under the control of the Secretary of the Treasury, who has an electrician of his own, and so on.

Mr. COCKRELL. No; I do not think they have any machinery in the Treasury Department for producing electricity. It is furnished by the company. That is my understanding. I should like to call the attention of the Senator from Iowa to the fact that these public buildings are not lighted, at least all of them are not lighted, by machinery operated by the United States within the buildings. Therefore, their appliances ought to be subject to examination just the same as in private houses.

Mr. ALLISON. I understand that; but here is a provision—

That nothing in this act shall be construed to apply to public buildings of the United States—

Now, that seems very clear and sweeping—

or to diminish the authority of the officer in charge of public buildings and grounds or the Superintendent of the Capitol Building and Grounds, or to the generation of power by incorporated companies, etc.

The officer in charge of public buildings and grounds does not have, as I understand it, control of the Treasury Department building or of the Interior Department building.

Mr. COCKRELL. Certainly not.

Mr. ALLISON. Very well. These buildings are placed under this control, as I understand it.

Mr. COCKRELL. The light is furnished to them from outside power, and they ought to be subject to inspection just as is the case when it is furnished to a private residence or to a church or theater.

Mr. ALLISON. I think so.

Mr. KEAN. I think that the bill had better go over, if the Senators do not agree about it.

Mr. ALLISON. Some of the public buildings, at least, have a small electric power in them.

Mr. COCKRELL. Some few of them may have, but as a rule they do not.

Mr. KEAN. I do not want to object to the bill, and I do not want it to lose its place on the Calendar, but—

Mr. GALLINGER. It will come up at 2 o'clock. If the Senator wants to put it over for three minutes, very well.

Mr. ALLISON. I do not wish to interfere with the bill. Its general purpose seems to be commendable.

Mr. GALLINGER. It is a very desirable bill and it is agreeable to all interests. The contractors, the people of the District, and the people representing the Government as well, want it. I hope it may pass.

Mr. GIBSON. Mr. President—

Mr. GALLINGER. As the honorable Senator from Montana wishes to call up a bill before 2 o'clock, I will ask that this bill may be passed over for the present. I shall call it up again.

Mr. TELLER. What is the number?

Mr. GALLINGER. It is Senate bill No. 3. I wish the Senator from Colorado would look it over.

COURTS IN MONTANA.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 2385) providing for holding regular terms of the circuit and district courts of the United States at Great Falls, Mont.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that hereafter, and until otherwise provided by law, regular terms of the circuit and district courts of the United States for the district of Montana shall be held at Great Falls, Mont., on the first Monday in May and on the first Monday in October in each year, and causes civil and criminal may be transferred by the court or judge thereof from Helena or Butte to Great Falls or from Great Falls to Butte or Helena, in said district, when the convenience of parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.

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

HENRY O. BASSETT.

Mr. MALLORY. It is not quite 2 o'clock, and I ask unanimous consent to call up the bill (S. 623) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Henry O. Bassett, sole surviving heir of Henry Opeman Bassett, deceased, \$142.59.

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

TRANSPORTATION OF SUPPLIES FOR ARMY AND NAVY.

The PRESIDENT pro tempore. The Chair lays before the Senate the Calendar of General Orders.

Mr. GALLINGER. I ask unanimous consent that the Calendar may be considered during the afternoon under Rule VIII.

Mr. HALE. I wish the Senator would withhold that request for a moment.

Mr. GALLINGER. I will do so.

Mr. HALE. When the Senate reached on the Calendar the bill (S. 2263) to require the employment of vessels of the United States for public purposes, in the absence of the Senator from Arkansas [Mr. BERRY], it was passed over with the understanding that it would be taken up when he should be present. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2263) to require the employment of vessels of the United States for public purposes.

Mr. HALE. I do not think it will take much time. I do not propose to consume any time.

Mr. BERRY. Does the Senator from Maine propose to say anything about the bill?

Mr. HALE. It is so good a bill that I would be willing to let it pass on its own merits.

Mr. BERRY. I have no doubt the Senator would be.

Mr. HALE. The Senator said to me that while he had no feeling about the bill he desired to submit some remarks upon it, and I waited until he was present before calling up the bill.

Mr. PETTUS. I ask for the reading of the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That vessels of the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy; but this section shall not be construed to prohibit the transportation of such articles by any vessel owned by any Department of the Government.

Sec. 2. That the President of the United States may from time to time suspend, in whole or in part, section 1 of this act whenever, in the interests of the national defense, such suspension may seem to him desirable.

Sec. 3. That the Secretary of War and the Secretary of the Navy are hereby directed to enforce the provisions of this act.

Sec. 4. That all acts and parts of acts in so far as inconsistent with the provisions of this act are hereby repealed.

Sec. 5. That this act shall take effect one month after its passage.

Mr. HALE. There is an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The bill was reported from the Committee on Commerce with an amendment, in section 2, page 2, line 1, before the word "such," to insert "or for the protection of the interests of the Government;" so as to make the section read:

SEC. 2. That the President of the United States may from time to time suspend, in whole or in part, section 1 of this act whenever, in the interests of the national defense or for the protection of the interests of the Government, such suspension may seem to him desirable.

Mr. COCKRELL. I should like to have a definition of what are "vessels of the United States." Does that mean that the United States must be the owner of the vessel?

Mr. HALE. This only applies to those; it does not at all go into the general question. It is only the simple question that when the Government transports stores or goods to foreign ports it shall be done by vessels of the United States.

Mr. BERRY. Not belonging to the United States?

Mr. HALE. No; but vessels that are papered by the United States.

Mr. ALLISON. Registered.

Mr. HALE. Yes; registered. It is understood in business very well. They are to be vessels of the United States and not foreign tramps. That is all there is of it.

Mr. BERRY. Mr. President, under the present law the Secretary of War is required to let to the lowest bidder the right to carry the property of the United States to foreign ports. Under the present law any shipowners can bid, and, if they get the contract, they can carry it. This proposition is to confine the bids to American vessels and not permit any vessel that is not a registered vessel of the United States to enter into the competition.

I voted against this bill in the Committee on Commerce. I did not believe that it ought to pass. I believed that it was in effect a subsidy bill to these ships; that while it did not go to the extent of the subsidy bill which was discussed here, and which at one time passed the Senate, nevertheless it was making the United States Government pay more money for the transportation of these goods in order that the benefit would accrue to these ships; that it was a direct gift of whatever that difference was to the American ships, and in that way I regarded it as a subsidy.

Now, at that time we did not have a report from the Secretary of War. The bill was reported from the Committee on Commerce before that report was received. Afterwards the report came in, and the Secretary of War has presented the objections to this bill in a stronger way than I can present them. It is a very short report. I should like to have the Secretary read the report made by the Secretary of War on this bill.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, January 14, 1904.

SIR: Referring to Senate bill 2263, Fifty-eighth Congress, second session, in response to your request for suggestions touching the merits of the bill and the propriety of its passage, I have the honor to transmit a report by the Quartermaster-General of the Army to the Secretary of War, dated December 26, 1903, a further report by the Quartermaster-General to the Secretary of War, dated January 9, 1904, in response to a request for detailed information, and a report from the same officer to the Secretary of War, dated January 13, 1904, in response to further specific requests for information.

The great bulk of freight shipped by the War Department to the Philippines goes upon the transports owned by the United States. The remainder goes chiefly in foreign bottoms, because the owners of foreign vessels uniformly underbid the owners of American vessels. Every opportunity has been given to American vessels to compete, and the standing instructions of the Department are to prefer American vessels wherever there is such substantial equality between the bids as to make it lawful to do so.

I have no doubt whatever of the wisdom of a provision which shall make it possible to do this business through the employment of American ships.

I think, however, that there is great danger that the passage of this bill in its present form would involve the Government in serious difficulty and unwarranted expense. The number of American vessels available for shipment from the Atlantic coast to the Philippines is so small that a rigid requirement that shipments should be made in American vessels only would put the Government entirely at the mercy of a very few individuals, who could charge any price they wished. The only alternative to the possible payment of exorbitant prices for shipments from New York to Manila would be sending the freight by rail to the Pacific coast, and thence by ship to Manila.

Your committee will observe, by examining the Quartermaster-General's report of January 13, that the average cost of transporting all classes of freight from New York to Manila during the calendar year 1903 has been \$11.91 per ton of 2,000 pounds, while the average cost of transporting all classes of freight by rail from New York to San Francisco has been \$3.70 per ton of 2,000 pounds; that is to say, it now costs two and one-half times as much to get freight from New York to the Pacific coast as it now costs to get it from New York to Manila. Under these circumstances, if we were confined absolutely to American bottoms for this business we would have no way of escaping from the payment of at least three times as much as we now pay for this class of transportation.

I think the same result can be accomplished and this danger avoided by changing the form of the bill so that it will authorize a preference to American shipping, providing the charge made does not exceed the prices bid by the owners of foreign vessels more than a specific percentage.

A bill providing for such a preference in respect of shipments on the Pacific was introduced in the House in the first session of the Fifty-seventh Congress (H. R. 1441). It was favorably reported by the House Committee on Military Affairs (Report No. 2348). It had the warm approval of this Department, but was defeated on the floor of the House upon the avowed ground that it would amount to a kind of a ship subsidy. (See CONGRESSIONAL RECORD, vol. 35, pt. 7, pp. 6887-6891.)

For greater convenience, I take the liberty of inclosing a copy of that bill as indicating the form of the provision which, it seems to me, would best accomplish the desired object of doing the Government business in such a way as to promote American shipping. I should be in favor of increasing the preference to, say, 25 or 30 per cent.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

HON. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

Mr. DANIEL. That letter has been printed?

Mr. BERRY. It has been printed. It is Senate Document No. 94 of the present session.

I have heard—I do not know whether it has been printed or not—that subsequently the Secretary of War made some modifications in a private letter, or a letter at least that was written to the chairman of the committee, but not to the committee itself, in regard to his views on this question, but he presents the matter here in such a light that it seems to me it ought to be fatal to the bill.

He states that the number of American vessels which are engaged in that trade is very small; that the foreign vessels have uniformly underbid the American vessels, so that it has practically been carried in foreign bottoms. He says, furthermore, that confining it to a few would enable them to fix such exorbitant rates as the Government ought not to pay.

We all know, Mr. President, that the very moment the bidding is confined to the owners of American vessels, they are so few in number that they will make a combination or a trust, or whatever you may choose to call it, and they can force this Government to pay any exorbitant demand they may make or desire.

It is true that the Senate committee put on an amendment that the President might, on certain occasions, modify the law, but we all know that in practice that will not be done. The Secretary says that a bill of the kind he proposes is that the goods shall be carried in American vessels, provided they do not bid more than 25 or 30 per cent more than is bid by the owners of foreign vessels. Such a bill as that was introduced into the House of Representatives, but it was beaten on the ground that it was a subsidy to the shipowners. And it was beaten, Mr. President, upon the proper ground. It can be nothing else but a subsidy. If we provide here that the bidding shall be entirely confined to them, if we pay them three times as much as we otherwise would have to pay, and the Secretary says we would under this bill with even 30 per cent more, it is a subsidy to that extent, whatever it may be.

I know Senators may talk about appealing to American patriotism, and having the goods carried by American vessels. I would be glad if all of our transportation could be carried in American bottoms, provided it could be fairly done; but I am opposed, under whatever guise or whatever shape it may come, to voting a subsidy to these vessels. I do not think it is the policy of this Government to pay ship subsidies, and I do not believe it is fair to pass a bill here which will enable a few shipowners to charge the Government three times the cost that ought to be charged for carrying the goods belonging to the Government. On that ground I am opposed to the bill.

Mr. HALE. Mr. President, I know the deep-rooted sentiment of the Senator from Arkansas against a subsidy bill, and that sentiment is shared by a great many Senators besides the Senator from Arkansas, but this bill does not raise that question. The issue on a subsidy bill has passed certainly from this session of Congress. The ghost of that bill will not appear before the eyes of any Senator. This is in no respect a substitute for that, but with our dwindling commerce, constantly fading away, it is a reproach to us that what every other great nation does—transport

its military supplies in its own ships—we should not do in our own case.

Mr. BERRY. Will the Senator from Maine permit me to correct him right there in one moment? I will not take longer.

Mr. HALE. Certainly.

Mr. BERRY. My information is, from the evidence which came to the Committee on Commerce, that there is no law either in Germany, France, or Great Britain requiring their military supplies or any other supplies to be carried in their own vessels.

Mr. HALE. But France subsidizes her own lines—

Mr. BERRY. She subsidizes ships.

Mr. HALE. And in Germany and in other European countries it is all a matter of regulation—not of statute, but of regulation.

Mr. GALLINGER. Departmental regulation.

Mr. HALE. Yes. In Germany the war and naval departments are strictly limited by regulation to their own vessels for government transportation.

Mr. BERRY. The Senator may be correct as to what the practice is; but I repeat that, according to the information furnished the committee, there is no law in Germany requiring it.

Mr. HALE. No; it is there done as the European powers do many of those things—by regulation.

Mr. BERRY. While I have the floor, with the Senator's permission, I will answer him. He thinks this bill has no feature of a subsidy. I will ask the Senator to answer this question: If we pay three times as much, or even 30 per cent more, for carrying in American ships than we do in foreign vessels, is not that a direct gift or subsidy, or whatever you may choose to call it, to the owners of American vessels?

Mr. HALE. Mr. President, it is only doing what we do in our coasting trade. We confine it to American ships; and under that provision the coasting trade, while every other trade has run down to almost nothing, is doubling every six or eight or twelve years.

Mr. PERKINS. Will the Senator from Maine permit me to answer the Senator from Arkansas in relation to the testimony before the Committee on Commerce?

Mr. HALE. I will.

Mr. PERKINS. I will take but a moment. I want to interject here at this point the statement that, while it is true there is no law requiring it, there was no evidence that any European government, whether England, France, Germany, or Russia, ever transported one dollar's worth of supplies for their army or their navy in ships flying the flag of any other nation. As a matter of fact, with the permission of the Senator from Maine, I wish to say that there is no instance on record where England has ever in all her great transportation business given a dollar's worth of freight to any other nationality, although the ships of Norway and Sweden operate from 15 to 25 per cent less than do the ships of England.

Mr. HALE. Undoubtedly, Mr. President, there is a natural feeling of fitness and pride in the product of their own people, which induces nations to have their stores, munitions of war, and everything of that sort transported in their own ships; and that is all that is asked here.

We have here the letter of the Secretary of War. The letter which was read applied to other conditions. The Secretary has suggested one or two amendments. One amendment is that the Secretary of the Navy and the Secretary of War may be allowed to suspend the operation of this act. If that is at all essential, instead of leaving it in the hands of the President, that can be done; but it amounts to the same thing. Undoubtedly the Senator will see that it makes no difference whether the President is authorized to suspend, or the two Secretaries who have charge of these two Departments. If the President suspends, technically he will refer the matter to one of the Secretaries.

The original provision was:

That the President of the United States may from time to time suspend, in whole or in part, section 1 of this act whenever, in the interests of the national defense—

That would limit it to a condition of war; but we propose to insert as an amendment the following:

or for the protection of the interests of the Government.

If the Secretary of War or the Secretary of the Navy should find by any possibility a combination which attempts to impose upon them undue prices, then, for the protection of the interests of the United States, either of the Secretaries or the President himself may suspend the operation of the act. So that reason for not passing the bill ceases by this amendment.

Mr. CLAY. I ask the Senator, does not the Secretary of War recommend most heartily the following amendment:

I think the same result can be accomplished and this danger avoided by changing the form of the bill so that it will authorize a preference to American shipping, providing the charge made does not exceed the prices bid by the owners of foreign vessels more than a specific percentage.

Mr. HALE. That is the original letter, and what I am talking about is as to what occurred afterwards.

As to the point that has been made by the opponents of this bill and of another bill—the Secretary alluded to that; he was not then informed—that there were no American ships of sufficient numbers to do this trade and that it would be thrown into the hands, as the Senator says, of a few shipbuilders and shipowners, I have here lists of the ships that are waiting to do this business, steamships with capacity amounting to 145,512 tons on the Pacific and 160,900 tons on the Atlantic, besides all the sailing vessels, and they are waiting for this business.

Mr. President, I stake any reputation that I may have for being able to see things as they actually occur that if this bill simply puts in practice the practice of every other great nation of transporting its own supplies in ships of its own country, while there will at first be perhaps some little increase in rates—and I think that will not be very much—the competition is such that it will prove to be true, just as it has in the Hawaiian Islands, where the rates for transporting in our own ships are not now higher than they were ten years ago, before annexation.

It is, Mr. President, a crying shame, with American-built ships, built by American workmen, owned by American shipowners, standing ready before the Government asking for the poor boon of transporting its supplies in their ships, that our Government shall do differently from every other government and open that business to the competition and service of foreign tramps. I have not stated that so strongly as I wish that I could, but I have stated it as strongly as I can.

I will insert these lists here, because I do not care to read them, as I promised that the bill should not take much time. I am more than willing to leave this question to the Senate as it stands now.

The lists referred to are as follows:

APPENDIX A.

Steamships available for Philippine trade between Pacific ports and the Philippines after July 1, 1904.

[Page 44, Report for 1903 of Commissioner of Navigation.]

Vessel.	Gross tons.	Owner.
Siberia	11,284	Pacific Mail Steamship Co.
Korea	11,273	Do.
Manchuria ^a	13,500	Do.
Mongolia ^a	13,500	Do.
City of Peking	5,079	Do.
China	5,060	Do.
Peru	5,528	Do.
Minnesota ^a	21,000	Great Northern Steamship Co.
Dakota ^b	21,000	Do.
Tremont	9,606	Boston Steamship Co.
Shawmut	9,606	Do.
Lyra	4,417	Do.
Hyades	3,753	Do.
Pleiades	3,753	Do.
Victoria	3,502	Northern Pacific Steamship Co.
Olympia	2,897	Do.
Tacoma	2,811	Do.
Total	145,512	

^aLaunched.

^bBuilding.

APPENDIX B.

Steamships available for Philippine trade between Atlantic ports and the Philippines after July 1, 1904.

Name of vessel.	Dead-weight capacity.	Net register.
	Tons.	Tons.
Maine	12,000	5,077
Missouri	12,000	5,077
Massachusetts	12,000	5,131
Mississippi	12,000	5,131
Minnetonka	7,000	3,860
Minnewaska	7,000	3,862
Northwestern	3,300	1,299
Northeastern	3,300	1,498
Northman	3,300	1,306
Northtown	3,300	1,297
J. L. Luckenbach	6,000	3,198
Lewis Luckenbach	5,500	2,574
Harry Luckenbach	4,500	1,799
Julia Luckenbach	4,500	1,977
Lansing	7,000	3,600
Roma	4,000	2,164
Washtenaw	4,250	2,003
Argyll	4,250	1,880
Mackinaw	4,000	2,005
Leelanaw	3,500	1,577
Edith	3,500	1,495
Dorothy	3,500	1,629
Evelyn	2,800	1,185
Mae	2,900	1,281
Pathfinder	4,500	1,800
Indiana	4,000	2,561
Pennsylvania	4,000	2,567

Steamships available for Philippine trade, etc.—Continued.

Name of vessel.	Dead-weight capacity.	Net register.
	Tons.	Tons.
Conemaugh	3,000	1,739
Hugoma	3,200	1,284
Lassell	2,500	1,225
Mineola	4,000	1,861
Total	160,900	74,704

NOTE.—Some of these steamers are now employed in the tank oil trade, but they are capable of quick conversion.

POSSIBLY AVAILABLE FOR PHILIPPINE TRADE.

Name of vessel.	Dead-weight capacity.	Net register.
	Tons.	Tons.
Texan	12,000	5,636
Alaskan	12,000	5,621
Arizonan	12,000	5,621
American	8,500	3,643
Hawaiian	8,500	3,651
Oregonian	8,500	3,651
Californian	8,500	3,716
Nebraskan	5,000	2,824
Nevadan	5,000	2,824
Total	80,000	37,187

APPENDIX C.

Available for Philippine trade—Atlantic or Pacific Ocean.

SAILING SHIPS OF IRON OR STEEL.

Name of vessel.	Dead-weight capacity.	Net register.
	Tons.	Tons.
Abby Palmer	3,000	1,705
Balelutha	2,700	1,554
Star of Bengal	2,900	1,694
Star of France	2,600	1,523
Star of Italy	2,700	1,571
Star of Russia	3,200	1,892
Falls of Clyde	3,000	1,748
Marion Chilcote	2,600	1,510
Acme	5,500	2,987
Astral	5,500	2,987
Atlas	5,600	3,006
Fort George	3,000	1,705
Tillie E. Starbuck	3,100	1,829
Hawaiian Isles	3,800	2,027
Nuanu	1,800	977
Foongh Suey	1,800	961
Willscott	3,600	1,856
Clarence S. Bement	3,000	1,727
John Ena	4,500	2,568
Homeward Bound	3,600	1,987
Bangalore	2,800	1,559
Arthur Sewall	5,500	2,919
Dirigo	5,000	2,845
Edward Sewall	5,500	2,916
Erskine M. Phelps	5,000	2,715
Kenilworth	4,000	2,187
William P. Frye	5,600	2,998
Andrew Welch	1,500	863
Archer	1,500	845
Coronado	1,800	1,007
Diamond Head	1,600	952
Euterpe	2,000	1,247
Himalaya	1,600	976
J. C. Pfinger	1,800	1,007
Kaialani	2,600	1,430
Mauna Ala	1,400	779
R. P. Rithet	1,600	1,043
Roderick Dhu	2,600	1,452
Thomas W. Lawson	8,000	4,914
Wm. L. Douglas	6,000	2,740
Kineo	3,600	1,867
Total	138,500	77,075

SAILING SHIPS OF WOOD—UNDER 25 YEARS OLD.

Name of vessel.	Dead-weight capacity.	Net register.
	Tons.	Tons.
Roanoke	5,500	3,847
Shenandoah	5,400	3,154
Susquehanna	3,900	2,590
Aryan	3,500	2,017
A. C. Ropes	3,600	2,342
A. J. Fuller	3,100	1,782
Abner Coburn	3,200	1,879
B. F. Packard	3,400	2,026
Berlin	3,000	1,553
Charles E. Moody	3,200	1,915
Charmer	3,100	1,881
E. B. Sutton	3,100	1,753
Emily F. Whitney	2,000	1,249
Emily Reed	2,400	1,565
G. E. O. Curtis	3,100	1,746
Gov. Robie	3,000	1,627
Helen A. Wyman	3,000	1,664
Guy G. Goss	2,900	1,594
Henry B. Hyde	3,800	2,463
Henry Felling	3,300	1,890
Henry Villard	2,600	1,453
I. F. Chapman	3,300	2,088
James Drummond	2,400	1,557

Available for Philippine trade—Atlantic or Pacific Ocean—Continued.
SAILING SHIPS OF WOOD—UNDER 25 YEARS OLD—continued.

Name of vessel.	Dead-weight capacity.	Net register.
	Tons.	Tons.
John Currier.....	3,200	1,346
Kennebec.....	3,300	2,025
Jos. B. Thomas.....	3,200	1,851
Luzon.....	2,900	1,339
Manuel Llaguno.....	3,000	1,650
Pactolus.....	2,900	1,585
S. D. Carleton.....	3,100	1,788
S. P. Hitchcock.....	3,400	2,178
St. Frances.....	3,200	1,890
St. James.....	2,500	1,488
Servia.....	3,100	1,773
Tacoma.....	3,100	1,739
W. A. Babcock.....	3,600	2,029
Wm. H. Macy.....	3,200	2,002
Wm. H. Smith.....	3,300	1,908
Total.....	122,100	72,222

SCHOONERS OF WOOD—UNDER 7 YEARS OLD—OF 3,000 TONS CAPACITY AND OVER.

Baker Palmer.....	4,000	2,240
Fannie Palmer.....	3,800	2,075
Marie Palmer.....	3,000	1,495
Maud Palmer.....	3,000	1,539
Paul Palmer.....	3,500	1,763
Prescott Palmer.....	4,000	2,307
Rebecca Palmer.....	4,000	2,125
Wm. B. Palmer.....	3,400	1,625
Cora F. Cressy.....	3,800	2,089
Eleanor A. Percy.....	3,600	3,062
Helen W. Martin.....	3,500	2,020
M. D. Cressy.....	3,300	1,884
Martha P. Small.....	3,400	1,903
S. P. Blackburn.....	3,200	1,537
George W. Wells.....	5,400	2,743
T. Charlton Henry.....	4,300	2,149
Van Allens Broughton.....	4,000	1,905
Henry O. Barrett.....	3,200	1,564
Jas. Pierce.....	3,200	1,530
Nathaniel T. Palmer.....	4,000	2,244
O. C. Curtis.....	3,800	2,000
Wm. C. Carnegie.....	4,300	3,380
Addie M. Lawrence.....	4,400	2,195
Dorothy Palmer.....	5,000	2,315
Governor Ames.....	3,200	1,597
G. G. Deering.....	3,300	1,714
Total.....	99,500	51,980

Mr. DANIEL. Mr. President, it seems to me that the chief argument that could be used in favor of this bill is that it adds a new pang to the horrors of war and entails upon the United States an addition in the expense of her taxpayers in an unprofitable investment which we now hold.

On page 2 of the report from the Committee on Commerce there is a statement of the vessels which are now engaged in the trade between the Pacific coast ports and Hongkong. I will ask to insert that statement, without reading it all, so that it may be seen when those vessels were built and what their number is.

Vessels engaged in trade between Pacific coast ports and Hongkong.

Name.	Gross tons.	Speed.	Year built.	From—	Owner.
Siberia.....	11,284	19	1903	San Francisco..	Pacific Mail Steamship Co.
Korea.....	11,276	19	1902	do.....	Do.
Manchuria.....	13,500	16	1903	do.....	Do.
Mongolia.....	13,500	16	1903	do.....	Do.
City of Peking.....	5,067	14	1874	do.....	Do.
China.....	5,060	17	1889	do.....	Do.
Peru.....	3,528	14	1892	do.....	Do.
Minnesota.....	21,000	14	1903	Puget Sound...	Great Northern Steamship Co.
Dakota.....	21,000	14	1903	do.....	Boston Steamship Co.
Tremont.....	9,606	14	1902	do.....	Do.
Shawmut.....	9,606	14	1902	do.....	Do.
Lyra.....	4,417	10	1901	do.....	Do.
Hyades.....	3,753	10	1900	do.....	Do.
Pleiades.....	3,753	10	1900	do.....	Do.
Victoria.....	3,502		1870	do.....	Northern Pacific Steamship Co.
Olympia.....	2,837		1883	do.....	Do.
Tacoma.....	2,811		1870	do.....	Do.
17 steamers.....	145,512				

There are seventeen of these steamers. Eleven of them have been built recently—that is, in the twentieth century, since the year 1900—showing that the building of vessels and the increase of commerce between those ports is now progressing without any subsidy on the part of this Government.

A second fact we may gather from this statement is that four companies own all of these vessels. The first is the Pacific Mail

Steamship Company, which owns seven; the second largest is the Boston Steamship Company, which owns six. The only other two companies are the Northern Pacific Steamship Company, which owns three, and the Great Northern Steamship Company, which owns one.

If we put the commerce of our Government at the mercy of these corporations, it only means a meeting together of their heads and the declaration of the highest tariff that they think will be submitted to by the Government of the United States.

It will be conceded by all that our merchant marine is in no flourishing condition. The scheme that has been debated in Congress for the most part has been a subsidy scheme. That scheme hitches and hangs fire. It is very evident that there is a powerful sentiment in this country against it, while there are very active and powerful commercial forces for it. If the subject is to be dealt with at all in a grave, philosophical manner, it ought to be all dealt with at once. If the subsidy scheme embodies the rightful method of dealing with it, Congress should take it up and act upon it. So far we do not perceive, and can not definitely know, whether that will be done at this session of Congress or no. If it be not done, other methods of improving the merchant marine ought to be considered.

Several other methods have been suggested. One of them, that of preferential freights to American vessels, was advocated a year or two ago very strongly by the Senator from West Virginia [Mr. ELKINS].

It does not seem to me that it would be wise, Mr. President, to enter upon this great subject in so piecemeal a fashion as this, and this fashion, so far as it goes, it seems to me, is a very unjust one.

We are informed by the Secretary of War that for the most part the freights of this Government in supplying stores for our armies and for our naval vessels in distant parts are carried by the Government transports, vessels of the United States in the sense that they belong to and are the property of the United States.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

Mr. DANIEL. Yes.

Mr. GALLINGER. If the Senator will refer to the report made on this bill by the President pro tempore of the Senate [Mr. FRYE], he will find a letter from the Secretary of the Navy, Mr. Moody, in which he says:

During the last fiscal year there were 3,930 tons of stores other than coal shipped to foreign ports, in the following way: English bottoms, 2,179 tons; German bottoms, 1,301 tons; American bottoms, 573 tons; French bottoms, 77 tons.

So that American vessels carried less than 10 per cent of that amount. Probably the Senator fell into an error in reference to that.

Mr. DANIEL. I will read, Mr. President, what I believe my friend from Arkansas [Mr. BERRY] has already read, the statement of the Secretary of War. It is as follows:

I think, however, that there is great danger that the passage of this bill in its present form would involve the Government in serious difficulty and unwarranted expense.

These are strong words, Mr. President, to come from the head of the Department which has charge of this matter.

The number of American vessels available for shipment from the Atlantic coast to the Philippines is so small that a rigid requirement that shipments should be made in American vessels only would put the Government entirely at the mercy of a very few individuals, who could charge any price they wished.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. DANIEL. The Secretary of War continues:

The only alternative to the possible payment of exorbitant prices for shipments from New York to Manila would be sending the freight by rail to the Pacific coast, and thence by ship to Manila.

Now, I yield for a question, with pleasure.

Mr. BEVERIDGE. I notice in the report accompanying the bill a list of American bottoms.

Mr. DANIEL. I have just had that laid before the Senate.

Mr. BEVERIDGE. I was going to ask the Senator whether it does not appear from the difference arising between the letter of the Secretary of War, which has just been read, and the report accompanying the bill that perhaps the Secretary of War, when he wrote that paragraph, did not have before him the information as to the amount of American tonnage available for the business? Certainly there is a discrepancy between his statement and the statement of facts in the report. I call the attention of the Senator to that.

Mr. DANIEL. There may be, sir, as much contradiction in the reports which we have on this subject as there is in the arguments employed in its defense, for the Senator from Indiana will perceive that of these seventeen vessels which are now engaged in the Eastern trade from Pacific ports eleven of them have just been built; and that far the larger number of those vessels are new vessels which are just entering upon this commerce. If our commerce is improving at that rate without any subsidy, why should we hasten in this method to offer a subsidy?

Mr. HALE. Does not the Senator know—for he is a Senator of very wide range of information—that under the expectations of increased trade in the east, and, more especially, under the expectation of the passage of a subsidy bill that would put our merchant marine upon the basis of that of France and England and Germany, there was a stimulation of building in American shipyards, and that these new ships have been disappointed in their expectations, and all that is left for them is the little pittance of transporting Government supplies to our foreign possessions? It is not because the trade is overstocked with work that the ships were built, but because of the stimulation that was afforded by the expectation of what would be done. Many of these ships now lie upon the waters without work, without service, without anything to do.

While I am on the floor, let me say to the Senator that in his statement of the ships that are controlled by four or five companies he has not taken into consideration the tables which I have got of more than forty ships outside of those he has enumerated of a larger tonnage, and more than thirty ships of 100,000 tons, smaller than the larger kind that are entirely outside of these companies.

Mr. BEVERIDGE. How many of those are on the Atlantic coast?

Mr. HALE. A portion of them.

Mr. DANIEL. May I ask where that table appears in any document we have?

Mr. HALE. It does not appear in any document.

Mr. DANIEL. Then how could I have taken it into consideration?

Mr. HALE. I say the Senator could not; but it has been produced before the committee, is certified to, and is authentic.

Mr. DANIEL. That may be. Mr. President, I do not know as much about this subject as the Senator from Maine. He is upon committees that are constantly dealing with it, and I am not. I certainly do not know the facts that he states or assumes to be true, and I do not know that he knows those facts to be true.

Mr. HALE. As I have said, I know the detailed statements were brought out at a hearing before the committee, and they have been before Congress in that way.

Mr. DANIEL. Somebody may have testified on that subject in the hearing of the Senator from Maine, but we can not judge matters in this body by the Senator's hearsay report of what some swift witness, perhaps, who wants a subsidy has said as to its benefits or influence, when we can not inspect that testimony and know the witness and the standpoint he speaks from.

Mr. PERKINS. Will my friend permit me to ask him a question?

Mr. DANIEL. With pleasure, sir.

Mr. PERKINS. My colleague [Mr. BARD] and myself yesterday received a telegram signed by the secretary of what is known as the Shipowners' Association of California, saying there was adequate tonnage, not only to transport the Government business, but also the trade between the Pacific coast States and the Philippine Islands. He also said that there were nearly 100,000 tons of unengaged tonnage of American ships now lying idle at San Francisco and Oakland and harbors tributary thereto. This is testimony which I believe my friend would take from that association if they sent him a similar telegram.

Mr. DANIEL. I hope the Senator will lay this important information before the Senate.

Mr. PERKINS. The ships I have just referred to are in addition to those enumerated by the Committee on Commerce in their report, which aggregate 145,512 tons. The ships mentioned in that report are already engaged in business, while these other vessels are lying idle.

Mr. DANIEL. I hope, Mr. President, that this important information, which comes from a witness of the Senator from California and has just been received by telegraph from that State by the Senators from that State, may be duly considered when this subject is brought up in such a manner that it may command that comprehensive kind of consideration that it should receive before it is dealt with.

Mr. LODGE. Will the Senator allow me?

Mr. DANIEL. It but adds another objection to this piecemeal method of dealing with great subsidy propositions and with great and continuous matters of public concern.

When this bill is passed, while it will be referred to by the Senator who calls it up as "a little bill," and will be pointed out in the reports as concerning only a little scrap of trade, it will be heralded throughout the country as a great victory for the subsidy scheme, as a concession and illustration of the doctrines which are hereafter to be pursued.

Now I yield to the Senator from Massachusetts.

Mr. LODGE. I want to say to the Senator that, in connection with another bill, this matter of the number of ships employed in the Atlantic and Pacific trade, both steamships and sailers, was

all put in in formal testimony with the evidence of the owners. It was all done with the utmost thoroughness in public hearings, and no evidence could have been more fully and absolutely presented than that then was.

Mr. BEVERIDGE. And it was earnestly combated.

Mr. LODGE. And it was combated at the time, but not affected by that fact at all.

I thought it was desirable to call the Senator's attention to the fact that this is not a sudden thing. It has all been put in; it has all been heard, and is all here in the reports of the hearings before the Philippines Committee. It was the presentation of these facts in regard to American ships—

Mr. DANIEL. What is the date of that hearing?

Mr. LODGE. The 21st of January.

Mr. DANIEL. Of this year?

Mr. LODGE. Of this year. And while on that point, Mr. President, I think it is fair to say that the Secretary of War, when he wrote that letter, had not seen these statistics of tonnage, and that after he saw them he modified his views very much.

Mr. DANIEL. Any modification of the views of the Secretary of War on this subject ought to be presented to the Senate.

Mr. LODGE. The Senator is aware that the Secretary of War went out of office at just that time.

Mr. DANIEL. There is another Secretary of War who went in when Secretary Root went out.

Mr. LODGE. But he has not got the views of the other Secretary.

Mr. DANIEL. I have only got the views of the other Secretary as expressed in a document to Congress. If he had any subsequent views to submit, it is to be assumed that he would have taken the proper method to communicate them to the Senate, so that the Senator from Massachusetts would not enjoy the monopoly of knowing exactly what they were.

The hearsay report of the Senator from Massachusetts as to the modification of the views of a departed Secretary, who has entered upon more lucrative business, especially when the Senator does not state to this body to what degree or in what respect they were modified, does not furnish very much light for a debate of this character.

I only rose, Mr. President, to make a few brief remarks on this subject and to point out what seems to me to be the wisdom of our procedure on it, and that is not to take up the great matter of our merchant marine in a piecemeal fashion.

There is one other, to my mind, very grave objection to this bill. It is the unexpected that happens with respect to war. Wars do not always announce themselves long beforehand. When they come their demands are immediate, imperative, exigent. This bill concerns the transportation of supplies for sailors and soldiers which are needed promptly, which should go instantly, which should be impeded as little as possible, which should have the right of way, and be stimulated by every facility that the Government can afford. I do not think it is wise as to these supplies, which may be needed for men in a fortification, or men who have guns in their hands in front of the enemy—I do not think that that portion of American freight ought to be put at the mercy of a few men who, the Secretary of War has said, can then crowd the Government with exorbitant prices and put it at their mercy.

Mr. HALE. If the Senator will allow me, the committee thought of that and put it in the bill.

Mr. DANIEL. I wish the Senator—

Mr. HALE. If the Senator will allow me, has the Senator read the first part of section 2, which provides that the President of the United States may from time to time suspend, in whole or in part, section 1 of this act whenever, in the interests of the national defense—

Mr. DANIEL. I prefer, Mr. President, that the Senate of the United States should pass the laws of this country, and let them stand. I do not believe in the President of the United States suspending the laws that we make.

Mr. HALE. But the Senator's point was that we would be at the mercy of these shipowners in time of war; in stress of weather. I say the committee thought of that and provided in just such a case that this provision should be suspended. They went further than that, and provided that when at any time it was to the interest of our Government a lower bid might be accepted. The committee cared for all that.

Mr. DANIEL. The bill does not provide that it shall be suspended. There is simply a provision that the President of the United States may suspend it.

Mr. HALE. Has the Senator any doubt that he would in case of war?

Mr. DANIEL. I do not know who may be President of the United States. I know the pressure that often gathers around the President of the United States, which is to be appeased by this or that; and I would not put it in the power of the President of

the United States or of anyone else. I would take it out of the power of man, and leave it as it is now, under the control of commerce and the business of the world.

Mr. BEVERIDGE. Will the Senator from Virginia permit a question?

Mr. DANIEL. Certainly.

Mr. BEVERIDGE. The Senator is making a point as to war. I believe it is true, is it not, that Congress must declare war?

Mr. DANIEL. That was once the opinion of the Senate.

Mr. BEVERIDGE. Whether so or whether not, if war was at hand Congress would of course be in session. Does not the Senator think that the Congress would vote unanimously, in case of emergency, to suspend the operations of the act, even if it was not put in that the President might do so?

Mr. DANIEL. I do not know, Mr. President.

Mr. BEVERIDGE. I would ask the Senator whether he thinks there is any real substantial danger in the point to which he is now addressing himself?

Mr. DANIEL. Mr. President, I should not have made the point if I did not deem it worth considering.

Mr. BEVERIDGE. That perhaps was not put fortunately upon my part.

Mr. DANIEL. We sometimes have very warlike conditions of peace. We have been all along at peace, perfect peace, with the Republic of Colombia, while we have had our guns dropped upon her soldiers and have commanded them clear of their own country.

Mr. BEVERIDGE. I will say to the Senator that I was, perhaps, unfortunate in the form of the question which I put to him. The meaning of the question, however, was that in view of the fact that Congress itself must declare war, and would certainly be in session in case of any hostilities that really threatened the country, was there any particular practical danger in view of the fact that Congress would undoubtedly immediately unanimously suspend the operation of the law, even if the President were not authorized to do so?

Mr. DANIEL. My honorable friend the Senator from Indiana can speculate upon that subject as readily as anyone else.

When a country gets in the confusion of war strange things happen, and no man can tell what it will be until it arises. I imagine that the reasonable and sensible American people and their sensible Congress would do what was wise and just in such an emergency. But there is no use in allowing a disease to arise because you think you will find, when it does arise, a good doctor to cure it. The teaching of medicine is that the prevention of disease is the highest order of science; and so in lawmaking, no room for difficulties of that sort to arise is better than to speculate on providing a remedy after they may have possibly arisen.

Mr. President, I will conclude what little I have to say on this subject by repeating what the Secretary of War says, that to do what is asked here will put the Government entirely at the mercy of a few individuals who may charge any price they wish. I do not think the Congress ought to do that. I do not think it will do it. And the Secretary states that the only alternative would be the possible payment of exorbitant prices for shipments from New York to Manila by sending the freight by rail to the Pacific coast and then by ship to Manila.

Mr. PERKINS. Mr. President, I desire to say only a word in answer to my friend the Senator from Virginia [Mr. DANIEL]. He is laboring under a misapprehension as to the tonnage on the Pacific coast. I have already stated that which belongs to the merchant service, but the Government of the United States owns twenty-two transports on the Pacific coast. I think their average tonnage is perhaps 4,000. That would make 88,000 tons which the Government has. We pay but very little to other vessels for the transportation of freight—nothing for the soldiers. It is principally done in our own transports—those belonging to the Government. But there are times when the Government wants to ship a small quantity, and it is cheaper to give it to an outside vessel of small tonnage than to use one of the larger transports belonging to the Government.

Mr. DANIEL. Will my friend allow me to interrupt him for a moment?

Mr. PERKINS. Certainly.

Mr. DANIEL. I beg leave to say that I am under no misapprehension on the subject, nor did I make any statement of what is the tonnage on the Pacific coast. I merely pointed out the fact, stated in the report of the committee, that there are seventeen vessels engaged in the trade between Pacific ports and Hongkong—not the East, but Hongkong.

Mr. PERKINS. That is very true; but the report does not enumerate those vessels which are not engaged in the regular trade—those we call "tramp vessels," which have no particular route; and the tonnage of these vessels on the Pacific coast, I believe, will aggregate nearly a hundred thousand tons. They are to-day unemployed, for the reason that there is no profitable business for them to engage in.

The point which my friend the Senator from Virginia overlooked, or at least did not present to us for our consideration, is that there seems to be no particular necessity for the Government to charter other vessels at this time, for, as I have stated, the Government owns and operates twenty-two transports that are now on our coast.

Mr. BERRY. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. BERRY. The Secretary of War says in this report that it costs \$28 a ton to ship freight from New York to San Francisco before it ever starts across the Pacific Ocean to Manila. He furthermore says that under the present system of letting to the lowest bidder he can have freight carried from New York to Manila for eleven dollars and something. I think it is, per ton, while it costs \$28 per ton to get it to San Francisco, where you say these vessels are lying there idle.

Mr. PERKINS. You might as well say that it costs \$10 or \$15 additional to bring merchandise from England to New York as to quote the rate from there to San Francisco or Puget Sound. We have there everything that the soldiers of our army in the Philippine Islands desire to use which is produced from the soil and by the loom and in the factory and the machine shop. Therefore it is not worth while to consider the cost of transportation across the continent.

Mr. MITCHELL. May I ask the Senator from California a question?

Mr. PERKINS. Certainly.

Mr. MITCHELL. It is for information. Can the Senator state the amount of American tonnage on the Pacific coast to-day, outside of vessels owned by the Government—transports?

Mr. PERKINS. Those that are engaged in the regular business between Puget Sound, the State of Washington, the State of Oregon, and the State of California, and the Orient, according to the Committee on Commerce, which was carefully compiled by the clerk, aggregated 145,000 tons.

But we have, as I stated before the Senator came in, nearly a hundred thousand tons of vessels which are to-day disengaged, seeking employment, seeking charters to the Orient, the Philippine Islands, Australia, and elsewhere.

Mr. MITCHELL. Can the Senator state about into what number of vessels this tonnage is divided? What is the total number of vessels, outside of transports owned by the Government, running out of Pacific coast ports of the United States to the Orient?

Mr. PERKINS. I think the testimony which was given before the Committee on the Philippine Islands is in print. Therefore, that is better than for me to speak from memory.

