

of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Wadsworth Post, No. 49, of Lawrence, Mich., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KERR: Petition of Miller Moody Post, No. 314, Grand Army of the Republic, of Belleville, Ohio, in regard to pension legislation—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petition of Col. Hiram Anderson Post, No. 425, of Massena, N. Y., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petitions of citizens of Wales and South Waterford, Me., in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. MCCALL: Petition of Willard C. Kinsley Post, No. 139, of Somerville, Mass., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill to increase the pension of Theophile A. Dauphin—to the Committee on Invalid Pensions.

By Mr. McCLEARY (by request): Petition of George L. Houghton and affidavits to accompany House bill relative to certain matters in the Department of Justice—to the Committee on the Judiciary.

By Mr. McDOWELL: Petitions of Typographical Union No. 69, American Flint Glass Workers' Union No. 30, Iron Molders' Union No. 152, Cigar Makers' Union No. 176, United Brewery Workmen's Union No. 162, all of Newark, Ohio, for the passage of a bill for the equalization of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Mount Hope, Ohio, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. NAPHEN: Resolutions of the Omaha (Nebr.) Commercial Exchange Club, in relation to the reclamation and settlement of arid lands, etc.—to the Committee on the Public Lands.

By Mr. NEVILLE: Resolutions of Omaha (Nebr.) Commercial Club, in relation to the reclamation and settlement of arid lands—to the Committee on the Public Lands.

By Mr. PEARRE: Paper to accompany House bill for the relief of Catherine A. Talburt, administratrix of the estate of George W. Talburt, deceased—to the Committee on War Claims.

By Mr. SHERMAN: Petition of J. E. Jenkins Post, No. 526, of Vernon, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of E. C. Seward and other vessel owners on Long Island Sound, praying for the building of a breakwater and harbor of refuge at Sachems Head, Conn.—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: Petition of Canby Post, No. 48, of Jacksboro, Tex., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Joe Hooker Post, No. 51, of Raymond, N. H., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Manchester, N. H., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. TOMPKINS: Resolutions of Post No. 598, of Highland Falls, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VANDIVER: Petition of Polly Old, of Missouri, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. VREELAND: Petition of citizens of Friendship, N. Y., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of Cottage Grange, No. 829, State of New York, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, resolutions of Rosburg Post, Allegheny Post, Ischua Post, and Standards Post, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Seven petitions of citizens of Nez Perce County, Idaho, favoring the passage of House bill No. 996, providing for free homesteads—to the Committee on the Public Lands.

SENATE.

FRIDAY, April 20, 1900.

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

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

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

VESSEL SLOOP ALMENA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Almena*, John Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

VESSEL SCHOONER ADAMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Adams*, Stephen Brown, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the amendments of the Senate numbered 1, 2, 5, 6, 7, and 8 to the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; agrees to the amendments of the Senate numbered 3 and 4, each with an amendment; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 3436) granting a pension to Caroline Weinheimer.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore.

A bill (S. 2942) granting an increase of pension to William Padgett;

A bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 6959) to extend the provisions of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January, 1893;

A joint resolution (S. R. 114) for relief of Garfield Hospital; and

A joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900.

ALLOWANCE OF EXCEPTIONS.

Mr. HOAR. Before the morning business, I ask unanimous consent to correct an omission I made yesterday. When the bill (H. R. 8366) to amend section 953 of the Revised Statutes, relating to the allowance of exceptions, was passed, I stated that it was my purpose to ask for a conference. I forgot after the bill had passed to make the request. The bill has not gone to the House; the Secretary has retained it; and I now move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. PLATT of Connecticut, and Mr. BACON were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Postal Clerks' Association of New York, praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States; which was ordered to lie on the table.

Mr. WELLINGTON presented a petition of 74 citizens of Maryland, praying that an appropriation be made to pay the depositors of the failed Freedman's Savings Bank and Trust Company; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of the Department of Minnesota, Grand Army of the Republic, praying for the establishment of a national park at Fort Ridgely, in that State; which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Brown Valley, Minn., and a petition of the Epworth League of Brown Valley, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented the petition of Frank E. Ross and sundry other citizens of Noblesville, Ind., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. ELKINS presented a petition of West Virginia State Grange, No. 76, praying for the adoption of certain amendments to the interstate-commerce law, and also to give to the States control of the sale of imitation dairy products; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Federal Labor Union No. 7588, American Federation of Labor, of Keyser, W. Va., praying for the enactment of legislation to increase the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

Mr. BURROWS presented a memorial of the Council of Trades and Labor Unions of Detroit, Mich., remonstrating against the enactment of legislation to abolish the use of internal-revenue stamps on sixths and eighths beer kegs; which was referred to the Committee on Finance.

He also presented the petition of Burnet Landreth, of Bristol, Pa., praying for the enactment of legislation recognizing the military service of the First Union League Regiment, Pennsylvania Volunteers, or Forty-fifth Pennsylvania Militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation to construct the irrigation works required for the reclamation and settlement of the arid public lands, and also that all the public lands be held for the benefit of the whole people, and that no grants of title to any of these lands be given to any but actual settlers and home builders thereon; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented the memorial of F. H. Vennet, of South Bend, Ind., remonstrating against the enactment of legislation providing for the reclassification of the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the acquirement and enlargement by the United States of the Erie Canal, in the State of New York; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of certain amendments to the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Confectionery Association of Pittsburgh, Pa., remonstrating against the further coinage of copper pennies; which was referred to the Committee on Finance.