But aside from those which have been enumerated, I have called the attention of my friend the Senator from Virginia to the fact that the Government owns twenty-two transports, which the people have bought and paid for, and when it is to the interest of our Treasury that cargoes of men and munitions shall be transported by those vessels, it is always done.

Parenthetically, I want to say that I have no friends who are interested especially in any particular vessel or line of vessels or in any company. I do not myself own a dollar of interest in any of these vessels. I am in favor of the bill because it is in the public interest; in the interest of the people. The shipowner pays taxes where the vessel is registered in all the States, with one or two or three exceptions. There they are exempt from taxation. In my own State, in the State of Oregon, and in other States, every vessel that is registered at the custom-house pays city, municipal, county, and State taxes. They are officered by American citizens, and at least 50 per cent of their crew must be American citizens. They have their homes, their families, in the ports from which the vessel sails. Why should we not keep this money at home among our own people and pay it to our own mechanics, to our own sailors and officers who navigate and man and equip these vessels, and who purchase their supplies in our own ports and cities?

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the gentleman from Colorado?

Mr. PERKINS. Certainly.

Mr. PATTERSON. Did I understand the Senator to say that on all American vessels plying between the United States and the Philippines 50 per cent of the crew must be American citizens?

Mr. PERKINS. On those that are receiving mail subsidies.

Mr. PATTERSON. Oh! But it is not true as to American vessels that do not receive mail subsidies?

Mr. PERKINS. Their officers must be American citizens.

Mr. PATTERSON. Yes.

Mr. PERKINS. Their crew may be of other nationalities.

Mr. PATTERSON. I would ask the Senator from California whether the reason that is ordinarily given in favor of protection exists in this case, namely, to make good the difference between American and foreign labor? Is it not a fact that the steamers

on the great lines plying between the Pacific coast and Asia are all manned by Chinese?

Mr. PERKINS. The Senator is aware that no officer, from the captain to the assistant engineer, can be an officer or receive his license on a ship of American register flying the Stars and Stripes unless he is an American citizen.

Mr. PATTERSON. I did not suppose that the officers—the captain and the mates—of American ships were Chinese, but I understand the fact to be that the crews—the cabin hands, the men down in the stokeholes, everybody below the dignity of what may be termed a commissioned officer—are Chinese. Now, if that is true, and I think it is, why should we afford protection of the kind that is prohibition simply because it is the Government that may be engaged in the transportation?

Mr. PERKINS. To my knowledge there is not a Chinese upon any Government transport sailing out of San Francisco.

Mr. PATTERSON. Oh, no. I agree with the Senator from California that this bill is not intended for the benefit of Government transports.

Mr. PERKINS. It is intended for ships of American register.

Mr. PATTERSON. Ah; but there is a wide difference between ships of American register and Government transports.

Mr. PERKINS. They must be built in the United States.

Mr. PATTERSON. Does the Senator say that no ship with an American register is manned wholly by Chinese, outside of its officers?

Mr. PERKINS. I say that no ship can have an American register and fly the Stars and Stripes unless she was built in the United States or, having been wrecked, has had 75 per cent of her value spent upon her here.

I mean to say that the ship must be built by Americans, in American shipyards, from American materials brought from our forests and from our mines. Then, when it is manned and equipped, every officer must be an American citizen or have declared his intention of becoming an American citizen. Every man on that ship, or a certain percentage of them, must be an American citizen.

Mr. BERRY. Oh, no.

Mr. BACON. The Senator is mistaken about that.

Mr. PATTERSON. The Senator from California is mistaken about the man part.

Mr. PERKINS. A certain percentage must be American citizens.

Mr. PATTERSON. We have had that matter under discussion in this body before, and I have accepted it as true, and my conclusion was the result of investigation, that so far as concerns American vessels not engaged in the coastwise trade and American vessels with American registers plying between Pacific coast ports and the Philippines (and to all intents the Philippine Island ports are foreign ports) they are manned by Chinese, except as to officers. The cabin hands, the crew, the firemen, the whole body of employees on board of American vessels plying between the Pacific coast and foreign ports are Chinese. If that is true, why should we say that the Government shall ship only in vessels of that kind and not say that the Government shall not purchase anything but that which is an American product?

Mr. PERKINS. I will speak of that of which I have personal knowledge. The ships plying between San Francisco and the Hawaiian Islands, the ships plying between San Francisco and Australia and New Zealand, the ships plying between San Francisco and Central American ports and the Isthmus of Panama are manned wholly in their crews by American citizens or those capable of becoming American citizens.

I am advised, and that is what my friend the Senator from Colorado evidently refers to, that the ships plying to the Orient have a large number of Chinese firemen and in the steward's department and also among the sailors. I make no defense of that class of people. I am speaking for American ships, and the law requires that a certain percentage of their crews and all their officers shall be American citizens.

Mr. HALE. I am entirely willing that the Senate shall take a vote on the matter.

Mr. BERRY. Mr. President, I wish to reply, in just a few words, to what has been said by the Senator from California [Mr. PERKINS]. I do not want to restate what I said before.

The Senator from California spoke about this money going to American citizens. He then went on to recite the fact that there are a number of vessels now idle on the Pacific coast. The Secretary of War says that most of the supplies for the army in the Philippines have been carried in Government transports, and he gives the amount which has been carried otherwise. As I have said, Congress, not being willing to leave it to the Secretary of War or to the President of the United States or anybody else to say what should be paid, passed a law providing that it should be left to the lowest bidder.

Now, under the present law foreign vessels carried freight from New York to Manila at \$11.91 a ton, and the Secretary himself says that if it is carried from anywhere on the Atlantic seaboard to the Pacific slope it costs twenty-eight dollars and some cents a ton to get it from New York to San Francisco before you start across the ocean with it. Yet the Senator from California would have that added to the cost, and would pay such additional sum to carry it from San Francisco to Manila as the few shipowners on the Pacific coast would agree that the Government should pay.

The Senator talks about patriotism and paying the money to American seamen and American officers, when, as the Senator from Colorado has said, the American vessels plying to foreign ports, it was proven in the Senate and proven by the personal observation of the Senator from Georgia, are manned, except their officers, by Chinese from the top to the bottom of the ship.

Mr. President, as I said before in reply to the Senator from Maine, who says that it has no feature of a ship subsidy, I care not whether he calls it a subsidy or whether he calls it a direct gift out of the Treasury to the owners of these American vessels. Senators speak about the large number of ships that are lying idle. Yet the Secretary tells us that on opening the bids there was not one of them that bid such a sum as would enable it to carry the freight under the law. If they carry it as cheaply as any other vessel, I should say, by all means, that the Secretary should employ American vessels. But when you propose that we shall confine the bidding to them, without any restraint except such as the President may choose to offer in time of great distress, you thereby enable a few individuals, as the Secretary says, to charge an exorbitant price and such as the Government ought not to pay.

I agree with the Senator from Virginia that you can not build up a merchant marine by such methods, and that the only result will be, if this bill becomes a law, to enable a combination of shipowners—a few individuals—to hold this Government up for such price as they think will be submitted to by the Government.

Now, that is the question fairly presented; and are we willing to give to the shipowners the difference between the cost of transportation charged under the present law and such sums as they may, after consultation with each other, agree they will make the Government pay? The Secretary of War himself says that it ought not to pass. We have a new Secretary of War. The Senator from Massachusetts said that the other Secretary entertained views different from those given by Secretary Root the Senator from Maine would have a letter from him here giving such a different opinion? I do not know what he believes about it; I have no idea, for I have not heard; but I do say that the Secretary of War, Mr. Root, wrote this strong document against it, and I think the Senate ought to vote down the bill.

Mr. HALE. Mr. President, has the amendment been adopted?

The PRESIDENT pro tempore. It has been.

Mr. CARMACK. What is the amendment?

Mr. BERRY. The committee amendment.

Mr. HALE. Inserting "or for the protection of the interests of the Government."

Mr. McCUMBER. I offer the amendment which I send to the desk.

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

The SECRETARY. On page 1, line 6, after the word "Navy," insert:

Provided, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

Mr. HALE. There is no objection to that.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate as amended.

Mr. BERRY. I will say that the Senator from Georgia [Mr. BACON], for whom I have sent, desires to offer an amendment to limit—

The PRESIDENT pro tempore. It can be offered in the Senate if there is no objection to reporting the bill to the Senate.

Mr. BERRY. I suppose he will be here in a few minutes. My understanding is that he wants to offer an amendment that the difference shall not exceed 30 per cent.

Mr. ALLISON. I was about to make a suggestion to the Senator from Maine, and I will make it in the form of an amendment. In line 3, after the words "United States," I move to insert "or belonging to the United States." Then I wish to strike out that portion of the first section down to the end of the section, beginning with the word "but." I think it is better phraseology.

Mr. HALE. If the Senator thinks it suits better, it covers the same point.

Mr. ALLISON. I think it suits better.

Mr. HALE. Very well. There is no objection to it.

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

The SECRETARY. In line 3, page 1, after the words "United States," it is proposed to insert "or belonging to the United States."

The amendment was agreed to.

Mr. ALLISON. Then strike out "but this section shall not be construed," etc.

The SECRETARY. In line 6, page 1, after the word "Navy," it is proposed to strike out the following:

but this section shall not be construed to prohibit the transportation of such articles by any vessel owned by any Department of the Government.

Mr. ALLISON. No Department of the Government owns vessels, but all these vessels belong to the United States.

Mr. HALE. That is all right.

The amendment was agreed to.

Mr. ALLISON. If I may suggest another amendment, it would be a modification of the amendment proposed by the committee, inserting "or for the protection or the interests of the Government." I think it ought to be "the interests of the United States."

Mr. HALE. Yes; that is true. Undoubtedly it means the same thing, but "the United States" is better than "the Government."

The amendment was agreed to.

Mr. ALLISON. Will the Senator allow me one more suggestion? It seems to me that thirty days is rather a short period for the taking effect of this proposed act. I would suggest ninety days, or sixty days at least.

Mr. HALE. Let it be sixty days. Although the bill has been pending more than two months, still I will accept sixty days.

Mr. ALLISON. A great many people may not know about it. The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. In line 9, page 2, it is proposed to strike out the words "one month" and insert in lieu thereof "sixty days." The amendment was agreed to.

Mr. BACON. I should like to ask the Senator in charge of the bill—I may not now recall it—whether there is any other statute or law the operation of which the President is authorized to suspend at will in his discretion.

Mr. HALE. Oh, yes.

Mr. LODGE. Yes.

Mr. HALE. Yes; there are, I will not say a great many, but we have—

Mr. BACON. I can not hear the Senator.

Mr. HALE. One is suggested to me, the law in reference to the Canadian bonding privilege; and if I had time I could give the Senator a half dozen instances.

Mr. BACON. I did not hear the one the Senator gave.

Mr. LODGE. The law granting the bonding privilege through Canada. The President has authority to suspend it.

Mr. HALE. It is all in certain emergencies, and that was covered by the original bill. Now, since then we have incorporated an amendment that the President may suspend it at any time when it is to the interest of the Government.

Mr. BACON. Do you mean the question of bonding?

Mr. HALE. No; I am talking about this bill now.

Mr. BACON. Yes; this bill. That is a very different matter.

Mr. HALE. The Senator will remember that in tariff legislation—

Mr. BACON. Yes; that is all very different from this.

Mr. HALE. The tariff legislation is different?

Mr. BACON. I mean in principle.

Mr. LODGE. Does the Senator think that suspending the bonding privilege with Canada is unimportant?

Mr. BACON. I did not say it was unimportant. I said it was different in principle.

Mr. HALE. Does the Senator think it would be better to pass the bill without leaving that power in the President?

Mr. BACON. As the Senator asks me the question, I will say that I am not in favor of the Executive being delegated practically legislative powers, and when you give to the Executive the power to suspend or to practically annul an act by an indefinite suspension you do confer upon him legislative power practically.

Mr. HALE. We give just this power in naval bills, that wherever the Secretary of the Navy is convinced that there is a combination against the Government the President may suspend the operation of the law and direct the other thing to be done. We have done that in a great many cases.

Mr. BACON. If the Senator will pardon me, that is very different. There the Executive is directed to perform certain work, and so far as practicable directing him how to perform it. That

is nothing more than vesting him with certain discretion as to how the particular work which is provided for in the law shall be executed by the executive department. But here is a general law which shall control the question of transportation, as to what ships shall be allowed to carry certain freights between certain points. It is a general law, and you put it absolutely within the power of the President to say when that law shall be in force and to say when it shall not be in force. There is no reason why the general navigation laws should not be put in the same way, so far as their operation is concerned, under the control of the Executive.

We have a law now which prohibits the carrying of freight between any two ports on the coast by other than vessels under American registry. Why should there not in that case be a provision that the President in his discretion may suspend that law and practically annul it? The same reasons could be urged that are urged as to this measure.

It is a fact Senators will recall that some two years ago, I think, the head of one of the Executive Departments—I have now forgotten which; I think it was either the Secretary of War or the Secretary of the Treasury—did, without any authority of law whatever, absolutely issue an order annulling the law which required that goods shipped between an American port and the Philippine Islands should be shipped in a vessel of American registry. All Senators will recall that fact. It was then commented upon in the Senate, and it was sought to be justified upon the idea or on the claim that the public emergency required it.

Of course this is a very much better provision than to have the executive department in that way disregard the positive requirements of the law, but unless there can be some reason urged which is very much stronger than any reason which occurs to me, there ought not to be vested in the Executive a power such as this.

If it be true, as urged by Senators, that it is important that the transportation of these goods should be limited to vessels of American registry, then let the law be passed and stand by it. If it is not true, then do not pass the law. If it is true, do not put it in the power of the Executive to annul the law. I do not say that in the interest of this particular measure, but I say it in the interest of the proper prerogatives of the legislative branch of the Government.

The question as to whether the President should make certain reciprocity treaties is not at all on all fours with this measure. It does not stand upon the same principle. Here is the operation of a general law, and, I repeat, there is no reason (there may be a particular reason, but I am speaking generally) why, wherever the emergency arose, the President should not have this power as to the general navigation law which does not exist as to this particular law proposed.

Mr. President, as our Government grows larger there is a natural tendency in the very vast multitude of its ramifications and the scope of its business that the executive department, which is intended only to execute the law which is prescribed by the legislative department, shall extend in its operations into the domain really of legislation in that it undertakes to do things not specifically warranted or authorized by law.

If we are going to enter upon this departure, if we are going to enter upon the departure that whether provisions of a general law, such as the navigation laws, shall remain in force or be suspended for a day, or for a year, or for ten years shall be in the discretion of the President, then we have taken a long step in the direction of abdicating the power which it was intended we should exercise and conferring it upon the executive department, which it was the direct intention of the Constitution it should not exercise. It is unnecessarily mingling the functions of the two departments of Government. If I had no other objection to this bill, that would certainly be a most radical one to me.

Mr. TELLER. Mr. President, there are unquestionably, as the Senator from Maine states, precedents for the second section. It does not make it any the less vicious because there are precedents for it. Precedents may establish the principle that Congress thought they had the right to do it, and yet it might be true that they did not have the right to do it.

The present statutes on the subject are explicit and positive as to what the executive department shall do and what the law forbids it to do. Now, it is proposed to repeal that provision of the law and to substitute a different system—that is, to provide that contracts shall be made on the part of the proper authorities with American shipowners. When the shipowner insists upon a price that is not satisfactory to the executive department, the executive department may under this provision, I suppose, decline to enforce the act, or, as the proposed statute here says, it may suspend it. I will read the second section:

That the President of the United States may from time to time suspend in whole or in part, section 1 of this act whenever, in the interests of the national defense, or for the protection of the interests of the Government, such suspension may seem to him desirable.

The President may suspend it under those conditions.

Mr. President, what is, then, the method of securing the transportation of these goods? You have repealed by this legislation the act that says you shall call for bids. The President suspends the act, and then you have not any act whatever on this subject.

Mr. HALE. It restores the old provision.

Mr. TELLER. No; it does not. The authorities are against that view. The repeal of the repealing statute does not necessarily revive the old act. Of course it may be so provided in the repealing act, but unless that is done when the next act is repealed that will not be the case.

Mr. HOAR. I was going to suggest to the Senator from Maine that it seems to me there is some force in the suggestion of the Senator from Colorado, and that it can be met by putting in after the word "act" the words "and proceed under the law now in force."

Mr. TELLER. That would undoubtedly cover it.

Mr. HOPKINS. I desire to suggest to the Senator from Massachusetts that this section provides simply for an emergency. If the emergency exists which requires the suspension of the law, then the President ought not to be limited in advertising and getting bids to carry the products. It seems to me it is better to leave it exactly as it is, because it will only be exercised the same as the President in an emergency, in case of war, suspends the writ of habeas corpus.

Mr. HOAR. I withdraw the suggestion. I think the Senator from Illinois is entirely right.

Mr. HALE. It would be purely an executive matter.

Mr. HOPKINS. Yes.

Mr. HALE. There is force in that.

Mr. TELLER. Does the Senator from Massachusetts think that this act revives the other act when the President suspends it?

Mr. ALLISON. It does not.

Mr. TELLER. The Senator from Iowa says it does not. It seems to me it is a mere technical question. What is the authority? Is there any? I was interrupted, and I did not hear what the Senator from Illinois [Mr. HOPKINS] said.

Mr. HOPKINS. The suggestion I made to the Senator from Massachusetts is that this clause is only to be exercised in a great national emergency, and that when exercised it is to be exercised in the interest of the Government, and hence the President ought not to be limited to a law that will require him to advertise to carry any products or munitions of war or anything else for the Navy or the Army. He ought to have the power to do it instantly, and hence that would be a right that he could exercise without being limited to advertising.

Mr. TELLER. I suppose the President of the United States, or at least the Secretary of War, or whoever makes these contracts, gets his authority from some statute. I do not think he has that authority by any provision of the Constitution. I did not raise this question as a mere technical one. I think it is a legal one, and I do not think it is any answer to say that this discretion is only to be exercised in a great emergency.

Who determines whether it is a great emergency? Any discretion vested in the President on such a question is not a question for anybody to consider except the President. He is the judge of the emergency. He may judge that it is an emergent case and that the national defense requires it when nobody else in the country thinks that it does. Who is going to call him to question? The courts can not do it. We can not do it, except as a matter of law. So it does not make any difference that you put in the bill it may be done in case of national emergency or for the national defense or anything of that kind. You have simply said to the President of the United States, "Whenever you can not make a contract satisfactory to your mind you can repeal this act by refusing to execute it."

Mr. ALLISON. Mr. President—

Mr. TELLER. Now, how will he execute it? He is to make a contract, of course, and the only limitation there is upon it is that he shall contract with American ships. Now I will hear what the Senator from Iowa has to say.

Mr. ALLISON. I do not understand the bill as it now reads to dispense with competition.

Mr. TELLER. It may have been amended.

Mr. ALLISON. I understand there is a general law applying to all the Departments which requires all supplies to be advertised for. Of course this is a limitation upon competition, but I suppose that, when the bill shall become a law, the Secretary of War will be obliged to advertise for bids, but the bids will be confined to American owners of ships.

Mr. HALE. The contract will be made on bids, of course.

Mr. ALLISON. The contract will be made on bids. Now, if this particular statute is suspended, it will not suspend the general law on that subject, because the repealing clause here only suspends acts and parts of acts that are inconsistent with the pro-

visions of this act. For the time being, of course, the Secretary of War can not take foreign bids; but suppose the President suspends this act? Would he not fall back to the general statute?

Mr. TELLER. There may be some force in that.

Mr. ALLISON. I think he would. I am sure about it.

Mr. TELLER. It is a repeal of only a portion of the statute. It repeals so much as requires or authorizes a contract to be made with foreign ships. Under the present statute there is no limitation. We do not know the difference between a foreign citizen and anybody else. It may be that my view is rather supercritical, but it seems to me we are running along here in our legislation in a way that we are raising questions which need not be raised, when possibly a very little attention to the phraseology of the bill would put it beyond any controversy.

I do not believe, in view of the report of the Secretary of War on this bill, that I shall be able to vote for it. I should be quite willing to vote for a proposition to give the American ship the preference.

Mr. BAILEY. At the same price?

Mr. TELLER. At the same price. For a good many years, since I have been here, we have had various ways and devices proposed to increase the American shipping and encourage our people to put their money in ships. At one time we had a provision which gave to the American shipper bringing imported goods into the United States a reduction of the tariff duty, which was in the nature of a bounty. That was not, in my opinion, an objectionable feature, from the fact that it reduced the tariff on the goods and gave him the preference. The people paid no more, while he got more than the foreigner. If there is a principle upon which a subsidy can be granted at all, it seemed to me that was about the most harmless subsidy of all. But here is a proposition which the Secretary says will cost possibly three or four times as much.

Mr. CARMACK. At least three times as much.

Mr. TELLER. At least three times as much. If the law stood without that suspensory clause, of course it might have cost ten times as much, and I suppose it is just to avoid that that the clause of suspension was put in.

It seems to me if you wanted to give a preference you could provide if these people bid, say, 10 per cent more than the foreigner, then the foreigner might have it, or 25 per cent more than the foreigner. It appears to me there is a way to get at that without running any danger of having a very great increase in the cost of transportation.

Mr. ALLISON. I will ask the Senator, because I think it has not been explained, what efficacy he sees in the next clause?

Or for the protection of the interests of the Government.

That is not an emergency clause.

Mr. TELLER. When you say—

That the President of the United States may from time to time suspend, in whole or in part, section 1 of this act "whenever, in the interests of the national defense"—

that does not amount to any more than saying that whenever, in his opinion, the interests of the Government justify it he may make such suspension. It is the same thing. This gives the discretion to him. He can say that it is necessary.

Mr. DANIEL. For public policy.

Mr. TELLER. For the defense. He can say he thinks it is necessary for the interest. The interest is to increase the shipping of the country and encourage people to build ships and operate them. Suppose he did that? Does anybody suppose that anyone could insist that he had made a mistake in a matter of that kind, and that therefore there had been no suspension? You can reach the whole question by saying "if the President thinks the price asked is an unreasonable one" he may then contract with anybody else. That will do it. It looks to me as if that is not exactly what the originators of this scheme intended. They intended to get a large increase on the cost of transportation. The letter of the Secretary of War seems to indicate that he had something of that idea, too, at the same time.

Mr. CARMACK. Mr. President, I suppose the Secretary of War gave this matter very careful and impartial examination from the standpoint of the Government. He knows what he is talking about, and he tells the truth when he says that this is an extremely vicious and indefensible bill. The practical operation of it, according to the statement of the Secretary of War, would be as it appears from his letter to the chairman of the Committee on Commerce, in which he says:

I have no doubt whatever of the wisdom of a provision which shall make it possible to do this business through the employment of American ships. I think, however, that there is great danger that the passage of this bill in its present form would involve the Government in serious difficulty and unwarranted expense. The number of American vessels available for shipment from the Atlantic coast to the Philippines is so small that a rigid requirement that shipments should be made in American vessels only would put the Government entirely at the mercy of a very few individuals, who could charge any price they wished.

Again he says:

Under these circumstances, if we were confined absolutely to American bottoms for this business we would have no way of escaping from the payment of at least three times as much as we now pay for this class of transportation.

The Secretary says in this letter:

I should be in favor of increasing the preference to—

That is, the preference claimed for American vessels—say, 25 or 30 per cent.

I think in another letter he says he would prefer to give a preference of 100 per cent, but the advocates of the bill are not satisfied even with an advantage of 100 per cent. They want the right to charge at least three times as much as the Government is now required to pay for this service.

Now, what will be the effect of it? Here is a statement from Rear-Admiral G. A. Converse, Chief of the Bureau of Equipment, made at a hearing before the House Committee on Naval Affairs a few days ago:

While I much prefer to see the American coal carried in American ships, I do not believe that the American ships available are sufficient to meet the demands of the Navy Department. I do not think the Navy Department should be the one to pay all the subsidy for building up the American merchant marine, and I do not think the Bureau of Equipment should have to increase its estimates for coal transportation beyond a reasonable amount simply to carry coal in American ships. It is my opinion, therefore, as previously stated, that there should be a means provided for carrying American coal in any vessel, giving preference to American bottoms whenever they can be obtained, at a reasonable advance over the price offered by foreign ships, said advance to be limited by a certain percentage.

Why is it that the advocates of this bill are not satisfied with a reasonable advance? Why are they not satisfied with a reasonable profit, instead of giving a man a right to charge the Government three times as much as it is now required to pay?

The Government has had difficulties of this sort before, Mr. President. In a report made by the Bureau of Equipment in 1893 the following statement is made:

The Department was still in desperate straits for transportation of coal; there were but few vessels in this country suitable for the transportation of coal and available for immediate use. When these were found, their owners knew well the necessities of the Government and generally demanded exorbitant prices.

In 1900 the Bureau of Equipment made the following statement:

Owing to the great scarcity of freight steamers at present it is extremely difficult, in fact, impossible, to deliver coal at points desired at regular periods. The necessities of the Government are generally taken advantage of to extort exorbitant freight rates.

That is what you are going to accomplish by this bill. You are going to enable a few American shipowners, simply to rob and plunder the Government, to charge whatever prices they please, and compel the Government to pay them. It does seem to me, Mr. President, as though this were an exceedingly audacious demand to make upon the Treasury of the United States for the benefit of a few shipowners.

Mr. MCCUMBER. Mr. President, I simply want to call the attention of the Senator from Tennessee [Mr. CARMACK] to the fact that under the amendment which has already been adopted no greater charges can be made to the Government than the charges which are made by the same vessels for transporting like articles for private individuals. If that be the case, then under what character of combination could they make the prices so exorbitant against the Government, as there is not a single one of these vessels but what is now, and all the time has been, engaged in carrying the same kind of freight for private individuals and private companies?

While the Senator is here I wish to call his attention to another fact; that is, as to the alleged inadequacy of American ships to carry the coal and provisions which will be necessary for our Army and Navy while staying in the Philippines. There are two vessels now at New London, just completed, each of them over 3,000 tons burden. With those vessels added to our present carrying capacity, have we not far more now than are sufficient to carry in American bottoms all of the supplies for the use of the Army and Navy in the Philippines?

Mr. CARMACK. Mr. President, I think that the Secretary of War is probably better informed on that subject than my friend from North Dakota.

Mr. MCCUMBER. I simply call the attention of the Senator from Tennessee to the fact that when the report of the Secretary of War was made the vessels to which I refer had not been completed.

Mr. CARMACK. Well, I suppose the Secretary of War knew those vessels would be completed in a very short time.

Mr. HALE. Mr. President—

Mr. CARMACK. I should like to ask the Senator if he is willing to fix a certain percentage, so that the Government shall not be required to pay more than a reasonable advance?

Mr. HALE. I do not know what the percentage ought to be, and I am entirely willing to leave that to the executive officers

when the emergency arises. This has all been gone over—the Senator was not here—and it has been shown that when the Secretary of War wrote that letter he was not in possession of the facts of the case. Since then hearings before the committee have developed the tonnage capacity of American ships ready to do this business and who want to do it. We have put on an additional amendment, which leaves the whole thing discretionary, so that it will be just as it is in the case of combinations on naval supplies or combinations in any such interest, where the Secretary of War or the Secretary of the Navy or the President may suspend the operation of the law. But, as I say, the Secretary of War, when he wrote that letter, was not in possession of these facts.

Mr. CARMACK. In what contingency may the Secretary suspend the operation of the law?

Mr. HALE. In his discretion.

Mr. CARMACK. Whenever he chooses?

Mr. HALE. Whenever he concludes that there is such a combination, just as we provide that when the President is satisfied there is a combination of bidders to keep up the price, he may suspend the operation of the law. It is left with him.

Mr. CARMACK. I do not think that is a very good principle.

Mr. HALE. Well, that raises the rather philosophical question suggested by the Senator from Georgia and the Senator from Colorado, but there is no other way of getting at it. The senior Senator from Colorado said that there was plenty of precedent for it, but whether there is or is not precedent for it, it has never worked anything very wrong or bad.

Mr. CARMACK. The Senator from Maine says that there have been public hearings since the Secretary of War made his former statement; but the Secretary of War has never made a statement to the contrary of this which indicated a change of opinion. We have now a new Secretary of War. Does the Senator know what he thinks about this proposed legislation?

Mr. HALE. I understand the Secretary of War, when he more thoroughly understood the situation, suggested certain amendments which should be put on the bill.

Mr. CARMACK. The amendment suggested here gives certain preferences by raising the percentage in favor of American vessels.

Mr. HALE. Mr. President—

Mr. BERRY. If the Senator will permit me, the Senator from Tennessee [Mr. CARMACK] has asked the Senator from Maine as to the views of the new Secretary of War on this matter, and that question has not been answered.

Mr. CARMACK. Yes; I asked the Senator from Maine if he knew what were the views of the present Secretary of War with respect to the pending bill.

Mr. HALE. I do not know what the views of the present Secretary of War are about this bill. He has just come into the Department.

Mr. CARMACK. Mr. President, the opinion of the Secretary of War is very important in a matter of this kind, and I believe we ought to know what his opinion is. We ought to have some statement by him as to the effect of this bill. So far as we have any statement now is to the effect that this bill would be very injurious.

Mr. HALE. That was in reference to another bill.

Mr. BERRY. No; it is in reference to this bill. In the report the Secretary refers to this identical bill.

Mr. HALE. I thought the Senator was speaking of the present Secretary of War.

Mr. BERRY. But he is speaking now of Secretary Root.

Mr. CARMACK. I know what Secretary Taft, who has been the governor of the Philippines, has said in regard to another matter, but I want to know the opinion of the Secretary of War in regard to this bill. I think we ought to have it.

Mr. TELLER. Mr. President, though there may be precedents for this bill, I doubt whether there is a precedent which is exactly in line with this. There are precedents to the effect that an act may be suspended by proclamation of the President; that is, when certain facts are determined by the President, he may then proclaim those facts and declare that the statute shall be suspended.

In the tariff act there are provisions that if the President finds certain things are being done by a foreign nation with whom we have trade relations, he may on ascertaining the facts change the rates of duty. That, however, is a very different thing from what is here proposed. In that case it is not done upon mere discretion, but after inquiry.

For instance, in the bond cases—I do not remember the particulars—I think it was upon the condition that if certain things were being done by the other parties which they ought not to do, we would suspend the bonding privilege, whilst this gives the absolute power to the President, in his discretion, to suspend this proposed law.

Mr. President, I do not suppose I need spend any time in saying that that is a very remarkable provision to be placed in a statute in a case where there is absolutely no necessity to clothe the President with such extraordinary powers, even if it be admitted that we have the authority to do so.

After the 4th day of next July all goods transported from our western ports will go in American ships. I do not remember exactly the extent of that act, which we passed to take effect on the 4th of July next, but I think it practically applied the coastwise laws to the Philippine Islands. If this is done at all, it is done not to protect the Government, but for the purpose of assisting the shipowners.

If Senators feel that they ought to do something for American shipping, and they are anxious to do it, they ought to do it in such a way that when it is presented to the Senate there can be no doubt about the propriety and legality of the transaction. It is not necessary now to say that the President shall suspend this law. You could leave that all out and say that if the President finds that there is a combination against the Government to put up the price of freight unreasonably, he may then resort to another law. That principle we have embodied in the bill for the construction of the Panama Canal when we said the President might have a certain time within which to deal with Colombia, and if it should be found within that time that it could not be done, then he should do something else. The law in that case is not suspended, but the law is in force. It is just as easy to make such a provision now, unless the Senate desires to make a precedent and to come here at a subsequent time and claim that it is a precedent, that we have clothed the President with legislative power by enabling him practically to repeal a law, to nullify it, and set it aside, or to enforce it or not to enforce it, as he may see fit.

There is something more than a mere technical question here. It is a question of principle; and you are applying a vicious principle without any occasion for it, when by a slight change in the wording of the law you could avoid it and accomplish everything you can accomplish by giving to the President of the United States this, as I claim, unconstitutional authority.

Mr. DANIEL. Mr. President, I should like to offer an amendment to come in after the amendment of the Senator from North Dakota [Mr. McCUMBER].

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to add at the end of the amendment offered by Mr. McCUMBER, and agreed to, the following:

And provided further, That such freight charges do not exceed by 10 per cent the lowest bid offered for transporting such freight in foreign bottoms.

Mr. DANIEL. Mr. President, the criticism which the Senator from Colorado [Mr. TELLER] has made on section 2 of this bill seems to me a very correct one, but I think he might have gone even further than he did, for it seems to me that section 2 is wholly unconstitutional.

In the words used in this section 2 there are some provisions of other statutes which would seem to be to a certain extent precedents, but I do not think any statute which we have heretofore passed has ever authorized the President of the United States, or attempted to authorize him, to suspend at his will, and then at his will to reenact a law of Congress. Such a provision as this would be much more appropriate in the Philippine Islands, for which three men legislate, than at this, the American end of this transportation line.

Mr. President, let us read this second section:

That the President of the United States may from time to time suspend, in whole or in part, section 1 of this act whenever in the interests of the national defense such suspension may seem to him desirable.

It does not require, Mr. President, a state of war, for the national defense goes on whether there be peace or war. It does not define an act or a time, to be ascertained by the President, in which the power of Congress shall, upon such condition, make a different law. It leaves it wholly within the mind of the President of the United States as to whether this shall be law or not law, and within that mind the operation must be simply upon the poll of the President's desire. Discretion, it was said by a great English judge, is the father of tyranny. We have made this law or not law going and coming, solely within the unlimited discretion of the President of the United States. So that upon this subject and to the extent that the Congress is undertaking to give the President an authority which does not reside in the Executive office, it is proposed that we shall transfer to him the legislative power of government, that when he pleases he may regard this as law, and when he pleases he may regard it as not law.

Any court, in my judgment, would hold this provision to be unconstitutional, and the result would be that we would have the absolute law which is contained in the first section uncontrollable by the fancies or by the convictions which might come and go at the Presidential discretion.

If the late Secretary of War be any judge of this subject, this state of affairs is summed up by him in the declaration:

If we were confined absolutely to American bottoms—

And we would be so confined—

for this business we would have no way of escaping from the payment of at least three times as much as we now pay for this class of transportation.

Does any Senator on this floor imagine, Mr. President, that the taxpayers of the United States, if consulted on this subject, would indorse the proposition that we shall make any law which requires this Government to pay three times the value in the market of transportation or other matters which they seek to purchase?

Mr. President, while I do not believe in systems of discrimination and would hope to provide for the American merchant marine without them, yet if we are going into the subsidy business, whether by a direct sum paid or by so disposing of the matter that a larger sum, three times as much, is bound to be paid, let us at least show some moderation. Let us gauge to some degree, and limit according to that gauge, the extraordinary demands of these shipping companies to be paid more for transporting these articles for the Government than the Government can get them transported for at those ports. For this consideration I have offered the amendment putting it at 10 per cent.

Mr. CARMACK. Mr. President, would it be in order at this time to move to recommit this bill?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). It would.

Mr. CARMACK. Then, I move to recommit the bill; and I will say that I do so for several reasons. There are a number of amendments proposed and agreed to on this bill. I think the committee should consider it again, and I think it should have the benefit of a statement from the Secretary of War in regard to the bill. For those reasons I move to recommit the bill to the Committee on Commerce.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, to recommit the bill to the Committee on Commerce. [Putting the question.] The "noes" seem to have it.

Mr. CARMACK. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. STONE]. As he is absent, I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. As he is not present, being at home ill, I understand, I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him present, and I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not see him in the Chamber, and therefore withhold my vote. The roll call was concluded.

Mr. BEVERIDGE (after having voted in the negative). I have a general pair with the senior Senator from Montana [Mr. CLARK]. I did not observe when I voted that he was not present, and not knowing how he would vote, I do not feel at liberty to vote myself. I therefore ask to withdraw my vote.

Mr. ALLISON. I am paired with the senior Senator from Missouri [Mr. COCKRELL]. That Senator not being in the Chamber, I withhold my vote.

Mr. GAMBLE (after having voted in the negative). I have a general pair with the junior Senator from Nevada [Mr. NEWLANDS]. I supposed he was present when I voted; but I will transfer the pair to the senior Senator from Rhode Island [Mr. ALDRICH], and let my vote stand.

Mr. FOSTER of Washington (after having voted in the negative). I have a general pair with the junior Senator from Mississippi [Mr. McLAURIN]. I transfer that pair to my colleague [Mr. ANKENY], and will let my vote stand.

Mr. CLARK of Wyoming. I announced a pair with the junior Senator from Missouri [Mr. STONE]; I will transfer that pair to the Senator from Kansas [Mr. BURTON], and vote. I vote "nay."

Mr. CULBERSON (after having voted in the affirmative). As the Senator from Wisconsin [Mr. QUARLES], with whom I have a pair, has not voted, I withdraw my vote.

Mr. DANIEL. I beg leave to state that my colleague [Mr. MARTIN] is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "yea."

Mr. CARMACK. My colleague [Mr. BATE] is unavoidably absent on business. On this vote he is paired with the Senator from Kansas [Mr. BURTON]. If he were here, my colleague would vote "yea."

Mr. CLARK of Wyoming (after having voted in the negative). Under the statement just made by the Senator from Tennessee [Mr. CARMACK], I withdraw my vote.

Mr. BEVERIDGE. I stated that I had a general pair with the senior Senator from Montana [Mr. CLARK], who is not present. I transfer that pair to the Senator from Nebraska [Mr. DIETRICH], and vote. I vote "nay."

Mr. CULLOM. I understand that there has been no pair arranged for the Senator from Connecticut [Mr. HAWLEY]. I will therefore take the liberty of transferring my pair with the junior Senator from Virginia [Mr. MARTIN] to the Senator from Connecticut [Mr. HAWLEY], and vote. I vote "nay."

Mr. CARMACK (after having voted in the affirmative). Has the senior Senator from Wisconsin [Mr. SPOONER] voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. CARMACK. I am paired with that Senator, and therefore withdraw my vote.

The result was announced—yeas 12, nays 30, as follows:

YEAS—12.

Bacon,	Clarke, Ark.	Foster, La.	Overman,
Bailey,	Clay,	Heyburn,	Patterson,
Berry,	Daniel,	McCreary,	Teller.

NAYS—30.

Allee,	Fairbanks,	Hansbrough,	Mitchell,
Bard,	Foraker,	Heyburn,	Nelson,
Beveridge,	Foster, Wash.	Hopkins,	Perkins,
Burnham,	Frye,	Kean,	Platt, Conn.
Burrows,	Fulton,	Kittredge,	Stewart,
Cullom,	Gallinger,	Lodge,	Wetmore.
Dryden,	Gamble,	Long,	
Elkins,	Hale,	McCumber,	

NOT VOTING—47.

Aldrich,	Cockrell,	McComas,	Proctor,
Alger,	Culberson,	McEnery,	Quarles,
Allison,	Depew,	McLaurin,	Quay,
Ankeny,	Dietrich,	Mallory,	Scott,
Ball,	Dillingham,	Martin,	Simmons,
Bate,	Dolliver,	Millard,	Smoot,
Blackburn,	Dubois,	Money,	Spooner,
Burton,	Gibson,	Morgan,	Stell,
Carmack,	Gorman,	Newlands,	Taliaferro,
Clapp,	Hawley,	Penrose,	Tillman,
Clark, Mont.	Hoar,	Pettus,	Warren.
Clark, Wyo.	Kearns,	Platt, N. Y.	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

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

Allee,	Clay,	Hansbrough,	Newlands,
Allison,	Culberson,	Heyburn,	Overman,
Bacon,	Cullom,	Hoar,	Patterson,
Bailey,	Daniel,	Hopkins,	Perkins,
Bard,	Dryden,	Kean,	Platt, Conn.
Berry,	Fairbanks,	Kittredge,	Stewart,
Beveridge,	Foraker,	Latimer,	Teller,
Burnham,	Foster, Wash.	Lodge,	Tillman,
Burrows,	Frye,	Long,	Warren,
Carmack,	Fulton,	McCreeary,	Wetmore.
Clapp,	Gallinger,	McCumber,	
Clark, Wyo.	Gamble,	Mitchell,	
Clarke, Ark.	Hale,	Nelson,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from Tennessee to recommit the bill to the Committee on Commerce.

Mr. HALE. Mr. President, this bill will come up as the unfinished business to-morrow, and as the margin is so narrow and Senators, perhaps without realizing the importance of remaining, have gone away, I move that the Senate adjourn. Let the bill be printed as it has been amended.

The PRESIDING OFFICER. That order will be made.

Mr. MITCHELL. Will the Senator permit me to offer an amendment, to be printed and go over?

Mr. HALE. Yes; but I can not yield to anything else.

Mr. MITCHELL. I move to amend the bill by inserting after the words "and no other," in line 3, the following words:

From and after July 1, 1905.

The PRESIDING OFFICER. The bill will be reprinted with the amendments. The Secretary will state the amendment proposed by the Senator from Oregon.

The SECRETARY. In line 3, page 1, after the words "and no others," it is proposed to insert "from and after July 1, 1905."

Mr. HALE. I renew my motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine, that the Senate adjourn. The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 27, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 26, 1904.

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.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, under the rules, bills on the Private Calendar are in order to-day; but I find that gentlemen on both sides of the House feel very desirous to finish to-day the naval appropriation bill. I therefore ask unanimous consent that to-morrow may be substituted for to-day for the consideration of those bills which would be in order to-day.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] asks unanimous consent that to-morrow may be substituted for to-day for the consideration of pension bills, the same as if it were to-day. Is there objection? The Chair hears none.

NAVAL APPROPRIATION BILL.

On motion of Mr. FOSS, the House resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair, and resumed the consideration of House bill 12220, the naval appropriation bill.

The CHAIRMAN. When the committee rose last evening there was pending an amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS and Mr. FOSS rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. FOSS. I desire to say that I reserved a point of order on this amendment—

The CHAIRMAN. So the Chair understands.

Mr. FOSS. I did so for the purpose of asking the gentleman from Massachusetts a question. I will now withdraw the point of order, and allow the amendment to come up on its merits. I do not believe, at any rate, it is subject to a point of order.

Mr. ROBERTS. I ask unanimous consent that I may be allowed to proceed for fifteen minutes.

Mr. HILL of Connecticut. Mr. Chairman, I will not object if I can have the same time allotted to me.

Mr. ROBERTS. I have no doubt that the gentleman can secure that time.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Massachusetts [Mr. ROBERTS] may be permitted to proceed for fifteen minutes, after which the gentleman from Connecticut [Mr. HILL] shall proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. HILL of Connecticut. Mr. Chairman, prior to the beginning of the debate, I should like to offer an amendment to the amendment, so that the question may be fairly understood.

The CHAIRMAN. Does the gentleman from Massachusetts yield the floor for that purpose?

Mr. ROBERTS. I will.

The Clerk read as follows:

Amend the amendment by striking out, in line 12, page 72, the word "five;" so that the clause will read:
"The Secretary of the Navy is hereby authorized to contract for or purchase subsurface or submarine torpedo boats," etc.

Mr. MUDD. I ask unanimous consent that the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] may be reported again. It was offered late yesterday evening, and a good many gentlemen have not heard it.

The CHAIRMAN. Without objection, the amendment of the gentleman from Massachusetts [Mr. ROBERTS] will be again reported.

Mr. MUDD. This is not to come out of the time of the gentleman from Massachusetts.

The Clerk read as follows:

In line 12, page 72, strike out the word "two" wherever it occurs and insert in place thereof the word "five."

In line 13 strike out the words "five hundred" and insert in place thereof the words "eight hundred and fifty."

In line 18, after the word "Navy," strike out all down to and including the word "appropriated," in line 23, and insert in place thereof the following:

"To carry out the purpose aforesaid the sum of \$850,000, or such part thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

So that as amended the section shall read:

"The Secretary of the Navy is hereby authorized to contract for or purchase five subsurface or five submarine torpedo boats at a cost not exceeding \$850,000: *Provided*, That before any such subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy. To carry out the purposes aforesaid the sum of \$850,000, or such part thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. Unanimous consent having been given, the gentleman from Massachusetts [Mr. ROBERTS] is recognized for fifteen minutes.

Mr. ROBERTS. Mr. Chairman, I was much gratified during the debate yesterday to hear the chairman of the Committee on Naval Affairs appeal to this committee to be guided by the judgment of our naval experts in making up the naval programme this year, and I gathered from his remarks that he pledged himself to follow the judgment of our highest naval authorities.

He said yesterday with much earnestness and great fervor:

We shall find it infinitely better and safer to stand always upon the recommendation of our great naval authorities in this regard.

"This regard" being the size, the number, and the character of the ships we should provide in this bill.

Again he said:

Mr. Chairman, it is infinitely better for us to have something back of us, something to stand upon, like the opinion of our naval authorities, whose business, whose profession, whose duty it is to recommend to the American Congress the best type and the best character of ships.

Again, the chairman of our committee said to my colleague from Massachusetts:

Whom does the gentleman wish to follow—a foreign naval authority or our own naval authorities?

And I think it a fair assumption that the chairman of our committee has placed himself behind and will follow our own highest naval authorities.

I want to quote again from the speech of another distinguished gentleman on the Naval Committee—I refer to the ranking Democratic member, the gentleman from Louisiana [Mr. MEYER]—who said to his colleague, the gentleman from Virginia [Mr. RIXEY]:

Yes—

Replied the gentleman from Louisiana—

but I would rather take Admiral Dewey's judgment than that of the board.

Now, Mr. Chairman, what is the highest naval opinion in the United States on this question of submarine boats?

Let me read briefly what Lieut. Commander W. W. Kimball, who commanded our torpedo-boat flotilla during the late war with Spain, said on this question before the Senate Committee on Naval Affairs:

Give me six Holland submarine boats, the officers and crews to be selected by me, and I will pledge my life to stand off the entire British flying squadron 10 miles from Sandy Hook without any aid from our fleet.

There is an excellent authority for the chairman of our committee and for this committee to follow. Let us see what Rear-Admiral Jouett, who was under Farragut at Mobile Bay, said before the Senate Committee on Naval Affairs:

If I commanded a squadron that was blockading a port and the enemy had half a dozen of these Holland submarine boats, I would be compelled to abandon the blockade and put to sea to avoid destruction of my ships from an invisible source and from which I could not defend myself.

There is a high naval authority for the chairman of the Committee on Naval Affairs and for this committee to follow.

Admiral Dewey said to the House Committee on Naval Affairs on April 23, 1900:

The boat—

Speaking of the only submarine boat the Government then had—

The boat did everything that the owners proposed to do. And I said then, and I have said it since, that if they had had two of those boats in Manila I never could have held it with the squadron I had.

Mr. FOSS. May I interrupt the gentleman?

Mr. ROBERTS (continuing). The moral effect to my mind—

Mr. FOSS. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. ROBERTS. I yield for a question, Mr. Chairman.

Mr. FOSS. Did not Admiral Dewey after that send a letter stating that he thought we had enough of these boats to experiment with then?

Mr. ROBERTS. I will come to that in a moment. And I want the chairman of the committee to give me close attention. Admiral Dewey continued:

The moral effect, to my mind, is that it is infinitely superior to mines or torpedoes—

That is, the torpedo boats—

or anything of this kind. With those craft moving under water it would wear people out. With two of those in Galveston, all the navies of the world could not blockade that place.

That is what Admiral Dewey said to our committee in the hearing of our chairman less than four years ago.

Now the chairman says, gentlemen, that Admiral Dewey, in a letter, changed his mind. I say no. In a letter to a member of our committee [Mr. LOUBENSLAGER], written two years ago, Admiral Dewey said:

My views on the value of the submarine have not changed.

But he did say that in view of the fact that we are building seven submarines and had not accepted them, it was not wise to go on building any more.

Now, the chairman of our committee said yesterday we had not heard from any high naval authorities of this country since the battle of Port Arthur. We had not heard from Admiral Dewey. He may not have heard from him, but I have, and I want this committee to listen to what he says:

NAVY DEPARTMENT,
OFFICE OF THE ADMIRAL OF THE NAVY, MILLS BUILDING,
Washington, February 15, 1904.

Just a week ago to-day, after the battle of Port Arthur, after the general board had made up its recommendation for the programme itself, and after the House Committee had passed on it. He says:

DEAR MR. ROBERTS: Referring to our conversation of this morning, I find that it is now claimed that the 21-inch torpedo has a range of 3,000 yards and a terminal speed of 24 knots. Having this in view, as well as the performances of our submarine boats at Newport during the past season—

Bear that in mind. I will refer to it a little later—and the efficient work which torpedoes have accomplished in the East—

By the Japanese attack on the Russians at Port Arthur—I am of the opinion that we have waited long enough before constructing additional submarine boats, as I believe they have amply demonstrated their effectiveness and usefulness as component parts of a strong navy.

Mr. FOSS. Mr. Chairman—

Mr. ROBERTS. I decline to be interrupted at this moment. Now listen:

In my judgment the number of these boats, two, recommended by the general board for authorization by the present Congress might very well be increased.

Very truly, yours,

GEORGE DEWEY.

This letter is addressed to myself.

Mr. FOSS. And not to the committee.

Mr. ROBERTS. That is very true, but to me, and is it necessary for the gentleman who professes such a great faith in the views of Admiral Dewey to have a communication directed to him personally before he can follow out the good advice therein contained?

Mr. FOSS. Mr. Chairman, will the gentleman yield a moment for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ROBERTS. Yes, for a question.

Mr. FOSS. I want to ask him whether in the torpedo attacks made by the Japanese on the Russian fleet off Port Arthur there was in that fleet a submarine boat?

Mr. ROBERTS. Mr. Chairman, so far as the best advice we can get will inform us, neither Japan nor Russia have to-day a submarine torpedo boat; but let me say, in addition to this letter, what Admiral Dewey stated to me personally last Friday. He said, "From what the Japanese have done with their surface torpedo boats at Port Arthur, if they had had submarines they would have gone into the harbor and destroyed every Russian ship." That is what he told me only a week ago. Now, why has Admiral Dewey come out with so strong a recommendation of submarines? During this present Congress the Senate of the United States sent a communication to the Secretary of the Navy asking him to lay before the Senate the results of the trials of the eight submarine boats owned by the Government, those trials having been had during the last year, and the Secretary of the Navy sent back to the Senate of the United States this: "It is contrary to sound public policy to divulge what these boats have been doing." Why? Let me read part of a newspaper article, and you may get an idea why they do not want officially to tell the world how effective these boats are. Here is an item from the New York Sun, dated December 10, 1903:

SUBMARINE WINS AGAIN—THE SHARK RUNS BY FORT ADAMS IN THE DAY-TIME UNDETECTED.

NEWPORT, R. I., December 9.

There was an interesting test with the submarine torpedo boat *Shark* this afternoon in the outer harbor. The *Shark* is attached to the torpedo station, and since the departure of the *Adder* and *Moccasin* she has been used for experiments. The submarines have found no difficulty in passing objects at night unobserved, and to-day it was decided to make a trial to see if the boat could pass a given point in the daytime without being detected.

Several officers were stationed at Fort Adams, and so that the boat might have no advantage Gunner Hepburn and a crew from one of the other submarines were sent to the fort to assist in picking her up.

The *Shark*, under the command of Lieut. C. P. Nelson, was then sent out from the station. There was but little motion on the surface of the water, a condition favorable for picking her up, but in spite of this the boat was successful in passing the fort unobserved.

After getting out in the outer harbor the *Shark* was submerged, and for an hour she was maneuvered under water. Then she came to the surface for an observation through the conning tower. Then, again diving, she passed the given point without being seen. Coming to the surface between Fort Adams and the Jamestown shore, out of the reach of fire from the machine guns, she again dived and next came to the surface near Ross Island, and having complied with the requirements of the test, proceeded awash to her slip at the torpedo station.

Now, the test was this: She was to go out in broad daylight

with all the officers and all the men of the forts guarding the entrance of Newport Harbor on the watch to detect and to see her, and to come in by those forts in broad daylight without being discovered, and, bear in mind further, it is not a straight run into the harbor at Newport, but the channel to be followed is crooked and tortuous. The vessel had to be navigated under water by her compasses, and she succeeded in making that most difficult and supreme test of the work of a submarine boat.

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin?

Mr. ROBERTS. I yield.

Mr. COOPER of Wisconsin. How fast can this boat run under water?

Mr. ROBERTS. Mr. Chairman, I will speak of that a little later.

Mr. COOPER of Wisconsin. There is one other question in that connection. I have been told that one had stayed under water for ten hours or more.

Mr. ROBERTS. Mr. Chairman, I have been told on reliable authority that a submarine boat has been submerged for thirty-six consecutive hours with a full—

Mr. COOPER of Wisconsin. Let me ask the gentleman this question.

Mr. ROBERTS (continuing). With a full complement of men aboard of her, eight men in the vessel, submerged for thirty-six consecutive hours.

Mr. COOPER of Wisconsin. Suppose that boat was running 5 miles an hour under water, and could be submerged for twelve hours; the boat could dive, for instance, here at Washington and come up 20 miles the other side of Baltimore, and attack a war ship. Is that a fact?

Mr. ROBERTS. The gentleman is outlining what we hope to achieve some time in the future. That trip is too long to make, unless the gentleman means overland to Baltimore. [Laughter.]

Mr. COOPER of Wisconsin. No; I do not mean that. I mean in a straight line at sea.

Mr. ROBERTS. The gentleman is right in that.

Mr. COOPER of Wisconsin. Let me ask the gentleman one more question. If that be true, that a boat can go under water 60 miles, submerged all the time, and at the end discharge this Whitehead torpedo, why does not that mean the doing away absolutely with battle ships in the near future?

Mr. ROBERTS. Oh, no; Mr. Chairman, I can not agree to that. It will do away with the battle ships and cruisers for harbor defense, but it will not do away with the battle ship as a fighting machine on the high seas.

Mr. DAYTON. Mr. Chairman, may I ask the gentleman a question?

Mr. ROBERTS. I have no objection in the world, Mr. Chairman, to these interruptions, providing my time can be extended.

Mr. DAYTON. I only want to understand the gentleman. Do I understand you to say that the type of submarine boat that the Government now has can go beyond 25 miles under water with its present storage-battery capacity?

Mr. ROBERTS. I so understand.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts have ten minutes more.

Mr. HILL. I have no objection to that, Mr. Chairman, if I may have the same courtesy extended to me if I need it. I do not think I shall.

Mr. SLAYDEN. I will ask for it for the gentleman from Connecticut also.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Massachusetts may be extended for ten minutes, and couples with that request that the time of the gentleman from Connecticut may also be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

Mr. ROBERTS. Certainly.

Mr. SLAYDEN. I want to ask the gentleman if, in any contingency where it would be desirable to use a submarine boat, there will be any necessity for a boat continuing for 25 miles under water?

Mr. ROBERTS. Oh, no. In talking with the experts in the service, those who are familiar with these boats and have commanded them, they have formulated their ideas for their use in warfare. They do not think it will ever be necessary for these boats to make so long a run under water. They will proceed on the surface until they are within five or ten miles, at the outside, of their possible enemy, and then go underneath and make their attack. It is not supposed that they are going to grope around

under water all the time, but will proceed on the surface until they are near enough for an under-water attack. Then they will dive and deliver their blow.

Now, Mr. Chairman, some say that this newspaper item which I have read, telling us of this wonderful exploit of this submarine boat in Newport Harbor, is a newspaper story. It is a newspaper story, but it is a true one. I know it is true, because only last Saturday, in this very building, Lieutenant Nelson, who commanded the *Shark*, about which I have read you, told me with his own lips the story of that wonderful performance. It was a most remarkable performance, and the most complete refutation of the slurs and insinuations against the efficiency of these boats that I have ever heard. This, among others, is the reason why our Navy Department do not want to advertise to the world the wonderful possibilities of these submarine boats.

But before I leave this point I want to say to this committee that the seven submarine boats that were purchased by the Government, when they were put to their official acceptance test, in each and every instance exceeded the contract requirements. In some instances they exceeded the contract requirements at least one knot in speed, and those familiar with naval affairs know what that means. Why, the next to the last battle ship that the Government accepted fell short of her contract requirements on speed, but not enough to necessitate her rejection. All these submarine boats exceeded the contract requirements for speed, both on the surface and under water.

When the army board learned that the board of inspection of the Navy were to conduct the acceptance test of these submarine boats, they asked permission to be present and observe what was done. That permission was given, and here is what that army board says:

As to the value of these submarine boats, now that they have been proven by actual trial to be both habitable and dirigible while completely submerged, there can be no question. Such a boat placed in a harbor guarded by modern high-power guns and protected by an electrically controlled mine field could lie safe within the harbor behind the mine field, and, on the approach of a hostile fleet, pass out over the mine field while this was rendered temporarily inert by the cutting off of the electric current, and, after approaching near enough to the enemy to discharge her torpedoes effectively, retire to a place of refuge behind the mine field, which could be rendered active against the enemy by turning on the electric current as soon as the submarine had recrossed the field.

The actual value of such a boat, as measured by its destructive power when thus used in connection with other elements of coast defense, could only be determined from actual experiment in war; but it is firmly believed that the risk to be incurred in making such an experiment would be sufficient to cause the most stout-hearted commander of a hostile fleet to hesitate long before he attempted to enter or to blockade a harbor known to be defended by guns and mines with a submarine boat as an auxiliary. While the actual destructive value of such a boat can not, therefore, be definitely stated, its value as an element of coast defense, when measured by its probable moral effect, is thought to be incalculable.

Very respectfully,

ARTHUR MURRAY,
Major, Artillery Corps.
C. J. BAILEY,
Captain, Artillery Corps.
G. F. LANDERS,
Captain, Artillery Corps.

The ADJUTANT-GENERAL U. S. ARMY.
(Through military channels.)

That is the authority we present for an increase in the number of these boats, and I assume from the alacrity and the willingness of this committee yesterday to follow the request of the chairman of the Committee on Naval Affairs to be guided by the highest naval opinion, that there will not be the slightest difficulty to-day in the chairman himself, in the ranking Democratic member from Louisiana [Mr. MEYER], and in this entire committee following the advice of the highest naval authority we have in the United States to-day, as contained in the letter which I have just read. There is no man in the American Navy to-day who has had more experience in war than Admiral Dewey. There is no man in the American Navy to-day in whom the people have more confidence.

The gentleman from Louisiana [Mr. MEYER], in saying that he would follow the Admiral of the Navy rather than the board, was merely voicing the sentiment of the people of this country. They have faith in the judgment of Admiral Dewey, and they know that what he recommends is the best thing for us to do in naval matters; and Admiral Dewey says to us—and he says to you through this letter directed to me—that in his judgment we have waited long enough before constructing additional submarine boats. And why does he say it? "In view of the performance of those boats at Newport last summer." There is now no reasonable doubt as to their efficiency, as to their desirability—to use his own language, "as component parts of a strong navy." He continues:

In my judgment, the number of these boats, two, recommended by the general board for authorization by the present Congress, might very well be increased.

I have reason to believe, Mr. Chairman, from personal conversation with Admiral Dewey and other members of the general board, that had the news of the engagement at Port Arthur been received in this country before the general board made up its

recommendation that board would have recommended more than two submarines; and I have reason also to believe from personal conversation with members of the House Naval Committee that had that same news reached us before our bill was made up and reported into this House the programme as reported by us would have been changed quite materially in the matter of small boats.

I desire now to call attention to this fact. The newspapers on yesterday morning gave us the English naval programme for the ensuing year. England provides in her budget, now before the House of Commons, for thirty vessels for the next year. What are they? Two battle ships, four cruisers, fourteen destroyers, ten submarines; in all, thirty vessels, and twenty-four out of the thirty are of the torpedo type—four-fifths of her entire programme for torpedo craft.

What does our programme provide for? There are ten boats—one battle ship, two cruisers, three scout ships, two colliers, and two submarines—only one-fifth of the American programme being for torpedo craft. Yet England, whom we have copied almost boat for boat in the past, is to-day taking advantage of the lesson of Port Arthur, and is making four-fifths of her programme of the torpedo type, as against one-fifth by this country. The amendment that I offer is nothing radical. It is nothing impulsive. It is but carrying out the ideas of high naval authority who have studied this question thoroughly and digested it well. It is not an excessive number to add in any one year when you consider that this Government has done nothing with submarines since the year 1900, and has done nothing with any form of torpedo craft since 1898.

The CHAIRMAN. The time of the gentleman has again expired. Unanimous consent having been given, the gentleman from Connecticut [Mr. HILL] is recognized for twenty-five minutes.

Mr. HILL of Connecticut. Mr. Chairman, the gentleman from Massachusetts [Mr. ROBERTS] has just read from a part of the army report. With the consent of the House I will insert in the RECORD the entire report from the office of the Chief of Artillery, and made by a board of officers convened under Special Order, No. 20, Adjutant-General's Office, January 24, 1903, and submitted by them a few days ago. The president of the board was Maj. Arthur Murray, of the Artillery Corps, and acting with him were Capt. C. S. Parker and Capt. C. J. Bailey. I will also insert, in addition to the official report of the army officers, a report of a civilian who accompanied the Lake torpedo boat in its cruise at Newport and gave his account in the New Orleans Times-Democrat on February 14, 1904. I shall insert these as a part of my remarks.

Now, I would ask the attention of the House for a few minutes. I will try and be as brief as possible and not take up the whole time allotted to me. I shall not talk any politics, because we have had too much discussion of that kind in this debate, but I want to talk just plain, straight business for a few minutes.

About two years ago, or just two years ago, when the naval appropriation bill came in, it had in it a provision for the purchase of six Holland torpedo boats. We then had under contract six boats of that class and owned two, making eight. That bill provided for the purchase of six more. Ten minutes before that proposition came up, I was called out by a gentleman in the gallery who stated to me that, representing a large number of my constituents in the Fourth district of Connecticut he pledged himself that if the purchase of submarine boats could be thrown open to competition he would give the Government the benefit of twenty years of his experience.

I came upon the floor of the House and stated the substance of his offer, and the House rejected the provision at that time. I gave my pledge to the House that if this should be done, these gentlemen, whom I knew to be financially responsible, would carry out their agreement. They immediately went to work, building boats. One of those boats was finished last spring, and in accordance with that action on their part, there was in the bill of last year a provision setting aside for the use of the Secretary of the Navy half a million dollars to be used in holding a competition not only between private boats, but the boats owned by the Government or any American citizen who chose to bring his boat into open competition, in order that the Secretary of the Navy after such competition might decide as to what he should purchase.

Last spring that notice was given to the only two companies in this country who are making submarine torpedo boats—the Holland Company and the Lake Torpedo Company; and the date fixed for the competition was October 16. Mr. Lake was ready with his boat, finished; and he was not only ready then, but was ready at the naval review in Oyster Bay. And his boat was visible and open, to be visited and examined by everybody.

The gentleman from Massachusetts says that there are military reasons why the Navy Department should not give out the details of these boats. All I have to say is that the torpedo boat *Protector* is open to the inspection of anybody, not only in this country,

but from foreign countries as well. And it has been visited by attachés of the Japanese and the Russian Governments.

Last October, happening to be in Washington on my way to the West, I received a telegram from Mr. Lake advising me that the test had been postponed. I went to the Navy Department and asked why it had been postponed.

I was informed that the Holland people had notified the Department that they were not ready and would not be until November 16. This competitive test was not confined entirely to the Holland boat; the law says distinctly and specifically—here is the language: "Tested by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor." I said to the Secretary of the Navy and to Captain Train, president of the naval board of inspection and survey: "Gentlemen, I ask you now to carry out the spirit of the legislation of last year and put a Government boat in this competition; you have six of them." Captain Train replied to me: "It is absolutely useless; I am ready to admit now that the *Protector* outclasses anything which the Government has." That was the reply made to me in the presence of the Secretary of the Navy. I then said: "Go on with your competition on the 16th of November." On that date Mr. Lake's boat, the *Protector*, was at Newport—not towed there by somebody else, but going under its own power from Bridgeport, Conn., to Newport, and towing a schooner all the way in addition.

Mr. WATSON. What was the make of the Government boat?

Mr. HILL of Connecticut. The Holland, a class of boats on which the Government has spent nearly a million and a half of dollars; and the *Protector* had been developed, as my constituents said it should be, at their own expense—an expense involving between three or four hundred thousand dollars, with no customer on earth except the Government. Nobody else wants to buy such an article—a weapon of offense.

Mr. DAYTON. Engineered by a company with five or six million dollars of capital and a \$50,000 plant.

Mr. HILL of Connecticut. There is no trouble about the plant or about the boats. These men have done what they agreed to do. They brought this boat into full preparation for a competition for which the Government—

Mr. DAYTON. I beg the gentleman's pardon. I was referring to the Holland boat.

Mr. HILL of Connecticut. I know nothing about the Holland company or the Holland boat except what I have learned from official reports of the Government, which I will give in a moment.

Time passed on, and November 16 came around. The *Protector*, the Lake boat, appeared at Newport ready for this competition. But on the journey down it broke its reversing gear in towing the schooner which it took down with it, so that it could only go ahead, but could not go back. I wish the United States Government would break its reversing gear, so that it could only go ahead. It does go backward many times, but I do not want it to do so now.

The Holland boat was not there, although the Navy Department had offered to lend the Holland Company one of the boats which the Government had purchased, but the offer was declined.

When the next time was fixed and the board went to Newport, they found the bay covered with ice, so that the test has not yet been held.

Now, as I understand the purpose of this committee, it is to apply this half million dollars, which was appropriated last year, to precisely the purposes for which it was intended, to hold this competition, which will be held within thirty days, if weather permits and anybody is ready to compete. My constituents are ready to compete, or will be. They are now changing the screws of the boat. So that whatever else may have been done, it is absolutely certain that, so far as the Lake torpedo boat is concerned, they are ready for business.

But, gentlemen, there has been a test held. It was said a year ago that no competition would be held, notwithstanding the appropriation by Congress. Thus far that prophecy is true. I hope that before many weeks it will be falsified.

But there has been a competition entirely unknown to me until a few days ago, when I learned that there had been a competition between these two classes of boats.

Now, understand, they are different in size, they are different in very many essential features. The Lake boat is a twin-screw boat, the Holland is a single screw. The Lake boat carries three torpedo tubes, the Holland carries one. One is much larger than the other. The gentleman from Massachusetts, I think without any intention of confining this appropriation entirely to the purchase of Holland torpedo boats—for I do not think he meant it—practically has done so by the language which he has used directing that the Secretary of the Navy shall buy five of these boats at \$170,000 apiece. Well, you can not buy the Lake torpedo boats at \$170,000 apiece, and consequently I have moved to strike out "five," and leave it wholly discretionary with the Secretary of

the Navy whether he shall buy one or five or none. That is the position in which I want it left.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. HILL of Connecticut. Certainly.

Mr. FOSS. How much do you appropriate in your amendment?

Mr. HILL of Connecticut. Oh, I have just simply stricken "five" out of the amendment of the gentleman from Massachusetts [Mr. ROBERTS] and left it otherwise intact. I do not want to be too radical in amendments. I am perfectly willing, so far as I am concerned, to make it \$5,000,000 and leave it discretionary with the Hon. William H. Moody. I left it just as it is, \$850,000 instead of \$500,000, and I will tell you in a moment why I did that. If the bill is amended in accordance with the amendment of the gentleman from Massachusetts [Mr. ROBERTS] and my amendment to his amendment, it will carry \$850,000, leaving it absolutely discretionary with the Secretary of the Navy whether he uses it all or not, whether he buys one, two, three, or five boats, or whatever he can get.

Mr. FOSS. May I ask the gentleman a question?

Mr. HILL of Connecticut. Certainly.

Mr. FOSS. The gentleman has read the committee provision, I suppose?

Mr. HILL of Connecticut. Certainly.

Mr. FOSS. To the effect that the Secretary of the Navy is authorized to purchase two submarine boats after he has made tests?

Mr. HILL of Connecticut. Yes.

Mr. FOSS. As to which is the better of the two.

Mr. HILL of Connecticut. Yes.

Mr. FOSS. And that we reappropriate \$500,000, which has not been used, but which was appropriated in the last naval appropriation bill.

Mr. HILL of Connecticut. Yes. Now, if the amendment of the gentleman from Massachusetts [Mr. ROBERTS] is agreed to, supplemented by my amendment to his amendment, the result will be simply to increase that amount from \$500,000 to \$850,000.

Mr. FOSS. That is to say, an increase of \$350,000.

Mr. HILL of Connecticut. An increase of \$850,000.

Mr. FOSS. Will the gentleman yield further?

Mr. HILL of Connecticut. Certainly.

Mr. FOSS. As I take it, the amendment of the gentleman from Massachusetts [Mr. ROBERTS] does not mean a reappropriation of that \$500,000 which now remains unexpended.

Mr. HILL of Connecticut. I should like to ask the gentleman, the chairman of the committee, does he think it is necessary to reappropriate the other \$500,000? Was not that a continuing appropriation, and, as a matter of fact, would not this be an additional appropriation of \$850,000?

Mr. FOSS. I think the gentleman's amendment and the amendment of the gentleman from Massachusetts, taken together, would be an additional appropriation.

Mr. HILL of Connecticut. That is just what I think.

Mr. FOSS. Whereas our appropriation here is a reappropriation of that \$500,000, which has not yet been used.

Mr. HILL of Connecticut. Exactly. Now, I am in favor of giving the Secretary of the Navy the largest liberty on this proposition.

I believe, gentlemen, you have reached a point where you are possibly changing the entire system of naval warfare in the world. I believe that the dreams of Jules Verne have practically come to fulfillment, and that the time is not far distant when by submarine warfare it will become possible to stop every hostile invasion of every country in the world by sea, because of the impossibility of doing it successfully.

Mr. WM. ALDEN SMITH. I do not want the gentleman to get away from the question of competition he said he was going to tell us about.

Mr. HILL of Connecticut. I will not read the entire report of this army board. I will read their recommendation and conclusions. The report, let me say, has thus far been held secret. So that there can be no misunderstanding, because I do not wish to betray any confidence, I will state that a few days ago I learned that such a competition had been held, that a competent board of gentlemen whom I have named had visited, examined, and tried both boats and had made their reports. I went to the Secretary of War and asked for a copy of the report. The Secretary called General Storey, Chief of Artillery, into his room, and stated that he desired the utmost publicity in all matters where it was proper to have it in connection with the office of the Secretary, and General Storey said that while it was a question of military strategy, he thought no harm would come about in giving Captain Lake a copy for his stockholders, who had patriotically as well as financially invested from \$300,000 to \$400,000 in this business. I then asked him for and he gave me a copy of this statement. I then asked him for another copy for myself, with the distinct agreement that I might read it to you as Members of Congress—the legislators of this country. So that I am not using it in violation

or betrayal of any secrecy imposed upon me, because that was the distinct understanding, that I could so read it.

Mr. ROBERTS. Will the gentleman from Connecticut give me the date of his report?

Mr. HILL of Connecticut. Oh, yes; January 21, 1904.

Mr. ROBERTS. Well, I want to say to the gentleman, if the gentleman will excuse me, that the report of the board was dated November 28, 1902, some two years prior to his.

Mr. HILL of Connecticut. I am very glad to find the date of that other report. Since they made that report they have had another meeting, examined this boat later, and had recommended the purchase of five of these boats, so that this was a second proposition. I will put the whole report in the RECORD. It goes into an elaborate discussion of the *Protector*.

Proceedings of a board of officers convened by the following order:

[Special orders No. 20.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 24, 1903.

Extract.

5. By direction of the Secretary of War, a board of officers to consist of Maj. Arthur Murray, Artillery Corps; Capt. Charles J. Bailey, Artillery Corps; Capt. Charles F. Parker, Artillery Corps, will convene at Bridgeport, Conn., on January 26, 1903, for the purpose of witnessing and reporting upon the test of the submarine torpedo boat *Protector*.

Upon the completion of this duty the officers composing the board will return to their proper stations.

Such journeys as may be required by the board in obeying this order are necessary for the public service.

By command of Lieutenant-General Miles:

H. C. CORBIN,
Adjutant-General, Major-General, U. S. Army.

FORT TOTTEN, N. Y., January 21, 1904.

Pursuant to the above order, the board proceeded to Bridgeport, Conn., on January 27, 1903, and inspected the *Protector*. The boat was not then in condition for under-water service, owing to changes and improvements under way, and while a surface run could have been made it was deemed inadvisable, owing to a thick fog. Mr. Lake, the designer of the boat, stated that he would communicate with the board when all was in satisfactory condition.

The board this day inspected all parts of the boat and the detailed drawings, and discussed with the designer the purposes for which it could be used and the methods of using it. The board communicated informally with Mr. Lake at various times, but owing to other duties of the members and to the work of the designer in improving and preparing the boat for trials before a naval committee, did not again visit it during the year.

The boat finally being in readiness, Mr. Lake, on January 15, 1904, requested the board to inspect it at Newport, R. I. Authority, therefore, was asked for and received by telegraph (see Appendices A and B), and the board proceeded to Newport on January 19 for that purpose. The boat was then awaiting a competitive test with boats of another design by a naval board, and a copy of the programme of that test was shown the board by Mr. Lake. This programme is comprehensive, and being designed by naval officers, the board, after carefully considering it, decided to confine its work to such features of the boat as would emphasize its adaptability for the needs of sea-coast defense and attack from the standpoint of the land forces, particularly in connection with the submarine defense and attack of harbors, leaving the technical details of its construction and its purely naval features to naval experts.

The board considered the following possible uses of the boat:

FOR THE DEFENSE.

First, to replace fixed mines, by lying adjacent to the forts and attacking vessels attempting to reduce the works or to run past, particularly in important channels where it is impracticable to plant mines, owing to deep and rough water, extreme width, or swift currents.

Second, to supplement fixed mines by attacking vessels approaching the mine fields or those which have crossed them.

Third, to lie outside mine fields for scouting or picket duty, keeping in telephonic communication as hereafter described.

Fourth, to pick up and repair defective cable joints, junction boxes, etc.

FOR THE ATTACK.

First, to run past the forts and attack vessels within the harbor.

Second, to drag for, pick up, and cut multiple and branch cables on the bottom or mine cables leading to buoyant mines or buoys.

Third, to sweep the channel; two submerged boats being connected by a light cable extending across all or a part of the mine field.

A discussion of the above and the conclusions and recommendations of the Board follow later.

The Board submits the following description of the boat:

The *Protector* (see print inclosed) is a twin-screw boat with a cigar-shaped shell 65 feet long and a maximum diameter of 11 feet 2 inches. Upon the hull proper is a light steel superstructure and a comparatively large conning tower about 6½ feet high, the lower half of which is of steel, the upper of Tobin bronze. A monograph upon this boat, by Lieut. John Halligan, Jr., United States Navy, giving a detailed description of the boat as far as can, at this time, be made public, and an estimate of the value of the submarine boat in war, from a naval point of view, is herewith inclosed.

From this detailed description by Lieutenant Halligan the following general description of the principal and characteristic features of the boat and their purposes is compiled:

The superstructure is provided for the following purposes:

First, to give buoyancy and seaworthiness in cruising trim.

Second, to provide stowage for fuel and air tanks outside of the spindle hull for reasons of safety and economy of space.

Third, to give deck room, thus contributing to habitability.

In the superstructure are carried 8 gasoline tanks with a combined capacity of 1,050 gallons; 6 high-pressure air tanks with a combined capacity of 21 cubic feet; 2 lubricating-oil tanks with a combined capacity of 120 gallons, and 4 low-pressure air tanks with a combined capacity of 12½ cubic feet.

All gasoline tanks on the same side of the ship are connected with each other and with a copper service tank situated in the engine room abaft the

engines, the supply to the service tanks being automatically regulated by means of a gauge and float.

The comparatively large conning tower is provided for the following purposes:

First, to provide a buoyancy moment well above the center of gravity, thus contributing to stability.

Second, to localize the control when submerged.

Third, to facilitate the surface navigation of the boat in comparatively rough seas.

Fourth, to provide a compass location, well removed from the magnetic influence of the spindle hull.

The conning tower carries a sighting hood and also an omniscopes, affording an all-round view of the horizon. Within the tower is located nearly all of the controlling mechanism of the boat. When the boat is in cruising condition, a detachable steering wheel and engine telegraphs are shipped on top of the tower.

Within the steel hull are the engine, motor, and air-compressing room; 3 torpedo-discharge tubes, 2 fore and 1 aft; a living room; a galley; a diving compartment; a storage-battery compartment, and water-ballast tanks, located fore, aft, and amidships.

The engines are two 4-cylinder, 4-cycle, 120-horsepower gasoline engines. For igniting the gasoline, three means are provided—a primary dry-cell battery, a magneto machine, a current from the storage batteries. With this combination no difficulty has been found in igniting the gasoline, a common source of trouble with gasoline engines. Provision is made for using the engines in the third stage of submergence—i. e., with the sighting hood just out of water—the exhaust in this case being under water, air for the engines being supplied through a water-excluding valve in the top of the sighting hood.

The generator motors are two 6-pole shunt-wound dynamos, one on each main shaft line. When only the engines are being used for propulsion the armatures revolve freely, with brushes lifted, and serve as fly wheels on the shafts. Each motor has a rated capacity of 37½ kilowatts at 125 (12 per cent) volts when driven at 300 revolutions per minute; a range of E. M. F. of from 80 to 160 volts, and a current capacity of 300 amperes at full load, with a momentary capacity of 450 amperes.

The air compressor is located abaft the port engine, and is designed to compress 60 cubic feet of air per minute of 2,100 pounds per square inch when running at 200 revolutions per minute. The principal feature of the compressor is its compactness, it being 47 inches long, 22 inches wide, and 34 inches high, except at the high-pressure crosshead guides, which are 41 inches high.

The living room or crew space is located amidship and contains eight berths—four lower and four upper. The lower berths are in the nature of transoms, for which the upper berths, when lowered, form backs. Above and behind the berths are lockers. A folding dining table is provided, for which the lower berths serve as seats. The room is also provided with two electric heaters, and an incandescent light system extends throughout the boat.

The galley is located abaft the living room and is provided with electric cooking stoves and washing facilities.

A water-closet is located in the after engine room.

Regarding the habitability of the boat, Lieutenant Halligan states:

"In all respects save that of deck room, and under all conditions of weather, this boat provides greater comfort for the crew than the surface torpedo boats on which I have served."

The diving compartment is located in the bow and is separated from the crew space by an air lock; and both it and the air lock are fitted with air and water tight doors. The compartment is fitted with a connection to the low-pressure air system and provided with a telephone communicating with the living room and a hydro-pneumatic gauge with two hands, one of which registers the pressure of the water outside, due to the depth, and the other the air pressure in the compartment. At the bottom of the compartment is an iron door, which can be opened outward. To open the door the air-lock doors are first closed and then compressed air is admitted into the compartment until the gauge hands indicate the same pressure within and without the compartment. The door is then unfastened and then allowed to swing open, thus giving in clear water a good view of the bottom.

The diving compartment provides for—

First, mine-cable cutting, or else repair of or burying mine cables and junction boxes.

Second, a way of escape for the crew in case of total disablement of the boat.

Third, a channel for telephonic communication with the shore when the boat is on picket duty.

The storage-battery compartment is located mainly under the crew space and is suitably ventilated. The batteries consist of sixty Gould cells, the overall dimensions of the cells being about 36 by 19 by 17 inches. The total weight of the battery is about 76,000 pounds; its capacity is about 42½ electrical horsepower for eight hours, or 85½ horsepower for three hours.

On the exterior of the boat are located four hydroplanes, a horizontal rudder, two wheels, two anchors, and a drop keel.

The hydroplanes are located, two on each side, flush with the superstructure deck. They are operated in unison by means of a system of shafts and bell cranks from the conning tower. When the boat is running submerged the depth of submergence is controlled by balancing the reserve buoyancy with the downward thrust of the hydroplanes.

The horizontal rudder is also controlled, and by light means, from the conning tower.

The wheels are provided to meet the sea bottom in many localities, to be used as a guiding medium, to act as complementary to the diving compartment in cable and mine work, and to allow the boat to rest on the bottom in weathering a heavy storm. They are of iron, 34 inches in diameter, with 10-inch rims, and are housed in pockets along the keel.

The anchors weigh 500 pounds each, are located one forward and one aft in pockets on the keel, and are raised and lowered by means of electrical winches in the after end of the crew space, operated from the conning tower. The anchors, in addition to their use as such, serve as weights by which the control of depth of submergence is obtained when not under way. When on picket duty, the boat by means of these anchors could rise for observation and submerge at will.

The drop keel consists of two castings with a combined weight of 10,000 pounds held in position by a shaft on which is shipped a wrench when the boat is submerged, the fastening of the two portions of the drop keel being such that a quarter turn of the wrench will release the entire weight, 10,000 pounds, in an emergency.

The general safety of the vessel and crew is contributed to largely by the boat's seaworthiness and stability. The following means are provided for insuring certainty of return to the surface from the submerged condition:

First, the reserve of buoyancy maintained while submerged.

Second, emptying of ballast tanks by air pressure.

Third, emptying of ballast tanks by power pumps.

Fourth, emptying of ballast tanks by hand pumps.

Fifth, release of two 500-pound anchor weights.

Sixth, release of 10,000-pound drop keel.

Seventh, escape of crew through the diving compartment.

Submergence, when the boat is at rest, is obtained either by taking in water ballast or by means of the anchor weights, as already stated; when the boat is in motion, it is obtained by means of the hydroplanes. When submerging with the hydroplanes the horizontal rudder is set to keep the vessel on approximately an even keel, compensating any eccentricity of longitudinal trim, due to distribution of weights. While running submerged there are no restrictions on the movements of the crew, and no great degree of skill is required to maintain a uniform depth of submergence.

Regarding the matter of submergence, Lieutenant Halligan states:

"The most remarkable feature in the performance of the *Protector* is the facility with which her depth of submergence is controlled, this being of particular interest, aside from its importance, in that it is one of the few qualities of the boat that was not developed in her predecessors (the *Argonaut I* and the *Argonaut II*)."

There are five stages of submergence, viz:

First. The normal cruising condition, with superstructure and ballast tanks empty. In this condition the superstructure deck is about 18 inches out of water.

Second. The war-time cruising condition, with superstructure filled and decks awash.

Third. Superstructure filled and sufficient water in ballast tanks to submerge to the base of the sighting hood. This is the trim for submergence. A reserve buoyancy of about 280 pounds, corresponding to the volume of the sighting hood and omniscopes, is maintained for all ordinary submergences. In this condition direct vision can be had through the sighting hood lenses. While under way in this condition, by depressing the hydroplanes two other conditions are assumed, namely:

Fourth. Submergence with nothing showing except the top of the omniscopes.

Fifth. Complete submergence.

To pass from the first of these conditions to the second requires about fifteen minutes; from the second to the third about three minutes. Transition from one to another of the submerged conditions is almost at will, being well within the time required for an intelligent observation through the omniscopes. This is, of course, of primary importance, inasmuch as when within sight of an enemy it is intended to run completely submerged, except for occasional verifications of bearing and range through the omniscopes.

Propulsion for the first three stages is by engines and motors, singly or combined; in the last three stages by motors alone.

The fact that in the third stage, by reason of an automatic induction valve in the top of the sighting hood, admitting air for the gasoline engines and excluding spray and water, the engines may be used, gives the boat a large cruising radius in this condition at comparatively high speed, and renders it likely that under many conditions of sea, light, and weather the boat may get within torpedo range without being seen in the event of the total disablement of her electrical equipment. In this case, of course, the omniscopes would be housed, and the sighting hood of a neutral color could be discerned only with great difficulty. This feature assumes considerable importance when it is considered that the elements most liable to disability in the submarine boat of to-day are the storage battery and electrical equipment.

It is intended in the near future to extend this advantage by taking the air for induction through the top of the omniscopes, so that the engines may be used almost to the exclusion of the motors, certainly until within a mile of the enemy.

No official timing of the speed of the *Protector* has yet been taken. According to unofficial timings, as entered in her log, her best speeds are as follows: Light condition, engines and motors combined, about 9½ knots; light condition, engines only, 8½ knots. Submerged speeds have never been taken, but it is estimated that she will make, when completely submerged, between 6 and 7 knots.

As to her cruising radius, no records of fuel consumed by the engines have been kept, but from rough calculations, made during the longer runs of the *Protector*, the gasoline-tank capacity should give a cruising radius of 350 knots in the light condition, at full speed.

The board on January 20, 1904, visited the boat, which made a surface and submerged run, and carried out such evolutions as the board desired, and which follow below:

The board was on board from 10.15 a. m. to 4 p. m. From about 12 m. to 3 p. m. the boat was submerged, and from 12.40 to 2 p. m. the board was in the diving compartment, observing its operation and that of grappling for a cable.

No discomfort was experienced under the air pressure in the diving chamber, and the remaining part of the interior was quite as comfortable as any surface boat of its size would have been. Lunch was cooked and served while submerged.

PROGRAMME.

First. Proceeded from Fort Adams some 3 miles up the bay in cruising condition, using engines.

Second. Passed from cruising to awash condition, housing all external fittings, except a wooden mast installed for the naval test.

Third. Continued surface run in awash condition.

Fourth. Passed to submerged condition by filling ballast tanks.

Fifth. Maneuvered on the bottom of the bay by using storage battery and motors to propel the boat.

Sixth. Filled diving chamber with compressed air, opened door in bottom, and with a grapnel picked up a telephone cable by moving slowly over its approximate position.

Seventh. Passed from submerged to awash, and thence to cruising condition, and returned to Fort Adams by a surface run, using storage battery and motors.

In passing from the submerged to the awash condition, it was found that an ice floe had drifted over the boat, which, on rising, broke through the floe and emerged with its deck completely covered with some 8 inches of ice, which remained on the deck while passing to the cruising condition. It was also found that the wooden mast above mentioned, had been broken by the ice, while the boat was maneuvering under it.

The weather was very cold, the bay full of ice, and it would have been difficult to have chosen more adverse conditions for the test.

CONCLUSIONS AND RECOMMENDATIONS—FOR THE DEFENSE.

First and second, the board believes that this type of submarine boat is a most valuable auxiliary to the fixed-mine defense, and in cases where channels can not be mined owing to depth, rough water, swift tides, or width of channel it will give the nearest approach to absolute protection now known to the board. The boat can lie for an indefinite time adjacent to the point to be defended in either cruising, awash, or submerged condition, by its anchors, or on the bottom ready for instant use, and practically independent of the state of the water and in telephonic connection with the shore, or can patrol a mined or unmined channel invisible to the enemy and able to discharge its torpedoes at all times. It possesses the power of utilizing its en-

gines in every condition except the totally submerged and can always charge its storage batteries while so doing, necessitating its return to shore only when gasoline must be replenished. In narrow channels the boat or boats would have a fixed position with a telephone cable buoyed or anchored at the bottom. In wide channels they would patrol or lie in mid-channel or where they could readily meet approaching vessels.

Third, as a picket or scout boat, outside the mine field or even at extreme range of gun fire, telephone communication can be sustained, and information received, and instructions sent for attacking approaching vessels.

Fourth, the test at Newport demonstrated the ease with which the boat can locate and pick up cables, and, with minor alterations in the present model, junction boxes, etc., can be taken into the diving compartment and repaired at leisure while absolutely protected from hostile interference. The faculty possessed by the boat of maneuvering on the bottom and sending out divers, leaves little or nothing to be desired in its facilities for doing this work.

FOR THE ATTACK.

The boat shows great superiority over any existing means of attacking mine fields known to the board.

First, it can run by any field, as at present installed, with but little or no danger from the explosion of any particular mine or from gun fire, during the few seconds it exposes the sighting hood for observations, and can attack at its pleasure vessels in the harbor.