He also presented a petition of the Young Men's Christian Association of Allentown, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the new island possessions of the United States and also in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Pennsylvania Forestry Association of Philadelphia, Pa., praying for the enactment of legislation authorizing the purchase by the United States of the Calaveras Grove in California; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

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

A bill (S. 1096) granting a pension to Margaret M. Badger, widow of the late Commodore Oscar C. Badger, United States Navy;

A bill (S. 3107) granting a pension to Arthur I. Nicklin; and

A bill (S. 91) granting a pension to J. J. Groff.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7599) granting an increase of pension to John F. Crawford, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4269) granting an increase of pension to James Longstreet, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 3943) to provide for the sale or leasing of water power created by public works, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred

the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent; and

A bill (H. R. 8405) granting a pension to Sophronia Seeley.

Mr. RAWLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4206) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah, reported it with an amendment.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 2887) for the relief of H. B. Matteosian, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to:

A bill (S. 29) for the relief of Corinne Strickland; and

A bill (S. 853) for payment of balance unpaid on Oregon and Washington Territory Indian war claims for suppression of Indian hostilities in 1855 and 1856, as found due by commission appointed by Secretary of War, consisting of Gen. Rufus Ingalls, Capt. A. J. Smith, and Hon. L. F. Grover, pursuant to act of Congress, and disallowed by Third Auditor of the Treasury, as per his report of February 7, 1860.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2019) reorganizing the Naval Observatory and providing for a board of visitors, reported it with amendments, and submitted a report thereon.

APPEALS IN PENSION CASES.

Mr. GALLINGER. From the Committee on Pensions I report back favorably, without amendment, the bill (S. 4251) providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions, and I submit a report thereon.

Mr. President, I desire to say that this is a bill which, in my judgment, solves the problem to a very considerable extent of pension adjudication. It was drafted by the Secretary of the Interior, and it provides that the Secretary of the Interior may submit to the Court of Claims during any one calendar year not exceeding five pension claims that relate to a class that involve difficult or important questions of law. It proposes to enact further that an appeal may be taken to the Supreme Court of the United States by either party, and the necessary machinery is provided.

I should like very much to have the bill passed, as I am to be absent from the city for a week, and I venture to ask unanimous consent that it be put on its passage.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary read the bill.

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

Mr. TILLMAN. Mr. President, I should like to ask the Senator from New Hampshire to explain the scope of this proposed legislation. If I got the drift of it in the reading I listened to, it is a provision by which the Government provides for the suit of the Government by itself, and it takes from the Commissioner of Pensions the adjudication of questions of law which have hitherto been decided by him alone. Am I correct?

Mr. GALLINGER. Mr. President, I did briefly explain the scope of this proposed legislation. The bill I will say was drafted by the Secretary of the Interior.

Ever since I have been in public life we have been endeavoring to meet the demand, the agitation, of the soldiers that they should have some way of appealing their cases from the Commissioner of Pensions. I have myself introduced two bills creating a court of appeals; but when I came to look the matter over I saw that it was not practicable to have a court of that kind, for the reason that every rejected claim would be sent to the court, and the court would soon be burdened with thousands and thousands of cases which could not be attended to.

Now, this bill simply provides that the Secretary of the Interior may, during any one calendar year, select five claims—claims that belong to a class or that involve difficult or important questions of law—and he may submit them to the Court of Claims for trial and adjudication. The finding of the Court of Claims may be appealed by either side to the Supreme Court of the United States. I have believed it to be a very important and desirable piece of legislation. I may be wrong about it, but that is my judgment. There are to-day hundreds of cases belonging to classes held up in the Pension Bureau, and the Senator, I think—

Mr. TILLMAN. Right there, is it not true that those cases are not pensionable under existing laws, and the reason why they are

held up is because the Commissioner of Pensions and those under him who have decided the question of law at issue have determined that those cases are exceptions, and that therefore the applicants were not pensionable?

Mr. GALLINGER. No; not at all. The question is whether or not they are pensionable—

Mr. TILLMAN. I say—

Mr. GALLINGER. That is the very question involved.

Mr. TILLMAN. The Commissioner has decided that they are not; otherwise he would have given them the pension.

Mr. GALLINGER. He has not so decided. He simply has suspended those cases, and they are now pending in the Bureau. The Senator from Missouri [Mr. COCKRELL] will, I am sure, confirm what I say.

Mr. COCKRELL. In one class of cases there are a hundred pending on appeal. The appeals have been pending before the Secretary for, I suppose, six months. Here are minors applying for pensions for the time during which they were under 16 years of age, and they were 16 years of age at the time they made their application. It is a question of legal construction as to whether they are entitled to apply after they have become 16 years of age for the pension that was due them while they were under 16 years of age. It is a knotty legal question, and I know I have at least a dozen letters from the Secretary of the Interior or the Assistant Secretary and the Commissioner of Pensions stating that that question of law is pending before the Secretary on appeal.

Now, I think that some provision like this, where a few cases of certain classes could be taken to the court and a decision rendered, would in all probability save a construction by one Commissioner of Pensions and reversing it by his successor, where it is a close question as to what the law is. I think it would be in the interest of the pensioners and in the interest of uniformity of action to have another tribunal where these knotty questions could be settled.

Mr. HOAR. Mr. President, I move to strike out of the—

The PRESIDENT pro tempore. The bill is not yet before the Senate, if the Senator pleases. Is there objection to the present consideration of the bill?

Mr. DAVIS. I object.

Mr. TILLMAN. I ask the Senator from New Hampshire if this bill has been considered by the Committee on Pensions?

Mr. GALLINGER. It has been, and I was authorized—

Mr. TILLMAN. And it is reported from that committee?

The PRESIDENT pro tempore. Does the Chair understand the Senator from Minnesota to object?

Mr. DAVIS. I object.

Mr. GALLINGER. Let the bill go over.

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

BILLS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 4281) for the relief of T. B. Stackhouse; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 4282) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4283) authorizing P. A. Surg. William C. Braisted, United States Navy, and Luther C. Ellsworth, United States consul at Puerto Cabello, to accept decorations and orders tendered to them by the Government of Venezuela; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 4284) to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL introduced a bill (S. 4285) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PENROSE introduced a bill (S. 4286) authorizing and directing the Secretary of War to issue medals of honor to 60 surviving members of the Worth Infantry and York Rifles, of Pennsylvania; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4287) granting an increase of pension to Richard P. Nishnals; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4288) granting an increase of pension to Elizabeth Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4289) for the relief of Hatcher and Hiram Short; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 4290) to provide for the acquirement by the United States of lands and rights therein necessary to the establishment of a naval station in Pearl Harbor, island of Oahu, Hawaii, and for the dredging of approaches to said harbor; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. DAVIS submitted an amendment proposing to appropriate \$1,750 for repairs and improvements to buildings used by the legation of the United States at Seoul, Korea, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$25,000 for expenses of delegation of the United States to the proposed international conference of American states, to be held in the City of Mexico, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate the sum of \$1,000 to be expended by the Joint Committee on the Library for the purchase of the Ingalls portraits in oil of the late Senators Allen G. Thurman and Simon Cameron, now owned by Dr. E. A. Duncan, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

MILITARY OFFICERS IN CUBA AND PORTO RICO.

Mr. BACON. I offer a resolution which I ask may be read and have present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary of War is hereby directed to report to the Senate the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has received any compensation for any service of any kind whatsoever other than the compensation to which such officer of the Army is, as such, entitled by law to receive as his salary and allowances.

Second. If any officer of the United States Army has during said period, while on duty in either Cuba or Porto Rico, received from any source any compensation other than that which he is, as such officer, entitled by law to receive as his salary and allowances, what is the name and rank of each such officer, and what the amount or amounts received by him, the date or dates on which each of said amounts was so received, on what account the said amount or amounts were paid, by whom said payment or payments were authorized, and out of what fund or funds said payments were made.

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

Mr. SEWELL. Let it go over.

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

Mr. BACON. I offer another resolution of kindred character, which I ask may be read and that it may have present consideration. I will state, however, in making this request, that I have no objection, if the Senator from New Jersey desires that it shall be laid over, to have it go over.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary of War is hereby directed to report to the Senate the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has had furnished to him by any person or authority any quarters other than such quarters as such officer is entitled under the law to receive. If so, what is the name and rank of each officer so furnished with such quarters and what quarters in each such instance have been so furnished.

Second. What rent has been paid in each instance for quarters thus furnished to officers of the Army during said period either in Cuba or in Porto Rico.

Third. What amounts have been expended in each instance in repairing, refitting, or improving any quarters occupied by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer in each instance was such quarters thus repaired, refitted, and improved.

Fourth. What amounts have been expended in each instance in furnishing or decorating any quarters occupied by any officer of the United States Army in Cuba or Porto Rico during said period, what was the character of such furnishings and decorations, and for which officer, in each instance, were the quarters thus furnished and decorated.

Fifth. What amounts have been expended for horses or mules, harness, vehicles or equipages of any kind to be used by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer, in each instance, were the horses, mules, harness, vehicles, or other equipages furnished.

Sixth. What amounts have been paid for the hire of servants, or as compensation for services rendered in and about the quarters of any officer of the United States Army during said period in Cuba or Porto Rico, and in each instance who was the officer occupying said quarters in and about which said servants were employed or said services were rendered.

Seventh. What amounts have been paid for supplies of any kind furnished to any officer of the United States Army during said period in Cuba or Porto Rico other than the allowances to which such officer is entitled under the law, and in each instance who is the officer thus receiving such supplies.

Eighth. In each of the expenditures concerning which inquiry is made, out of what fund was said amount paid.

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

Mr. SEWELL. I do not know what—

The PRESIDENT pro tempore. Is there objection?

Mr. SEWELL. Allow me to interrogate the Senator from Georgia for a moment. I do not object.

Mr. BACON. I can not hear the Senator from New Jersey.

Mr. SEWELL. I do not object. I wish merely to say that it is well known, of course, that our officers, particularly our commanding officers in Cuba and Porto Rico, took possession, naturally, of the palaces that their predecessors had occupied, and it may be that they have had allowances, but everything of that kind has come from the insular receipts. I do not object to the inquiry.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. BACON. I beg the Chair's pardon; I desire to say a word.