Gentlemen, I will state that Captain Lake has gone in a submarine from the entrance of Sandy Hook straight into New York Harbor absolutely unobserved and unknown by anybody, and it is entirely possible with the Holland or Lake boats, either one, I think, with a fleet of vessels guarding Sandy Hook, to send a submarine boat up and put a torpedo on the Battery dock and come away unknown to anyone, and escape in absolute and complete safety.

Second and third, the board personally witnessed the ease with which cables can be grappled, raised, and cut while the boat is maneuvering on the bottom: mine cables can be swept for, found, and cut, or a diver can be sent out for that purpose.

The crew of the boat is a skilled one, trained for its test in every way likely to be requested by the Naval Board. It should be noted that, with one exception, no seamen are used, this exception being the man who steers and handles the boat.

The crew is as follows: One navigator, who is also the diver; one chief engineer; one assistant engineer; one electrician; one machinist; one deck hand, and one cook.

The board recommends consideration of the foregoing by the General Staff. The question of the use of the Whitehead torpedoes as part of the fixed-mine defense, fired from tubes on shore, is now receiving consideration. Where channels are wide and water swift, this use of the Whitehead will be very limited. With boats of this type the Whitehead can, it is believed, be carried within certain effective range in all ordinary channels, and this alone will warrant the consideration asked for.

Now, understand this is the board appointed by the Secretary of War to examine both boats. They did examine them and they made this report to the General Staff. Now, gentlemen, just one minute; just suspend conversation for half a minute. I am going to say something I am not authorized to say. This was a unanimous report to the General Staff. The General Staff of the Army have had this matter under consideration for the last five days, and the committee has reported, but I am not at liberty to say what that report is. I understand, however, that they recommend to the joint board of the Army and the Navy to take the whole subject under consideration in time for action at this session.

Mr. FOSS. That is the joint board?

Mr. HILL of Connecticut. The joint board of the Army and Navy. It is not necessary for this House to get excited over this question in the slightest degree. It is in good hands, and it is being fairly and fully considered by both parties. I am simply giving information as far as I have got it. Now, what was their recommendation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Connecticut. Mr. Chairman, I ask unanimous consent that I be given five minutes.

Mr. ROBERTS. I ask that the gentleman have five minutes longer.

The CHAIRMAN. The gentleman from Massachusetts asks that the gentleman from Connecticut be given unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

The board recommends, in consequence of its conclusions, that five of these boats be purchased for use in submarine defense, as follows:

Mr. BRICK. Mr. Chairman, may I interrupt the gentleman to ask which boat?

Mr. HILL of Connecticut. The Lake boat.

Mr. BRICK. The report says five boats. To which boat does it refer?

Mr. HILL of Connecticut. The Lake boat.

One for the School of Submarine Defense for experimental work, one for the eastern entrance of Long Island Sound, one for the entrance to Chesapeake Bay, one for San Francisco Harbor, and one for Puget Sound.

The necessity for this kind of defense in the four localities named needs no demonstration to those acquainted with them.

There being no further business before it, the board then adjourned sine die.

ARTHUR MURRAY,
Major, Artillery Corps, President.
C. J. BAILEY,
Captain, Artillery Corps, Member.
C. F. PARKER,
Captain, Artillery Corps, Recorder.

APPENDIX A.

[Copy of telegram.]

FORT TOTTEN, N. Y., January 14, 1904.

ADJUTANT-GENERAL, U. S. Army, Washington, D. C.:

Request telegraphic authority for board convened by paragraph 5, Special Order 20, 1903, to proceed Newport, R. I. No test of *Protector* possible heretofore. Boat now ready at Newport. Mr. Lake desires test there immediately. Board concurs.

A true copy.

MURRAY, President Board.

C. J. BAILEY, Captain, Artillery Corps.

APPENDIX B.

[Copy of telegram.]

WASHINGTON, D. C., January 14, 1904.

Maj. ARTHUR MURRAY,

Artillery Corps, Fort Totten, Willets Point, N. Y.:

Secretary War directs as necessary for public service members of board, consisting of yourself and Capts. Charles J. Bailey and Charles F. Parker, Artillery Corps, proceed to Newport, R. I., on official business pertaining to test of submarine torpedo boat *Protector*, and on completion duty return proper station.

PETIT, Assistant Adjutant-General.

A true copy.

C. J. BAILEY, Captain, Artillery Corps.

Now, gentlemen, that is a unanimous report. Now, I do not think I am revealing any secret when I say, since the six Lake boats were bought and paid for—

Mr. ROBERTS. You mean Holland boats.

Mr. HILL of Connecticut. Yes; since the six Holland boats were bought and paid for by the Government the naval boards have recommended changes in them to the extent of about \$10,000 each, copying identically in many respects the principles of construction of the Lake boat. We already have eight Holland boats. My constituents have shown that they are a company of gentlemen who are not only financially able but who actually have spent three or four hundred thousand dollars of their own money.

The chairman of the committee yesterday spoke of the *Katahdin* and other experiments which have gone to the naval scrap heap. These gentlemen did not ask for an advance order. They have delivered to you a completed instrument, which the Army itself says is the best method of defense in the world. Now, why do I make this amendment to strike out these five boats? I think we ought to have them. I think we had better have the Holland than not have any. But why do I propose to strike out these five in this bill? This thing is an experiment, practically, yet, notwithstanding this magnificent report which will be put in here. England and France to-day have gone beyond the mere defense; the *Protector* is beyond that. I heard Governor Voorhees, of New Jersey, counsel for the *Protector*, challenging the Navy Department to a 250 mile run at sea with one of their boats, and in rough water at that. What I would like to see done is this: This appropriation should be \$850,000, with full discretion given the Secretary of the Navy to use it as he sees fit; and what I would like to have him do—

Mr. FOSS. In that connection may I ask the gentleman a question?

Mr. HILL of Connecticut. Certainly.

Mr. FOSS. Whether or not the gentleman would think it advisable to reappropriate that \$500,000 of last year?

Mr. HILL of Connecticut. I do if it is necessary. I did not suppose it was necessary. I supposed it was a continuing appropriation until used.

Mr. FOSS. The Secretary came before our committee—

Mr. HILL of Connecticut. I would ask the chairman of the committee himself to make that motion. It will cost nothing if we do not spend it.

Mr. BENNY. Will the gentleman yield for a question?

Mr. HILL of Connecticut. I have only two minutes left.

Mr. BENNY. I simply wanted to ask the gentleman what time this challenge that he speaks of was made.

Mr. HILL of Connecticut. October 15 of last year, or about that date.

Mr. FOSS. I would like to ask the gentleman from Connecticut whether this amendment leaves it in the discretion of the Secretary?

Mr. HILL of Connecticut. I understand so absolutely. I will ask the gentleman from Massachusetts if he does not understand that his amendment leaves it also within the discretion of the Secretary?

Mr. ROBERTS. Mr. Chairman, the language of the committee has not been altered in the slightest degree by my amendment, and will give the discretion to the Secretary of the Navy. The committee voted to make it mandatory on the Secretary, provided the boats would meet certain tests. My amendment leaves it there, and I hope the amendment offered by the gentleman from Connecticut will leave it there also.

Mr. HILL of Connecticut. I propose that it shall. Now, Mr. Chairman, I wish to close by saying that my purpose in striking

out this item and leaving it discretionary with the Secretary of the Navy is to meet a similar course of action in foreign governments. I hold in my hand the report of the French submarine office, and in both France and England they have started to build submarine boats of 400 tons each—practically ocean cruisers—with a radius of 3,000 miles and a speed of 12 to 15 miles an hour. Gentleman, one such boat on the Atlantic coast and one in the Gulf would supersede all the coast defenses and render invasion of this country by a foreign power absolutely impossible. In my judgment it will not cost over a million dollars for both.

Now, if this is possible, if the method of defense has reached the point where it can be so handled, let the Secretary of the Navy have full discretion in regard to the matter. We appropriate millions and hundreds of millions of dollars here; and I think honestly, if the rest of the Members are in the same position as I am, we know very little about where the money goes or what the millions are expended for. Surely we can trust the Hon. W. H. Moody with the largest liberty in the use of this appropriation.

[Here the hammer fell.]

APPENDIX.

THE ARMY AND THE SUBMARINE—A NEW PHASE OF THE QUESTION—WHAT A MILITARY BOARD HAS RECOMMENDED—A RIDE BENEATH AN ICE-COVERED SEA.

[For the Times-Democrat.]

The War Department is now in possession of a report from an especially appointed board of experts recommending the purchase of a number of the highest type of American submarines for military purposes. To the lay mind this may seem to be a military trespass upon a naval preserve, but from the viewpoint of the board there are many of the soundest reasons for this novel proposition.

The submarine defenses of our seaports come under army control. The day was when these defenses were strictly passive, consisting only of explosive mines of various sorts anchored in the fairway of channels or navigable approaches to our harbors. To-day the Army has added the dirigible and the automobile torpedo to its province of subaquatic defense, and now, as the logical expansion of these torpedoes, comes the submarine, which, in effect, is really a movable mine field possessing a scope of application far in advance of anything else extant.

The military authorities have not suddenly jumped to this conclusion, however; they have watched the evolution of the submarine with growing interest. When the boats now in the Navy were tested, a board of military officers from Willets Point was present, but the performance of that type did not commend itself to those experts as promising anything desirable for military adaptation. Within the past eight months, though, the practical achievements of an entirely different order of American submarine has changed the whole complexion of the question. The vessel that has worked this revolution is Simon Lake's submarine, the *Protector*. The boat has fulfilled every promise made by her inventor, and she has placed the submarine upon a really substantial basis of precision and practicability. The French, with their fairly efficient "submersibles," must now take second place in the world's record along this line. This is not the mere say so of promoters. It is the official dictum of naval experts at the United States torpedo station at Newport, who have both seen and been aboard the craft during her maneuvers, the subject of official report by military expert authorities, and the consequence of generally well-known performances.

On the 19th of January, just past, a military board, composed of Maj. Arthur Murray and Captains Parker and Bailey, from the School of Submarine Defense at Fort Totten, N. Y., reached Newport, where the *Protector* still awaits trial by the naval board of inspection, to put that vessel through a series of maneuvers to determine her peculiar usefulness to the Army. The day was one calculated to put the vessel to the severest test. The temperature was some degrees below zero, and the wind that blew over the water cut into the bared skin as though laden with myriads of tiny knife blades. The water was covered with large floes of heavy ice. Apart from the submarine maneuvering powers of the craft, which, of course, had conditions against them, it was a day of all days to establish beyond question the habitability of the boat. Before, however, we take up the day's performance, let us see what was the board's outline of the possible field of usefulness for the *Protector*. Coming as this schedule does from experts, their opinion commands especial consideration. The scope of adaptation is twofold—to assist in the defense and to assist the attack.

Under the heading "To assist in the defense," the board considered the *Protector* applicable in no fewer than five important particulars:

1. To supplement or even to supplant fixed mines by lying adjacent to the forts and from that position to attack vessels attempting to run past, the mobility of the submarine, with her battery of Whitehead torpedoes, making her at once a torpedo craft and a movable mine field capable of meeting any possible change of direction of an approaching foe.

2. To supplement the fixed mines by attacking vessels that may be approaching the mine field or such as may have succeeded in crossing the danger zone unharmed. This provides an instant remedy to imperfect mines that may have become temporarily disabled, either by accident or the cutting of their battery connections by the foe.

3. To lie outside or to seaward of the mine fields at a distance of 10,000 yards (something over 5½ miles), in telephonic communication with the forts by means of a cable—either buoyed or attached to an anchor—the position of which is known to the submarine by cross-bearings or any other convenient means of secret location. This of course means using the diving compartment of the boat as a telephone station by bringing the cable inboard through the bottom door. In this capacity the *Protector* and her kind would serve as picket boats, giving the military base ashore an advance point of observation 5 miles and more seaward, and giving it power of attack—by direction to the boat—where the enemy might deem himself secure from danger.

4. To serve as a patrol for the under-water examination of our own mine fields, to overhaul the cable lines, and to prevent countermining by an enemy's submarines, if he should have a type permitting such work.

5. Serve as a repair boat, by picking up defective joints, junction boxes, etc., and taking them into the diving compartment for overhauling and fixing.

The last two of these functions would permit of operations under weather conditions prohibitive to the working of surface boats using divers, and, too, would afford a scope of application now denied the present mining facilities. Under the heading "To assist the attack," the operations trench upon those

now assigned the Navy, but their usefulness may be just as legitimately military.

1. To drag for, pick up, and cut multiple and branch cables while submerged. In brief, this means the countermining of an enemy's mine fields by cutting their battery connections and thus rendering them inoperative. It must be borne in mind that mine fields are generally protected from surface attempts to countermine by batteries of rapid-fire guns that cover every avenue of approach. To undertake to countermine such fields by any of the methods heretofore in vogue is, in effect, the leading of a forlorn hope, with well-nigh every chance desperately against success. The *Protector*, on the other hand, brings a new instrument to the work—one that can operate with absolute security and concealment under cover of the water.

2. To find and to cut individual mine cables while submerged. This is only a particular application of No. 1 and means the undermining of those cables which lead to the firing batteries, to sever which renders a set or group of mines harmless.

3. To sweep an enemy's mine fields wholesale by the use of two submarines. In this case the submarines would approach the field on a parallel course, with a stout wire cable dragging between them, and in that way displace and explode the mines guarding a channel.

4. While in a submerged condition, to run past land batteries and to attack vessels lying seemingly secure inside the fortifications.

The primary work called for by the army board on the 19th of January was evidence of the boat's ability to run submerged at various depths of control, to run upon the bottom, etc., to operate the diving compartment by opening the bottom door and picking up a cable that had been laid some time. The successful accomplishment of these easily presaged the practical application of the craft in the several directions outlined by the board's schedule.

The *Protector* reported at Fort Adams, Newport, at 10 o'clock of the morning, and after an hour spent at the wharf, during which the entire board, a couple of resident officers, and Mr. Lake and one of the crew went into the diving compartment to show its operation while the vessel was in surface trim. With this done, the craft was headed up the bay, and sent over the measured-mile course at full speed. When about 2 miles above Jamestown, the boat was stripped for a submerged run in every particular save the housing of the stout signal mast, which is carried as a peace-time warning to approaching vessels.

With everything in readiness, the superstructure was filled with its thirty tons of water, and down she settled with her deck even with the water. Now the conning-tower hatch was closed and sealed, there was the sound of rushing air through the pipes, and gradually, on an even keel, the entire craft settled below the surface, the argus-eyed omniscope alone remaining above. Through this instrument, however, a complete sweep of the horizon could be had and normal vision assured for the correct determination of distances, a necessary factor to efficiency and safety heretofore missing in all of the observing instruments aboard submarines here and abroad. Below in the body of the boat there was silence, broken as the gong rang for slow speed ahead. There was a sharp hiss as the electric switches closed the circuit at the switchboard, and then the low hum of the motors told that the boat was under way.

Outside, through the deadlights of the conning tower, was a seemingly jellied mass of luminous green, but no sound came from the passing water save the chug-chug of the screws of a distant steamer. After maneuvering for a while for a good position, the boat sank upon the bottom and her riding wheels, at a point about half a mile to the north and at right angles to the lead of a telephone cable running under water between Newport and Jamestown. As soon as the boat had found the bottom Mr. Lake, one of the engineers, and two of the army board went into the diving chamber. The vessel was in about 35 feet of water. Air from the low-pressure system was let in until the dial with the double index showed a balance between the air pressure inside and the water pressure outside. A little cork in the bottom door verified the reading of the gauge. Then the securing hooks were removed and the big steel door opened. For a moment there was the sound of flowing water like the chug-chug of a giant demijohn, and then all was silence again as the sea halted at the lower edge of the open doorway.

The grapnel was now lowered into the water and the vessel started ahead under one bell. Outside the bottom could be seen with more or less distinctness, and every now and then a passing rock seemed to threaten to come unpleasantly near to the doorway. The bottom was thick mud, into which the cable had buried, while the numerous rocks, ranging from a few inches to 4 or 5 feet, made the test as difficult as one might well imagine. Every now and then the line would tauten with a stiff pull, only to disappoint, as it relaxed as the grapnel freed itself. Finally there was a strong lasting tug that brought the boat to a standstill. Slowly the vessel was backed and the slack of the wire-rope wound in on the drum, and when the length had been over-run there lay the telephone cable in the jaw of the grapnel. To have brought it aboard and tied something on it in token of the performance, as had been done a week before, would have been but the work of a few moments, but the object lesson was complete as it stood. In time of war to have cut an enemy's communications by submarine cable would have been just as easy and just as secure, and to have picked up a telephone cable and to have opened a line of communication ashore would have been equally practicable.

It was pretty chilling work in that compartment, and, after an hour and a half of it, the members of the board were glad to get back into the warm main body of the boat, where, in the living space, had been spread a bountiful dinner cooked aboard on electric stoves while they toiled in the diving chamber. After dinner the boat was brought to the surface, and up she came through a field of ice from 6 to 12 inches thick. Her signal mast was smashed, but no other damage done, and picturesque she looked, indeed, as she lay there, her deck piled high with tons of ice, and her conning tower, with its deadlights, looking like the bluff head of some great marine monster. Out of the surrounding ice, however, she broke her way with a ponderous crunching sound that told the story of the power in her driving engines. The sun was low in the west as the boat started homeward, but the hearts of all were filled with exultation and pride in that day's achievement.

The logical application of the craft should be plain to the tyro now, but its significance can best be understood after what Major Murray said when he declared, "The *Protector* is at once a power for good and a menace, a friend and a possible foe. As a friend, the craft widens in many ways the present field of the submarine mine, and, as a foe, she completely upsets at one fell stroke all that we have accomplished in that direction after years of careful and persistent study."

Mr. DAYTON. Mr. Chairman, it seems to me that, having heard the representatives of those interested in these two different types of boats, we ought to have a word said in regard to the policy of a majority of the committee in reference to this controversy. I have not the slightest doubt—and I think I have read about everything on submarine torpedo boats—I have not any doubt in the world that several years ago when we appropriated for eight of the Holland submarine torpedo boats and substan-

tially put in a million and a quarter or a million and a half dollars, that we bought a type of boat that has already been superseded. I do not believe that after a thorough and careful examination of the merits of the two boats, the Lake and the Holland, any fair-minded man can say otherwise than that the Lake is a great advance over the Holland, and that the Holland is now antiquated.

Since the purchase of the Holland boats there has been no improvement upon them. We tried to tow two of them from Newport to Annapolis, and they happened to strike a storm, and two of them were disabled, to what extent we do not know, nor how much it will cost to repair them. The position taken by those who have asked Congress to go slow in this matter has been fully justified by the very argument that the gentleman from Connecticut has made, and that is that this is an experimental business. I have on my desk here a circular of a subsurface torpedo boat. That is another and different invention for this same method of warfare. That is being developed. They will come to Congress and push their invention. The policy of the committee has been to put a sum of money into the hands of the Secretary of the Navy and allow him to use it, so to speak, in the development of the science of submarine and subsurface warfare.

I do not believe, and I do not know that I will ever believe, that submarine and subsurface warfare will be an effective warfare. I believe it is against common sense and common reason to say that you can put a man under water, deprive him of the sense of sight, of the sense of protection that comes when he can see, and make a fighting instrument out of him equal to a man who stands protected upon the surface, who sees with his eyes and hears and can use all of his senses.

Mr. SIBLEY. Will the gentleman pardon me for an interruption?

Mr. DAYTON. Certainly.

Mr. SIBLEY. Is it not a fact that the Navy Department in years past has stood where you do when you say that you do not believe it possible for this warfare to be effective? I want to ask the gentleman if the Department as such has not been steadily against any submarine development, and if he thinks it wise to give to these hostile opinions the entire discretion as to whether or not such a class of defense shall be constructed?

Mr. DAYTON. In answer to the gentleman, I want to say this: The Department has not to the extent indicated by his question been antagonistic to the development of submarine warfare. The position they have taken has been that they were perfectly willing and desirous of developing any methods of attack or any methods of defense. Therefore, years ago they made an appropriation that enabled Mr. Holland to develop his boats. He simply took as his prototype the old *Peacemaker*, that did just the same feats the Holland boat has done, and then finally tipped over and went to the bottom of the sea and was abandoned. But the anxiety of these people to get a sale of their boats has brought this question constantly before Congress.

The very men who have charge of these boats, the men that must be responsible for them after the development has been brought to us, have opposed them as not yet being perfected. Admiral O'Neil has been opposed to them. They are under the control of his department. Admiral Melville has been opposed to them, and he is the recently retiring Chief of Engineers of the service and gave immense study to the question. Admiral Bowles, the late constructor of the Navy, in the strongest terms condemned these boats and told us that the price demanded for them was exorbitant, that their patents amounted to nothing, and that the Government itself ought to build these boats in order to experiment with them. So that those who have been responsible so far have been against the purchase of these boats, and they were substantially purchased against the will of the Department.

Mr. SIBLEY. Will the gentleman permit another question?

Mr. DAYTON. Yes.

Mr. SIBLEY. Is it not a fact that the Navy Department as a Department condemned and ridiculed the *Monitor* when it was proposed? I think my friend from Connecticut [Mr. SPERRY] could give a little evidence along that line. I am glad that the gentleman from West Virginia [Mr. DAYTON] admits that these officers have been opposed to the submarine boat. I think they have modified their views. I heard one of the gentlemen whose names have been mentioned—

Mr. DAYTON. Mr. Chairman, I must object. I want to go on.

Mr. FOSS. Mr. Chairman, if the gentleman from West Virginia will permit, I would like to say to the gentleman from Pennsylvania [Mr. SIBLEY] that Admiral O'Neil, the Chief of the Bureau of Ordnance, has written quite an elaborate article upon the question of whether or not the Navy Department was opposed to the construction of the *Monitor*, and that that is a matter which is in quite serious dispute.

Mr. WM. ALDEN SMITH. Brother SPERRY says he put up the money.

Mr. DAYTON. Now, Mr. Chairman, if I may be permitted, I want to say this—

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. Mr. Chairman, I would ask that my time be extended.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia may be permitted to continue for ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from West Virginia may be permitted to continue for ten minutes. Is there objection?

There was no objection.

Mr. DAYTON. I have prepared this statement so that it may be succinct as possible, and may state the present condition of this matter before the Navy Department.

Mr. WM. ALDEN SMITH. Will the gentleman permit a question?

Mr. DAYTON. Yes.

Mr. WM. ALDEN SMITH. Is it not a fact that certain officers of the Navy, well known and of ability, have approved this form of naval warfare?

Mr. DAYTON. Oh, yes; there is no question of doubt about that.

Mr. WM. ALDEN SMITH. Who were they?

Mr. DAYTON. There is no question but that a number of officers have approved it and a number of them have disapproved it. Some of the strongest naval officers in the service disapprove it. There are very many officers who believe that it is too dangerous. Certain it is that two of our boats have been over there in San Francisco Harbor, and, while under the charge of a very able young lieutenant, have not yet gone submerged beyond the Golden Gate. There has never been any experiment in deep water with the type that we now have and there never has been a sailing radius extending beyond 25 miles.

Mr. ROBERTS. Will the gentleman pardon an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. Yes.

Mr. ROBERTS. The gentleman states that the two boats in San Francisco Harbor have never been beyond the Golden Gate.

Mr. DAYTON. I am so informed.

Mr. ROBERTS. Has the gentleman seen the report from Lieutenant MacArthur, son of General MacArthur, in charge of one of those boats, giving his experience miles outside of the Golden Gate? That report is now on file in the Navy Department.

Mr. DAYTON. I have not seen any such report and am informed to the contrary.

Mr. ROBERTS. I have seen a copy of the report and I know it is there, telling that he has been miles outside of Golden Gate, and in a heavy sea.

Mr. DAYTON. I think the gentleman will find that he is mistaken.

Mr. ROBERTS. I am not mistaken.

Mr. DAYTON. Oh, Mr. Chairman, I will not yield to the gentleman. The gentleman has made his statement. I am informed differently from the Department; that is all I can say. Now, the condition in regard to this matter is this. There is in the Navy Department a board of construction consisting of some of the bureau chiefs. Up to this time that board has been adverse to the purchase of any more submarine torpedo boats, because of the fact that there was difficulty in taking care of those that they had. It would involve additional expenditure to prepare slips and protection for them, because they readily deteriorate; and, further, the board wanted to experiment with them to ascertain their full value.

There is also an army board. And this is a matter which, it may turn out, is for the army rather than the naval bill. If the scope of these submarines is to be mining and coast defense, then comes the question whether or not it is the part of the Navy to have anything to do with the matter or whether it is the part of the Army to take charge as under the head of fortifications. And the army board has, as the gentleman from Connecticut well sets forth, taken up this question and is considering it with that view. I believe, from the report as read, they have recommended that it shall be under army supervision as a distinct coast defense—a mining defense under their jurisdiction, and not under that of the Navy Department.

If that be true, then there ought not to be any further appropriation for these submarine torpedo boats as a part of the naval establishment, because the use of the Navy for these boats would be substantially in deep water as a complement to its fighting fleet.

Mr. FITZGERALD. Does the gentleman think that because we build monitors and coast defenses, they should be turned over to the Army, too?

Mr. DAYTON. The condition of the monitor is entirely different from that of the submarine boat. Its base of supply, comparatively speaking, is on board its hull, while, as I understand the report, the base of supply for gasoline to run a submarine

torpedo boat is on shore. A Holland boat can not run more than 25 miles from the shore, and then has to go back and get its new supply.

Mr. FITZGERALD rose.

Mr. DAYTON. I decline to be interrupted further. I do not want to get into a discussion which may lead me away from what I started to do, which was to make a statement of the situation as it is before the Department.

In addition, I say to the naval board, which has been opposed thus far to any further purchase of these boats, the army board has made its report, and states that the purchase of the Lake boat, with reference to the defense of the coast, is one within army jurisdiction. This matter has been referred to a joint board of the Army and Navy, to make full and complete investigation of the matter, to settle, I suppose, the use of these boats, and under which jurisdiction, and of what type they shall be constructed, and how many of them shall be constructed.

Within the next few weeks there will be a report of a special board of inspection appointed by the Navy Department to carry on these tests on boats already presented; and we want to hear from that board before we go headlong into the purchase of these boats.

Now, Mr. Chairman, on this matter I take the liberty of submitting this statement, which I believe to give the exact epitome of the situation.

The authorization by the Congress for the building of additional submarine boats of the Holland type is ill advised and not conducive to naval efficiency for the following reasons:

1. The joint board of army and navy officers, composed of experts of the General Staff of the Army and of the General Board of the Navy, and of which Admiral Dewey is president, is now specially considering the question of the utilization of the submarines for coast-defense purposes. The number, character, and size of such boats are now being specially considered, and it is simply embarrassing these military experts to authorize such construction of submarines at the present time.

2. Within the next six weeks the board of inspection of the Navy will commence conducting an extended series of competitive tests to determine the merits and defects of the Holland and Lake designs of submarines. The board of inspection have been giving special consideration to this subject during the past year, and they have prescribed tests and conditions which will secure for the Navy Department and for the Congress special information upon disputed points.

3. The Navy Department has been in possession of one Holland boat for over three years. Two of such boats have been possessed by the Government one year, while the remaining five have been in commission from six to nine months. Not one of them has ever been tested in rough weather and off the coast or under the actual conditions for which they were designed to operate. In a land-locked harbor, where the water is shallow and where the bottom is muddy, and by reason of the fact that the hulls of the vessels are exceedingly strong, no harm has resulted from the bow of the vessel striking the bottom. If such experiments had taken place, however, off a rocky coast or in deep water we should probably have been without any submarines.

4. It has been shown that the radius of action of the boats, when electrically propelled, is about 25 sea miles. As every blockading fleet must keep at least 7 or 8 miles off the coast, and as the shore fortifications are generally about 10 or 12 miles from the center of important cities, the boats of the Holland type could hardly leave their base under electric power without running down before reaching the probable field of action.

5. The boats have shown their unseaworthiness. It was attempted last fall to tow the *Adder* and the *Moccasin* from Newport to Norfolk. Both of these submarines were cast on the coast, and as a result their storage batteries are undoubtedly ruined, and it will take about six months and half their appraised value to put them in efficient condition.

6. The whole tendency in Europe is to build submarines of increased tonnage, and the boats projected are practically of a design that has been discarded by the French experts. The tendency in submarine construction is to give increased habitability and to extend the radius of action, and it is actually delaying naval construction of submarines to continue building a type that has not proved serviceable.

7. Although the Navy Department has two of the Holland boats on the Pacific coast, not one of these submarines has yet attempted to pass out the Golden Gate. The boats possess an extremely able and efficient commander, but he has found the boats so unstable that he has not yet dared to operate in other than shallow water.

8. The attitude of the Navy Department has been aptly expressed by Admiral Dewey in his letter to the House Naval Committee, wherein he stated that the Department should not commit itself to the building of any one type, but that an approved design should be adopted only after competitive tests and trials.

9. The present stage of the submarine-boat controversy is specially pleasing to the Navy Department. One private firm at their own cost has built a submarine boat, and has officially requested to have it fully and completely tested in competition with the type possessed by the Government. The report of the board selected by the Navy Department to conduct such tests can be expected within two or three months, and there is no doubt but that such report will contain information of exceeding value, and suggest lines of construction which should be demanded by the Navy Department.

10. Not one of the mechanical weaknesses of the Holland submarine boat that were pointed out by Admirals Melville and Bowles have yet been overcome. There has been no change in the design or character of the gasoline engine. The storage battery is so installed that the pounding of the sea will impair its efficiency. There has been no improvement as regards stability. The boat is still "blind," since the range of vision of the Holland submarine boat is only about 15 degrees. The boat is lacking in speed, and it is so tender under diving conditions that the different members of the crew can barely move from a fixed position when the boat is engaged in submerging or rising to the surface.

11. As the Navy Department now possesses eight of these boats, reliable information is being furnished as to their military value, efficiency, and endurance. So far as the naval experts are concerned, there is a weaker call for them than was made a year ago; and this is due to the fact that the actual performance of the boat has not been of such character as to convince the Navy Department officials that their development has been sufficiently satisfactory to regard the boat as efficient weapons of naval warfare.

12. With the joint board of army and navy experts specially investigating the problem of the submarine as a weapon of defense, with the Navy Department making preparations to carry on an extended series of competitive tests, with the several chiefs of bureaus of the Navy Department analyzing the regular reports forwarded by the commanders of the various submarine boats, and with various experts throughout the Navy giving special consideration to the problem, it would seem as if it would be wisdom upon the part of the Congress to delay consideration of the matter for six months, when some reliable data will be at the disposal of the committee.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 11825) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 48.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 167, "granting an increase of pension to J. Hudson Kibbe."

Also,

Senate concurrent resolution No. 47.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be prepared, from available data, if the same be on file in the War Department, and to submit a report with an estimate of cost of obtaining a channel in Wateree River, in the State of South Carolina, from its mouth in Santee River to Camden, S. C., of sufficient depth and width to render it navigable by any and all boats which can navigate Santee River as far up as the mouth of the Wateree: *Provided,* That if sufficient data for the purpose are not available in the War Department the Secretary of War is authorized and directed to cause an examination and survey of Wateree River to be made, with a view to obtaining a channel as hereinbefore described, and to submit a report thereof, with an estimate of the cost of the improvement, the expense of such examination and survey to be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors.

The message also announced that the Senate had passed without amendment bills of the following titles:

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

H. R. 11812. An act relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WILLIAM W. KITCHIN obtained the floor.

Mr. HILL of Connecticut. If the gentleman will pardon me a moment, I should like to offer a further amendment. If it be offered now, the gentleman can speak to the whole question. I

wish to offer this as a substitute for the amendment already pending.

Mr. WILLIAM W. KITCHIN. That is all right; go ahead.

Mr. HILL of Connecticut. As a substitute for the amendment now pending, I offer what I sent to the desk.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of, but not exceeding, \$850,000. *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare: *And provided further*, That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy. To carry out the purpose aforesaid the sum of \$850,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, and to make up said sum of \$850,000 the sum of \$500,000 carried, or such part thereof as may remain unexpended and authorized in the naval appropriation act approved March 3, 1903, is hereby reappropriated.

Mr. HILL of Connecticut. Mr. Chairman, I will state for the benefit of the gentleman from North Carolina, although doubtless he knows it already, that this is the precise language of last year's bill, except that the sum of \$500,000 has been changed to \$850,000.

Mr. FOSS. And let me further add that it also provides for the reappropriation of the \$500,000.

Mr. HILL of Connecticut. Yes; it reappropriates \$500,000 as a part of the \$850,000.

Mr. FOSS. Authorized in the act of last year, but not used, or at least only a small part of it used.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I believe that Congress ought to do something positive and direct in the line of acquiring submarine boats. Congress ought to give great respect to the recommendations of the Navy Department, but ought not to confine its deliberations to those recommendations. We are charged with the defense of the country and ought to shape the policy of the Government in regard to its Navy. I am informed that when the first great battle between ironclads was fought, which revolutionized the naval warfare of the world, Congress had not accepted and the naval authorities had not approved the *Monitor*. She fought as private property. It is no new thing for the Navy Department and for other Departments to be against things they did not originate. The question is not and ought not to be whether the Department favors this, but whether it meets our judgment.

Now, is it not a business-like proposition to increase our submarine force? England is to-day building ten submarines. She has nine already built. France is to-day building ten submarines. France has already built thirty. Germany is building submarines; other nations are building submarines. We ought to declare it now to be the policy of this country to build enough submarines in the next few years to fully defend the important harbors of the United States.

They furnish the cheapest and most effective means of defense that human ingenuity has yet devised.

The gentleman from West Virginia [Mr. DAYTON] asks, "Can you see to fight under water? Can you do much destruction when you have to travel under water?" Ah, gentlemen, you might as well ask, "Can one wait in the darkness of night and destroy his approaching enemy?" The very fact that it does go under the water, the very fact that it does act almost as an assassin, accounts for its danger. It is that fact that disturbs the brain of every commander. It is that fact, as Admiral Dewey has said, that would enable two of these submarines to defend the harbor of Galveston against the navies of the world. It is a cheap defense; it is a quick defense. You gentlemen who have been talking about having a great navy to maintain the integrity of the United States, who are afraid of foreign countries, who want to be prepared for war, in the exercise of good judgment in this way you can have a complete defense, quickly and economically. I state as my judgment, having studied this question, that for one-half of the money carried in this bill for the increase of the Navy you can build enough submarine boats completely to defend every important harbor in the United States.

I have no choice between the two submarine boats advocated here. I want the best. I do not care which one the Navy gets, and I do not care if the Navy refuses them both and constructs its own submarines. In fact, if the companies do not sell us submarines at proper prices I should prefer that the Government, taking charge of their patents if necessary, with adequate compensation to them, should construct a submarine boat building plant and build our own submarines. What I want is complete and cheap defense for the coasts of the United States, and then

you will not need your big boats for coast defense. They will not have to hug our shores for our protection. Your battle ships can leave these harbors then with the complete assurance that they are protected and go to fight the enemy on other seas.

Whether submarines ought to be under the head of fortifications or not does not go to the merits of the proposition. These boats will be commanded by officers of the Navy, and while this fortification idea may be used for delay and to defer action upon it, I believe that calm consideration will make you believe that they ought to be under the Navy Department as a part of the Navy, and not under the War Department as fortifications.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. I should like to have five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that he be allowed to continue his remarks for five minutes. Is there objection?

• There was no objection.

Mr. WILLIAM W. KITCHIN. They say the present submarine is not perfected and that soon it will be out of date. Why, gentlemen, at League Island you will find ships, monitors, and rams that once were thought to be great, and yet now they are out of date. Naval construction is progressive.

The battleship itself is not perfect. The time will soon come when the proudest battle ship afloat to-day will be out of date. When anybody uses that argument, trying to delay and defer submarine defense, I conclude that his opposition is deeper, and that he is opposed to the submarine boat in principle. This belief is strengthened when I remember that the *Monitor* and the *Merrimac* were not perfect, not equal to the *Kentucky* or the *Kearsarge*, and yet our predecessors did not stop the construction of ironclads on account of their deficiencies. It is no argument to say that these submarine boats are not perfect.

The question is, Are they now capable of defending our coasts? Gentlemen admit that one type of these boats can go out 75 miles without coming back to the shore, and that another type can go out 25 miles. Now, does not such ability prove them to be effective in defending a harbor? But the gentleman from Massachusetts has shown far greater merit in them than a radius of 25 miles. No squadron could blockade a port defended by them. They carry the same torpedoes that other boats use. The torpedoes carry their own motive power. Their effect is the same whether they are let loose from a regular torpedo boat or from a submarine. The motive power of each separate torpedo carries it to the enemy's ship. The trials of submarine boats up to this time, as stated by the gentleman from Connecticut and the gentleman from Massachusetts, have shown that they are effective in approaching the enemy and discharging the torpedo; that they can elude the keenest vigilance of those on guard; that they have even gone into harbors unseen, though carefully watched for, and have gotten near enough to vessels to have destroyed them without being discovered. What more can you ask?

If you want to defend our harbors and want that defense to be effective and economical, in the interest of our seacoast cities and in the interest of the American people, it seems to me you can reach but one conclusion, and that is that the Congress ought to give positive and direct instructions to its Navy Department to proceed along the line of acquiring the best submarine boats. For the reasons I have given, we ought to adopt a direct and positive amendment.

In addition to the submarines, I am in favor of more torpedo boats of the kind with the greatest speed and most effective for the destruction of an enemy's ships. I believe in such smaller craft, which will accomplish more for the purposes of defense than a battle ship or armored cruiser. The price of one battle ship will build a dozen torpedo boats and it will build twenty-five submarines, but a battle ship would not be half so effective in defending a harbor as a half dozen of either kind of these smaller boats.

Mr. BRANDEGEE. Mr. Chairman, I do not want to be heard but one or two moments upon this question. I simply want to say this: It seems to me that we are in a position to learn a good deal in the near future, by actual experience, of the comparative merits of large ships as compared with small vessels in naval warfare. It may be, therefore, it would be the part of prudence not to be stamped into making any very large appropriation for a type of boats which are yet in a more or less experimental stage, and which have been very little tested in actual fighting conditions, and none at all upon the high seas. It seems to me that we may rely upon the patriotism and efficiency of our Navy Department and our general board to do the right thing in protecting the harbors of this country.

I believe that they are better judges of what is needed than Members of this House, no matter how much attention they have given to that subject. I believe that most of our information is derived from unreliable sources—from newspapers and hearsay.

I do not think this Congress ought to be guided by that sort of authority. Now, the testimony before the committee in relation to this submarine question was this: Mr. DAYTON inquired of the Secretary of the Navy:

Would you recommend any further appropriation than we appropriated for in the bill of last year for the purchase of two submarine boats?

Now, Secretary Moody says:

I would not recommend going a step further than the general board's recommendation.

And again the Secretary says:

I suppose everybody wants to do the right thing by the Government. The general board comes here with a very conservative proposition; we want two submarine boats.

Now, I say this Congress can well leave this matter there. I do not object personally to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] as modified by the gentleman from Connecticut [Mr. HILL] because that appropriates a little more money, but it leaves it to the discretion of the Secretary of the Navy and does not make it mandatory upon him to purchase anything that he does not believe is best for the Government after he has made tests as between these different types of submarine boats. Now I think that is fair. I think everybody wants to have a fair test between these boats.

Mr. HILL of Connecticut. Or any other.

Mr. BRANDEGEE. Or any other boats or any improvement that may be made in the next few months, but do not let us be extravagant about this thing. This is a thing we can not afford to waste much money about until we know what is the best type; then we want all of them that are necessary for the protection of all our coasts. Now, Congress will be in session again next December, and I think then, after the Secretary has tested these boats and we see the result of foreign wars, we will be in a better position to judge, and I hope the recommendations of the committee will not be substantially increased by this House.

Mr. SLAYDEN. Mr. Chairman, I listened with a great deal of interest to the speech of the distinguished gentleman from Connecticut [Mr. HILL], and like him I want to say a few words about plain business matters in a plain business way. I do not pretend to any technical knowledge of marine architecture. If I had not had the privilege of seeing one of these submarine boats operate I doubt, sir, whether from reading of them I could have told the difference between them and Langley's flying ship, but I have seen them operate, and there are some few simple conditions of navigation that even I, landsman as I am, and a Representative from the interior, can comprehend perfectly well. I know that the submarine boat can go in a reasonably direct line. I believe from the testimony which has been printed and which I have read from time to time that it is the most effective war machine which has yet been brought to the attention of this country.

Now, I fear that there may be some opposition to submarine boats; I do not say the Holland submarine boat or any other submarine boat; but I fear there may be some opposition to the introduction of the submarine boats by commercial interests whose profits lie in another direction. I believe there is ample testimony on the part of naval experts to sustain these opinions. I believe that each submarine boat which we have for the defense of this country will displace a large and very expensive boat. I favor their purchase as a matter of economy and from plain business motives. I can not agree with the gentleman from Connecticut who has just taken his seat, or with the Secretary of the Navy, whom he quoted, that all people are considering the interests of the Government. I believe there is a large class of people in this country who consider their individual interests first and then the Government. In connection with other matters than their own they may be patriotic enough to consider the Government first.

Mr. Chairman, I saw in one of yesterday's papers, or, rather, in several of yesterday's papers, an estimate of the marine expenditures in the British Empire for the next fiscal year. It amounted to the stupendous total of \$184,000,000. Incident to that project was an estimate for submarine boats, ten submarine boats. I am calling attention to this budget, however, not for the purpose of citing the naval plan of Great Britain as an example which we should follow; I prefer to use Great Britain as an illustration of a country which we should not follow, although I have heard it urged upon this floor that the naval programme of the British Empire was one we should emulate. I desire to avoid these enormous naval expenditures—

Mr. FOSS. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. SLAYDEN. Certainly.

Mr. FOSS. I would like to know who said we are emulating Great Britain in her naval programme?

Mr. SLAYDEN. I do not know that I can name them just now, but I have heard it suggested several times, by supporters

of the committee bill, that we must build up a great navy in order to compete with Great Britain or Germany or Russia or any other country which was going in for a large navy. Mr. Chairman, when I came to Congress seven years ago I was a very staunch advocate of the upbuilding of the Navy, but I think, sir, it has been upbuilt. I do not believe that we ought to go into any scheme of competition with Great Britain in that direction, but having built a magnificent navy, having built up a navy which has given a satisfactory account of itself on the high seas in conflict with other nations, having provided adequate protection for our own ports and seacoast cities, and having reached the condition of affairs where our annual naval expenditures approximate \$100,000,000, I believe it is time to call a halt and—

Mr. FOSS. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. FOSS. I want here and now to state for the committee that we disclaim any intention on the part of the committee to compete with any foreign nations in the matter of building up its navy.

Mr. SLAYDEN. I am very glad, Mr. Chairman, to hear the gentleman's disclaimer, but observation of the regularity with which his appropriation bills grow convinces me that whatever may be his declared intention we are rapidly approaching a condition of competition with Great Britain and other great naval powers.

[Here the hammer fell.]

Mr. ROBERTS. Mr. Chairman, I desire at the outset to resent the insinuation of the gentleman from West Virginia [Mr. DAYTON] that I am the representative on this floor of any style or type of submarine boats. The gentleman knows as well as he knows of his own existence that in the committee and on this floor I have advocated the building of submarine boats of the best type; and it has always been left open in the provisions of any bill I have urged for the Secretary of the Navy to select the best type; and the amendment which I offer now, and which is pending before this committee, leaves open the question as to which is the best type. And the committee, in regard to the submarines, as anybody can see by reading the bill, leaves the question of type of boat open to the discretion of the Secretary of the Navy.

Now, with regard to the argument by the gentleman from Connecticut, it is the same old argument that I have heard since I have been in Congress always coming from the lips of the opponents of submarine boats—"Don't be hasty; don't be precipitate; another session of Congress is coming and we can appropriate then." That has been said by the enemies of submarine boats ever since I have known anything about submarine boats. Another thing I would like to have the committee bear in mind is that, for the first time in the history of submarine boats in this country, the Navy Department has voluntarily made a recommendation to Congress for their purchase. Bear that in mind. On the question of whether or not the Navy Department has heretofore been hostile to submarine boats, this is the first time any Secretary of the Navy has come before the House committee to recommend submarine boats, and he has recommended two of them. Don't be led away about the reappropriation of last year's appropriation. Last year's appropriation was for the purpose of providing a fund for experimental purposes, and the general board, speaking through the Secretary of the Navy, recommended for this year the two submarine boats carried in the bill, without any reference whatever to last year's appropriation.

The general board, as we know from conversation with some of its members, desire a progressive programme to be started now, based on the information they already have, and desire the \$500,000 contained in the appropriation of last year to remain available for the purposes of experimentation, that they may obtain the highest and best type of submarine boat, if improvement in the present type is possible. The only difference between the language of the committee as reported to this House and my amendment is in the number of boats we shall now order, still leaving it to the discretion of the Secretary of the Navy to select the type. The committee ask you to have two built without reference to last year's appropriation. My amendment would raise it to five.

Now, there is just one question that I want to allude to. I regret very much that my friend from Connecticut has brought in here a comparison between the Holland and the Lake boats. He proceeded to laud the Lake boats highly to the disadvantage of the Holland boat. I am not opposed to the Lake boat, but I want to call the attention of the gentleman from Connecticut, who seems so familiar with what lies in the archives of the Bureau, to a letter written by Simon Lake, president of the Lake Torpedo Company, dated January 16 of this year, in which he says to the Department:

I can not make good what I have claimed for my boat. I can not make the surface and under-water speeds I have claimed for my boat. The screws will not operate right. The diving rudders do not operate right. The steering wheel does not operate right. The storage battery does not operate

right. Will not the Government accept my boat without competition, without a test, and leave it to me to make it good after the Government has paid for it?

Mr. HILL of Connecticut. Will the gentleman allow me?

Mr. ROBERTS. That was subsequent to the report which the gentleman from Connecticut read, dated some time in 1903.

Mr. HILL of Connecticut. Will the gentleman yield?

Mr. ROBERTS. When I have finished.

Mr. HILL of Connecticut. Was the gentleman quoting verbatim from a letter or from his own recollection?

Mr. ROBERTS. I am quoting from a letter which I read at the Navy Department.

Mr. HILL of Connecticut. Why hasn't the gentleman got the letter here?

Mr. ROBERTS. Because it is in the archives of the Department and they would not give it up. The gentleman can read it if he goes up there. Any Member of this House can read the letter if he asks for it. And that is the Lake boat, which the gentleman from Connecticut says is superior to anything that was ever built.

Now, I am not against it. If that Lake boat is a better boat than we have in our service to-day, I say to buy it; but for the first time in my knowledge we have some idea of what a Lake boat will cost. We know what the boat we already have will cost. We can duplicate it and get even a better boat for \$170,000, but the gentleman from Connecticut [Mr. HILL] tells us that this great Lake boat, whose inventor says will not meet the claims that he has made for it, will cost more money than those we already have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATSON. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Massachusetts may proceed for five minutes. Is there objection?

There was no objection.

Mr. WATSON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ROBERTS. I yield.

Mr. WATSON. I want to ask two questions. First, how many of the six Holland boats contracted for have been supplied to the Government—have been completed?

Mr. ROBERTS. They are all accepted and paid for by the Government, all of them.

Mr. WATSON. How have they met the requirements and the demands that were made conditions precedent to their acceptance?

Mr. ROBERTS. Mr. Chairman, every one of them exceeded the contract requirements, every one of them, as the report of the trial board shows. And furthermore, Mr. Chairman, in one of the trials, as the gentleman can find by reading the reports of the boards conducting them, the boats undertook to do something that was not called for in the contract, viz, to run a mile under water, turn about, and come back over the same course, and they did that. That was not required of them.

Mr. WATSON. What, if any, experiments have been conducted since the Government has accepted those boats?

Mr. ROBERTS. I am glad the gentleman has brought that question up. The gentleman from West Virginia [Mr. DAYTON] said that these boats had been tried only in smooth waters. I call to his attention the report of Lieutenant McArthur, which any gentleman can see by going to the Navy Department, showing that the boat in San Francisco Harbor has repeatedly been taken outside of Golden Gate, out into the open sea, where the sea was so heavy that the boat rolled to an angle of 20°, and there successfully operated; and I would call the attention of the gentleman to the many reports about these boats he will find in the Navy Department reports, which the Secretary will not give out or make public, because, in his judgment, it is contrary to public policy, where these boats have gone outside of Block Island 6, 8, and 10 miles, and the gentleman from Connecticut [Mr. BRANDEGEE] knows that the weather conditions off Block Island are not very conducive to smooth water. They have rough water out there. Those boats have gone out there and have operated successfully time after time.

I wish to call his attention to one fact which has been told to me on credible authority, and which I believe, that in one of the tests last summer the surface boat was to go out about 6 miles off Block Island and wait for an attack by the submarine. The submarine got out on the ground and cruised around, but could not find the surface boat, and finally she went back into Newport, where it was learned that the surface boat had found the weather so rough that it could not stay on its station and await the attack of the submarine. Now, shall we take the judgment of Admirals O'Neil and Melville, or shall we take the judgment of Admiral Dewey, who knows what these boats are doing, who has access to all these reports, who is a fighting man, who is the man, if a

war should come in his lifetime, who will go out and fight our battles, while neither of the other admirals mentioned will ever again go out and fight?

If we are going to have a comparison of the number of admirals who approve and disapprove these boats, here are a few that favor them: First, Admiral Dewey, for one; Rear-Admirals Hichborn, Farquhar, Jouett, Endicott, Kenney, Lowe, and the lately made Admiral Sigsbee, than whom no man, perhaps, in our Navy has had more experience with submarine warfare. He was blown up on the *Maine*, stood off the torpedo attack off San Juan, and he knows what torpedo warfare means. He is an advocate of submarine boats. Then, to go to subordinate officers, we have Captain Folger and Captain Wainwright, who was on the *Gloucester* and who knocked out two of those torpedo boats. He favors submarine boats. Then we have Commander Kimball, who commanded our torpedo flotilla. He says that with six of these submarine boats he will stand off the English flying squadron 10 miles outside of Sandy Hook or forfeit his professional standing in the service.

Commander N. E. Mason, lately in charge of torpedo station, Newport, R. I.; Lieut. Commander Nathan Sargent, at one time Admiral Dewey's naval aid; Naval Constructor Lawrence Spear, who superintended building the Government Holland boats at Nixon's yard; Lieut. A. P. Niblack, former naval attaché at Berlin, Rome, and Vienna; Lieut. F. W. Toppan; Lieut. W. J. Sears, formerly chief inspector in charge of manufacture of Whitehead torpedoes; Lieut. Arthur MacArthur, commander of torpedo boat *Winstow*; Lieut. H. H. Caldwell, commander of U. S. submarine boat *Holland* and on Admiral Dewey's staff at Manila; Ensign Charles P. Nelson, now lieutenant, the officer who took the *Shark* into Newport Harbor in broad daylight without being detected; Capt. A. T. Mahan, of the United States, and Lord Brassey, of Great Britain, the two greatest naval authorities of the world, all of these favor the submarine boats.

[Here the hammer fell.]

Mr. FOSS. I move that we close debate on this question in ten minutes.

The CHAIRMAN. Debate is already closed unless some gentleman desires to speak. [Cries of "Vote!" "Vote!"]

Mr. FOSS. Mr. Chairman, I want to say just one word, that is all.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] is recognized.

Mr. FOSS. Mr. Chairman, the proposition which is reported here by the committee gives the Secretary of the Navy authority to buy two submarine boats after he has made tests, and it re-appropriates \$500,000, or such part thereof that may remain unexpended, toward that end.

Last year we made an appropriation of \$500,000 and required the Secretary of the Navy to make competitive or comparative tests, or both, between these boats. Those tests have not yet been made. Now the proposition of the gentleman from Massachusetts is that the Secretary of the Navy shall buy submarine boats, and an appropriation of \$850,000 is proposed therefor. If you will examine that proposition for a moment, you will see that five of these boats at \$170,000 each, which is the price of the Holland boat, make exactly \$850,000. In other words, if the amendment of the gentleman from Massachusetts should be adopted, it means that the Secretary of the Navy can only buy submarine boats that cost \$170,000 each—five of them.

To adopt that amendment means that the Secretary of the Navy must buy a particular boat, and that boat the Holland torpedo boat. Now, what I insist upon is that the Secretary of the Navy shall have the discretion and the right to buy any submarine boat that he may deem proper, and such as appears to be the best boat after there has been a competitive test and a comparison between the different types of submarine boats.

Mr. COWHERD. I should like to ask the gentleman whether he wishes to have that amendment adopted in such a form that the Secretary of the Navy shall have a discretion simply in the selection of the submarine boats to be purchased, or whether he shall have a discretion as to the purchase of any kind of submarine boats? Does the gentleman propose that the Secretary of the Navy must purchase some kind of a submarine boat?

Mr. FOSS. I will say to my friend from Missouri that I think the best provision on this subject, the provision out of which the Government (and we stand here as the representatives of the Government and the people)—the provision out of which the Government will get the most benefit for its money, is the provision that was adopted by Congress in the last naval appropriation act.

Mr. HILL of Connecticut. That is what I want.

Mr. FOSS. And that is practically the substitute offered by the gentleman from Connecticut. Let me read:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of, but not exceeding, \$500,000—

[Here the hammer fell.]

Mr. COWHERD. I ask consent that the time of the gentleman from Illinois be extended for five minutes.

There was no objection.

Mr. FOSS. The gentleman from Connecticut in his substitute increases that sum by \$350,000, making in all \$850,000. Now, let me read further.

Mr. COWHERD. Before the gentleman passes from that point, will he allow me to ask a further question? I wish to know whether the legal construction of that language would not permit the Secretary of the Navy to say in his discretion that he does not want any submarine torpedo boat?

Mr. FOSS. Yes; he can buy these boats or not. But look at this proviso which follows:

Provided, That prior to said purchase or contract for said boats any American inventor—

Observe the language—

any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested—

How?—

by comparison or competition—

That is what we want. We want what is found to be the best, after there has been comparison and competition—

tested by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such. And thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for said subsurface or submarine torpedo boats in the manner that will best advance—

Mark this language—

that will best advance the interests of the United States in submarine warfare: *And provided*—

Mr. WATSON. Let me ask a question.

Mr. FOSS. I would rather finish this.

And provided further, That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare, and shall have been fully tested to the satisfaction of the Secretary of the Navy.

Now, the gentleman's substitute reappropriates the \$500,000, or such part thereof as may remain unexpended from that appropriation, which was made in the last naval appropriation act.

Mr. LOUDENSLAGER. Mr. Chairman, will the gentleman from Illinois yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New Jersey?

Mr. FOSS. Yes.

Mr. LOUDENSLAGER. Does the chairman of the committee contend that that will permit the Secretary of the Navy to buy any submarine boats whatever without a competition?

Mr. FOSS. No.

Mr. LOUDENSLAGER. Then if there are two types of submarine boats manufactured in this country, one superior to the other, and one refuses to compete under that section, the Secretary of the Navy can not purchase any.

Mr. FOSS. Oh, the gentleman is mistaken.

Mr. LOUDENSLAGER. Why, certainly, that is the language of the section you have read.

Mr. HILL of Connecticut. Is that the ground on which they have refused to compete?

Mr. LOUDENSLAGER. And that is put in as a subterfuge, to permit the Secretary of the Navy not to buy.

Mr. FOSS. Oh, no; I do not take it that way at all.

Mr. WATSON. I should like to ask the gentleman from Illinois a question.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. FOSS. Let me read the language:

By comparison or competition.

Mr. LOUDENSLAGER. Yes, one or the other, but they must be willing to submit to a comparison or competition; and if there are two, and one refuses and the other is good, and willing to have a competition or a comparison, the Secretary of the Navy is not permitted to buy, no matter how excellent it may be, simply because the other refuses.

Mr. FOSS. What position would that company be in that would refuse to compete or to compare?

Mr. LOUDENSLAGER. They ought not to be considered in it, but I want to say to the chairman of the committee that I have confidence in the Secretary of the Navy.

Mr. FOSS. So have I.

Mr. LOUDENSLAGER. And it is left to him to decide whether to buy or not, and the requirement he puts on it ought to be as sufficient as any other.

Mr. WATSON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. FOSS. Yes.

Mr. WATSON. I want to ask if it is not a fact that the Secretary of the Navy has recommended that at least two of these boats be purchased? Is it not a fact that this provision was incorporated in your bill because of the recommendation of the Secretary of the Navy? Is that true?

Mr. FOSS. Yes; the Secretary of the Navy, in his statement before the committee, says:

I would not recommend going a step further than the general board's recommendation for two boats.

Mr. ROBERTS. In either case.

Mr. FOSS. This question was asked him:

And you have money enough for this purpose?

Secretary MOODY. Yes; only it would have to be reappropriated.

Mr. WATSON. Now, if the general board have recommended two, and the Secretary of the Navy has recommended two, he is then committed to two, is he not? And is it not reasonable to suppose that, being committed to two, he would purchase more if these boats meet the demands and the requirements of submarine warfare?

Mr. FOSS. Oh, undoubtedly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. FOSS. The whole purpose of the committee is to protect the Government, to see to it that the Government gets the most for its money. The committee is not opposed to submarine boats in any way or respect or manner whatever, but the members of the committee believe that this money that we appropriate ought to go toward the progress of submarine science and not for the benefit of one boat or the other.

Mr. Chairman, I might say as to different ships we have tested the battle ship and the cruiser in actual battle, and the gunboat and also the torpedo boat, but the submarine has never yet been tried. I do not know whether it is going to prove an effective weapon of war or not. I may say that I trust it may, and I hope that we will develop a great deal along this line of submarine warfare. But I do insist that we shall appropriate money here in such a manner as will develop science, will bring in all the different inventions and developments in reference to submarine warfare, so that the Government in the end, by competition, by comparison, will get the best article for the money.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. RIXEY. The chairman of the committee, as I understand, is in favor of the substitute offered by the gentleman from Connecticut [Mr. HILL].

Mr. FOSS. Yes, sir; I call for a vote.

The CHAIRMAN. The gentleman from Missouri [Mr. Cowherd] is recognized.

Mr. RIXEY. Mr. Chairman, I merely want to ask the chairman of the committee a question.

The CHAIRMAN. The gentleman from Missouri has been recognized. Does he yield to the gentleman from Virginia?

Mr. COWHERD. I yield to the gentleman to ask a question.

Mr. RIXEY. I understand the gentleman from Illinois is advocating the Hill amendment.

Mr. FOSS. What is that?

Mr. RIXEY. I understand the gentleman from Illinois is now advocating the amendment of the gentleman from Connecticut.

Mr. FOSS. I believe the Hill substitute is even better than the provision which is brought in here by the committee, because it is identical with the language of the provision of Congress in the last naval appropriation bill and that it reappropriates the \$500,000 which was appropriated then, and adds to it \$350,000.

Mr. RIXEY. Then the chairman of the committee abandons the provisions of the present bill for the submarine boats. Now, I want to call his attention to this paragraph to see if he does not think it protects the Government. It provides:

The Secretary of the Navy is hereby authorized to contract for or purchase two subsurface or two submarine torpedo boats at a cost not exceeding \$500,000. *Provided*, That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy.

Mr. FOSS. Yes.

Mr. RIXEY. Why does not that protect the Government? Let me say to my friend that this whole matter was discussed in the committee; and we finally decided to insert this provision so as to protect the Government, and at the same time authorize and direct him to purchase at least two boats.

Mr. FOSS. Yes.

Mr. RIXEY. The committee was willing to authorize the Secretary of the Navy to buy two submarine boats after satisfactory tests and trials. He did nothing under the last appropriation because the rival boat companies did not give the competitive test required.

Mr. FOSS. Will the gentleman yield a moment? The identical language was used as the gentleman has read; that is in the bill of last year. So that we have not only that but something more. We have here a provision that there must be a comparison of the boats.

Mr. RIXEY. Now, right there, the gentleman will remember under this additional provision that applies to submarine boats that so long as there is one party which is not ready, and which wants the boat tested, the Secretary will wait until all the parties can come, and can not buy a boat until all the tests have been made.

Mr. FOSS. Oh, no.

Mr. RIXEY. And that matter has been delayed by him for over twelve months. And I want to state to my friend, the chairman of the committee, that it was my intention to stand by the committee.

Mr. FOSS. And I will say to the gentleman also that I will stand by the committee, but I supposed that every member of the committee was going to stand for this provision that we had agreed upon in the committee; but I want to say to the gentleman that when the committee differed from that provision I am willing to state my views in the matter. Now I ask for a vote.

The CHAIRMAN. The gentleman from Missouri had been recognized.

Mr. RIXEY. Mr. Chairman, as the chairman of the committee and myself have taken the time of the gentleman from Missouri, I ask that his time may be extended for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Missouri be extended for five minutes. Is there objection?

Mr. FOSS. I move that we close debate in ten minutes.

The CHAIRMAN. Does the gentleman from Missouri yield the floor for that motion?

Mr. COWHERD. I will.

The CHAIRMAN. The gentleman from Illinois moves that debate on this paragraph and all amendments thereto be concluded in ten minutes.

The motion was agreed to.

The CHAIRMAN. Is there objection to the request that the gentleman from Missouri may be allowed to proceed for five minutes? [After a pause.] The Chair hears none.

Mr. COWHERD. Mr. Chairman, I want to say for myself, and I believe I voice the sentiment of a great many men on the floor of this House, that I am in favor of submarine boats being built for the Navy. Now, whether it be the Lake boat or the Holland boat or somebody else's boat, I do not care. I pretend to be no expert in naval affairs. I know as little about it as any man who has been raised fifteen hundred miles from tide water, and never saw a battle ship in his life. I know they can go for miles when wholly submerged, can rise to get their bearing, dive again in the space of a few seconds, and discharge, with fair accuracy, a torpedo, the most destructive weapon known to modern warfare. But I have seen these boats operate. I believe the submarine boat is the weapon of the future, and I believe it is a piece of absolute folly for the American Congress year after year to appropriate here hundreds of millions of dollars for a navy, with from eight to twenty million dollars for great battle ships, and refusing to provide any money for the experimentation of these cheaper boats that science tells us, and that to-day the Admiral of the Navy tells us in the letter read by the gentleman from Massachusetts [Mr. ROBERTS], are to be the dangerous weapon of the future.

Now, I do not care whether the language be the language of the Roberts amendment or the Hill amendment, except I do care for this: I do not want any amendment slipped in here under which any officer of the Government can say, "It being left to my discretion whether I will purchase a submarine boat or not, I will exercise that discretion against the purchase of the boat." I am perfectly willing to leave the Secretary of the Navy the discretion of the designation of the boat to be purchased, but I want the purchase made mandatory.

Mr. MUDD. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. COWHERD. Yes, sir.

Mr. MUDD. The Secretary in his hearing before the committee says that in his judgment he would purchase two.

Mr. COWHERD. I know nothing about it except I see in the bill here an authorization for two.

Mr. MUDD. The Secretary submitted that.

Mr. COWHERD. Yes; but the gentleman knows that the amendment as proposed is worded so that the purchase can take place only after competition and—

Mr. HILL of Connecticut. Will the gentleman allow an interruption? That competition can be held whenever the Government sees fit.

Mr. COWHERD. Can it be held if there is no competitor?

Mr. HILL of Connecticut. It is entirely under the control of the Secretary.

Mr. COWHERD. Suppose there was no competitor?

Mr. HILL of Connecticut. He can put in his own boat, he can put in the Government boat.

Mr. FOSS. Then determine by comparison.

Mr. COWHERD. I want to say this, and this is all I am arguing for, that I do not care to leave it absolutely in the discretion of that Department, which has heretofore time and again recommended against these boats; that the gentleman from West Virginia tells us—quoting from the heads of its bureaus—hold these boats to be worthless; I do not want to leave that absolutely in the discretion of that Department to say whether we will spend a few hundred thousand dollars for boats of this type or many million dollars for the big boats which are being built in the big navy-yards of the country. I believe the building of the submarine boat is not only necessary as a weapon of defense, but is distinctly on the side of economy.

We have been treated to-day to the most remarkable argument that has ever come from any committee, and particularly when it comes from the gentlemen of the committee who now have charge of the floor, when they fear that if you give them this appropriation they will take charge of some work that belongs to some other department of the governmental service. When was there ever a committee on this floor that was not willing to reach out and take all the work they could get? And many times have we heard these gentlemen here saying, with tears in their voices as well as in their eyes, that you had taken away from them some kind of survey and given it to some other committee when it properly belonged to them. I do not want to see the Army buying boats. I do not believe it is the Army's business, but whether this is or not a technical question of coast defense, I believe we can and ought to provide in this bill so there will be no question about it, not that some officer shall have the discretion of purchasing submarine boats, but that we propose to see that the officer exercises that discretion to the extent only of selecting the type, and that this Congress demand that this Government shall go on with the operation of buying submarine boats, not extravagantly, but sufficiently to develop that great weapon of warfare that, in my humble judgment, is to be the weapon of the future. [Applause.]

The CHAIRMAN. The Chair will state that the gentleman from Massachusetts offered an amendment to the paragraph and that the gentleman from Connecticut offered an amendment to the amendment.

Mr. HILL of Connecticut. Mr. Chairman, I would like to withdraw the amendment to his amendment and let the substitute stand.

The CHAIRMAN. The gentleman from Connecticut now desires to withdraw the amendment to the amendment, and without objection that will be done.

There was no objection.

Mr. HILL of Connecticut. Now, Mr. Chairman, I would like to have both amendments read. My understanding of the matter is that the question is, first, on the amendment offered by the gentleman from Massachusetts to amend the bill.

The CHAIRMAN. The Chair will state that the question is, first, on the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] to perfect the paragraph, and then upon the substitute amendment offered by the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Now, Mr. Chairman, let us have a fair vote and a fair understanding. Those that are ready to place \$850,000 at the discretion of the Secretary of the Navy for a competitive test will vote against the amendment offered by the gentleman from Massachusetts, and then will vote in favor of the substitute. Am I right?

The CHAIRMAN. The first question is on the amendment offered by the gentleman from Massachusetts to perfect the paragraph.

The question was taken; and on a division (demanded by Mr. ROBERTS) there were—ayes 45, noes 106.

So the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. COWHERD) there were—ayes 91, noes 51.

So the amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

Construction and machinery: On account of the hulls, outfits, and machinery of vessels, and steam machinery of vessels heretofore authorized, \$19,826,800.

Mr. LIVERNASH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out the period after the word "dollars," in line 2, page 73, substituting a colon, and adding immediately thereafter the following:
 "Provided, That none of said sum be and none is appropriated on account of any of the hulls, outfits, or machinery heretofore authorized for use, payment, or application under any contract for any vessel in which said contract the contractor shall not have covenanted with the United States as follows:

"That no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon permission granted by the Secretary of the Navy during time of war or a time when war is imminent or when any great national emergency exists; and that the contractor contracting with the United States shall, in the event of violation of said covenant as to hours of labor, forfeit to the United States the sum of \$5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract."

Mr. FOSS. Mr. Chairman, to that I make a point of order.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. FOSS. It is new legislation.

Mr. LIVERNASH. Mr. Chairman, I should like to be heard on that point before it is passed upon.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LIVERNASH. Mr. Chairman, the point of order calls for but little discussion. It has been twice determined in recent Congresses, namely, during the second session of the Fifty-sixth Congress and the second session of the Fifty-seventh Congress, that an amendment of this kind is not subject to the point of order here made. I read from page 345 of the Manual and Digest as follows:

While it is not in order to legislate as to the qualifications of the recipients of an appropriation, the House may specify that no part of an appropriation shall go to the recipients lacking certain qualifications.

Clearly, sir, the amendment is such limitation upon an appropriation as brings it within this rule. The paragraph sought to be amended appropriates many millions of dollars, and the amendment specifies that no part of these millions shall go to recipients lacking certain qualifications—to no persons, that is to say, who shall have declined to covenant with the United States that contract work yet to be performed shall be conducted on the eight-hour basis as to workday for laborers and mechanics which is now in effect in the navy-yards of the country.

Certainly, therefore, the point of order is not well taken and should not be sustained, but I should be glad to have it go out of the case through failure to press it rather than for another reason. I hope, sir, that no Member of the House will urge a point of order striking straight at the working classes of this country. Surely any gentleman who shall urge a point of order against the amendment must be open to the accusation of hostility to genuine application of the eight-hour principle, for which the House has more than once professed favor.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. FOSS. Mr. Chairman, I will state that the amendment is offered, as I understand it, to that paragraph in the bill providing for "construction and machinery," and the wording is as follows:

On account of the hulls, outfits, and machinery of vessels and steam machinery of vessels heretofore authorized, \$19,826,860.

Now, that appropriation is for vessels already authorized by previous provisions of law and in process of construction. In view of that fact I take it that this amendment now would be in violation of law. The contracts are let, penalties provided, and everything in connection with the construction of these ships.

I desire to have the Chair clearly to understand that this appropriation under this paragraph does not apply in a single degree to ships authorized in this bill. It applies to those ships already under process of construction authorized by provisions of law, and, in view of that fact, I think it is clear that this would be a change of existing law.

The CHAIRMAN. The Chair understands that this paragraph as it stands is intended to appropriate for the construction of vessels or parts of vessels heretofore authorized, and learns from the statement of the gentleman from Illinois [Mr. Foss] that contracts have been made for such vessels. Nevertheless, it is within the power of Congress to appropriate or to withhold this appropriation. Having authority to refuse to make any appropriation at all, it may impose limitations, even though they amount practically to a withholding of an appropriation. It does not change existing law for the House to refrain entirely from appropriating, and, of course, does not violate existing law if it makes an appropriation subject to such limitations as amount substantially to a failure to appropriate at all. The Chair is of opinion that this amendment proposes a limitation upon the appropriation and is in order. The point of order is overruled.

Mr. LIVERNASH. Mr. Chairman, in offering this amendment I have no disposition to embarrass the members of the committee, but an anxiety to afford them a fair opportunity to manifest their

willingness or unwillingness to create a condition obliging action of some sort by another body concerning a matter of great importance to many of our people.

Session after session the House of Representatives has passed a bill in the interest of the working classes of America—a bill to give the persons employed in building war ships and performing other work for the Government the benefit of that reasonable practice which the United States now applies in our navy-yards, limiting to eight hours per calendar day the hours of labor. The limitation is in line with the best modern thought, and I shall not pause to defend it.

However, sir, unfortunately for the working classes, this assembly has passed the eight-hour bill so late in each session that the Senate has not received the House bill until the eve of adjournment, a time permitting the subterfuge of suffering the bill to die in Senate committee because received there too late for reporting out. Thus the country has been told year after year that the House has testified its friendliness for eight-hour legislation by adopting a bill in that regard, and that the Senate has been denied the opportunity to express similar friendliness because of want of sufficient time wherein to act, and surely will make good this friendliness at the succeeding session of Congress.

Knowing the tactics which have led to failure of legislation, I took occasion, sir, before the Christmas recess, to urge that the House Committee on Labor should, taking notice of the Senate practice, forthwith report out the eight-hour bill acceptable to the American Federation of Labor, so that the House might send to the Senate before the holidays the eight-hour bill, and thus prevent the unhappy Senate subterfuge against our toilers. But here we are within a month or thereabout of the time announced by numerous leaders of Congress as the time for adjournment, and our Labor Committee still lags, frittering away week after week, thrashing straw that has been thrashed and thrashed again to the point of absurdity, and this assembly has not yet been placed in a position to act upon the bill.

I am for avoidance of further delay, and since I can not reach the eight-hour bill itself, I am seeking to give the eight-hour principle the widest application the pending measure will permit. Amend the measure as I propose and the Senate, will have to show its hand—will not be able to evade the eight-hour issue, but will have by vote to manifest its will, being obliged, in so far as the amendment reaches, to go upon record.

I repeat, sir, that I do not mean to embarrass Members of the House. They have pretty generally voted for an eight-hour law. I afford them an opportunity to protect the House against another body, to protect, moreover, the workmen we all seem eager to advantage. I hope that when the vote shall have been taken I may not feel the word "seem" to have been in the least justifiable.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from California.

Mr. HUGHES of New Jersey rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. To speak to the amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. HUGHES of New Jersey. Mr. Chairman, as a member of the Committee on Labor, I feel it my duty to lay certain facts before this House. The Committee on Labor has been conducting hearings on various eight-hour bills which are now before that body for the purpose of settling the particular kind of legislation which it will recommend to this House. That, at least, is the avowed purpose of the hearings. The committee has been in session Thursday of each week, as I remember it, for five weeks. In that time they have heard one or two proponents of the bill and many opponents of the bill. The list of opponents and proponents yet to be heard seems to me almost interminable, and in view of the fact that Members of this body have been given unofficially to understand that the adjournment of Congress will take place about the middle of next month, it does not seem to me that there is any reasonable prospect of that bill getting consideration in the Senate, even if it is reported and passed by this House.

Now, there are many reasons, Mr. Chairman, why this legislation should take the shape of the amendment offered by the gentleman from California [Mr. LIVERNASH]. I have here an amendment which I myself intended to offer, which I expected would bring about precisely the same result, but I am satisfied that the amendment of the gentleman from California is much more effective and obviates many difficulties which were in the way of mine. The chairman of the Committee on Labor, the gentleman from New Jersey [Mr. GARDNER], stated in a report which he sent to the last Congress, being a report to the bill H. R. 3076 in the Fifty-seventh Congress, practically the same bill which is now being considered before our committee as it came back from the Senate, as follows:

The Committee on Labor, to whom was referred the bill (H. R. 3076) limiting the hours of daily services of laborers and mechanics employed upon

work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, beg leave to submit the following report, and recommend that said bill do pass with amendments as follows:

On page 3 of printed bill, line 9, after the word "fire," insert "or." In same line, between the words "or" and "danger," insert the words "do to." In same line, between words "or" and "property," insert the words "loss to." In same line omit comma after word "fire."

This bill being the same in purpose and almost identical in language with H. R. 6882 of the Fifty-sixth Congress, the report on that bill is in the main repeated in the report on this bill.

Your committee devoted many days to hearings upon the bill, and parties interested in the effects of the measure from many parts of the country were heard, either in person or by attorney.

The single new contention made by the opponents of this bill and not urged against previous bills of like purpose was that the completion of some work, like large castings, particularly by different workmen under an eight-hour plan, would fail to produce the best results. In other words, that satisfactory results could not be obtained under an eight-hour system. The correctness of this contention was stoutly denied by practical workers. It is believed by your committee that any real difficulty in this particular is met by the amendments proposed in this report.

This bill is in conformity with the settled policy of Congress, as indicated by legislation covering a period of thirty-four years.

The following extract touching a similar bill in the Fifty-fifth Congress expresses this understanding:

DEPARTMENT OF LABOR,
Washington, D. C., February 26, 1893.

The policy of this class of legislation has therefore been settled by Congress, and I need not discuss this phase of the question. All such laws are enacted for the purpose of protecting the laboring man from the injurious consequences of prolonged physical effort, giving him more time for his personal affairs, and more time and energy to devote to the cultivation of his moral and mental powers.

It has always been expected that they would aid him in the acquisition of knowledge, thus tending to make him a better and more contented citizen. This policy must be admitted by all to be a good one. The only difficulty is in so shaping legislation as not to interfere with necessary economic conditions. The Federal Government has long been committed to this policy; therefore the principle of the proposed bill may be considered as settled and approved.

I am, respectfully,

CARROLL D. WRIGHT,
Commissioner.

Antedating the series of "eight-hour acts," Congress passed one act of a different character relative to the hours of labor and wages of Government employees.

The first act which dealt with the labor question was approved on July 16, 1862 (12 Stat. L., p. 576). This provided that the hours of labor and wages of employees in navy-yards of the United States should conform, as nearly as might be consistent with the public interests, with those of private establishments of a similar nature.

Of that act it was said by the Court of Claims in the case of *Averill v. United States* (14 C. of Cls. R., 200):

"These provisions were made in order that the wages of such employees should conform, as near— as practicable, with those paid by individuals in other establishments, and to prevent a disturbance of the prevailing rates in the immediate vicinity."

In this connection it should be remembered that at the date of the passage of the act of 1862 the money in circulation was of a low purchasing power, and the wages of mechanics measured in that money at par had approximately doubled in private shipyards and other private industries.

In navy-yards and fortifications and like works a provision of law that the hours of labor and wages paid should conform as nearly as might be with those of private establishments of a similar nature, perhaps, went as far as any scheme of law can go toward preventing the United States from exercising an influence on the subject of hours and wages.

The United States, however, can not be held from the exercise of such influence when work is given out on competitive bidding. Then the work goes to the lowest responsible bidder. The lowest bidder is he who can for any reason do the things involved at least cost as well when his advantage arises from low wages or long hours as from any other cause, and hence the United States becomes the patron of him who represents the most oppressive conditions.

Navy-yards, light-houses, and other fixed works are located wholly independent of considerations of local rates of wages, hours of labor, or local appliances for building light-houses or navy-yards. But there is no locus contemplated in contracts for chattels, and the work goes where he to whom the contract is awarded sees fit to take it—the place where the things contracted for can be produced at least cost. So if, as contended by the opponents of the bill, "long hours" conduce to cheapness, the United States becomes under the present system the patron of those who enforce the longest hours.

RIGHT-HOUR LEGISLATION.

On June 25, 1868, an act entitled "An act constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States" became law. It reads as follows:

"Be it enacted, etc., That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed."

This act, while very brief, was intended to be very sweeping. The spirit, if not the terms, of this act was disregarded or not understood by Government officials, which moved President Grant, on May 19, 1869, to issue a proclamation directing the enforcement of the eight-hour law of June 25, 1868, as follows:

"That from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of any such reduction of hours of labor."

Then and for years after there appeared to be no clear comprehension of the purpose of the act. There was almost entire absence of uniformity in its administration by Government officials, and on May 11, 1872, President Grant issued a second proclamation, reciting his proclamation of May 19, 1869, and which contains the following:

"And whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics: Now, therefore, I, Ulysses S. Grant, President of the United States, do again call attention to the aforesaid act, and direct all officers of the executive department of the Government having charge of the employment and pay of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid for the

Government, by the day, for such laborers, workmen, and mechanics on account of the reduction of the hours of labor."

May 18, 1872, the following became a law:

"Sec. 2. That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such workmen, laborers, and mechanics, and the 19th day of May, 1869, the day of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

The question whether, under this act and the act of June 25, 1868, the terms "laborers, workmen, and mechanics," were to be construed in a general or a technical sense arose, and was submitted to the Department of Justice by Hon. W. W. Belknap, Secretary of War.

On October 24, 1872, Clements U. Hill, Acting Attorney-General, furnished an opinion in reply to the Secretary of War, in which opinion occurred the following:

"I am strongly inclined to the opinion, considering the history of Congressional legislation upon this subject, and particularly in view of the recent decision of the Supreme Court in the Twenty per cent cases (13 Wall., 538), that this statute is to have a broad and liberal construction, and that the above case is decisive against limiting its provisions to those who would fall, within strict language, within the terms 'laborers, workmen, and mechanics.' On the contrary, I think it was the intention of Congress to include within the provisions of this act and the previous act of 1868 all persons who are employed and paid by the day."

Almost twenty years after the passage of the act of June 25, 1868, there was inserted in the urgent deficiency bill approved March 30, 1888, the following:

"And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge."

By act approved May 24, 1888, it was provided—

"That hereafter eight hours shall constitute a day's work for letter carriers in cities or postal districts thereof, for which they shall receive the same pay as is now paid for a day's work of a greater number of hours. If any letter carrier is employed a greater number of hours than eight he shall be paid extra for the same in proportion to the salary now fixed by law."

This series of acts, committing the United States Government to the "eight-hour day," failed to accomplish the purpose for which the legislation was sought.

The Department of Justice decided "that the provisions of the act of June 25, 1868, were not applicable to mechanics, workmen, and laborers who are in the employ of a contractor with the United States. That act was not intended to extend to any others than the immediate employees of the Government."

In the case of the *United States v. Martin* (4 Otto, 400) the Supreme Court held that the act of 1868 "is in the nature of a direction by the Government to its agents; that it creates no contract between the Government and its employees; that it neither prevents the Government from making agreements with them by which their labor may be more or less than eight hours a day, nor does it prescribe the amount of compensation for that or any other number of hours," thus practically holding that the law was a nullity unless the agent of the Government saw fit to obey the "direction." Under this decision the laborer acquired no legal rights, and therefore no additional means, by reason of the law, for securing an eight-hour day or recovering for overtime.

The law was interpreted in a manner to leave it almost devoid of vitality except that which was infused into it by the two proclamations of President Grant.

A result was general dissatisfaction, not only among the laborers and their representatives who had sought the legislation, but also among the executive officers of the Government. The representatives of labor were dissatisfied from the fact that it was getting little practically and had nothing certain under the law. General Casey, then Chief of Engineers, Commander Folger, then Chief of the Bureau of Ordnance, and other prominent Government officials charged with the direction of the labor employed by the Government, while generally favoring the eight-hour system, declared that the law should be more specific.

Apparently in obedience to this generally expressed sentiment, when the Fifty-second Congress convened the Committee on Labor took up the subject. The committee, finding that it needed specific information on various matters not to be found in published documents, sought and obtained power from the House to enter upon a general investigation, with power to summon witnesses, etc.

The committee, in pursuance of the powers so granted, met March 8, 1892, and summoned before them Brig. Gen. Thomas L. Casey, Chief of Engineers, in which capacity he was in direction of all works for river and harbor improvements in the country, all works of construction of fortifications, the erection of the new Library building, and in charge of the White House; Col. O. H. Ernst, superintendent of public buildings and grounds; W. M. Folger, commander in the Navy, and holding the position of Chief of the Bureau of Ordnance; the Hon. Frank W. Palmer, Public Printer, and Mr. St. Julien B. Dapray, chief of the law and construction division of the Supervising Architect's Office, Treasury Department.

The testimony showed conclusively that at that late date—twenty-four years after the act of 1868 was signed—the administration of the law by the several officials directing Government employees was not uniform and not intended to be.

In the course of his testimony General Casey said:

"I want to say to you that I am strongly in favor of what is called the eight-hour law. I am a friend of the wage-earner. I believe he is getting more proceeds of his labor under this eight-hour law than he has ever been getting, and I believe it is well that that should continue. I think it is an advantage to the country and to the laborer, and I think it should be extended all over the country."

But General Casey asserted that the law had not been understood as limiting the hours of employment. His testimony showed that his department deemed the law complied with if the employee was paid for a day's work for each eight hours he labored.

In Commander Folger's examination occurs the following:

"Q. If the policy of the Government in the enactment of this law of 1868 was to actually limit the hours of service in a calendar day, then the law is not being observed?—A. No, sir; it is not being carried out. We do not imagine that that was the object of the law."

Further on Commander Folger, in the course of his examination, gave the following opinion under oath:

"If you could, by fiat, say that every man in the land should work but eight hours, it would be a very good thing to do. The quality of the work produced would probably compensate for the difference in hours."

Again:

"If, however, an effort is made to secure a fair performance from the men, and if the employer is fortunate enough to get the men interested in their work, I believe the output of the product per unit of time will be vastly better in quantity and in quality, in high-grade work, than if the longer period were obligatory."

The result of the hearings had and the deliberations of the committee was that on August 2 the committee reported as a substitute for sundry bills then before them the following, which became a law August 1, 1892:

"Be it enacted, etc., That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor, or subcontractor, upon any of the public works of the United States or of said District of Columbia is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government, or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers and mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in cases of extraordinary emergency."

"SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor, whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

"SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act."

There was perhaps no misapprehension on the part of Congress as to what was intended by the act. The committee, in its report in explanation of the bill, used the following language:

"And again, second, it makes it unlawful to allow or permit a laborer or mechanic to work more than eight hours in any one calendar day, thus prohibiting evasion in the manner the act of 1868 was evaded."

"The measure herewith submitted, it is thought, will secure a practical enforcement of the purpose intended to be secured by the act of 1868. It limits the service and employment of all laborers and mechanics employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor of the United States or of the District of Columbia upon any of the public works of the United States or of the District of Columbia to eight hours in any one calendar day; makes it unlawful for any officer of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit such laborer or mechanic to work more than eight hours in any one calendar day, except in cases of extraordinary emergency; makes the willful violation of its provisions a misdemeanor, and imposes suitable penalties for such violation."

There was, however, a very great misapprehension on the part of the advocates of an eight-hour day as to the field over which the law would operate. They construed the words "on any of the public works of the United States" in a general and not in a technical sense, and they thought all work done for the Government public work, and that the act would place nearly all, if not all, work contracted for by the Government under an eight-hour rule. It is because of the difference in the real and anticipated effects of the law of 1892 that further legislation has been sought at each session of Congress.

The act providing for the public printing and binding and the distribution of documents approved June 12, 1895, contains the following provision:

"SEC. 47. The Public Printer shall cause work to be done in the Government Printing Office at night as well as through the day when the exigencies of the public service require it, but the provisions of the existing eight-hour law shall apply."

Twelve States have adopted by legislative enactment the eight-hour day either by enforcing it on public works, work of specified kinds, or making eight hours the legal unit, as follows:

In Connecticut the statute of 1888 contains this provision:
"Eight hours of labor performed in any one day shall be a lawful day's work."

In Indiana the annotated statutes of 1894 provide that—
"Eight hours shall constitute a legal day's work for all classes of laborers except those engaged in agricultural or domestic labor. Extra work or overtime under express agreement is permitted."

In Kansas, by an act of 1891, it is provided:
"That eight hours shall constitute a legal day's work for laborers, workmen, and mechanics, except in cases of extraordinary emergency which may arise in time of war, or where it is necessary for the protection of property or human life."

In Missouri the Revised Statutes of 1889 provide that eight hours shall constitute a legal day's work.

In Montana the Code and Statutes (Sanders's edition, 1895, Political Code) contain a provision to the effect that eight hours shall constitute a legal day's work for persons employed in connection with hoisting engines, mining, and for all of those employed upon work under ground.

In New York the seventh edition of the Revised Statutes contains a provision to the effect that eight hours shall constitute a legal day's work for all mechanics and workmen. It does not apply to farm labor, which is expressly exempted from the operation of the law.

In Ohio the Revised Statutes (seventh edition, pt. 1) contain this:
"In all engagements of labor in any mechanical, manufacturing, or mining business a day's work, where there is no express contract to the contrary, shall consist of eight hours."

In Pennsylvania a law provides that eight hours' labor shall be deemed a legal day's work in all cases of labor employed by the day, where there is no contract. The law does not apply to agricultural labor nor to persons employed by the year, month, or week.

In Utah the act of 1894 provides:
"Eight hours shall constitute a day's work on all public works."

This State also has an eight-hour law for all persons who work in mines, limiting absolutely their hours of employment, which has been upheld by the supreme court of that State.

In Wisconsin the Annotated Statutes of 1889 contain this:
"A day's work shall consist of eight hours where there is no express contract to the contrary."

It does not apply to a laborer employed by the week, month, or year.

A statute of Illinois, 1883, provided that—
"No female shall be employed in any factory or workshop more than eight hours in any one day, or forty-eight hours in any one week."

This act was set aside by the court as an interference with the right of contract.