The PRESIDENT pro tempore. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, I desire to say with reference to the other resolution that I do not understand why one should go over and the other not. Still I have no objection to any direction the Senator from New Jersey may desire to give in that regard.

I wish to say, although the first resolution is not to be now acted upon, that that resolution, with reference to the pay of officers, was introduced by me not as an original motion on my part, but in response to the suggestion and invitation and, I might say, the challenge of the Senator from New Hampshire [Mr. CHANDLER].

I do not desire to be understood in any inquiry made in either one of these resolutions as making any assertion that I have information of a definite character that the things inquired about exist or have occurred. On the contrary, as I said yesterday concerning the pay of officers, I have no information except that which is general to the public, and about the correctness of which I have no certainty whatever.

Since the first resolution with reference to the pay of officers was drafted I have had assurances, which I deem to be entitled to full credit, that there has been no such extra pay received by any officer in Porto Rico, and, as I said on yesterday, I am very glad to know that such is the fact, and I would be equally glad if the answer of the Secretary of War shall show that there has been nothing of the kind in Cuba.

Nothing is further from my intention than in any manner to reflect upon any officer of the Army, and no member of the Senate would be more gratified than I if I find that the law, as I understand it to have been stated by the Senator from Ohio [Mr. FORAKER] yesterday, has been strictly followed and observed.

Now, Mr. President, with reference to the second resolution, which makes a certain inquiry as to what amounts have been expended for the accommodation, and enjoyment, if you please, of officers of the Army in Cuba and Porto Rico, I will state my reason for introducing it. In that case, as in the other, I do not wish to be understood as making any charge that there have been these expenditures. I wish to disclaim any definite knowledge upon that subject. But I think it is due to the officers of the Army that this information should be given to the Senate from an authoritative source. There are very prejudicial rumors and statements being made with reference to these expenditures. I repeat, I do not know whether they are correct or not. I have no doubt many of them are largely exaggerated; but it is being repeated throughout the community with the utmost confidence that there has been the most lavish expenditure in Cuba in the way of the fitting up of quarters, in the providing of equipages and the decorating of quarters, and in providing not only the comforts but the luxuries of quarters, and that, as has been stated in my hearing, there has been an expenditure which has absolutely surpassed anything which has ever been expended by any one of the Spanish governors when there in a viceregal position.

I hope, Mr. President, that none of this is true. If it is true, however, it should be known in order that the corrective may be applied. If it is not true, it is due to the officers about whom these statements are being made that there should be an authoritative denial of them.

I thought it due to myself, Mr. President, that I should make this statement, and I will make the further statement that while this matter has been upon my mind for some time, I have refrained from introducing any resolution of inquiry, and I would not have done so now but for the invitation of the Senator from New Hampshire. It is true the inquiry in the second resolution is one which was not suggested by him, but it is one which is cognate with it, and if one piece of information is to be given the other ought also to be given.

While these matters have been talked about, I have felt that if the inquiry were presented by one from this side of the Chamber it might possibly present something in the nature of a partisan proceeding, and I preferred that the resolutions of inquiry should

come from the other side of the Chamber. I repeat that I now offer these resolutions simply because on yesterday, as the outcome of a short colloquy which we were having, there was a distinct invitation and challenge on the part of the Senator from New Hampshire that this inquiry should be made through a resolution to be introduced by myself.

Mr. CHANDLER. Mr. President, I intended no challenge. My suggestion to the Senator was in good faith.

Mr. BACON. I so understand it.

Mr. CHANDLER. I think if he had not offered the first resolution I should have offered it myself. I preferred, however, that the Senator should draw them, because I knew he would draw them more concisely, more briefly, than I would be likely to do.

Now, Mr. President, as the first resolution is going over upon the objection of the Senator from New Jersey, I will object to the consideration of the second resolution, the language of which I wish to examine. But I have no doubt that to-morrow I shall be in favor of the passage of both the resolutions. I beg to assure the Senator that I had no intention of challenging him. I said I did not believe that any Army officer had received any money as compensation for his services outside the pay allowed by law. I believe that now. If the fact is otherwise, I shall be glad to be informed of it.

As to the fitting up and the decoration of quarters I have no knowledge whatever; but the resolution is an extremely proper one. I am very glad the Senator has introduced it, and I certainly acquit him of being, at this time and in this thing, possessed by any intense partisan feeling.

Mr. BACON. I am very much obliged to the Senator, Mr. President.

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

URGENT DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, numbered 1, 2, 5, 6, 7, and 8, and agreeing to amendments numbered 3 and 4 with amendments as follows:

At the end of each amendment insert:

, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. HALE. I move that the Senate concur in the amendments of the House of Representatives to the amendments of the Senate numbered 3 and 4. If the motion prevails, it will pass the bill.

The motion was agreed to.

ASSISTANT CLERK TO COMMITTEE.

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

Resolved, That the assistant clerk to the Committee on the Judiciary be paid from the contingent fund of the Senate, at the rate of \$1,800 per annum, until otherwise provided by law.

WAR-REVENUE RECEIPTS.

Mr. NELSON. I ask unanimous consent for the present consideration of House bill 9824.