The constitution of the State of Wyoming contains a provision to the effect that eight hours shall constitute a lawful day's work in all State and municipal works.

It appears to your committee that, while writers on political economy differ widely in their theories as to the law of wages (and they assault each other with great energy), the arguments deduced from all of them alike support the theory of a shorter or eight-hour workday. The dogma of McCulloch is that—

"The well-being and comfort of the laboring classes are * * * especially dependent upon the relations which their increase bears to the increase of capital that is to feed and employ them. If they increase faster than capital their wages will be reduced, and if they increase slower they will be augmented. In fact there are no means whatever by which the command of the laboring classes over the necessaries and convenience of life can be enlarged other than by accelerating the increase of capital as compared with population, and every scheme for improving the condition of the laborer which is not bottomed on this principle, or which has not the increase of a ratio of capital to production for its object, must be completely nugatory and ineffectual."

A definition of capital apparently satisfactory to all schools of political economists is "the means of production (other than labor)." The doctrine quoted is thus stated by John Stuart Mill:

"If wages are higher at one time or place than at another, if the substance and comfort of the class of hired laborers are more ample, it is for no other reason than because capital bears a greater proportion to population. The condition of the laboring class can be bettered in no other way than by altering the proportion to their advantage; and every scheme for their benefit which does not proceed on this as its foundation is for all permanent purposes a delusion."

Ricardo states it thus:

"When, however, by the encouragement which high wages give to the increase of population, the number of laborers is increased, wages again fall to their natural price, and indeed from a reaction sometimes fall below it. * * *

It is only after the privations have reduced their number, or the demand for labor has increased, that the market price of labor will rise to its natural price, and that the laborer will have the moderate comforts which the natural rate of wages will enforce. Mill devoted a chapter to emphasizing this idea, and discussed it with such 'persistence, plausibility, and apparent consciousness' that he earned for it the designation, 'The iron law of wages.'"

While this doctrine is assailed as "a Malthusian theory that logically means that the only way of improving the condition of the laborer is to reduce population" and as an "economic heresy," it permits of the same deduction in favor of an eight-hour day as do the teachings of modern economists who assault it. In other words, the doctrines of all recognized economists lead to the shorter day.

If, according to modern writers, capital represents the means of production, or if "there are two sets of forces which can be employed in production, human force and natural force, and the latter represents the capital of the employer," it follows, under the doctrines of all the writers, that whatever tends to increase the capital employed in production increases the demand for laborers. And even if it were true that the shortening of the workday resulted in no increased consumption and no increased output per hour, it would require greater natural forces, more means of production (i. e., capital) to produce the supply for a given demand. Hence the shorter day would necessitate the use of a greater amount of the means of production (capital) and would furnish additional employment to labor—i. e., employment to more laborers.

And if it be true, as contended by modern writers, that the shorter day results in increased wants, better mode of living, and hence greater consumption among the laborers, hence an increased market, and hence greater production, there is called into productive activity the same amount of additional capital, employing the same number of additional laborers, by whatsoever theory measured.

It is contended by the advocates of the shorter day that the additional leisure given to labor in every instance of the shortening of the workday, as it has been shortened step by step from sixteen hours to fourteen, twelve, eleven, ten, nine, and in many instances eight, has resulted in a decrease of intemperance among laborers, the acquirement of better taste and new and better desires, resulting in better homes, greater domestic felicity, and a higher degree of intelligence, with an increase of laudable pride as to the clothing of themselves and those dependent upon them. In a word, has increased their interests in home and better social relations, raising their moral status, and has made them much better consumers of the products of labor, and hence resulted in increased production.

The proposition that without variation the elimination of intemperance, poverty, pauperism, ignorance, crime, and their accompanying evils move parallel with and proportionate to the increase of the social opportunities of the laboring class stands without impeachment of its historical accuracy. No recognized authority to-day combats the proposition that the condition of the laborer has improved with every reduction in the hours of daily service that has up to this time been made. Nobody is disputing that he has become a better consumer with each reduction. No reasonable person would for a moment entertain the proposition that the workday should again be lengthened to fourteen or twelve hours.

When the hours of work were so long that workers had no social opportunities, they resorted to stimulants for solace and the saloon for society, where they encountered an "iron law" for spending, which could not be disregarded without loss of caste in the only society which they had opportunity to enter.

A gentleman of responsibility and exceptional opportunity for observation has borne testimony that the shortening of the workday has banished "blue Monday."

A significant fact in connection with the shortening of the workday at various times during the present century is the entire silence of the older school of economists with regard to the effect of the shorter workday on society, business, industrial conditions, or the laborers themselves.

It is nowhere claimed, in so far as your committee is aware, that any reduction in the hours of labor has had a detrimental effect on business, on manufactures, on labor as a unit, or individual laborers. The advocates of the short-hour theory, on the other hand, trace the moral, social, and financial improvement of the laborer to this cause, and allege that business was at no time injured, but improved, if affected, and that production was stimulated and consumption increased.

Economists who advocate the eight-hour day contend, with great plausibility, that the shorter day results in an increase of wages without an increase of price, as greater consumption enlarges production, and the larger the scale of production the cheaper the given article is produced; that the laborer, when he has the leisure resulting from the shorter hours, has new aspirations, ambitions, and greater personal self-respect, and, as before stated, wants a better house, better furniture, better clothes, better food, and becomes a great deal better consumer; that the scale of wages is controlled by the wants of the laborer in any given state of society rather than by the "iron law of wages;" that modern men cease to work under normal conditions if the proceeds of their labor do not satisfy their normal wants; that therefore the

social status of the laborer controls the law of wages to as great an extent as the law of wages controls the status of the laborer.

While there is still a variance of opinion on the question whether modern machinery and methods so lighten the physical drudgery of most occupations as to have an equivalent effect to the shortening of hours in the conservation of energy, or whether such machinery and methods operate to so tax the nervous powers as to be equivalent in exhaustive effects to the lengthening of hours, your committee are of the opinion, after what has been said on both sides, that the higher tension of modern employment is at least a full offset to the saving accomplished in muscular force.

This effect of modern machinery on the powers of the worker has been a question more immediately affecting the American workman than those of other nations. The foreign workman has very generally held to the surface theory of some older writers that machinery is a competitor of labor and the one most threatening to his employment; hence labor has strenuously and to a considerable extent successfully resisted the introduction of modern machinery. The foreign laborer has sought to maintain the demand for his services by thus limiting production.

The United States has now entered the foreign market with the products of most modern and rapid-working machinery. It would seem that an early effect of this will be a forced yielding to the adoption of like machinery abroad. If the longer day adds to the advantage of the competitor, as contended by the opponents of the eight-hour day, it would seem that the more rigidly we adhere to the long day the sooner foreign hostile legislation against American products will be invoked. Such legislation is much more likely to be effectively inspired by industrial necessity than by theory, alliance, or general mercantile demands.

In 1872 President Grant issued a proclamation calling the attention of the Government officials and to the heads of Departments to the fact that the bill was not being carried out. Two proclamations of that kind were made in 1892, and a bill was passed which, according to the statement of the gentleman from New Jersey [Mr. GARDNER], was supposed to be very sweeping in character.

I desire to read the following extracts from the statement of Samuel Gompers made to the Committee on Labor February 11, 1904:

I desire to say I have had considerable correspondence with the officers of the Federal Government, with the heads of Departments, in regard to the enforcement of the present eight-hour law. I find that it has not been enforced, and that there is a different rule and a different practice obtaining in various Departments under the same law. I had some correspondence with the Secretary of War who has just retired, and, in regard to the violations of the eight-hour law in West Virginia, in the building of one of the dams there, or several of the dams there, he quotes me an opinion of the Judge-Advocate-General in which he says that the Department is not required to enforce the law; that if there is anyone having complaint to make it is his privilege to go to a district attorney for the Federal Government and to make complaint.

The ACTING CHAIRMAN. This work is being done by contractors?
Mr. GOMPERS. Yes, sir; notwithstanding the fact that the present law makes it an offense, a misdemeanor, for any of the officers or representatives of the Federal Government to permit the violation of the eight-hour law.

Mr. HUGHES. It has been generally ignored since it was passed in 1868, has it not?
Mr. GOMPERS. When the eight-hour resolution was first adopted by Congress it was simply preparatory, and then the heads of Departments reduced the wages of the employees whose hours of labor had been reduced. President Grant issued a proclamation directing that there should be no reduction in wages by reason of the reduction in the hours of labor to eight. With the panic of 1873 there was again a laxity on the part of the officers of the Government in the enforcement of the law.

I wish I had time, gentlemen, and that you had the time and the patience, so that I could give you the history of this bill. I might say that Mr. Davenport does me an honor; that I have no right to claim what he says—that I am the father of this bill—for I am not. The father of the original bill was the honored chairman of this committee. He is absent this morning. Mr. GARDNER of New Jersey is the one who drew the bill.

The bill, the act of 1892, was given a narrow construction by the heads of the Departments, as the chairman of the Labor Committee and Mr. Gompers very plainly state, and did not bring about the results which both this body and the body at the other end of the Capitol intended that it should. He states—and I think every Member of this body will agree with him—that it has been the policy of this Government ever since 1862—

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

Mr. HUGHES of New Jersey. I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that his time be extended for five minutes. Is there objection?

Mr. HEMENWAY. I ask unanimous consent that all debate on this question be closed in ten minutes.

Mr. LIVERNASH. I object.

Mr. HEMENWAY. Then I object to the extension of time asked by the gentleman from New Jersey.

Mr. LIVERNASH. I withdraw the objection.

Mr. PAYNE. I ask unanimous consent that this amendment be read again.

There being no objection, the Clerk again read the amendment.
Mr. PAYNE. Mr. Chairman, as I understand the amendment, it provides that no part of this money shall be paid for work done under contracts heretofore made by contractors—

Mr. CLARK. I call for the regular order. I should like to know how the gentleman from New Jersey [Mr. HUGHES] has been taken off the floor.

The CHAIRMAN. The time of the gentleman from New Jersey had expired. He asked unanimous consent for an extension of his time, and objection was made.

Mr. CLARK. I thought it was granted.

Mr. JAMES. The gentleman from California [Mr. LIVERNASH] objected to a ten-minute extension. Afterwards he withdrew it; and, as I understood, no objection was made to the request of the gentleman from New Jersey.

The CHAIRMAN. The Chair will state that the gentleman from Indiana [Mr. HEMENWAY] objected.

Mr. HEMENWAY. I ask unanimous consent that the debate on this question be limited to ten minutes, or I am willing to make it twenty.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent that the debate be limited to twenty minutes.

Mr. COCHRAN. And to that I object.

The CHAIRMAN. Objection is made. The gentleman from New York [Mr. PAYNE] is recognized.

Mr. PAYNE. As I understand this amendment, it is a proposition to withhold the appropriation for work done or to be done under contract where the contractors have heretofore required of their employees more than eight hours' work a day while at work on those contracts, and the amendment makes a similar provision for the future. In other words, this is a bald proposition asking the Congress of the United States to repudiate contracts already made, unless the contractors have observed certain rules and regulations of the labor organizations of the United States, or shall do so in the future. It proposes a repudiation of the contracts which the Government has made in pursuance of the laws of the Congress of the United States and under the approval, from year to year, of Congress in making such appropriations.

Whatever may be said about the eight-hour law in general, whatever may be said about the action of the House of Representatives heretofore and the action of the Senate, I can not stand for any such proposition to repudiate the contracts of the United States. [Loud applause.]

Mr. HUGHES of New Jersey. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from New Jersey?

Mr. PAYNE. Yes, sir; for a question.

Mr. HUGHES of New Jersey. Is it not true that there is now on the statute books a provision that eight hours shall constitute a day's work for every laborer and mechanic employed by or on behalf of the Government?

Mr. PAYNE. In a Government yard; yes, sir.

Mr. HUGHES of New Jersey. By or on behalf of the Government?

Mr. PAYNE. In Government yards, yes; but it does not apply to contracts let by the Government to people who own private yards. There is no such stipulation in any of those contracts. In Government yards, of course, we have the eight-hour law.

Mr. LIND. May I ask the gentleman a question?

Mr. PAYNE. Certainly.

Mr. LIND. Would there be any objection to applying a limitation such as that proposed by the gentleman from California to the new work authorized under this bill?

Mr. PAYNE. We will meet that proposition when we come to it. I am speaking about the amendment which has been read from the Clerk's desk; and that amendment proposes—

Mr. LIVERNASH. Will the gentleman allow me a question?

Mr. PAYNE. Certainly.

Mr. LIVERNASH. Will the gentleman exercise the great strength of his leadership by subscribing to an amendment to be offered by me making this principle applicable only to new vessels?

Mr. PAYNE. I said just now, in answer to the gentleman from New Jersey [Mr. HUGHES], that we will meet that question when it comes.

Mr. LIVERNASH. Well, it will come.

Mr. PAYNE. That is an important question. When we meet it, I may desire to be heard upon it. But I am now meeting the question before the House—a question of mere naked, bald repudiation of contracts made by the Government; that is the proposition which this House is asked to indorse. To that I am opposed.

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from California.

Mr. JAMES demanded a division.

The committee divided; and there were—ayes 62, noes 110.

Accordingly, the amendment was rejected.

Mr. LIVERNASH. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LIVERNASH. I rise for the purpose of offering a new amendment.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by adding the following paragraph after line 2 of page 73:

"None of the contracts for the new vessels authorized by this bill may be awarded to any contractor who shall not have covenanted with the United States as follows:

"That no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon permission granted by the Secretary of the Navy during time of war or a time when war is imminent or when any great national emergency exists, and the contractor contracting with the United States shall, in the event of violation of said covenant as to hours of labor, forfeit to the United States the sum of \$5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract."

Mr. FOSTER of Vermont. Mr. Chairman, I raise the point of order that the amendment is not germane to the paragraph.

Mr. MAHON. Not germane to the paragraph that has been passed.

Mr. FOSTER of Vermont. As I understand the amendment, it is a limitation upon the construction of the new ships provided for in the preceding paragraph. Secondly, I make the point of order that it is new legislation.

The CHAIRMAN. Does the gentleman from California desire to be heard upon that point?

Mr. LIVERNASH. Mr. Chairman, the amendment is a complete and new paragraph, and as such certainly is germane to the bill. It need not be germane to this or that preceding paragraph, and I do not believe it to be justly subject to the points of order made against it.

The CHAIRMAN. The Chair has just ruled that an amendment denying an appropriation, except upon certain conditions, as expressed in a previous amendment offered by the gentleman from California, was in order. It being within the power of the House entirely to deny the appropriation if it saw fit to do so, it had the right to deny it except upon certain terms, even though they might amount practically to a withholding of the appropriation.

But this pending amendment is not a limitation upon the appropriation. It is clearly new legislation, and therefore in violation of Rule 21. The Chair sustains the point of order. The Clerk will read.

The Clerk began the reading of the next paragraph.

Mr. HUGHES of New Jersey. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. To offer an amendment.

Several MEMBERS. Too late.

The CHAIRMAN. To what paragraph does the gentleman offer his amendment?

Mr. HUGHES of New Jersey. To the paragraph under consideration, which the gentleman from California [Mr. LIVERNASH] sought to amend.

The CHAIRMAN. Where does the gentleman desire his amendment to be inserted in the bill?

Mr. HUGHES of New Jersey. After line 2, page 73.

The CHAIRMAN. Does the gentleman say that he was on his feet seeking recognition when the Clerk was directed to read the next paragraph?

Mr. HUGHES of New Jersey. I believe so, sir. I intended to offer it.

The CHAIRMAN. If the gentleman states that he was on his feet trying to obtain the recognition of the Chair, his amendment will be considered.

Mr. HUGHES of New Jersey. I will state to the Chair and to the committee that it was my intention to offer this amendment as soon as the gentleman from California concluded.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 2, page 73, insert:

"Every contract under which any of the foregoing appropriations is to be expended for the construction of the various kinds of ships of war enumerated in this bill, not already contracted for, shall contain a provision to the effect that eight hours shall constitute a day's work for each and every laborer and mechanic engaged in the construction of the said ship or any of the parts thereof, and that no laborer or mechanic shall be required or permitted to work for any greater length of time than eight hours per calendar day, pursuant to existing contracts."

Mr. FOSTER of Vermont. Mr. Chairman, I raise the same point of order, and it seems to be substantially the same proposition that we have already disposed of.

The CHAIRMAN. This proposed amendment is not a limitation upon the appropriation, but is so clearly new legislation that, following innumerable precedents, the Chair has no hesitation in sustaining the point of order. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels herein authorized, provided such contracts can be made at a price which, in his judgment, is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure

a site for and to erect thereon a factory for the manufacture of armor, and the sum of \$4,000,000 is hereby appropriated toward the erection of said factory.

Mr. DALZELL. Mr. Chairman, I make the point of order against the paragraph from line 6 to line 14, inclusive, on page 73.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DALZELL. That it is new legislation and that it has been so ruled on several occasions.

The CHAIRMAN. The Chair has no hesitation in sustaining the point of order, that proposition having been raised and passed upon in a number of instances. It clearly provides for an appropriation of \$4,000,000 for the construction of a plant and the erection of a factory, for which there is no previous authority of law—

Mr. WILLIAM W. KITCHIN. I appeal from the decision of the Chair upon that point of order, and I wish to be heard on it.

The CHAIRMAN. Let the Chair conclude his ruling.

Mr. WILLIAM W. KITCHIN. I thought the Chair had concluded.

Mr. RIXEY. A parliamentary inquiry. I merely wish to understand the ruling of the Chair. Do I understand the Chair to rule that part of the paragraph beginning with line 6 and ending with line 9 is also subject to the point of order?

The CHAIRMAN. If the gentleman will withhold his appeal until the Chair concludes his statement.

Mr. WILLIAM W. KITCHIN. I did; and I thought the Chair so understood.

Mr. MAHON. I make the additional point of order against lines 10, 11, 12, and 13 that it is clearly new legislation.

The CHAIRMAN. The Chair finds, in section 531 of the Parliamentary Precedents, the general principle thus stated:

It has generally been held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

A number of precedents are there cited, the first one being a ruling by Hon. John G. Carlisle, of Kentucky, upon an amendment to the deficiency appropriation bill, in this language:

Provided, That the Commissioner of Pensions shall not withhold a pension from any soldier or pensioner of the war of 1812 who was granted a pension under the act of Congress of 1871 and was dropped for charges of disloyalty and reinstated under the act of 9th March, 1878, and their pension shall be paid from 8th March, 1878.

In the course of his ruling Mr. Carlisle said:

The Chair thinks that it will change the law within the meaning of the rule, because, undoubtedly, if the amendment be adopted the Commissioner of Pensions will hereafter be required by the express letter of the law to do what he has not been heretofore required to do by express letter of the law.

Now, the Chair thinks that this provision, against which the point of order is made, authorizing and directing the Secretary of the Navy upon certain conditions to procure a site and erect thereon a factory for which there is not now authority of law requires him to do "what he has not been heretofore required to do by express letter of the law," and the ruling of Mr. Carlisle is directly in point.

The Chair also finds that Mr. William H. Hatch, of Missouri, in 1894 ruled an amendment out of order because it limited the discretion of the Postmaster-General. This amendment clearly proposes to limit the discretion of the Secretary of the Navy. There is a long line of authorities, which the Chair will not take time to cite.

In the third session of the Fifty-fifth Congress, the naval appropriation being then as now under consideration, a proposition was offered in an amendment making an appropriation for the establishment of an armor-plate factory—the very proposition which is now before the committee—ruling upon the point of order against that, the gentleman from New York [Mr. SHERMAN] said:

It is so clear to the Chair that this proposed amendment is obnoxious to Rule XXI, the Chair thinks it unnecessary to make any statement. The Chair therefore sustains the point of order.

In a later Congress a similar proposition was again ruled out, Mr. PAYNE of New York in the chair.

Following these precedents, and for these reasons, it clearly appearing that in a number of particulars this paragraph not only changes existing law but provides for an appropriation for a purpose not authorized by law, the Chair sustains the point of order made by the gentleman from Pennsylvania.

Mr. RIXEY. A parliamentary inquiry. As I understand it, the objection to this paragraph is upon the latter part of it, and that the first portion, down to and including line 9, by itself, would not be subjected to the point of order.

The CHAIRMAN. The Chair understands that the point of order was made against the entire paragraph from line 6 to line 14, because it contains legislation contrary to the rules. As one portion of it contains such legislation, the point of order must be sustained, and, following other established precedents, the whole paragraph must fall.

Mr. WILLIAM W. KITCHIN. Now, Mr. Chairman, I desire to be heard on the appeal.

The CHAIRMAN. The gentleman from North Carolina appeals from the decision of the Chair, and upon that he will be heard.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, former naval appropriation bills have carried a provision similar to this provision. If this entire provision goes out of the bill, then there will be no authority for the Secretary of the Navy to provide for the armor of the vessels authorized in this bill. We have in this bill authorized one battle ship and two armored cruisers, each requiring a large amount of armor. Unless a provision is carried in this bill authorizing the procurement of that armor the Navy Department will be powerless to secure it.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. WILLIAM W. KITCHIN. I yield for a question.

Mr. FOSS. I think the gentleman has put the wrong construction upon the absence of the paragraph. If he will read the first paragraph on page 70 under the "increase of the Navy" he will see:

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract or in navy-yards as hereinafter provided—
One first-class battle ship, two first-class armored cruisers, etc.

Mr. WILLIAM W. KITCHIN. I understand that; but in this very same paragraph the price is named, and it is limited to the hull and machinery.

Mr. DALZELL. May I interrupt the gentleman to ask him whether or not he is addressing his argument to his appeal from the decision of the Chair?

Mr. WILLIAM W. KITCHIN. I am addressing myself to the appeal. I take the position that if we let this bill contain a provision for the armored cruisers and for the battle ships, that it is not only the privilege, but it is the duty of this House—and it is not only in order, but it must be held in order that this House has the power—to provide for the completion of those ships. As I was going to say, the facts which the gentleman from Illinois called my attention to show in the paragraph mentioned by him the price to be paid for the ship is \$4,400,000, and it is limited to the hull and machinery, and we know that every dollar of it will be expended for the hull and machinery, and contracts will be made to cover it, and not one dollar of it can go to armor plate, and not a pound of armor plate is provided for nor can be had within that limitation of \$4,400,000. Right here I will say I do not know why for a battle ship of exactly the same tonnage that was provided last year this bill should give the contractors an extra price of \$188,000.

Last year we provided for two battle ships of 16,000 tonnage each, one to be built in a private yard and one to be built in a Government yard, and the price was \$4,212,000, and this bill carries a price for the same tonnage ship of \$4,400,000, which is \$188,000 more. But that \$188,000 does not go to the armor plate, and in the next paragraphs the appropriation per ton is increased. I will call the attention of the House to the fact that although the tonnage of the war vessels authorized in this bill will cost \$50 more a ton for hull and machinery than the war vessels authorized last year, not a dollar of that increased price can go to armor plate. Armor plate has heretofore been costing various prices. Why, Mr. Chairman, for the vessels already authorized contracts have been entered into recently at two different prices—10,000 tons at about \$450 a ton, and 6,000 tons at \$398 a ton. We are paying for 10,000 tons a price of \$55 a ton more than for 6,000 tons.

Now, I want to call the attention of the gentleman from Pennsylvania [Mr. DALZELL] to this fact, and I challenge the gentleman to respond to this argument. If Congress, in this bill, has the right to authorize the construction of two armored cruisers and a battle ship, has it not the power in this same bill to provide for the completion of those ships and for securing the armor? Can it be that we can provide for a ship, and yet not provide that ship with engines, guns, and armor? If we can provide for the beginning, we can provide for the finishing of the ship. If we can authorize the whole, we can authorize the parts of a ship. There is no rule of this House pertaining to appropriation bills that will authorize the beginning of a work and forbid provision for the completion of that work when begun. Now, what has been the ruling on matters kindred to this, for I will admit there has been no direct ruling of the House upon this particular provision?

Mr. DALZELL. The gentleman will pardon me; there have been several rulings on this particular provision.

Mr. WILLIAM W. KITCHIN. Cite me to the page in the Rules and Digest. I have here the Digest.

Mr. DALZELL. The gentleman will look on page 342, about

halfway down the page. This is not a new question at all. This very proposition has been elaborately discussed.

Mr. WILLIAM W. KITCHIN. I want to call the gentleman's attention to the decision on page 345 of the Manual and Digest:

To a paragraph providing for armor and armament of naval vessels a proviso that the total cost of armor should not exceed a certain amount and that no contract could be made in excess of a certain price per ton was held to be a limitation merely.

Mr. DALZELL. That is all right.

Mr. WILLIAM W. KITCHIN (reading)—

A provision that no part of a sum appropriated for armor plate should be expended except for armor of a certain cost and quality was held to be a limitation.

Mr. DALZELL. I have no fault to find with those decisions at all, but I deny that they have any relevancy to this question.

Mr. WILLIAM W. KITCHIN. Now, it was held in the case cited by the gentleman from Pennsylvania that an appropriation for an armor-plate factory which had not already been authorized was not in order, but will the gentleman say that that necessarily means that in order to provide armor plate for specific vessels herein authorized for the first time we have no power to prescribe the means? Will the gentleman hold that that will prevent us from securing armor plate in a particular way for vessels in this bill first authorized?

Mr. DALZELL. Certainly.

Mr. WILLIAM W. KITCHIN. I could see the force of the gentleman's position, if the Chair will bear with me, if we had an independent proposition in this bill under consideration to build an armor-plate factory for providing armor plate for vessels heretofore authorized and hereafter to be authorized. The gentleman's point would then be well taken, and you could say that for the purpose of providing for that armor-plate factory the point of order would be good, but the gentleman must see the distinction between the bare proposition to build an independent armor-plate factory and the proposition to secure the completion of the ships herein authorized by providing the method of procuring their necessary armor plate by providing that the Government shall make it if it can not otherwise secure it on satisfactory terms. The case cited is not the case now under consideration.

Why, Mr. Chairman, the gentleman must admit that under the decisions, if we should declare that the appropriation should be limited to armor plate at a cost of \$250 a ton for one kind, and if we could not get it at that price the Government should pay more for another kind, that would not be subject to a point of order. If we can in an appropriation bill secure a ship, and we can, then we can secure its armor. If we can secure its armor, then we can secure it in any manner we see fit—that is, the armor for the ships so secured. If providing for the ship is not new legislation, providing for its armor is not new. If the ship is continuation of a public work, its armor is such continuation.

The line of demarcation which I want the gentleman to recognize and avoid if he can is this, that under the case cited by him it was a bald, barefaced, independent proposition to build an armor-plate factory for general purposes, including that for ships already authorized and in course of construction. The pending proposition is for the Government to secure, if it can, by purchase, armor plate at a limited price for the vessels authorized in this bill, and if it can not secure it at that price, then to take the other method to secure the armor plate for the vessels authorized in this bill—that is, to construct an armor-plate factory and make the armor plate.

The principle upon which the citation he gave me rests does not apply in this case, when the whole proposition touching armor plate is limited to battle ships, which are themselves new matter in this very bill. A power to authorize the battle ship contains the power to finish the battle ship. The power to finish the battle ship contains the power to provide armor plate. Any rule of this House to permit the battle ship to go on this bill will permit the armor plate to go on, and any rule which permits us to secure, as we think best, the battle ship will permit us to secure, as we think best, any of its necessary parts.

Mr. PAYNE. Mr. Speaker, I move that all debate on this proposition be closed in five minutes.

The CHAIRMAN. The gentleman from New York moves that debate be closed in five minutes.

The question was taken; and the motion was agreed to.

Mr. DALZELL. Mr. Chairman, as a matter of courtesy, I think I ought to say a word in answer to what the gentleman from North Carolina has said. I am surprised that so intelligent a gentleman as he is should take the position he does on this proposition. It is well settled that the House in making an appropriation has a right to say how that appropriation should be expended. It has the right to say that so much shall go this way and so much shall go that way, and so on. That is a limitation. There is another rule of the House which says there shall be no legislation on appropri-

ation bills. Now, the gentleman from North Carolina will concede that there is no existing law that authorizes the Government to build an armor-plate factory.

Mr. COCHRAN. Mr. Chairman, I would like to ask the gentleman a question. If this bill provided that bids should be advertised for for armor plate, and that in the event of no bids being received then to complete the ships an armor-plate factory should be erected—would that be in order?

Mr. DALZELL. It would not; certainly not. The answer to it all is—

Mr. COCHRAN. The gentleman holds that while the Congress has the power to provide for building a battle ship, it has not the power to go on and make that provision effective by making all necessary provisions for the elements that enter into that battle ship.

Mr. DALZELL. Not at all. All that the gentleman contends is that it has not the power to legislate on an appropriation bill.

Mr. COCHRAN. Isn't it legislation on an appropriation bill when it authorizes the construction of a battle ship?

Mr. HEMENWAY. No.

Mr. DALZELL. No; it is the continuation of a public work.

Mr. COCHRAN. No; but it authorizes a new ship.

Mr. DALZELL. But it has been decided more times than the gentleman has fingers and toes that it is the continuation of a public work; and if the Committee on Naval Affairs sees fit to bring into this House a bill authorizing the construction of an armor-plate factory, it can be passed or voted down; but under the rules of this House and under the decisions that are too numerous to mention the proposition to build an armor-plate factory can not be put on an appropriation bill, because, in the absence of any law to build such a factory, it is new legislation.

Mr. COCHRAN. We have also authorized the construction of battle ships in navy-yards. If the same bill provided that they might buy the necessary tools to do it with, would that be new legislation?

Mr. DALZELL. Certainly.

Mr. COCHRAN. Then it could authorize them to build battle ships, but could not give them the necessary appropriations to provide the material and agencies with which to build them?

Mr. DALZELL. Oh, I think that hardly deserves a reply. Does the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] wish to ask a question?

Mr. WILLIAM W. KITCHIN. Yes. I wish to ask the gentleman if the same rule that permits directions and instructions to be given to the Secretary of the Navy in contracting for the engines and boilers would not also permit directions to be given to him in reference to securing the armor plate?

Mr. DALZELL. Yes; but it would not authorize him to build an engine or a boiler factory.

Mr. WILLIAM W. KITCHIN. If it has the power under the rule to direct him how to secure the armor, why can not it direct him to make it as well as purchase it?

Mr. DALZELL. Because it is a change of existing law.

Mr. WILLIAM W. KITCHIN. That is the point of difference between us.

The CHAIRMAN. The Chair will state the parliamentary situation. The gentleman from Pennsylvania [Mr. DALZELL] having made the point of order against the pending paragraph that it violates Rule XXI, because containing legislation upon an appropriation bill, or, in other words, providing for the construction of an armor-plate factory without previous authority of law, the Chair, following precedents in the Fifty-fifth and Fifty-sixth Congresses, sustained the point of order. Thereupon the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] appealed, and the question now is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and on a division (demanded by Mr. WILLIAM W. KITCHIN) there were—ayes 131, noes 93.

So the decision of the Chair was sustained.

Several Members rose.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with a favorable recommendation.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, but we have some amendments we would like to offer.

Mr. RIXEY. Mr. Chairman, the chairman of the Committee on Naval Affairs surely will not make a motion that the committee rise until the bill is perfected. There are some amendments on this side that we propose to offer.

The CHAIRMAN. The Chair will state that a motion to amend takes precedence of a motion to rise with a favorable recommendation.

Mr. RIXEY. I have an amendment that I wish to offer.

The CHAIRMAN. The gentleman from Virginia [Mr. RIXEY] offers an amendment, which will be read,

Mr. RIXEY. I was willing to wait to see whether the chairman of the Committee on Naval Affairs would undertake to perfect his bill and to provide armor plate for our ships.

The amendment offered by Mr. RIXEY was read, as follows:

That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels herein authorized, provided such contracts can be made at a price not to exceed \$398 per ton; but in case he is unable to make contracts for armor under the above conditions, then there is hereby appropriated the sum of \$4,000,000 for the erection, upon property now owned by the Government, of an armor-plate factory of the character and to the extent that the Secretary of the Navy may in his judgment deem necessary and practicable under the appropriation.

Mr. DALZELL. I make the same point of order against this amendment as against the other.

Mr. RIXEY. I desire to be heard for one minute on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RIXEY. The difference between this amendment and the one which went out on the point of order is that the one which went out provided for the purchase of land upon which an armor-plate factory was to be built. This provides that the armor-plate factory shall be built upon property now owned by the Government. I submit that this amendment provides for the continuation of a public work, and I refer the Chair to the following amendment which was offered to the naval appropriation bill in 1898:

• For the erection of new buildings for the use of the Naval Academy at Annapolis, Md., of the character and to the extent that the Secretary of the Navy may in his judgment deem necessary.

That amendment carried an appropriation for a new building at Annapolis. A point of order was made against the amendment; but the Chair overruled the point, following a ruling which had been made upon a similar provision in regard to West Point.

This amendment provides for the erection of an armor-plate factory upon property now owned by the Government. It is for a Government purpose—the providing of armor plate for the ships authorized by this bill; and it seems to me as much in order as the provision directing the Secretary of the Navy to provide a building at Annapolis.

Mr. DALZELL. Mr. Chairman, I could not hear very well the remarks of the gentleman from Virginia [Mr. RIXEY]; but if I caught his proposition it was that this amendment differs from the one already passed upon by the Chair, because this is an appropriation to build an armor-plate factory on Government land. I submit that it requires a new provision of law to authorize the building of an armor-plate factory, whether the land on which it is to be built belongs to the Government or whether it does not. In either case such a provision is a change of existing law.

Mr. UNDERWOOD. Was not the distinction between a building to be erected on Government land and a building to be erected independently of Government land distinctly drawn in the decision in this House upon the question which was raised on a proposition to erect a new building for the reform school in this District?

In that case the Chairman of the Committee of the Whole held that, as the proposition was to erect this building upon Government land, it was a proposition to carry on or continue Government work already in progress.

Mr. DALZELL. A continuance of public work in progress; but this is for the institution of new public work.

Mr. UNDERWOOD. In that case the Chairman distinctly held that the fact of the Government owning the land on which the building was to be erected distinguished the provision from one proposing the purchase of new land for such a structure.

Mr. DALZELL. Well, the distinction is rather farfetched, I should think.

Mr. UNDERWOOD. The decision is here and can be referred to.

Mr. DE ARMOND. Mr. Chairman, I am somewhat surprised that this point of order is made, and I hope that, whatever may be its technical value, the gentleman who made it will withdraw it and that no other gentleman will renew it. The amendment here proposed is to enable the Government, in case it is "held up" again in its effort to procure armor plate, as it has been "held up" before, and I might say almost continuously, to provide itself with that most necessary article in the construction of war ships. I can hardly conceive of a reason, looking to public policy and to the public welfare, for the interposition of the point of order, even if the point be good.

Ought the Government in increasing the Navy, in spending year by year millions of dollars for this purpose, to be absolutely at the mercy of a few armor-plate factories in this country, combined together to exact just such price as they may choose to demand? Ought not the Government to be prepared to make armor plate just as the Government ought to be prepared to build ships, to cast cannon, to fabricate rifles and swords and bayonets, and, generally, the munitions of war upon land and sea? Now, then, is not the manufacture of this armor incident

to and directly connected with a business already authorized by existing law, and a business specially reauthorized by this pending measure as it has already passed the committee?

This bill authorizes the building of battle ships and armored cruisers. Existing law provides for the construction of the Navy in that way and for additions to it of that kind, consisting of armored fighting fortresses. The Government already has navy-yards; the Government already has factories for the making of heavy ordnance; the Government has factories for the manufacture of small arms; the Government has places for the repair of ships and for the making of necessary things to go into ships. This amendment, if allowed, simply provides that the Government, if it be necessary (if in the exercise of the judgment of those having the matter in charge it should be done), shall have the necessary additional facilities, on Government ground, at Government expense, for the making of some things absolutely necessary to be made, absolutely necessary to be had, and to be used in the construction of these armored ships of the various classes.

If there should be a change in ordnance, is it necessary that there should first be a law that the Government be permitted or allowed or authorized to construct cannon of a particular kind in order that a provision with reference to the making of cannon at Government factories be in order in the naval appropriation bill?

Suppose there should be invented or discovered, or invented and discovered, some means of defense or of offense entirely novel, entirely unlike anything which the Government now has and is now prepared to fabricate and to furnish; yet it would be of the nature of heavy ordnance, say for land batteries or for use upon ships, or both. Would it be necessary to have a distinct new law authorizing the construction by the Government of this particular pattern of cannon before provision may be made in a bill of this kind, by amendment or original provision, for its construction by the Government?

There used to be the old Armstrong gun. Later guns and, maybe, better guns followed. There are various grades of ordnance, one supposed to be an improvement upon the other; and respecting many of them there is great difference of opinion as to which is the best. Suppose there is a general authorization to establish and to operate works for the fabrication of cannon. Suppose that some kind of cannon entirely distinct and different from any heretofore made has come into use in foreign countries, and it is supposed to be very desirable to equip our shore batteries or our ships with it.

Will some gentlemen say that if a provision to make that kind of cannon at Government works be incorporated in a bill of this kind, or be offered as an amendment to it, the proposition must go out of the bill if printed in it, or must be denied admission to it if offered as an amendment, unless a particular law to make that particular kind of cannon can be cited?

There are Government establishments for the construction of ships. It is entirely proper to provide in a bill that a ship shall be constructed in a Government yard. It does not take new law to do that. It certainly can not be necessary that the Government, having its yards for the construction of ships, must be authorized by an express law to build ships in the yards when the building of the ship is authorized.

The armor plate is only part and parcel of a certain class and kind of ships, absolutely essential in the making of such ship. If it happens that the Government has not that kind of a plant at this time, that the Government is not prepared to make that particular kind of thing, it is just as competent, it seems to me, under the existing law for the making of the completed ship, to provide for such addition as may be required for the fabrication of that part as it is to provide for the addition of a machine to make a particular kind of rigging or a particular spar, or to fashion a particular kind of lumber for particular use, in deck or side or bottom, or anywhere else in the ship.

I do not think that is a strained construction if the committee see proper to vote for this amendment, and if that construction would protect the Government against robbery, protect the Government against extorting combination, is for the Government and against the trust, it does seem to me that if any doubts exist they ought to be solved in favor of allowing the House to vote upon the amendment.

I admit that there is no law in so many words saying that the Government may erect a plant for the manufacture of armor plate, but the whole scope of the law, the whole policy of the law, the whole policy of the Government, is for the construction of these ships, and the Government, in large part, has its appliances and machinery and plant for their construction.

If it lacks some particular means to the legalized end, as it does with reference to the armor plate, as perhaps it does with reference to some other things, why is it not competent, without an express new enabling act, to provide in a bill of this kind, by original provision or by amendment, that the Government shall supply that particular defect, adding that much to the plants already

existing, thus preparing still further to complete what it is already prepared to complete in large part?

I think that for the protection of the Government, in a liberal construction of the law, looking to the beneficial effect of the legislation, looking to the object to be accomplished, it would be no stretch of the power of the Chair, and no perversion or departure from the rule which we all understand very well, to hold that this amendment is in order; and I sincerely hope that the Chair may see his way clear so to hold. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I desire to call the attention of the gentleman from Pennsylvania to the fact that this House has made the distinction between whether the Government owned the land and whether it was engaged in a work that was in contemplation when the appropriation was made. In determining whether a rider of this kind was in order or not, as I stated, the House has heretofore held that the purchase of adjoining land for a work already established is a continuation of a public work, and an amendment for acquiring adjacent property was held to be in order. You will find that in the Digest, page 433.

In fact, Mr. Chairman, the distinction which has been made by the House in these rulings has always turned around one point, and that is the question as to whether the Government had already engaged in the enterprise and the new proposition was incident to the main proposition. Now, originally it was held, under the terms of this rule, that you could not provide for the building of a ship on the naval appropriation bill; that it was in conflict with the rule. But in 1885, after the Chair had ruled the proposition out, the House itself held that the building of a ship was carrying out a project that the Government was already engaged in—that is, the building up of a navy. From that time on it has stayed there.

Again, they held at one time it was in order to provide for an increase of seamen in a naval appropriation bill. An amendment was offered to the appropriation bill providing for more seamen for the Navy. The Chair held that it was out of order and in conflict with the rule. The House determined that it was carrying out an existing undertaking of the Government; that we can not have a Navy without having the seamen to man the vessels, and that therefore it was in order, and put that on the bill, and it has been an undisputed precedent since that time.

I admit, Mr. Chairman, that the rule has been that you can not legislate upon an appropriation bill, but the exceptions to the rule are almost as numerous as the rule. In other words we build public buildings under provisions put on an appropriation bill, where they carry out an existing undertaking. We build battle ships, notwithstanding the rule, in carrying on the naval development. We provide for seamen on an appropriation bill.

On the 12th of January, 1889, the House was in Committee of the Whole House on the state of the Union, considering the Military Academy appropriation bill. A section of the bill was read, providing for the erection of a fireproof building on the ground of the Military Academy at West Point. Mr. Kilgore of Texas made the point of order that the bill contained a provision that was not authorized by law. After debate the chairman [Mr. Cox of New York] decided—

The provision just read, the building to be erected, a fireproof building on the site of the ground at West Point, is within the purview of the rule. The construction of the building is incident to the maintenance of the Academy itself, an object being already in progress, the main object contemplated in a certain part of the bill.

There is the whole reason for this proposition, Mr. Chairman; the reason for all these amendments. The turning point as to whether the amendment is in order or not is determined on the point whether, as in this case, the construction of the building is incident to the maintenance of an object already in progress itself or whether it is not.

The House has been engaged for days in passing a great appropriation bill for building and maintaining the Navy of the United States.

That is the main purpose of the bill. We come to the proposition that we propose to build a certain number of battle ships; incident to the building of the battle ships it is in order for the bill to also provide the armor and the armament for those battle ships. If there was no armor factory, if there was no other way to acquire armor than by the Government manufacturing it, would it not be held that it was incident to our building the battle ship to provide for the armor as well? How can we provide the armor if private contractors refuse to make it for us at a reasonable price, unless the Government itself can supply it?

Now, what is this proposition? It has appeared to the Naval Committee, and it is evident, that there is some doubt as to whether it can procure suitable armor at a reasonable price from private contractors.

Therefore they attempt to provide some other way to get the

armor that is necessary to complete the contract that they are already carrying out. It is merely an incident to the undertaking the Government has in hand to-day, and instead of providing just one way of acquiring that armor they have provided two ways. They provide that we shall get that armor by purchase if we can within what they determine is a reasonable price and on reasonable terms, but that if we can not acquire that armor at that price from private contractors and on those terms, then we shall acquire the armor necessary to equip these vessels in another way, to wit, the erection of a naval plant to make the armors to put on these vessels. It is as much an incident to the erection of that vessel and to the building of that vessel as are the stays on which it is built.

You can not, Mr. Chairman, build an armored battle ship without armor. When you provide in a bill for an armored battle ship you have committed yourself and the Government to the proposition that you are going to acquire armor. It then has become the law. I admit that if it came in here purely as a proposition for the Government to build an armor-plate factory, not coincident with the question of building the vessels, under the former rulings of the House it would go out, but here is a proposition that is directed to vessels already on the way and is certainly as much an incident to the erection of those vessels as the building of a fireproof building at West Point for the maintenance of the Academy, and therefore I contend that the amendment offered by the gentleman from Virginia is necessarily in order.

The report of the Secretary of the Navy shows that he believes we are paying more for armor plate than we should pay after giving a fair and reasonable profit to the manufacturer. It is evident that the Navy Department thinks a provision along the lines of this amendment would be effective in enabling them to secure a reasonable price from the private contractors for armor plate; it is in the interest of economy and is made necessary by reason of the fact that there is practically no competition in this business to regulate prices. It is to be regretted that the Republican Members of the House are unwilling to vest such a power in the hands of a Republican Secretary of the Navy, whom we all know to be a fair and just man.