Mr. GALLINGER. There is a resolution on the table coming over that I should like to have laid before the Senate.

The PRESIDENT pro tempore. The Senator from Minnesota will suspend one moment while the Chair lays before the Senate a resolution coming over from a former day.

The Secretary read the resolution submitted on the 18th instant by Mr. GALLINGER, as modified, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the aggregate amount of revenue, since the war-revenue law went into operation, derived from stamps on notes, bank checks, insurance policies, deeds, leases, mortgages, telegrams, express shipments, successions of estates, and medicinal preparations, and beer, each item to be stated separately.

Mr. GALLINGER. I offer a substitute for that resolution.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the amount of revenue derived from the so-called war-revenue law, the items to be stated separately, so far as it is practicable to do so, in regard to each subject of taxation.

The PRESIDENT pro tempore. The Senator withdraws his original resolution?

Mr. GALLINGER. I withdraw the original resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution offered as a substitute.

The resolution was agreed to.

FLOATING LOOSE TIMBER, RAFTS, ETC., ON CERTAIN RIVERS.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 9824) authorizing the Secretary of

War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

Mr. CULLOM. I hope the Senator will delay taking action upon that bill until I can submit a conference report.

Mr. NELSON. This will take but a few minutes.

Mr. CULLOM. It seems to be a pretty long bill.

Mr. NELSON. No, it is not long. There is a substitute reported.

Mr. COCKRELL. When was the bill reported?

Mr. NELSON. Yesterday, from the Committee on Commerce. The bill was recommended by the Secretary of War.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read the substitute reported from the Committee on Commerce.

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

Mr. HALE. Let the first part of the bill be read again.

Mr. NELSON. I wish to say to the Senator from Maine—

The PRESIDENT pro tempore. The Senator from Maine asks for the reading of the first section of the amendment.

Mr. HALE. The first one or two sections.

The Secretary read as requested.

Mr. HALE. I have heard enough to justify me in objecting to the consideration of the bill?

The PRESIDENT pro tempore. The Senator from Maine objects.

TERRITORY OF HAWAII.

Mr. WARREN. I ask leave to call up Senate bill 2610.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CULLOM. Mr. President, I made a conference report the day before yesterday, which was withdrawn. I now present it again, and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Illinois presents a conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 222) to provide a government for the Territory of Hawaii, which has heretofore been read to the Senate. The question is on agreeing to the report.

Mr. PETTIGREW. Mr. President, it seems to me that this report ought to be rejected and sent back to the conference committee, and for this reason: On page 27 of the bill, paragraph 5, under "Qualifications of voters for representatives," occurs this provision:

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

This provision practically disfranchises most of the people who are citizens of the United States and citizens of Hawaii, for the reason that the Hawaiian government imposes a poll tax of \$5 upon every voter—that is, they impose a tax of \$1, which they call a poll tax; \$2 as a road tax, and \$2 as a school tax; making a poll tax, in all, of \$5. This provision is that every person must have paid this tax before the 31st day of March next preceding the date of registration.

There were only 2,600 voters in Hawaii according to the last election, and this provides that those who wish to vote at the next election for members of the legislature shall have paid their tax previous to the 31st day of last March. Of course, that is previous to the passage of this bill, and it therefore disfranchises everybody who has not paid this five-dollar tax.

The people of Hawaii—

Mr. SPOONER. Will the Senator be kind enough to read that again? I did not hear it.

Mr. PETTIGREW. I will complete my remarks, and in the meantime the Senator can look at the provision in the bill.

Mr. SPOONER. I want to understand what the Senator is stating; that is all.

Mr. PETTIGREW. The provision is that—

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

He must have paid this poll tax of \$5 before the 31st day of last March or he is disfranchised from voting for members of the next legislature. The next legislature will have the power to impose a tax of \$15 if they choose, or a tax of any other sum, and thus forever exclude nearly all the voters of that country from participation in the government.

It is no defense to say that this was a provision in the bill as it passed the Senate; for the bill as it came from the Committee on Foreign Relations contained so many iniquities that the Senate overlooked this one, and it is not strange that they did overlook

it, because no one told us that the tax law of Hawaii imposes a poll tax of \$5 per capita. It was simply overlooked. The House amended this provision by providing for the payment of "a poll tax of \$1 for the current year due by him to the government."

That left the voter a chance to qualify under this bill; but the Senate conferees, it appears, have insisted upon the Senate provision, and insisted, therefore, upon disfranchising everybody but the sugar planters of Hawaii and their employees.

Who owns the wealth of Hawaii? The men who have received the \$80,000,000 bonus paid to the sugar raisers of that country by the people of the United States. Who can pay the taxes? These men interested in their own affairs. Who, then, can qualify? No one but those whom they may desire to have qualify and for whom they will put up the money.

Are we going to have this thing, Mr. President? It seems to me this bill, for that provision alone, should be sent back to the conference committee and amended. I do not desire to disfranchise all the people of that country. I do not believe that a man because he is not able to pay this five-dollar tax should be deprived of the right of voting at the next election. If such a restriction as that were imposed in this country, it would disfranchise millions of voters all over the North.