The CHAIRMAN. The Chair is ready to rule. As the Chair has already ruled several times during the pendency of this bill, it is quite within the power of Congress to withhold an appropriation or to make it upon a condition that it shall not be used, except in a certain way. Undoubtedly the House may withhold entirely an appropriation for armor plate. Undoubtedly it may appropriate with the limitation that no more than a certain amount shall be paid per ton. That has been held in the case cited during the discussion, but here is an amendment which goes further and appropriates \$4,000,000 for the erection upon property now owned by the Government of an armor-plate factory. A similar proposition has already been ruled out, but it is contended that this stands upon a different footing, because of the expressed provision that the factory shall be erected on property owned by the Government. The argument is made that it would therefore be in continuation of a public work.

Undoubtedly it is within the power of Congress to authorize the erection of an armor-plate factory and when that has been done to make an appropriation, but Rule XXI expressly provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

It is not pretended that there is any armor-plate factory in progress, but the attention of the Chair has been called to a ruling authorizing the erection of additional buildings on Government ground at West Point and at Annapolis. Those rulings have gone to what has been considered the extreme limit. Subsequent occupants of the chair, both Mr. SHERMAN of New York and Mr. PAYNE of New York, have held that as original propositions they would not have sustained such a paragraph as in order. Thus, in the first session of the Fifty-sixth Congress, Mr. PAYNE, in the chair, upon an appropriation for a new building at the Naval Academy, said:

If this were a new proposition the Chair would hesitate to declare it in order, but the Chair feels bound to follow the precedent that has been set and acquiesced in by Congress, and therefore overrules the point of order.

But that building was an addition to the plant of the Naval Academy, so to speak. It was considered as going to a great length to sustain that new building as a continuation of a public work, but even that ruling has not been considered as extending to a case where the additional building was for a purpose other than that to which the existing buildings were dedicated. Thus, on May 17, 1902, the naval appropriation bill then, as now, being under consideration, there was involved a paragraph reading as follows:

Toward the construction of a building on land owned by the Government at Annapolis for an experiment station and testing laboratory, in the department of marine engineering and naval construction, at a cost not to exceed

\$250,000, and the complete equipment of the same with all the necessary appliances and apparatus, at a cost not to exceed \$150,000.

To that paragraph JOSEPH G. CANNON, the present Speaker of this House, made the point of order that there was no law authorizing the expenditure, and the Chairman, Mr. SHERMAN, of New York, held—this is his language:

Upon the statement of the gentleman from Illinois, chairman of the committee, and also of the gentleman from Maryland, namely, that the building was not considered as a part of the Academy, the Chair is very clear in the opinion that the provision is not in order, and the Chair sustains the point of order.

Now, here is a provision for an armor-plate factory upon Government land, but there is no pretense that there is any existing factory in continuation of which this might be considered. It was held in the second session of the Forty-fifth Congress that, although an appropriation had previously been made for the purchase of a site for a public building, a proposed amendment appropriating for construction of the building was not in order upon a general appropriation bill.

Now, here is clearly legislation upon an appropriation bill, an appropriation for what is not a continuation of a public work now in progress, nor authorized by existing law, and the Chair sustains the point of order.

Mr. RIXEY. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

That the Secretary of the Navy is hereby authorized to procure by contract armor plate of the best quality for any and all vessels herein authorized, provided such contracts can be made at a price not to exceed \$398 per ton.

Mr. RIXEY. Mr. Chairman, I am glad that there seems to be no point of order raised against this amendment. As the bill now stands it is incomplete. The Naval Committee seems to be content with securing the authorization of this House for building great ships of the Navy without any provision for the armor plate for those ships. I want to call the attention of the chairman of the Committee on Naval Affairs to the fact that the Navy Department has thought it necessary, in order to secure armor within the provided time for the ships, to make contracts for armor before it has made the contracts for the ships, and this bill should now make provision for the armor plate.

If it is necessary to provide in this bill for ships, surely the Navy Committee ought to have offered some provision here to provide for securing armor plate.

This amendment, Mr. Chairman, provides a limitation upon the price of armor. I want to submit to the House that it is necessary that there shall be a limitation. The Secretary of the Navy stated that he had recently entered into contracts for 16,000 tons of armor, and that up to the past few months only two factories in this country had ever furnished this Government with any armor plate, and they were the Bethlehem and the Carnegie companies. He stated the further fact that these two companies had an agreement on prices, and controlled the price at which this Government could buy armor plate. He further stated that on the last bid the Midvale company (a new company) had bid for the whole 16,000 tons at \$398 a ton; but on examination of the bid, he found that it could not furnish the armor plate within the time required, and he therefore rejected its bid as to 10,000 tons, and gave it a contract of 6,000 tons, at \$398 a ton.

Both the Secretary of the Navy and Admiral O'Neil, of the Bureau of Ordnance, testified that the armor plate to be furnished by the Midvale company was to be as good as that furnished by the Carnegie and the Bethlehem companies. The contract for 10,000 tons was given, five to the Carnegie and five to the Bethlehem company, at \$453 a ton, a difference of \$55 a ton more than the contract to the Midvale company, making a difference against the Government of \$550,000. The Secretary of the Navy stated that he felt it his duty, in order to get the armor plate, to give this contract to these two companies, which he said were in an agreement and controlled the price; that it was useless to reject their bids, because if he rejected them he could not get the armor plate from any other concern.

Mr. MAHON. Mr. Chairman, I would like to ask the gentleman a question.

Mr. RIXEY. I will yield.

Mr. MAHON. Has the Midvale company ever delivered a ton of armor plate to the Government?

Mr. RIXEY. No; it has not.

Mr. MAHON. Is it not true that they are trying to make an armor plate of their own—not the true armor plate, that has to pay a royalty of \$45 a ton?

Mr. RIXEY. All I know is that the Secretary of the Navy and Admiral O'Neil stated that this armor plate to be furnished by the Midvale company was to meet all the requirements of the Government and to be as good as that furnished by the Bethlehem and Carnegie companies.

Mr. MAHON. Is it not true that they never have delivered a ton to the Government and that they can not make a ton of it?

Mr. RIXEY. The Secretary of the Navy stated that he was

satisfied that the Government was protected and that they could do so. I state that this limitation ought to be placed on the price of armor plate, and that the Government ought not to be required to pay to this trust \$550,000 again on a like contract.

Mr. MAHON. Does not the gentleman know that under this contract with the Midvale works the Government will never get their armor plate—that the company can not make it?

Mr. RIXEY. Well, the gentleman from Pennsylvania may know more about it than the Secretary of the Navy or Admiral O'Neil.

Mr. MAHON. The Secretary of the Navy said he has never delivered a ton.

Mr. RIXEY. But the Secretary of the Navy said he was satisfied that the Midvale company would deliver the armor plate as they had contracted to deliver it. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. MAHON] if he objects to the Government getting this armor plate as cheaply as it ought to have it, at a reasonable price, and I would like to ask him this question: Is it not evidence of a reasonable price for the companies when a new company can come in and satisfy the Secretary of the Navy that it will produce and furnish within the limitation armor plate of satisfactory quality at \$398 per ton?

Mr. MAHON. I will answer the question.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RIXEY. Mr. Chairman, I ask unanimous consent that my time be extended for one minute.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may continue his remarks for one minute. Is there objection?

There was no objection.

Mr. RIXEY. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. MAHON. If the Midvale Company will pay the royalty required of \$45, which all armor-plate companies must pay, they can not make it for \$398, and they know they can not make it. They are trying to make a cheap armor-plate of their own invention, and they are not satisfied to meet the requirements of the Navy at all. They have never delivered a ton.

Mr. RIXEY. Mr. Chairman, the argument used now by the gentleman from Pennsylvania was used on this floor three or four years ago when gentlemen stood here and said we could not get it for less than \$545 a ton, and Congress refused to give it. Congress refused to pay more than \$445, and the result was that Bethlehem and Carnegie took the contract at \$445 for 30,000 tons and that the Government saved \$3,000,000 on that one contract. [Applause on the Democratic side.]

Mr. MAHON. You take your \$398 bid and add \$45 royalty on it, and your company will not do it. These other manufacturers are making it and paying a royalty of \$45 a ton for that fine armor plate.

Mr. RIXEY. This company, which the Secretary says is bonded for an amount to insure—

Mr. MAHON. Oh, yes; I can bond, too, but I could not make it.

Mr. RIXEY. Agrees to furnish the armor plate, as good as the Bethlehem or Carnegie armor plate, at \$398.

Mr. VANDIVER. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to oppose the amendment?

Mr. VANDIVER. I desire to support the amendment.

The CHAIRMAN. The Chair will recognize first some one in opposition to the amendment.

Mr. DALZELL. Mr. Chairman, I will say to the gentleman from Virginia [Mr. RIXEY] that, as far as I am concerned, I do not desire that the Government should be compelled to pay a single dollar more than it ought to pay for armor plate, but I am solicitous that the Government shall be put in a position where it can secure armor plate. The gentleman from Virginia will recall, because he has been here long enough, the experience we have had in this House on this very subject. This is no new controversy, the question as to how much shall be paid for armor plate. It extends back over a great many Congresses, and my friend from Virginia will recall that in one Congress, when we undertook to fix the price of armor plate at a point where those who were running armor-plate factories were unwilling to supply it, our ships lay for several years in an unfinished and incomplete condition. Now, I do not desire that we shall get into that position again. This question is one of the most practical questions with which we have to deal.

Mr. BOWIE. Mr. Chairman, the gentleman says that he does not desire to get into that position again. Why not let the authority go to the Secretary of the Navy to build an armor-plate factory so that he can meet that condition?

Mr. DALZELL. Oh, I have discussed that question before. We are not in a position to do that just now. I will cross that bridge when we get to it.

Mr. HITCHCOCK. Mr. Chairman, will the gentleman permit a question?

Mr. DALZELL. Certainly.

Mr. HITCHCOCK. Will the gentleman state when it was that this Government was unable to procure armor plate under the limit imposed by Congress?

Mr. DALZELL. I could not state the year to the gentleman, but there was such a condition of things.

Mr. HITCHCOCK. Is it not a fact that the fifth and sixth armor-plate contracts let by this Government in 1898 and 1899 were for \$400 per ton, the limit which this Congress imposed?

Mr. DALZELL. Well, I think that is so, but there has been a great improvement in armor plate since then.

In the first place there is the nickel plate, which costs so much more. In the second place, as we learned, I think, in the last discussion on this question, there is the Krupp armor, which is subject to a royalty payable to the Krupp representatives in this country—

Mr. VANDIVER. Has the legal question of that royalty yet been determined?

Mr. DALZELL. Oh, I do not know anything about that.

Mr. VANDIVER. I know that in the judgment of some of the prominent officers of the Navy it has not been determined and should never be.

Mr. DALZELL. Well, I understand that these people are paying that royalty. Whether or not they pay it under protest, putting themselves in a position to recover it hereafter, I do not know.

Mr. VANDIVER. Is the gentleman prepared to state the fact that they are paying it?

Mr. DALZELL. I am so informed. I have no personal knowledge on the subject.

Now, let me go back to where I was a moment ago. I say that this is one of the most important questions we are called upon to deal with. It ought not to be a partisan question. It ought to be a plain, practical business question. But it gives the opportunity every time we are called upon to discuss it to abuse corporations and to talk about the Government being "held up," and all that sort of thing. Now, does the gentleman who offers this amendment know that the Government can obtain its armor plate at \$398 a ton? I am told that the Government can not—

Mr. RIXEY. Will the gentleman allow me to answer his question? The Midvale company bid for the whole 16,000 tons at \$398 a ton, and the Secretary of the Navy stated he was satisfied that company could carry out its contract, but that its bid did not provide for delivering all of that quantity as soon as the Department wanted it.

Mr. DAYTON. Let me say—

Mr. DALZELL. Let us concede that to be so.

Mr. DAYTON. Wait a moment. I do not want you to concede it.

Mr. DALZELL. I say to my friend from Virginia, let us concede for the purpose of argument that that is true. The Midvale company is a new company. It is very desirous of getting into this business. It pursues the ordinary means that men do when they undertake to take away the market of somebody else—it underbids. And it may take this contract at a loss. The gentleman will recur to the case where the Bethlehem Iron Company made a lot of armor plate for Russia at a loss of \$75 to \$100 a ton for the purpose of securing the Russian market.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. DALZELL] has expired.

Mr. DALZELL. I ask five minutes more.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Pennsylvania for five minutes? [A pause.] The Chair hears none.

Mr. RIXEY. I think the price paid by Russia in that case was \$260—

Mr. DALZELL. Two hundred and forty-nine dollars.

Now, I say this is a new company and is desirous of getting into the field; and I have no doubt it will guarantee that it will supply the armor; but the armor it will supply will not be such armor as the other parties have agreed to supply; it is an armor of their own; it is an armor that they say is as good as the other; but as yet it has not been tested. And the gentleman knows that there is no more complicated manufacture; there is no manufacture that requires more skill than the manufacture of armor. And yet here is a new company coming into the field, and you ask that the price to be paid to these older companies, about whom you know everything, shall be fixed by the price bid by this new company. It does not strike me that that is altogether fair or businesslike.

I put aside altogether—for I do not care anything about it—the question whether the Carnegie Company and the Bethlehem Company agreed together as to their bids. I suppose they did. The

Carnegie Company was induced to go into this business of manufacturing armor by Secretary Tracy, at a time when there was an understanding that the business was to be divided between those two companies. The real question is whether they have asked too much for their armor. Now, has the gentleman any evidence on that subject except the evidence that this other party is willing to furnish armor at \$398 a ton?

Mr. HITCHCOCK. I think I can supply the gentleman with some other evidence. The Senate of the United States went into an exhaustive examination—

Mr. DALZELL. Oh, I know all about that. I have been all over this subject before, let me say to the gentleman from Nebraska. I know all about it. I know all about the navy board that undertook to find out how much it cost to make armor, and the report of Secretary Herbert, and the report of Senator Chandler, and all that sort of thing. That was on harveyized armor, a now antiquated armor. It was made when steel and iron were many per cent cheaper than they are now. That was when it cost the parties to make their armor a good many dollars a ton less than it costs now. That is all antiquated. This question is a present question. Has the gentleman any evidence outside of the simple fact—

Mr. HITCHCOCK. Yes, I have some evidence here, if he is willing to listen to it, which I believe ought to be considered pretty good evidence in Pennsylvania.

Mr. DALZELL. What is it?

Mr. HITCHCOCK. It is the evidence of Mr. Charles H. Cramp, sworn to.

Mr. DALZELL. When?

Mr. HITCHCOCK. I will send it up and ask the Clerk to read it.

Mr. DALZELL. When was it?

Mr. HITCHCOCK. In 1901.

Mr. DALZELL. And who is the witness?

Mr. HITCHCOCK. Charles H. Cramp, who is a ship manufacturer in the United States.

Mr. DALZELL. Well, I suppose he had some motive to subserve, of course. I do not know what the evidence is.

Mr. HITCHCOCK. The gentleman has called for it, and I ask to have it read.

Mr. DALZELL. Certainly; I have no objection to it being read.

The CHAIRMAN. Does the gentleman from Pennsylvania consent to have it read in his time?

Mr. DALZELL. Certainly. Of course I shall have to have an allowance of time for it.

Mr. HITCHCOCK. Oh, we will get you that.

The clerk read as follows:

[Charles H. Cramp's testimony, Industrial Commission Report, 1901, vol. 14, p. 420.]

The profit on armor making is something enormous. The people who make money on their ships are not the persons who design and construct them, nor the persons who take two or three generations to get information enough to design a battle ship. * * * But the gun maker who makes the guns for the Government makes the money, and if we had been gun makers we could have had the guns, too. * * * In Great Britain and Germany and in France they build the ships complete, guns and all, and we are at a tremendous disadvantage. Why, I would be willing to take a battle ship and build the ship at cost if we got the profit on the armor. * * * That is what these big concerns in England do.

Mr. DALZELL. Mr. Chairman, I did not understand the name when the gentleman from Nebraska mentioned it. Charles H. Cramp, of course, is a shipbuilder of reputation, and anything he says, so far as he is competent to speak, goes with me. I have a very high respect for him, and I have no doubt that he thinks that in the building of a ship he does not get as much as he ought to get, and that the fellow who makes the armor gets all the profit. Nevertheless, Mr. Cramp has been building ships a great many years, and he has never yet gone into bankruptcy.

Mr. JAMES. Have the armor-plate men gone into bankruptcy?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWIE. I ask unanimous consent that the gentleman's time be extended ten minutes.

Mr. DALZELL. I do not want ten minutes.

Mr. BOWIE. Five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. BOWIE. Now I want to ask the gentleman just one question: Did we not have a law passed two or three years ago, to the effect that if the Secretary of the Navy could not get this armor plate at a price which he deemed to be reasonable, in that event he should have the right to build an armor factory, and was not an appropriation passed for that purpose?

Mr. DALZELL. I think that is correct.

Mr. BOWIE. Is there any objection in the gentleman's mind to a proposition of that sort being put into this bill?

Mr. DALZELL. I thought I had answered that question pretty emphatically a little while ago.

Mr. BOWIE. The gentleman made a point of order against it, but he did not state any reason.

Mr. DALZELL. It indicated my attitude toward it. Now, the letter that the gentleman from Nebraska had read, from Mr. Cramp, furnishes no additional evidence. Mr. Cramp did not say anything about the price of armor plate. He simply complained that another party was making more profit than he was. Now, I make this assertion, that the United States Government gets its armor plate for its ships at less per ton than any nation on the face of the earth.

Mr. RIXEY. Mr. Chairman, the gentleman asked me a question. Now I should like to answer it.

Mr. DALZELL. I want to get along without interruption.

The CHAIRMAN. The gentleman declines to yield.

Mr. RIXEY. The gentleman asked me a question. That is the only reason I propose to reply. He asked me if there was anything before the committee as to the price of armor plate being excessive.

Mr. DALZELL. Yes.

Mr. RIXEY. Captain Pendleton, who is the superintendent of the Government Gun Factory here at Washington, has made a statement on that subject in general terms. He says:

The Bethlehem Steel Company in five years paid for their armor-plate plant, made fair profits, and now own the plant.

In reply to a question by the gentleman from Pennsylvania [Mr. BUTLER], he went on to say:

Both to save the money and to enable the Government to meet the increasing demands, we went to work with the Bethlehem Steel Company and made a big contract which authorized them to put up a plant and make armor. We all know that in five years they had paid for their plant and made a fair profit, and they now own the plant.

Mr. DALZELL. I am familiar with that. I say that the United States Government to-day, at the price the Secretary of the Navy is asked to pay, gets its armor cheaper per ton than any nation on the face of the earth.

Mr. BURLISON. Is the Government getting it as cheaply as it ought to get it?

Mr. DALZELL. There is only one nation, so far as I know, that has an armor-plate factory, and that is Russia; and Russia has time and again abandoned her armor-plate factory and procured her armor here in this country at prices far above those paid by the United States Government.

Mr. DAYTON. I want to call the gentleman's attention to the fact that in the last year the Russian Government contracted for 4,000 tons of armor of American manufacture at the price of \$545 a ton, or \$102 per ton higher than we are paying.

Mr. DALZELL. That simply confirms what I am saying.

Now, gentlemen, let me finish just as I began. I do not want the United States Government to be compelled to pay a single dollar more for its armor than you do. It is not any interest of mine that any private individuals, corporations, or otherwise should make money out of the Government unduly; but I do not want the Secretary of the Navy to be put in a position where he will be compelled to leave our ships uncompleted by reason of the want of armor. Now, under existing law—

Mr. HITCHCOCK. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. Oh, I suppose so.

Mr. HITCHCOCK. I should like to ask the gentleman, if he objects to having the Secretary of the Navy embarrassed in such a case, why does he object to having the Secretary of the Navy construct an armor factory?

Mr. DALZELL. Well, I am so dull, Mr. Chairman, that I do not see the relevancy of that question. Now, under existing law, the Secretary of the Navy has authority to contract for armor. He has authority to use his judgment and discretion in the matter. I am perfectly satisfied to rely upon the patriotism and integrity and business judgment of the Secretary of the Navy, and I think we will be entirely safe if we put our bill through in such shape that the Secretary of the Navy will be authorized to negotiate for such armor as may be needed for the completion of these ships upon the best terms obtainable by him, he exercising his own judgment in the premises. That is where I should like to leave this matter, and where I think it ought to be left.

Mr. VANDIVER. Mr. Chairman, as to the price of armor plate, the proper price the Government should pay, the Government itself has investigated the subject and officially reported upon it. I know it is an old subject, but it seems to be up now as a new one, and I want to read a little from the report of the committee which investigated the subject. This is from the report of the Secretary of the Navy in 1897.

Mr. DAYTON. The gentleman is aware of the fact that we are not using that kind of armor now.

Mr. VANDIVER. I understand, Mr. Chairman, that the gentleman from West Virginia says that we are not using the same kind of armor now. Perhaps not under the same name, but it is

the same thing, and the testimony before the Naval Committee has never yet developed as a fact what is the difference between the two kinds.

You call one Krupp armor and you call the other harveyized armor; and yet you can not find a naval officer on the American continent that can tell the difference between them. They say it is a secret.

Mr. DAYTON. The gentleman will certainly pardon me for interrupting him?

Mr. VANDIVER. Yes.

Mr. DAYTON. You remember the hearings before the Naval Committee showed that Krupp armor was at least 25 per cent stronger and had a greater resisting power to that extent, do you not; and was made under an entirely different process, the gas process, while the other had been made under the charcoal process?

Mr. VANDIVER. If the gentleman will refer to the testimony he will find the fact is brought out that some difference of strength and tensile could be found in two different pieces of Krupp armor and in two different pieces of harveyized armor, as well as between two pieces of the different names. It does not depend upon the name. Now, as to the patent, or the royalty, I maintain that question has never yet been legally determined, and I seriously doubt whether any royalty is being paid or ever will be paid for either kind.

But here is what I wanted to get at: The hearing before the committee that investigated these results is summed up.

Lieutenant-Commander Rodgers, who had been an inspector at the Bethlehem Iron Works, was also called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged harveyized nickel-steel armor \$178.59.

The inspector of ordnance at the Carnegie Steel Company, Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged Harvey nickel-steel armor is \$161.54.

Adding 10 per cent to each of these estimates, for loss due to rejections, makes the estimate of the board \$184, the estimate of Lieutenant-Commander Rodgers \$196.45, and of Ensign McVay \$177.69. For reformed nickel-steel harveyized armor the estimate of Lieutenant-Commander Rodgers is \$208.85, and of Ensign McVay \$180.00.

The Secretary, in making his calculations, says, in order "to be just to both the manufacturers and the Government," he took an average of the estimates, which is \$185.38 for single-forged and \$197.78 for reformed armor, in making the calculations contained in the report.

After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33 per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	\$168.00
Add for reforming	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one-third per cent profit	70.00
	280.00
Add for nickel	20.00
	300.00
Making the price for armor	300.00

Now, if we add \$98 for the increased cost of material owing to higher prices at this time, we have just the amount of the bid of the Midvale company, which is certainly not too low.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I move to close debate in ten minutes.

Mr. VANDIVER. I desire to have about three minutes more.

Mr. WILLIAM W. KITCHIN. I would like to have three or four minutes.

Mr. FOSS. How many minutes does the gentleman want?

Mr. WILLIAM W. KITCHIN. I want five minutes.

Mr. VANDIVER. And I want three minutes.

Mr. FOSS. That makes eight minutes.

Mr. DALZELL. Mr. Chairman, I want to offer an amendment to the amendment, and I want it now pending, so that it may be explained during the debate.

Mr. VANDIVER. I ask unanimous consent that I may have three minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks for three minutes. Is there objection?

Mr. FOSS. Mr. Chairman, I have a motion to close debate which I desire to make, but before doing so I would like to hear the amendment.

The CHAIRMAN. The gentleman from Missouri having the floor, had asked unanimous consent for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. VANDIVER. Now, Mr. Chairman, I have only this in addition to say on this subject: It has been thrashed over and over time and again, but I believe it would be interesting reading for every Member of this House to read the full report of that com-

mittee. I make no claptrap argument about corporations, as the gentleman from Pennsylvania suggested, but I want to say to him that in all the history of the dealings of this Government with individuals or corporations there has never anything transpired equal to the transaction with the Carnegie Steel Company manufacturing armor plate which was found to be so full of blow-holes that it had to be discarded, and the contract actually was discredited by the officers of this Government, and that company itself finally had to come in and plead guilty and was fined \$190,000 for frauds perpetrated upon the Government—putting off on the Government such inferior armor plate that it was actually criminal to put it between the bodies of American seamen and the guns of the enemy.

Mr. DALZELL. Mr. Chairman, let me interrupt the gentleman for a moment. Does the gentleman not know that Secretary Herbert reported that the very armor that the gentleman talks about was 5 per cent better than the contract called for, and when the company offered to take those plates out of the vessels he refused to allow it to be done, because he said he believed there was not a poor plate on any vessel, and the President remitted the fine?

Mr. VANDIVER. Let me say to the gentleman that a fuller investigation of that whole question will reveal a great many other things still more discreditable, and I say to him that the report of the Secretary of the Navy itself fully explodes that whole contention. The Carnegie Company's course was nothing short of criminal and was so declared by the investigating committee.

Mr. DALZELL. Not at all; the gentleman only stated half of the story; that is the trouble.

Mr. VANDIVER. Yes; I did not have time to tell one-tenth of the story; the other nine-tenths would have been a thousand times worse.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Pennsylvania [Mr. DALZELL] has offered an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment the following:

"The Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any and all vessels herein authorized at such price as in his judgment is just and reasonable."

Mr. DALZELL. That is intended as a substitute to the amendment offered by the gentleman.

Mr. FOSS. Mr. Chairman, I move that debate on this paragraph and amendments be closed in ten minutes.

The CHAIRMAN. The gentleman from Illinois moves that debate upon this paragraph and all amendments be closed in ten minutes. Is there objection?

Mr. WILLIAM W. KITCHIN. Mr. Chairman, is it the purpose of the gentleman to permit five minutes to be used on this side?

Mr. FOSS. Yes.

The question was taken; and the motion was agreed to.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I think the fears of the gentleman from Pennsylvania are not well founded. I wish to say, as he said himself he has no interest in the matter, that the Midvale Company, the Carnegie Company, and the Bethlehem Company are all in Pennsylvania. Understanding the situation, you need have no fear.

Here is the great Midvale Steel Company that has made a contract with the Government at \$398 per ton. The other two companies, with an understanding with each other, in combination with each other, as the officers of the Navy Department believe and as everybody else believes, have bid exactly the same figures, even to the very same cent, and they bid \$55.07 over this Midvale Company, and the Secretary of the Navy has exercised a discretion, unwisely as I think, and has given this combination of concerns 10,000 tons at a price over \$50 a ton more than the bid of the Midvale Company.

Now, as a plain business proposition, are you willing to let the Secretary of the Navy hereafter have such discretion when he is surrounded by every influence that great corporations can bring to bear upon a Department, where his discretion may be unwisely used, however honest and able he may be? His discretion has proven heretofore incapable of meeting this question as it ought to be met. He has yielded to the demands of the combination and paid them the same old price, paying them over \$50 a ton more than to this other corporation, the new bidder. Let us restrain that discretion and put a limit as to price upon the Secretary's power to contract. He has heretofore had a discretion, yet with contracts for 16,000 tons to be made he only gave the Midvale Company 6,000 tons, although its bid was \$55.07 a ton for the whole amount less than the bid of the combination. His reason was that he thought the lowest bidder could not deliver the amount in due time.

Admiral O'Neil, on page 149 of the hearings, says that the Midvale Company's contract to furnish 6,000 tons is at a price of \$55.07 a ton less than the Government must pay for its contract of 10,000 tons with the other two concerns. He says that it is \$23 a ton less aside from the question of royalty. He says that they

have a guaranty from the Midvale Company that the armor will stand the same ballistic test as the Krupp armor and that that is what we want.

Now, who is it that says that the Midvale Company can not meet its obligations? The Navy Department? No. The ship-building company? No. No one except gentlemen who have heretofore been always against limiting the price of armor plate. In the last contracts we lost \$550,700 by the Secretary not giving the entire contract to the Midvale people. Now we have the opportunity to prevent such high price for the future.

In my judgment, Mr. Chairman, it is business, it is good sense, it is fair dealing, it is patriotism, it is honesty, it is courage to meet this question now and here and to limit the cost of this armor plate. If you do not, hereafter when the question comes up again on some future bill, the point of order, I fear, will be made, and if the present occupant be then in the chair, and the House be in the mood that it is in to-day, I fear it will be sustained. Now, we have the chance when no point of order is made against it, when we can come to a vote upon it, and I ask you gentlemen upon that side, as well as upon this side, to stand by the cheaper price for the same goods, stand by economy in the Government, stand by sustaining the Secretary of the Navy in getting the best armor plate that is to be made at a fair and reasonable price. [Applause.]

Mr. FOSS. Mr. Chairman, the gentleman from Virginia has alluded to a provision that was in a former appropriation act, which I think was a very salutary provision. I may say that I drafted the provision myself [laughter], and I introduced it as an amendment to a conference report in this House, and it passed this House and was finally acceded to by the Senate. That provision was as follows:

That the Secretary of the Navy is hereby authorized to secure by contract armor of the best quality for any or all ships above referred to, provided such contracts can be made at a price which in his judgment is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to locate thereon a factory for the manufacture of armor, and the sum of \$4,000,000 is hereby appropriated toward the erection of that factory.

It was under that provision that we obtained our armor at a much lower figure than ever before, referring to the Krupp armor.

Now, the committee brought that same provision in and incorporated it into this bill, but it has gone out on a point of order, and, of course, that question is disposed of.

But here comes a new question, the question of whether it is wise to limit the price of armor. Now, I take this position in reference to the advisability of limiting the price of armor: I have no doubt in my own mind that if the armor produced by the Midvale company at \$398 a ton is proved to be as good as the so-called "Krupp armor" produced by the Bethlehem and Carnegie companies, I say I have no doubt in my mind that in the future no Secretary of the Navy will ever pay one dollar more than \$398 per ton.

But, sir, what is the effect of your amendment? When you limit the price of armor—and I challenge anyone to deny my statement—and our previous Congressional history will show that when you put in here a provision for the price of armor, you practically direct the Secretary of the Navy to pay just that price. It is a sort of notification to the armor-plate factories that the Government will pay that, and consequently that fixes the price of armor plate. I want to leave it open, so that the Secretary of the Navy can buy it even lower than \$398 a ton. [Derisive laughter on Democratic side.] Gentleman on the other side may laugh at that assertion.

Mr. VANDIVER rose.

Mr. FOSS. I can not yield now; I have only a few minutes.

What is the situation? We had the Secretary of the Navy before the committee, and he said that we were getting armor at lower prices than any foreign country, and he testified further as to the Midvale Company:

We received the bid from the Midvale Company. The protest was made to me against accepting the bid of the Midvale Company upon the ground that they could not meet their contract; that they never had built any armor plate; that they had not the plant to do it; that they had not the control of the patents, and that they could not do it. It was also pointed out to me that they had once before bid and withdrawn their bid after bidding. I got a report from the Bureau of Ordnance on the subject. Subsequently I asked Admiral O'Neil to go in person and look at the Midvale plant and give me the benefit of his opinion. The Midvale people are responsible people; they have plenty of capital, and they are people of financial responsibility.

Admiral O'Neil made a careful report to me in which he said he thought they could build a plant of which there was some beginning in their establishment, and that they could deliver armor plate for the two smaller ships, but not more. I then said their bid should be accepted to that extent, and that a provision should be put into the contract which would enable us to cancel the contract at any time when it should appear that they were not making sufficient progress in the building up of their plant and the production of armor to meet the ships as they became ready for the armor. I think every possible precaution was taken to protect the interests of the Government, and to give just as much of the armor at the lower price as was possible.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. GAINES of Tennessee. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the substitute.

There was no objection; and the Clerk again reported the substitute amendment.

The question was taken; and on a division (demanded by Mr. DALZELL) there were—ayes 133, noes 101.

Mr. HITCHCOCK. Mr. Chairman, I call for tellers.

Tellers were ordered.

Mr. RIXEY and Mr. DALZELL were appointed tellers.

The committee again divided; and the tellers reported—ayes 123, noes 98.

So the substitute amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Virginia, as amended by the substitute amendment just adopted.

The question was taken, and the amendment was agreed to.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the following amendment as a new paragraph to the bill, which I will send to the desk and ask to have read.

The Clerk read as follows:

That to the Bureau of Medicine and Surgery of the Navy there shall be attached a corps of dental surgeons, which corps shall not exceed in number the actual requirements nor the proportion of 1 to 1,000 authorized by law for the naval and marine military service and training schools. The said dental corps shall consist of three grades, designated "assistant dental surgeon," "passed assistant dental surgeon," and "dental surgeon," and with respect to rank, pay, and allowances and to promotions within said dental corps the grades named shall correspond to the grades of the Medical Corps designated "assistant surgeon," "passed assistant surgeon," and "surgeon," respectively.

That original appointments shall be made to the grade of assistant dental surgeon, and the appointees must be citizens of the United States, between 21 and 30 years of age, graduates of standard dental colleges, of good moral character, of unquestionable professional repute, and shall be required to pass the usual physical examination and a professional examination, which shall include tests of skill and proficiency in practical dentistry and the usual subjects of a standard dental-college course: *Provided*, That there shall be first selected a member of the dental profession who is a citizen of the United States and a graduate of a standard dental college, and whose aptitude and experience evidence eminent fitness for conducting the professional examinations and for assisting in organizing, equipping, and supervising the operations of the others, who shall be first appointed to the grade of dental surgeon: *Provided further*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. FOSS. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I hope the gentleman will not make the point of order on this amendment.

Mr. FOSS. It is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MAHON. Mr. Chairman, I offer the following amendment as a new paragraph to the bill, which I will send to the desk and ask to have read.

The Clerk read as follows:

That the Secretary of the Navy is hereby directed to have a test made of the McIlhenny & McAllister armor plate, and report the result of said test to Congress; and the sum of \$2,000 is hereby appropriated to pay the expense of making said test.

Mr. MUDD. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LIVERNASH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have reported.

The Clerk read as follows:

Amend by adding, after the last word on page 73, the following:

"And provided further, That none of said \$12,000,000 shall be, and none is, appropriated toward said armament or armor, or either of them, for use, payment, or application under any contract for any armor or armament in which said contractor shall not have covenanted with the United States as follows:

"That no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon permission granted by the Secretary of the Navy during time of war or a time when war is imminent or when any great national emergency exists; and that the contractor contracting with the United States shall, in the event of violation of said covenant as to hours of labor, forfeit to the United States the sum of \$5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract.

Mr. FOSS. Mr. Chairman, I make the point of order to that. It is new legislation.

Mr. LIVERNASH. Mr. Chairman, I should like to be heard upon the point of order.

The CHAIRMAN. The Chair will state that this is an amendment to a part of a bill that has already been passed, and can not be considered except the committee by unanimous consent recur to that part of the bill.

Mr. LIVERNASH. If the Chair will indulge me—

Mr. FOSS. Mr. Chairman, I object.

Mr. LIVERNASH. It is an amendment which adds a paragraph.

The CHAIRMAN. The Chair will state that the committee has passed the provision to which this is an amendment and has added a new section.

Mr. LIVERNASH. But, Mr. Chairman, I offer it as an independent paragraph, to follow the last word of the bill as the bill now stands.

The CHAIRMAN. It would not be germane. It refers to "the said twelve millions of dollars," which is an amount appropriated in a part of the bill already passed.

Mr. LIVERNASH. Then, sir, I shall make it germane. I so amend the amendment as that it shall read: "And provided further, That none of the \$12,000,000 hereinbefore mentioned as appropriated toward armament and armor shall be, and none is, appropriated toward," the remainder of the amendment as originally offered following.

Mr. FOSS. Mr. Chairman, we have already passed that paragraph. It is not germane.

Mr. LIVERNASH. Mr. Chairman, the amendment proposes a complete paragraph and is germane to the bill. It refers back to a specific \$12,000,000. The point at issue is this: Is the amendment germane to the bill as a whole? The point is not this: Is the amendment germane to a specific paragraph of the bill? The point of order should not be sustained.

Mr. PAYNE. The difficulty with that proposition, Mr. Chairman, is that it seeks to modify a paragraph that has already been perfected by the committee and passed, viz., the \$12,000,000 paragraph. Of course, you could open up the whole bill to amendments if this were allowed.

Mr. LIVERNASH. Even if the point of order were well taken (and I think it is not), Mr. Chairman, with what ill grace does it come from the leader of the majority in this Chamber to defend and urge it?

Mr. SHERMAN. Mr. Chairman, I call for the regular order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the proposition be germane as an independent section of the bill at the end of the bill, then the fact that within the proposition there is a reference made to the previous part of the bill would certainly not deprive it of the character of being germane, nor could it make it obnoxious to the rule that it was an amendment to that part of the bill. It is offered as an independent section and merely refers back to another part of the bill in order to indicate by description the appropriation referred to.

The CHAIRMAN. The Chair is of opinion that this amendment relates to, qualifies, and seeks to amend a part of the bill upon which the committee has already passed, and that to sustain this amendment as in order would practically open all the provisions of the bill to amendment. Therefore the Chair sustains the point of order that the amendment is not in order.

Mr. LIVERNASH. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. LIVERNASH. I rise for the purpose of asking unanimous consent that the amendment last offered be agreed to, no Member raising any point of order.

Several Members objected.

The CHAIRMAN. Objection is heard.

Mr. LIVERNASH. Then, sir, I ask unanimous consent that solely for the purpose of considering the amendment, we recur to that paragraph to which it would be germane under the ruling of the Chair.

The CHAIRMAN. The gentleman from California asks unanimous consent to recur to the paragraph appropriating \$12,000,000 for armor of domestic manufacture, etc. Is there objection?

Several Members objected.

Mr. DALZELL. I call for the regular order.

Mr. HITCHCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

That no money appropriated in this bill for armor shall be used to purchase armor not yet contracted for from any manufacturer or manufacturers who constitute in whole or in part a trust or trade conspiracy to control the price of steel products in violation of the laws of the United States.

Mr. DAYTON. I raise a point of order on that amendment.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. DAYTON] desire to be heard upon this point of order?

Mr. DAYTON. I do not care to take the time.

The CHAIRMAN. The Chair is of opinion—

Mr. DALZELL. Mr. Chairman, this amendment proposes to place in the Secretary of the Navy a discretion that does not now exist by law, to determine the character of these manufacturers. Does the Secretary have any such discretion now? The question involved is a question of law and fact. The amendment proposes new legislation as plainly as anything could.

Mr. WILLIAMS of Mississippi. But a moment ago we passed an amendment of which the gentleman from Pennsylvania [Mr. DALZELL] was himself the author; an amendment to an amendment, in which there was given to the Secretary of the Navy such immensely broad discretion in connection with the purchase of armor plate that it would include this matter. Now, this is a mere limitation upon the discretion given in that amendment, which the

gentleman himself offered and which has been adopted. It is either a limitation or an extension, whichever you choose to call it. It enables the discretion of the Secretary to go to the point of recognizing a self-admitted trust. That is all.

Mr. DALZELL. I thank the gentleman from Mississippi for giving me a new suggestion. The House has already passed upon this question and limited the discretion of the Secretary of the Navy.

Mr. WILLIAMS of Mississippi. On the contrary, it made his discretion unlimited.

Mr. DALZELL. This is a proposition to modify an amendment already adopted by the House.

Mr. WILLIAMS of Mississippi. We gave the Secretary of the Navy a discretion vague and very wide, indefinite; in fact, unlimited. Now, we propose simply to point his eyes in a certain direction—a direction, by the way, in which his eyes have already been turned, for he himself has borne testimony before the Naval Committee that this thing is a trust.

Mr. DALZELL. If this proposition is in order, there is no limitation to the immensity of the amendment already agreed upon in this bill. The House has passed on that amendment; it has fixed and limited the discretion of the Secretary of the Navy; and now this is a proposition to modify the amendment already proposed, and which was adopted by a large majority. If this provision ever was in order, it was in order to the amendment offered by myself and when that was pending. It is not in order now, surely.

The CHAIRMAN. It is not within the discretion of the Chair to pass upon the consistency of amendments. This proposed amendment does not limit, relate, nor apply to the \$12,000,000 appropriation contained in the paragraph already passed. It seems to the Chair to be merely a limitation upon the appropriation to purchase additional armor not covered by that paragraph, and is therefore in order. The Chair overrules the point of order. [Applause on the Democratic side.]

Mr. HITCHCOCK. Mr. Chairman, I have only a few words to say on this amendment. I desire to call the attention of this House to the fact that a tremendous change has come over this country since the manufacture of modern armor plate was begun in 1887. That was by the Bethlehem Company. At that time the first armor-plate contract was let, Mr. Whitney being then the Secretary of the Navy. In 1890 the second armor-plate contract was let at a time when Mr. Tracy was Secretary of the Navy.

When Secretary Tracy let that second armor-plate contract it was to the Carnegie Company, in Pennsylvania, and he distinctly stated at that time, and it was notorious over the United States, that his purpose in letting that contract to the Carnegie Company was to build up a competitor to the Bethlehem Company, which had had prior to that time a monopoly of armor-plate manufacture. The third contract was let in 1893. At that time those companies made identical bids. The fourth contract was made in 1896, when again the two companies made identical bids.

Thereupon Congress, seeing that an agreement existed between those two companies to extort an agreed price from the United States, inserted a provision in the law that the Secretary of the Navy should not pay over \$400 a ton for armor plate. The result was that the fifth contract in 1898 and the sixth contract 1899 were let by the Navy Department to those two concerns at \$400 a ton. The seventh contract was let in the year 1900 to the Bethlehem and Carnegie Company, and at that time the bids were again identical and were for a larger price.

Since that time the eighth contract, in 1903, and the ninth contract, in 1904, have been let, but not to companies even pretending to be competitors, but to these two concerns, known to be banded together, practically in the same combination, a trade conspiracy; both outlaws under the laws of the United States; and it is to prohibit dealings with that trade conspiracy that this amendment is offered. Those two concerns constitute a commercial outlaw, existing in defiance of the acts of Congress and will of the people of the United States. It is to prevent those conspirators from securing from the United States any further gigantic contracts that this amendment is offered.

In closing, Mr. Chairman, I want to call the attention of this committee to the fact that since 1887 the United States has paid these two companies alone \$47,000,000 of the people's money. It certainly is about time, if we can not erect an armor factory for the purpose of competing with these concerns, because the gentleman from Pennsylvania objects, that we should limit the price to be paid for armor and decline to recognize by Government contracts an outlaw of the United States. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I rise to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "manufacturers" the words "who have been judicially declared to."

Mr. MANN. Now, Mr. Chairman, the original amendment proposes to impose upon the Secretary of the Navy, at his risk, the determination whether these companies constitute a trust in violation of the laws of the United States, and if the Comptroller of the Treasury or the Auditor of the Navy should conclude that the Secretary of the Navy was mistaken, then after the contract had been made and the work performed the bills would be thrown out. It is not fair to the Secretary of the Navy to impose upon him this responsibility. It is fair to impose that responsibility upon the courts, and if the courts have determined these companies to be trusts—

Mr. HITCHCOCK. Will the gentleman allow me to ask him a question?

Mr. MANN. Why, certainly.

Mr. HITCHCOCK. Is it not a fact that Congress has appropriated \$500,000 to prosecute trusts? Is it not a fact that the Attorney-General, having that money at his disposal, does not proceed against these trusts? And unless the Attorney-General of this Administration does proceed against these trusts, how are we going to determine judicially that they are trusts? [Applause on the Democratic side.]