The Ohio coal miner earned, according to the chief mining inspector's report for 1897, \$192 annually; and if he had a family of five, that would be less than \$39 per capita, with which to educate, feed, clothe, and house an American citizen. In 1898 the report shows that the coal miners in Ohio earned \$241 each, which, if there were five in a family, would be \$48 per capita; and this was the average wage in the whole State. These figures are official. If you should impose a tax of \$5 upon them they could not vote.

Are we going to spread this system from our dependencies to the rest of our country? Is this a precedent to be established by the Senate of the United States, by the Republican party, for the future government of this country? I hope not. Therefore, Mr. President, I hope the report will be rejected and this correction made.

Mr. CULLOM. Mr. President, I am inclined to do what I hesitate somewhat to do, and yet perhaps I ought to do it; and that is to take up each of the sections of this bill, with the changes which have been made, and point them out briefly, so that Senators may know what the bill contains somewhat easier and more quickly, at least, than they would be able to do if the discussion should go on without anything of that kind being done.

There are comparatively few amendments to the bill that are of very great importance and consequence. The first amendment which is found in the substitute is in section 4. That section provided:

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

The amendment made to that section by the House, to which the conferees agreed, provides:

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 12, 1898, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

The last provision was added by the House and agreed to by the conferees. It will be found in the print of the bill which has been furnished to the Senate to-day.

Before I go further, I desire to state that the amendments as they appear in the bill which was printed for the use of the Senate to-day only take in the amendments made by the House of Representatives, and not as they were finally agreed to by the conferees of the two Houses.

Mr. COCKRELL. I did not understand that last expression.

Mr. CULLOM. I will state it again. On yesterday the Senator from Georgia [Mr. BACON], and others very properly raised a question of how they could tell what portion of the substitute bill which was reported to the Senate and which was passed by the House was originally passed by the Senate; and hence I made the statement yesterday, and I have tried to comply with it, that the Senate bill was taken up and every amendment made to it by the House has been incorporated in the print of the bill that is now before the Senate, so that Senators can see just what changes the House made in the bill as it passed the Senate; but I am stating now that this bill does not show the amendments or changes made by the conferees to the substitute bill, because Senators had that before them yesterday, and can have it before them to-day. It would have been impossible, without printing almost a book, to get all of the subject before the Senate, so that one could see at a glance exactly what changes have been made. Hence, I have taken this course; and I am calling the attention of the Senate to the amendments to the Senate bill made by the House, and as agreed to by the conferees; so that Senators get it all practically, though I do not propose to go into the details of the amendments in the remarks I am making.

Mr. COCKRELL. What change is made in section 4 as to citizenship?

Mr. CULLOM. I have just stated; but I will state it again, so that it may be understood.

Section 4, as passed by the Senate, provided—

That all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

The House amended it, and the conferees agreed to the amendment by adding this provision:

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 12, 1898, and all citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

Mr. BACON. Will the Senator right there permit me to ask a question for information?

Mr. CULLOM. Yes.

Mr. BACON. I desire to ask the Senator—I probably knew, but have forgotten the provision of the constitution of Hawaii on the subject—as to the extent of citizenship under the republic. Were all the inhabitants made citizens?

Mr. CULLOM. No, sir. There are a class of citizens existing under the republic who declined to take the oath of allegiance.

Mr. BACON. And they were in consequence not citizens?

Mr. CULLOM. They were in consequence not entitled to vote.

Mr. BACON. But were they citizens of the republic?

Mr. CULLOM. I suppose they might be regarded as citizens of the republic.

Mr. BACON. The Senator will see the pertinency of that inquiry when that part of the section is taken in connection with the amendment to which the conferees have agreed, because if they were not citizens of Hawaii on August 12, 1898, they are not now under this bill made either citizens of the United States or citizens of the Territory of Hawaii.

Mr. SPOONER. And they could not become citizens of the United States except by naturalization, and I do not know that they could by naturalization under the existing law.

Mr. BACON. Yes.

Mr. CULLOM. I think the Senate will find that there is scarcely anybody over there who is not entitled to vote, except the Chinese and Japanese.

Mr. BACON. The Senator will pardon me for interrupting him. I am not speaking of the right to vote. A man can be a citizen and not have the right to vote. I am speaking of whether or not on the 12th day of August, 1898, all the inhabitants were citizens, because those of them who were then not citizens are excluded by this bill from being now made citizens. I suggest to the Senator that is a matter of such vital importance that we ought to have definite and absolutely accurate knowledge upon it. It ought not to be a matter of doubt.

Mr. TILLMAN. Has the Senator from Illinois got the Hawaiian code before him at his desk?

Mr. CULLOM. I was just going to say that after I get through with my remarks, I will get the Hawaiian code and give the exact state of the case in reference to that question.

Mr. TILLMAN. If the Senator will send for it now, I can be looking it up whilst he is speaking.

Mr. CULLOM. I do not know whether or not it is in my committee room. It has been carried off, I think, but I shall look it up.

The fifth section was changed by the conferees so that it might be more certain that the Constitution of the United States was extended over the Territory by the act. That is the chief purpose of the amendment to section 5 by the House of Representatives as agreed to by the conferees.

Mr. BACON. What I wanted to know was whether or not the Senator was prepared to say that, under the constitution of the republic of Hawaii, all residents, all bona fide inhabitants—I do not mean visitors, but those who are residents and bona fide inhabitants of the islands—were on that date, under the constitution of the republic of Hawaii, citizens of the republic?

Mr. CULLOM. I understand the Senator's question, and I will state that later on I will get the statutes of the Hawaiian republic and see exactly how they are in that respect.

Mr. BACON. I suppose the Senator desires that we should, as he takes these sections up, ask him such questions as may suggest themselves. I think we shall save time by following that course.

Mr. CULLOM. I have no objection to that.

Sections 6, 7, 8, and 9 were not at all changed after the bill passed the Senate, but they remain in the bill just as it was passed.

Section 10 was amended by the House, but all the amendments made by the House were receded from except the last paragraph, which was added to the bill by the House and agreed to by the conferees. The Senate will remember that the first line of section 10 referred to obligations and contracts. The Senate struck those words out, and then added a section or two with reference to the attitude of contract laborers over there, which was agreed upon

by the Senate, I think, as substantially if not absolutely right. Those sections remain in the bill exactly as they were, except that there was a provision added to the section to which I will call the attention of the Senate.

The last paragraph of section 10 provides:

That the act approved February 26, 1895, "To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

It was thought that that was not necessary to be in the bill, but it did not hurt anything and made it certain that the provision touching that subject would be recognized as applicable and in force in those islands. So, with that addition to section 10, as the Senate passed it, the bill stands to-day as it is before the Senate in the conference report.

Section 11, providing for the style of process, was amended by the conferees so as to insert the word "hereafter." That is all that amounted to. Some of us did not think it was necessary, but one of the conferees thought it was, and so the word was inserted.

Sections 13, 14, 15, 16, and 17, as they passed the Senate, have not been changed.

The eighteenth section, providing that every citizen entitled to vote shall take an oath to support the Constitution, was stricken out, and only that portion retained relating to idiots, insane persons, persons receiving bribes, etc.

Mr. BACON. That has been retained.

Mr. CULLOM. The latter clause in relation to idiots, insane persons, persons receiving bribes, etc., remains in the bill, but the first part of the section is stricken out.

Mr. BACON. I notice that the clause to which the Senator refers, beginning on page 11, at line 24, in the copy I have, is stricken through. I understand that was stricken out in the House and has been restored by the conferees. Is that so?

Mr. CULLOM. What clause is that?

Mr. BACON. On page 11 of the reprint, the last clause to which the Senator has just referred.

Mr. CULLOM. That which I read is retained.

Mr. BACON. It has a line stricken through it.

Mr. CULLOM. But it was reinstated by the conferees.

Mr. BACON. That was the question I asked.

Mr. CULLOM. Sections 19, 20, 21, 22, 23, and 24 were not interfered with by the House, and no changes were made in those sections as passed by the Senate.

The twenty-fifth section was amended so as to punish persons for disorderly or contemptuous behavior in committee, as well as in the house of representatives, to which the conferees agreed; in other words, we inserted the House provision on that subject instead of the Senate provision, which seemed to be a little more satisfactory. I do not think there was much difference in the two sections; but the Senate yielded on that score.

There was no change made in the Senate bill in the twenty-sixth section, but in the twenty-seventh section the provision of the Senate was stricken out and in lieu of it the following was inserted:

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

That is the provision I referred to.

There was no change made by the House or by the conferees in sections 28, 29, 30, 31, 32, and 33, and they remain in the bill as it was passed by the Senate.

In the thirty-fourth section, relating to the qualifications of senators, an amendment was made requiring senators to have attained the age of 30 years instead of 25 years.

There was no change made in sections 35 and 36. In section 37, after the word "vacancies," the words "in the office of representative" were inserted.

Mr. BACON. The Senator will pardon me a moment. The Senator will recognize that section 34 may be very materially dependent for its construction upon the section to which I first called the attention of the Senator, which relates to the question as to whether or not all inhabitants were citizens on the 12th of August, 1898; because if it should be found to be, as has been suggested, that there was a large part of the then inhabitants not citizens, they would be made ineligible, of course, under this language inserted in section 34, to any office, because they could not vote.

Mr. CULLOM. I was going to say that this section provides that a person, in order to be eligible to the office of senator, shall be a male citizen of the United States and shall have attained the age of 30 years, instead of 25 years, and—

have resided in the Hawaiian Islands not less than three years, and shall be qualified to vote for senators in the district from which he is elected.

Mr. BACON. I understand; but I was simply calling the attention of the Senator to the fact that it may be necessary to recur to that section if it is found necessary to amend section 34.

Mr. CULLOM. The purpose of the committees of both Houses

was finally that, barring Asiatics, every other man in the Territory should have the right to vote.

Mr. SPOONER. I should like to ask the Senator from Illinois a question, if he will recur to section 28 of the Senate bill. Upon what theory was it that the clause there giving to each house the power to determine the rules of its proceedings was stricken out? What objection was there to that?

Mr. CULLOM. It is section 27.

Mr. SPOONER. It was section 28 in the Senate bill, and provided—

That each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Upon what theory was the phrase "That each house may determine the rules of its proceedings" stricken out? Do you think we can improve much upon the Constitution of the United States and all the State constitutions on that subject?

Mr. CULLOM. The supposition is that they have that right. Each house is to determine the rules of its own proceedings.