Mr. MANN. Why, Mr. Chairman, the Congress of the United States has appropriated \$500,000 to confer upon the right officer of the Government the determination of the question of trusts, and the Democratic party on the other side of this House, for purely demagogical purposes and no other, bring in this amendment to impose upon the Secretary of the Navy this duty, which the gentleman knows is unfair to the Secretary. I do not propose at this time to defend the Attorney-General. He needs no defense from the attacks of the gentlemen on the other side.

Mr. COCHRAN. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. Why, certainly.

Mr. COCHRAN. You have said that the opposition to letting these contracts to trusts proceeded from this side for demagogic reasons. Now, will you tell your reasons for defending the trusts? [Laughter and applause on the Democratic side.]

Mr. MANN. Mr. Chairman, the distinguished gentleman rises oftener than any other Member of the House, and I have never known him to rise except for demagogical purposes. [Laughter on the Republican side.]

Mr. COCHRAN. I should like to ask the gentleman one further question. Is that the best answer he can give? Is that the best reason he can give for defending the steel trust on this floor? [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, that answer is absolutely conclusive, in the opinion of any fair-minded man, so far as the gentleman from Missouri is concerned.

Mr. FOSS. Mr. Chairman, I move to close debate upon the paragraph and all amendments.

Mr. COCHRAN. Mr. Chairman, I rise to a question—

Mr. WILLIAMS of Mississippi. I hope that motion will not prevail.

The CHAIRMAN. The gentleman from Illinois moves that debate upon the pending paragraph and amendments be now closed.

The question being taken, on a division (demanded by several Members) there were—ayes 134, noes 101.

The CHAIRMAN. The ayes have it, and debate is closed.

Mr. HAY. Tellers, Mr. Chairman.

Mr. WILLIAMS of Mississippi. Mr. Chairman, is it in order now to move to strike out the last word?

The CHAIRMAN. The motion is in order, but debate can not be had thereon.

Mr. HAY. Mr. Chairman, I called for tellers immediately upon the Chair announcing the vote.

Mr. WILLIAMS of Mississippi. Mr. Chairman, a parliamentary inquiry first.

The CHAIRMAN. The Chair did not hear the gentleman from Virginia; but if he states it as a fact, the Chair will put the question on ordering tellers.

Mr. WILLIAMS of Mississippi. Pending that, I want to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Why is not a motion to strike out the last word debatable?

Mr. PAYNE. Regular order, Mr. Chairman.

The CHAIRMAN. Because a motion was made that debate close, and the Committee has decided by a vote, which has been announced, that debate is closed or would be but for the fact that the gentleman from Virginia demanded tellers, and pending a vote by tellers debate is not in order upon an amendment.

Mr. HAY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. I understood the gentleman from Illinois to propose to close debate.

Mr. FOSS. On the paragraph and all amendments.

Mr. HAY. And all amendments?

Mr. FOSS. Yes.

The CHAIRMAN. The Chair so understood.

Mr. HAY. Which means that the debate will be closed on all of the bill.

The CHAIRMAN. Does the gentleman from Virginia demand tellers?

Mr. HAY. I do.

The question was taken; and tellers were ordered.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] and the gentleman from Illinois [Mr. Foss] will take their places as tellers.

The committee divided; and tellers reported—ayes 135, noes 97. So the motion was agreed to.

The CHAIRMAN. Debate is therefore closed; and the question is upon the amendment to the amendment offered by the gentleman from Illinois.

The question was taken; and the chairman announced that the ayes appeared to have it.

Mr. JAMES. Division!

Mr. WILLIAM W. KITCHIN. I would like to have that amendment reported again, Mr. Chairman.

Mr. PAYNE. Regular order.

The CHAIRMAN. The regular order is demanded.

Mr. WILLIAM W. KITCHIN. I want you to understand it.

Mr. WILLIAMS of Illinois. They do not want to understand it.

The committee divided; and there were—ayes 135, noes 91.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Nebraska as amended.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BURLESON. Division.

The committee divided; and there were—ayes 81, noes 117.

Mr. WILLIAMS of Mississippi. This is a matter of such importance I would like to have tellers on it, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Illinois [Mr. Foss] will take their places as tellers.

Mr. FOSS. Mr. Chairman, I ask that my colleague take my place as teller.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] will please act as teller.

The committee again divided; and the tellers reported—ayes 87, noes 109.

So the amendment as amended was rejected.

Mr. FOSS. I move that the committee rise and report the bill and amendments with a favorable recommendation.

Mr. MAHON. Mr. Chairman—

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MAHON. Division.

The committee divided; and there were—ayes 137, noes 53.

Mr. MAHON. Tellers.

The question was taken on ordering tellers.

The CHAIRMAN. Two gentlemen have risen—not a sufficient number; tellers are refused, and the committee determines to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12220, the naval appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The SPEAKER. The gentleman from Illinois moves the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be submitted in gross.

A separate vote was not demanded.

The amendments were agreed to in gross.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time.

Mr. MEYER of Louisiana. Mr. Speaker, by request and instruction of the minority of the committee I make the motion to recommit which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the motion to recommit. The Clerk read as follows:

Recommit to the Committee on Naval Affairs with instructions:
1. To provide for a coaling station and dock at Olongapo (Subig Bay) instead of a naval station.

2. To eliminate provision for the two armored cruisers and the armor thereof, costing \$15,000,000.

3. Place a limit of \$38 per ton as a maximum price for armor plate of the best quality for the ships authorized by this bill, with the provision for an armor-plate factory to cost not over \$4,000,000 if the armor plate can not be procured within the limit prescribed.

4. That all vessels herein provided for under the heading of "Increase of the Navy," except the battle ship, be constructed in the Government navy-yards.

5. That no money appropriated in this bill for armor shall be used to purchase armor not yet contracted for from any manufacturer or manufacturers who constitute in whole or in part a trust or trade conspiracy to control the price of steel products in violation of the laws of the United States.

6. All moneys appropriated in this bill to be expended under contracts drawn in conformity to the act of Congress approved August 1, 1892, entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia."

Mr. FOSS. Mr. Speaker, I make the point of order on that.

The SPEAKER. The gentleman from Illinois makes the point of order upon the motion to recommit.

Mr. FOSS. For the reason that the instructions contain new legislation.

The SPEAKER. The Chair, as he caught the reading of the motion, and he was paying as close attention as was possible for the Chair to do, is of opinion that several of the instructions in the motion cover legislation, and therefore as you can not do indirectly that which you can not do directly the Chair sustains the point of order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. It being admitted that some of the instructions are perhaps subject to the point of order, is it not in order, they embodying separate propositions, to vote upon each proposition? If that is the case, and if that be permissible, I call for a division of the subject. There are five separate propositions.

Mr. FOSS. Mr. Speaker, I move the previous question.

Mr. PAYNE. Mr. Speaker, I move that the bill be recommitted to the Committee on Naval Affairs, and on that I move the previous question.

The SPEAKER. The Chair is furnished with the precedent or precedents that a motion to recommit is not divisible in its different branches of instruction.

Mr. PAYNE. Mr. Speaker, I move to recommit the bill to the Committee on Naval Affairs, and on that I ask the previous question.

The SPEAKER. The gentleman from New York moves to recommit the bill to the Committee on Naval Affairs, and on that he asks the previous question.

Mr. WILLIAMS of Mississippi. Let us have the yeas and nays upon that motion.

Mr. PAYNE. This is on the previous question.

Mr. WILLIAMS of Mississippi. I want it upon the motion to recommit.

Mr. PAYNE. This is on the previous question.

Mr. WILLIAMS of Mississippi. Very well; I do not want it on that.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from New York to recommit the bill to the Committee on Naval Affairs, and on that the gentleman from Mississippi asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 133, answered "present" 13, not voting 131, as follows:

YEAS—100.

- | | | | |
|--------------|-----------------|------------------|-----------------|
| Aiken, | Gaines, Tenn. | Lever, | Russell, |
| Beall, Tex. | Garber, | Lewis, | Ryan, |
| Bell, Cal. | Garner, Tex. | Lind, | Scarborough, |
| Benny, | Gilbert, | Little, | Scudder, |
| Bowers, | Gillespie, | Livernash, | Shackelford, |
| Bowie, | Griffith, | Lloyd, | Sheppard, |
| Brantley, | Hay, | McDermott, | Sherley, |
| Breezeale, | Henry, Tex. | McLain, | Sims, |
| Brundidge, | Hill, Miss. | Maynard, | Smith, Ky. |
| Burgess, | Hitchcock, | Meyer, La. | Smith, Tex. |
| Burleson, | Hopkins, | Miers, Ind. | Snook, |
| Burnett, | Howard, | Moon, Tenn. | Sparkman, |
| Caldwell, | Hughes, N. J. | Padgett, | Stanley, |
| Candler, | Humphreys, Miss | Page, | Stephens, Tex. |
| Clark, | Hunt, | Patterson, N. C. | Sullivan, Mass. |
| Clayton, | James, | Pinckney, | Thomas, N. C. |
| Cochran, | Johnson, | Pou, | Thompson, |
| Cooper, Tex. | Jones, Va. | Pujo, | Underwood, |
| Cowherd, | Kitchin, Claude | Randell, Tex. | Van Duzer, |
| Davey, La. | Kitchin, Wm. W. | Ransdell, La. | Wallace, |
| De Armond, | Kline, | Richardson, Ala. | Webb, |
| Dickerman, | Lamar, Fla. | Rixey, | Wiley, Ala. |
| Field, | Lamb, | Robb, | Williams, Ill. |
| Finley, | Legare, | Robertson, La. | Williams, Miss. |
| Foster, Ill. | Lester, | Rucker, | Wynn. |

NAYS—138.

- | | | | |
|--------------|-----------------|-----------------|------------------|
| Acheson, | Dovenor, | Ketcham, | Pearre, |
| Adams, Wis. | Draper, | Kinkaid, | Porter, |
| Alexander, | Dresser, | Knapp, | Powers, Mass. |
| Allen, | Driscoll, | Kyle, | Roberts, |
| Ames, | Dunwell, | Lacey, | Rodenberg, |
| Bates, | Esch, | Lanning, | Shiras, |
| Bede, | Fordney, | Lawrence, | Sibley, |
| Beidler, | Foss, | Lilley, | Slemp, |
| Birdsall, | Foster, Vt. | Littlefield, | Smith, Ill. |
| Bishop, | Fuller, | Longworth, | Smith, Samuel W. |
| Bonyng, | Gaines, W. Va. | Loud, | Smith, Wm. Alden |
| Bradley, | Gardner, Mass. | Loudenslager, | Smith, Pa. |
| Brandegge, | Gibson, | McCarthy, | Snapp, |
| Brick, | Gillet, N. Y. | McCleary, Minn. | Southard, |
| Brooks, | Gillet, Cal. | McCreary, Pa. | Southwick, |
| Brown, Wis. | Goebel, | McLachlan, | Spalding, |
| Burke, | Graff, | McMorran, | Sperry, |
| Butler, Pa. | Greene, | Mann, | Steenerson, |
| Campbell, | Hamilton, | Marsh, | Sulloway, |
| Connell, | Haskins, | Marshall, | Thayer, |
| Conner, | Hedge, | Martin, | Thomas, Iowa |
| Cooper, Pa. | Hemenway, | Metcalf, | Volstead, |
| Cooper, Wis. | Henry, Conn. | Miller, | Vreeland, |
| Cousins, | Hermann, | Mondell, | Wadsworth, |
| Crumpacker, | Hill, Conn. | Murdock, | Wadsworth, |
| Curtis, | Hinshaw, | Needham, | Watson, |
| Curtis, | Hogg, | Nevin, | Weems, |
| Cushman, | Holliday, | Norris, | Wiley, N. J. |
| Dalzell, | Howell, N. J. | Olmsted, | Williamson, |
| Daniels, | Howell, Utah | Otis, | Wilson, Ill. |
| Darragh, | Humphrey, Wash. | Otjen, | Woodward, |
| Davis, Minn. | Jackson, Ohio | Palmer, | Wright, |
| Dayton, | Jenkins, | Patterson, Pa. | Young, |
| Deemer, | Jones, Wash. | Payne, | |
| Dixon, | Kennedy, | | |

ANSWERED "PRESENT"—13.

- | | | | |
|-----------|-------------|-------------|-----------|
| Bartlett, | Cassingham, | Mudd, | Vandiver. |
| Benton, | Kehoe, | Powers, Me. | |
| Burton, | Mahon, | Sherman, | |
| Cassel, | Minor, | Tirrell, | |

NOT VOTING—131.

- | | | | |
|-------------|----------------|-------------------|-----------------|
| Adams, Pa. | Evans, | Keliber, | Robinson, Ark. |
| Adamson, | Fitzgerald, | Kluttz, | Robinson, Ind. |
| Babcock, | Fitzpatrick, | Knopf, | Ruppert, |
| Badger, | Flack, | Lafan, | Scott, |
| Baker, | Flood, | Lamar, Mo. | Shober, |
| Bankhead, | Fowler, | Landis, Chas. B. | Shull, |
| Bartholdt, | French, | Landis, Frederick | Slayden, |
| Bassett, | Gardner, Mich. | Lindsay, | Small, |
| Bingham, | Gardner, N. J. | Littauer, | Smith, Iowa |
| Boutell, | Gillet, Mass. | Livingston, | Smith, N. Y. |
| Bowersock, | Glass, | Lorimer, | Southall, |
| Broussard, | Goldfogle, | Lovering, | Spight, |
| Brown, Pa. | Gooch, | Lucking, | Stafford, |
| Brownlow, | Goulden, | McAndrews, | Sterling, |
| Buckman, | Granger, | McCall, | Stevens, Minn. |
| Burkett, | Gregg, | McNary, | Sullivan, N. Y. |
| Burleigh, | Griggs, | Macon, | Sulzer, |
| Butler, Mo. | Grosvenor, | Maddox, | Swanson, |
| Eyrd, | Gudger, | Mahoney, | Talbot, |
| Caldorhead, | Hamlin, | Moon, Pa. | Tate, |
| Capron, | Hardwick, | Morgan, | Tawney, |
| Croft, | Harrison, | Overstreet, | Taylor, |
| Cromer, | Haugen, | Parker, | Townsend, |
| Crowley, | Hearst, | Patterson, Tenn. | Trimble, |
| Davidson, | Hepburn, | Perkins, | Van Voorhis, |
| Davis, Fla. | Hildebrandt, | Pierce, | Wachter, |
| Denny, | Hitt, | Prince, | Wade, |
| Dick, | Houston, | Rainey, | Wanger, |
| Dinsmore, | Huff, | Reeder, | Warner, |
| Dougherty, | Hughes, W. Va. | Reid, | Weisse, |
| Douglas, | Hull, | Rhea, | Wilson, N. Y. |
| Dwight, | Hunter, | Richardson, Tenn. | Zenor. |
| Emerich, | Jackson, Md. | Rider, | |

So the motion was not agreed to.

The following pairs were announced:

For the session:

Mr. CASSEL with Mr. GOOCH.

Mr. HUNTER with Mr. RHEA.

Mr. BOUTELL with Mr. GRIGGS.

Mr. SHERMAN with Mr. RUPPERT.

For one week:

Mr. STERLING with Mr. HAMLIN.

For balance of week:

Mr. SMITH of Iowa with Mr. HARDWICK.

Until further notice:

Mr. TIRRELL with Mr. McNARY.

Mr. DAVIDSON with Mr. MAHONEY.

Mr. OVERSTREET with Mr. WADE.

Mr. TOWNSEND with Mr. LUCKING.

Mr. GARDNER of Michigan with Mr. TAYLOR.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. BRADLEY with Mr. GOULDEN.

Mr. TAWNEY with Mr. BARTLETT.

Mr. McCALL with Mr. SWANSON.

Mr. LORIMER with Mr. McANDREWS.

Mr. HITT with Mr. DINSMORE.

Mr. CAPRON with Mr. GRANGER.

Mr. MAHON with Mr. HOUSTON.

Mr. CROMER with Mr. ZENOR.

Mr. EVANS with Mr. CROWLEY.

Mr. HUGHES of West Virginia with Mr. KEHOE.
 Mr. BROWNLOW with Mr. PIERCE.
 Mr. STEVENS of Minnesota with Mr. VANDIVER.
 For this day:
 Mr. STAFFORD with Mr. REID.
 Mr. REEDER with Mr. BASSETT.
 Mr. BURLEIGH with Mr. RIDER.
 Mr. BROWN of Pennsylvania with Mr. WILSON of Kentucky.
 Mr. FRENCH with Mr. ROBINSON of Arkansas.
 Mr. LOVERING with Mr. HAMLIN.
 Mr. SCOTT with Mr. SLAYDEN.
 Mr. WACHTER with Mr. GLASS.
 Mr. BURKETT with Mr. BENTON.
 Mr. DICK with Mr. TALBOTT.
 Mr. WANGER with Mr. ADAMSON.
 Mr. POWERS of Maine with Mr. ROBINSON of Indiana.
 Mr. FREDERICK LANDIS with Mr. RAINEY.
 Mr. BOWERSOCK with Mr. BROUSSARD.
 Mr. BINGHAM with Mr. MADDOX.
 Mr. LITTAUER with Mr. SULLIVAN of New York.
 Mr. ADAMS of Pennsylvania with Mr. KELIHER.
 Mr. HUFF with Mr. HARRISON.
 Mr. SMITH of New York with Mr. FITZGERALD.
 Mr. MUDD with Mr. TATE.
 Mr. KNOPF with Mr. WEISSE.
 Mr. BABCOCK with Mr. SULZER.
 Mr. BARTHOLDT with Mr. FLOOD.
 Mr. GILLETT of Massachusetts with Mr. LIVINGSTON.
 Mr. BUCKMAN with Mr. BADGER.
 Mr. CALDERHEAD with Mr. DAVIS of Florida.
 Mr. DOUGLAS with Mr. BUTLER of Missouri.
 Mr. DWIGHT with Mr. DOUGHERTY.
 Mr. FLACK with Mr. FITZPATRICK.
 Mr. FOWLER with Mr. GOULDEN.
 Mr. GARDNER of New Jersey with Mr. GREGG.
 Mr. HAUGEN with Mr. HOPKINS.
 Mr. HILDEBRANT with Mr. KLUTTZ.
 Mr. HULL with Mr. MACON.
 Mr. JACKSON of Maryland with Mr. SPIGHT.
 Mr. LAFEAN with Mr. PATTERSON of Tennessee.
 Mr. WARNER with Mr. RICHARDSON of Tennessee.
 Mr. CHARLES B. LANDIS with Mr. SMALL.
 Mr. MOON of Pennsylvania with Mr. SOUTHALL.
 Mr. MORGAN with Mr. SHOBER.
 Mr. PERKINS with Mr. SHULL.
 Mr. PRINCE with Mr. TRIMBLE.

On this vote:

Mr. HEPBURN with Mr. HEARST.

Mr. GROSVENOR with Mr. BANKHEAD.

Mr. WYNN. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman present in his seat and listening when his name should have been called?

Mr. WYNN. I was, and tried to catch the voice of the Clerk, but I was unable to do so.

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. WYNN's name, and he voted "aye," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution No. 47 was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution No. 47:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be prepared, from available data, if the same be on file in the War Department, and to submit a report with an estimate of cost of obtaining a channel in Wateree River, in the State of South Carolina, from its mouth in Santee River, to Camden, S. C., of sufficient depth and width to render it navigable by any and all boats which can navigate Santee River to Camden, S. C., of sufficient depth and width to render it navigable by any and all boats which can navigate Santee River as far up as the mouth of the Wateree; Provided, That if sufficient data for the purpose are not available in the War Department, the Secretary of War is authorized and directed to cause an examination and survey of Wateree River to be made with a view to obtaining a channel as hereinbefore described, and to submit a report thereof, with an estimate of the cost of the improvement, the expense of such examination and survey to be paid from the appropriations for "Examination, surveys, and contingencies of rivers and harbors."

to the Committee on Rivers and Harbors.

ENROLLED BILL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7287. An act to authorize the Mobile and West Alabama

Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Ala., in section 7, township 9, range 1 west of St. Stephen's meridian.

J. HUDSON KIBBE.

The SPEAKER laid before the House Senate concurrent resolution No. 48, which the Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 167, granting an increase of pension to J. Hudson Kibbe.

The resolution was considered and agreed to.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; and accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

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. GARDNER of Massachusetts, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States, reported the same without amendment, accompanied by a report (No. 1233); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2424) to recognize and promote the efficiency of army chaplains, reported the same with amendment, accompanied by a report (No. 1234); 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. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory, reported the same with amendment, accompanied by a report (No. 1235); which said bill and report were referred to the House Calendar.

Mr. BURKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 270) authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., reported the same without amendment, accompanied by a report (No. 1236); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 1237); which said bill and report were referred to the House Calendar.

Mr. BURKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3780), authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., reported the same without amendment, accompanied by a report (No. 1238); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6780) authorizing the Union Pioneer Mining and Trading Company to construct and maintain a bridge across the Cantalla Creek, in the district of Alaska, reported the same with amendment, accompanied by a report (No. 1239); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred House resolution (H. Res. 221) directing the Secretary of the Interior to report to the House of Representatives information relative to the sale of town lots in the towns of Lawton, Hobart, and Anadarko, Okla., under act of Congress of March 3, 1901, reported the same with amendment, accompanied by a report (No. 1240); which said House resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10773) providing for the erection of a keeper's dwelling at the Tibbetts Point light station, New York, reported the same without amendment, accompanied by a report

(No. 1241); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12152) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane, reported the same without amendment, accompanied by a report (No. 1242); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6034) granting an increase of pension to Oscar S. Turner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1093) for the relief of Rose B. Noa—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12978) for the relief of Walter Langley—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 12980) for the relief of Wormley E. Wrae—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. FIELD: A bill (H. R. 13084) to increase the pension of Mexican war survivors to \$20 per month—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13085) to increase the pension of those who have lost a limb above the knee and total deafness of both ears (combined) in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 13086) to amend an act entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,' by extending the time for the construction of said railway," by a further extension of time for the construction of said railway—to the Committee on Indian Affairs.

By Mr. OTIS: A bill (H. R. 13087) to establish a court of patent appeals, and for other purposes—to the Committee on Patents.

By Mr. SHERMAN: A bill (H. R. 13088) to relieve obligors on bonds given to the United States upon the exportation to the Philippine Islands prior to November 20, 1901, of articles subject to internal-revenue tax—to the Committee on Ways and Means.

By Mr. POWERS of Massachusetts: A bill (H. R. 13089) to fix the compensation of criers and bailiffs in the United States courts—to the Committee on the Judiciary.

By Mr. NEVIN: A bill (H. R. 13090) to amend section 3285 of the Revised Statutes as amended by the act of May 28, 1880—to the Committee on Ways and Means.

By Mr. JONES of Washington (by request): A bill (H. R. 13091) to provide an additional district judge for the district of Alaska, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Texas: A bill (H. R. 13092) to provide for the enlargement of Fort Bliss, near El Paso, Tex.—to the Committee on Military Affairs.

By Mr. KALANIANA'OLE (by request): A bill (H. R. 13093) to so amend section 64 of "An act to provide a government for the Territory of Hawaii" as to remodify certain sections of the election law of said Territory—to the Committee on the Territories.

By Mr. POU: A bill (H. R. 13094) for the relief of street-car motormen—to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 13095) to regulate the use of forest-reserve timber—to the Committee on the Public Lands.

By Mr. SHERMAN: A joint resolution (H. J. Res. 118) authorizing the Secretary of the Interior to use \$5,000 of the amount appropriated February 18, 1904 (Public No. 22), for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory—to the Committee on Indian Affairs.

By Mr. GIBSON: A resolution (H. Res. 231) referring certain claims to the Court of Claims for a finding of facts under the terms of the Tucker Act—to the Committee on War Claims.

By Mr. RIDER: Memorial requesting the Senators and Representatives in Congress to use all honorable efforts in passing a bill in order to secure for the State of New York the benefits of national aid in road construction—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ACHESON: A bill (H. R. 13096) granting pensions to the survivors of the One hundred and fortieth Regiment of Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 13097) granting an increase of pension to George Parry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13098) granting an increase of pension to Morris Del Dowane—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 13099) granting an increase of pension to Jacob T. Grimes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13100) granting an increase of pension to Hiram F. Armstrong—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 13101) granting an increase of pension to Isaac W. Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13102) granting an increase of pension to William H. Broadwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13103) granting an increase of pension to Thomas Langridge—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13104) for the relief of Samuel Robbins—to the Committee on Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 13105) granting an increase of pension to William F. Gant—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 13106) for the relief of Walter L. Leighton—to the Committee on Claims.

Also, a bill (H. R. 13107) for the relief of Walter L. Leighton—to the Committee on Claims.

By Mr. KLINE (by request): A bill (H. R. 13108) for the relief of Michael F. Connolly—to the Committee on Claims.

By Mr. JONES of Virginia: A bill (H. R. 13109) granting an increase of pension to Joshua W. Birch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13110) granting an increase of pension to George C. Birch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13111) for the relief of William J. Lewis—to the Committee on War Claims.

Also, a bill (H. R. 13112) for the relief of the heirs of Richard S. Rew, deceased—to the Committee on War Claims.

By Mr. KLUTTZ (by request): A bill (H. R. 13113) for the relief of Walter V. Brem, jr.—to the Committee on Claims.

By Mr. KNAPP: A bill (H. R. 13114) granting an increase of pension to C. J. Ripley—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 13115) granting a pension to Sarah Jane Van Alstyne—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 13116) granting an increase of pension to Nellie B. Newton—to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 13117) granting an increase of pension to Lewis Sawyer—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 13118) for the relief of Doc Bolyard—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 13119) granting an increase of pension to Ellen R. Ostrander—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 13120) granting an increase of pension to Jonathan Peiper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13121) granting an increase of pension to Andrew Curran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13122) granting an increase of pension to Gilead M. Shell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13123) granting an increase of pension to William Nevil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13124) granting a pension to Sanna Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13125) granting a pension to Mollie J. Howard—to the Committee on Pensions.

By Mr. MCGUIRE: A bill (H. R. 13126) for the relief of Lotsee Deitrich and others—to the Committee on Indian Affairs.

By Mr. NEVIN: A bill (H. R. 13127) granting an increase of pension to Clinton C. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13128) granting a pension to Thomas Cheek—to the Committee on Pensions.

Also, a bill (H. R. 13129) granting a pension to Anna Bever—to the Committee on Invalid Pensions.

By Mr. OTIS: A bill (H. R. 13130) for the relief of James T. Barry and Richard Cusion, executors of the last will and testament of Martin Dowling, deceased—to the Committee on Claims.

By Mr. POWERS of Massachusetts: A bill (H. R. 13131) to reimburse A. Herbert Bailey, of Boston, for duties illegally paid—to the Committee on Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 13132) for the relief of the estate of Frederick Arbour, deceased—to the Committee on War Claims.

By Mr. SHULL: A bill (H. R. 13133) for the relief of George E. Hoffman—to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13134) granting an increase of pension to Catharine R. Rice—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 13135) granting an increase of pension to Thaddeus Wheelock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13136) to correct the military record of Edwin C. Hoxie, alias Charles Umstead—to the Committee on Military Affairs.

Also, a bill (H. R. 13137) for the relief of Mary A. A. Cervantes, executrix, and so forth—to the Committee on Claims.

Also, a bill (H. R. 13138) for the relief of Charles A. Holloway—to the Committee on Naval Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 13139) granting an increase of pension to La Roy B. Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13140) granting an increase of pension to John W. Howard—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13141) granting a pension to James Abbott, alias James Buck—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13142) granting an increase of pension to William M. Lang—to the Committee on Pensions.

Also, a bill (H. R. 13143) granting a pension to Tiney Hogan—to the Committee on Pensions.

Also, a bill (H. R. 13144) for the relief of Charles S. Blood—to the Committee on Claims.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 13145) for the relief of James W. Kenney—to the Committee on Claims.

Also, a bill (H. R. 13146) for the relief of James W. Kenney—to the Committee on Claims.

By Mr. WRIGHT: A bill (H. R. 13147) granting an increase of pension to Euphemia A. Young—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13148) for the relief of the heirs of Vernon H. Johnston, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13149) for the relief of the estate of Augustus Catchings, sr., deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13150) for the relief of the estate of Jane N. Gibson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13151) for the relief of the estate of R. T. Brown, deceased, late of Warren County, Tenn.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13152) granting an increase of pension to William L. Luster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13153) granting a pension to Joseph Thacker—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 13154) for the relief of John T. West—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 13155) granting a pension to Philip Yohum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13156) granting a pension to Michael Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 13157) to remove the charge of desertion from the military record of Andrew Jackson Oatman—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 13158) granting an increase of pension to Beckwith A. McNemar—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Petition of Elfrida M. Lundblad, of Chicago, Ill., against sale of cigarettes to minors—to the Committee on the Judiciary.

Also, petition of residents of Neoga, Ill., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ATCHESON: Memorial of the General Assembly of the Presbyterian Church in the United States, for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of the American Association of Masters and Pilots of Steam Vessels, for the building of a light-house on Diamond Shoal—to the Committee on Rivers and Harbors.

By Mr. ADAMS of Wisconsin: Petition of G. L. Swartz, editor of the Poynette Press, and 123 others, of Poynette, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Rev. W. E. Atcheson, pastor of the Presbyterian Church; Rev. J. W. Barnett, pastor of the Methodist Episcopal Church; the Young People's Society of Christian Endeavor, the Epworth League, the Women's Missionary Society, and the Woman's Christian Temperance Union, all of Poynette, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Memorial Baptist Church, of Vernon, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ALLEN: Petition of J. R. Libby and 445 others, of Portland and other towns in Maine, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of Elmer House and 14 others, of Delton, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of residents of the Third Congressional district of Wisconsin, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of S. W. Cobb and others, of St. Louis, Mo., in favor of House bill 5071, to regulate retirement of veterans of the civil war—to the Committee on Military Affairs.

Also, resolutions of the Hafner Manufacturing Company, of St. Louis, Mo., and of the Bernis Bros. Bag Company, of St. Louis, Mo., in opposition to the eight-hour bill—to the Committee on Labor.

By Mr. BASSETT: Resolution of Fifth Annual Supervisors Highway Convention, at Albany, N. Y., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BEDE: Petition of the American Association of Masters and Pilots of Steam Vessels, of Duluth, Minn., for the relief of James Caniff by the passage of bill H. R. 9800—to the Committee on Claims.

Also, petition of residents and owners on Bartlett Lake, Minnesota, to set aside certain land for a park and forest reserve—to the Committee on the Public Lands.

By Mr. BELL of California: Petition of J. V. Williams and 19 others, and Rev. J. D. F. Houck and 15 others, of Chico; P. H. Atkinson and 32 others, I. C. Davis and 20 others, and E. G. Chapman and 26 others, of Petaluma, all in California, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Petition of G. A. Chamberlin and 21 other voters, Mrs. J. E. Jewell, president of the Woman's Christian Temperance Union and other organizations, B. W. Holman and other voters, and N. V. Moore and 24 other voters, of Moran, Kans., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of the Presbyterian, Methodist, and Christian churches of Pleasanton, Kans., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of merchants of Blue Mound, Kans., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, affidavits of J. M. Johnston, C. G. Ellis, and J. M. Johnston, relating to bill H. R. 12842, for the relief of J. M. Johnston—to the Committee on War Claims.

By Mr. BOWIE: Petition of E. W. Tucker and 23 others, of Dallas, Ala., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BROWN of Wisconsin: Petition of merchants of Shawano, Wis., against passage of the Hearst domestic parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. E. Holston and 14 others, of Ashland, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKE: Petition of H. W. Reinecke and 54 others, of Faulkton, S. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of the Woman's Christian Temperance Union of Auburn, Nebr., in favor of bill to forbid sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CALDERHEAD: Petition of Charlotte F. Wilder, of Manhattan, Kans., for legislation favorable to literary workers and authors—to the Committee on the Post-Office and Post-Roads.

Also, letter of J. J. and W. F. Muenzenmayer, protesting against the passage of the Frye bill—to the Committee on Insular Affairs.

Also, resolutions of the Kansas Federation of Commercial Interests, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolutions of the Kansas Federation of Commercial Interests, of Topeka, for the passage of the Quarles bill, known as S. 2439—to the Committee on Ways and Means.

By Mr. DAVEY of Louisiana: Resolution of the Louisiana Bar Association, in favor of bill H. R. 10011—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 10981, granting a pension to Frances E. Truesdell—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of residents of Eldred Township, Lycoming County, Pa., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. DRAPER: Resolution of the Fifth Annual Supervisors' Highway Convention, held at Albany, N. Y., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of Jacob Hasslacher, of New York, in favor of bill S. 2276—to the Committee on Military Affairs.

By Mr. ESCH: Resolution of the Milwaukee Foundrymen's Association, against passage of bill to limit the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of the Fifth Annual Supervisors' Highway Convention, of New York, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. FLACK: Petition of members of Lake Seamen's Union of Ogdensburg, N. Y., favoring the enactment of bill H. R. 12230—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Rev. P. M. Snyder and 54 others, of Rockford, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorial of the M. A. Love Manufacturing Company and others, in favor of improvement of Kaw Valley—to the Committee on Rivers and Harbors.

Also, resolution of the North Dakota Retail Hardware Association, in opposition to a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Mr. GARDNER of Massachusetts: Resolution of the executive council of the Massachusetts State Board of Trade, relative to a breakwater at Point Judith Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the legislature of Massachusetts, relative to legislation to protect food fish from sharks and dogfish—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFITH: Resolution of Retail Lumber Dealers' Association of Indiana, against passage of the anti-injunction bill—to the Committee on the Judiciary.

Also, resolution of the Retail Lumber Dealers' Association of Indiana, against the passage of the eight-hour law—to the Committee on Labor.

By Mr. HAY: Petitions of J. L. Bush and 15 others, of Clarke, Va., and S. L. Lupton and 22 others, of Brucetown, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HEDGE: Petition to accompany bill for relief of Walter L. Leighton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Walter L. Leighton—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of R. W. Richards and others, of Spencer County, Ind., in favor of Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. HERMANN: Resolution of the Manufacturers' Association of the Northwest, favoring appropriation for Lewis and Clark exposition—to the Select Committee on Industrial Arts and Expositions.

Also, resolutions of the Pacific Coast Jobbers and Manufacturers' Association, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of G. A. G. Moore and 18 others, of Turner, Oreg.; D. N. Brown and 9 others, of Butteville precinct, Oreg., and C. E. Crandall and 43 others, of Stayton, Oreg., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petition of Rev. D. E. Jones and 25 others, of Ellington, Conn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of Rev. James R. Morris and 20 others, of Passaic, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Dwight Post, No. 103, Grand Army of the Republic, of New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KLINE (by request): Paper to accompany bill for relief of M. F. Connolly—to the Committee on Claims.

By Mr. KLUTTZ: Petition of the Bar Association of Muscogee, Ind. T., asking for additional judges—to the Committee on the Judiciary.

Also, petition for relief of Walter V. Brem, jr.—to the Committee on Claims.

Also, petition of Robert C. Rivers and 59 other voters of Boone, N. C., for passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. KNAPP: Protest from residents of Jefferson County,

N. Y., against the passage of bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Northern New York Paper and Pulp Manufacturers' Alliance, of Watertown, N. Y., protesting against freight-rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Maryland: Petition of citizens of Centerville, Md., relative to dredging Corsica River, in Queens County, Md.—to the Committee on Rivers and Harbors.

Also, petition of residents of Worcester County, Md., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. JONES of Virginia: Petitions of William B. Lee and 12 others, of Gloucester; G. P. Smith and 23 others, of Colansville; James Arthur Winn and 36 others, of Wachapreague; Rev. Edwin Gardner and 28 others, of Cape Charles, and W. D. Stoakley and 22 others, of Cheriton, all in Virginia, and of C. C. Remsburg and 36 others and J. Cairns and 14 others, of Seattle, Wash., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LACEY: Petition of C. S. Barger and others, of Albia, Iowa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petitions of J. B. Carneal and 9 others, of Hanover County; W. H. Brock and 30 others, of Richmond; Frank S. Kerns and 30 others, of Manchester, and G. T. Sale and 12 others, of Hanover County, all in Virginia, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LANNING: Petition of citizens of Flemington, N. J., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolution of the Fifth Annual Supervisors' Highway Convention, held at Albany, N. Y., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. LITTAUER: Paper to accompany bill H. R. 1007, increasing pension of H. C. Thorne—to the Committee on Invalid Pensions.

Also, petition of Rev. O. M. Omew and others, of Saratoga Springs, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of H. M. Bean and 82 others, of Camden, Me., and Rev. George S. Hill and 37 others, and Eli Hodgkins and 11 others, of Greene, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of J. A. Jackson and 20 others, of St. Clair County, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McNARY: Petition of Joseph A. McGowan, of West Quincy, Mass., in favor of erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

Also, petitions of Eldridge Terry and 41 others, of Dorchester, Mass.; Rev. L. M. Pierce and 33 others, of Medfield, Mass., and Henry H. Faxon and 27 others, of Quincy, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MAHON: Resolution of Grand Army of the Republic Post, No. 635, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petitions of John Hempstead and 20 others, of Grand Forks County, N. Dak., and A. E. Robinson and 44 others, of Traill County, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MAYNARD: Petitions of George D. Chapman and 36 others, of Isle of Wight, Va., and W. L. Tait and 17 others, of Norfolk, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MILLER: Petition of Reuben Cox and 23 others, of Rose Hill, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Brownlow Post, No. 79, Grand Army of the Republic, of Severy, Kans., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of Post No. 60, Alta Viste, Kans., in favor of bill H. R. 7873, known as the "Curtis bill"—to the Committee on Invalid Pensions.

Also, petition of Rev. Reuben F. Riggs and 59 others, of Barclay, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, paper to accompany claim of Doc Bolyard—to the Committee on Claims.

By Mr. MURDOCK: Resolutions of Mulvane Post, No. 203, Grand Army of the Republic, of Kansas, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of the Kansas State board of agriculture, relative to irrigation—to the Committee on Irrigation of Arid Lands.

Also, petitions of citizens of Conway Springs; E. L. Fell and 43 others, of Jackson Township; J. B. Collingwood and 75 others, of Pretty Prairie; W. L. Fleener and 64 others, of Greenburg;

Samuel J. Rudel and 36 others, of Belpre; G. W. Wright and others, and B. H. Albertson and others, of Kiowa County; D. D. Aken and others, of Sterling; C. E. Haworth and 39 others, C. M. Chism and 32 others, and D. S. Pickett and 35 others, of Argonia, all in Kansas, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. NEVIN: Petition of S. B. Timmons and 41 others, of Camden, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of L. E. Paxton and 25 others and E. H. Wysong and 11 others, of College Corner, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OLMSTED: Resolutions of Weimers Post, No. 494, of Lebanon; Coleman Post, No. 467, Annville; Captain J. W. Sharp Post, No. 371, Newville; S. W. Lascomb Post, No. 351, Steelton; General Simon Cameron Post, No. 78, Middletown; Kennedy Post, No. 490, Mount Holly Springs, and Chester Post, No. 280, Williamstown, all in Pennsylvania, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Resolutions of Post 320, of Pinegrove; Post 146, of Shenandoah; Post 110, of Mahanoy City; Post 17, of Minersville; Post 47, of St. Clair; Post 189, of Tamaqua, and Post 144, of Port Carbon, all in Pennsylvania, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of Local Union No. 1543, of Shaft; Local Union No. 1571, of Tamaqua; Local Union No. 1685, of Shenandoah; Local Union No. 1516, of Lost Creek; Local Union No. 1541, of Gilberton; Local Union No. 1600, of Ravine; Local Union No. 1587, of Llewellyn, and Local Union No. 1217, of Luzerne, United Mine Workmen of America, and Central Trades and Labor Assembly, of Shenandoah, all in Pennsylvania, in favor of bills H. R. 89 and 7041—to the Committee on the Judiciary.

By Mr. PAYNE: Affidavits to accompany bill H. R. 12966, granting a pension to Charles H. Lakey—to the Committee on Invalid Pensions.

By Mr. PORTER: Letter from Joseph W. Hunter, the State highway commissioner of Pennsylvania, for the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, papers to accompany bill for the erection of a monument to the memory of John Barry—to the Committee on the Library.

By Mr. REEDER: Petitions of Woman's Christian Temperance Union of Jennings; Rev. J. S. Trumbull and others, of Violanta; Rev. Isaac Johnson and 88 others, of Phillipsburg; F. H. Hayward and 42 others, of Jennings and vicinity; Rev. J. R. McBurney and congregation, of Quintio, and Rev. H. W. Dalrymple and others, of Mount Ayer, all in Kansas, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of John Larabee and 13 others, of Melrose, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBERTSON of Louisiana: Petition of the people of the parish of Livingston, La., asking for improvement of Colyell Bay—to the Committee on Rivers and Harbors.

Also, papers to accompany claim of H. B. Benjamin—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of the Fifth Annual Supervisors' Highway Convention, held at Albany, N. Y., January 26-27, 1904, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the Association of Masters and Pilots of Steam Vessels, relative to a light-house on Outer Diamond Shoal, North Carolina—to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Commercial Travelers of America, Brooklyn Council, No. 165, urging enactment of the Badger amendment to the bankruptcy act—to the Committee on the Judiciary.

By Mr. RYAN: Resolution of the Fifth Annual Supervisors' Highway Convention of New York, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. SCOTT: Resolutions of the Kansas Federation of Commercial Interests, favoring the enactment of legislation to prevent discrimination in rates—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Western Association of Shoe Wholesalers, favoring enactment of legislation to prevent discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Kansas Federation of Commercial Interests, favoring the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. SHACKLEFORD: Paper to accompany bill granting an increase of pension to Catharine R. Rice—to the Committee on Invalid Pensions.

By Mr. SHIRAS: Petition of Rev. I. W. Sprull, of Pittsburg,

Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Resolution of Pomona Grange, No. 48, Patrons of Husbandry, of Clio, Mich., in favor of the Brownlow good-roads bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Brighton Farmer's Club, relative to certain reforms in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of George Stowe, of Unadilla, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: Resolution of Don S. Root Post, No. 126, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of George Miller and 124 others, of Pewamo, Mich., and Rev. A. B. Johnson and 35 others, of Saranac, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Washington Circle, No. 17, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: Petitions of Young Woman's Union (50 members) and of Woman's Christian Temperance Union (100 members) of Apollo, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. TAWNEY: Petition of W. H. Palmer and 21 others, of Brownsdale, Minn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WADE: Resolution of Cigar Makers' Union No. 172, of Davenport, Iowa, in favor of bill H. R. 6—to the Committee on Ways and Means.

Also, resolution of Friends' Church of West Branch, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of John M. Hoise and Adolph C. Lepper, against passage of the Hepburn interstate liquor bill—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of carriers of rural delivery routes Nos. 1, 2, 5, 6, 7, and 9, of Albion, N. Y.; 20, of Youngstown; 28 and 29, of Burt; 35 and 37, of Middleport, and 39, of Gasport, all in New York—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Papers to accompany bill granting a pension to Joseph Thacker—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 12634, granting an increase of pension to James W. Cheek—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petitions of Albert Heck and 32 others, of Racy, W. Va., and W. H. Piggott and others, of Lubec, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

SATURDAY, February 27, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

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

The PRESIDENT pro tempore. The Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 167) granting an increase of pension to J. Hudson Kibbe.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9480) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. LITTAUER, and Mr. LIVINGSTON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Woman's Christian Temperance Union of Greenfield, Pa.; of the congregation of the Asbury Methodist Episcopal Church, of Detroit, Mich., and of the Woman's Christian Temperance Union of Erie County, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of Philippine Lodge, No. 706, of St. Louis, Mo.; of the Turn Verein of Cleveland, Ohio; of the