Mr. SPOONER. The framers of the Constitution of the United States did not proceed upon that theory, nor did the framers of the constitutions of the various States.

Mr. CULLOM. That may be.

Mr. SPOONER. That is true.

Mr. CULLOM. The truth is that each house the world over determines the rules by which it governs its own proceedings; but the provision put in here that each house may punish its own members for disorderly behavior, neglect of duty, etc., seemed to be necessary. The House conferees insisted upon it, and we consented to it.

Mr. BACON. May I ask the Senator how are the qualifications of the members of the two houses to be determined if this conference report shall be adopted and the bill becomes a law?

Mr. SPOONER. If the provision is left in that each house shall have the power to determine the elections and qualifications of its own members—

Mr. CULLOM. There was no change there, I think. I was referring to the thirty-fourth section, as to the qualifications of senators; that the age for a senator should be fixed at 30 years instead of at 25 years.

There is no change made in the thirty-fifth and thirty-sixth sections.

In section 37, after the word "vacancies," the words "in the office of representative" were inserted. As the bill stood it was somewhat indefinite, and so those words were put in by the conferees.

There is no change made in section 38 of the Senate bill, and there is no change in section 39.

At the end of section 40 the words "in the district from which he was elected" were inserted, and the conferees agreed to that. The suggestion was that without those words a member of the senate might be elected from a district in which he did not reside.

There were no changes in sections 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, except the last clause of section 51 was stricken out of the Senate bill and in lieu of it a paragraph was inserted by the House, which stated the law more clearly, but which is substantially the same thing, as I construe it.

Mr. JONES of Arkansas. What change does the Senator say has been made in section 40?

Mr. CULLOM. At the end of the section the words "in the district from which he was elected" were inserted.

Mr. JONES of Arkansas. I do not see anything in the print of the bill I have to indicate any change of that kind.

Mr. SPOONER. That is section 34, on page 16 of the reprinted bill.

Mr. JONES of Arkansas. The Senator from Illinois said section 40.

Mr. CULLOM. I did; and I have an impression, though I am not sure of it—

Mr. JONES of Arkansas. These amendments ought to appear at the places indicated.

Mr. CULLOM. The provision as to residence is made applicable, as I think, to the whole of the section referring to senators and representatives.

Mr. SPOONER. There is no reason why it should refer to one and not to the other.

Mr. CULLOM. No; I think not; but I say I thought when I prepared this statement that we had actually made the amendment applicable to senators and representatives alike.

Mr. JONES of Arkansas. Then why should not the print of the bill show it?

Mr. CULLOM. The bill does not show that as to the house of representatives, but I take it it will be so construed, at any rate.

Mr. SPOONER. Mr. President, I should hardly think so. If the law provides that the senator shall be a resident of the district from which he is elected, but makes no provision whatever on the subject as to the representative, the inference would be very clear

that that restriction was not intended to be placed upon the representative.

Mr. CULLOM. I find that the House bill as amended by the conferees does have the provision in it, and it reads:

And shall be qualified to vote for representatives in the district from which he is elected.

Mr. JONES of Arkansas. What section?

Mr. CULLOM. That is section 40.

Mr. JONES of Arkansas. Then it is a mistake in the print we have on our desks.

Mr. CULLOM. That has been dropped out by my clerk.

Mr. JONES of Arkansas. It is in the official copy—the conference report?

Mr. CULLOM. It is in the copy before the Senate.

Mr. JONES of Arkansas. In the conference report, signed?

Mr. CULLOM. The report is signed.

Mr. JONES of Arkansas. Are those words added?

Mr. CULLOM. The words are added in red ink in this copy?

Mr. JONES of Arkansas. In this copy there is nothing to show there is an amendment of that kind, but if it is in the conference report, of course it is all right.

Mr. CULLOM. I will read it. The original provision as it passed the House simply read as follows:

And shall be qualified to vote for representatives.

The conferees then added the words:

In the district from which he is elected.

Mr. BACON. It is in the reprint which we had on yesterday, which shows—

Mr. CULLOM. It was left out of it by mistake. There is no possible doubt about it being in the bill to be adopted.

Mr. SPOONER. That is all right.

Mr. CULLOM. Is that satisfactory to the Senator from Arkansas?

Mr. JONES of Arkansas. Entirely so. If it is in the official copy, it makes no difference whether it is in this copy or not; it will be all right.

Mr. CULLOM. It is. I ran over the numbers of the sections of the Senate bill wherein no changes are made, being sections 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, except the last clause of section 51, which was stricken out of the Senate bill, and in lieu of it a paragraph was inserted by the House which stated the law more clearly, but which, I think, is substantially the same thing.

Mr. JONES of Arkansas. Is there not a change in section 47? The word "chairman" is stricken out and the words "presiding officer" inserted in italics. I do not know what this print means exactly.

Mr. CULLOM. That is in the bill. It is pretty difficult in handling so many bills to state the facts offhand. To what section does the Senator refer now?

Mr. JONES of Arkansas. Section 47. The word "chairman" is stricken out and the words "presiding officer" inserted. It is a very small matter.

Mr. CULLOM. That is in the bill before the Senate. I recollect it very well.

I wish to say that some of the sections I regarded as of very little consequence, and I did not incorporate them in this statement, because I did not have the time, and it would have required a good deal of work to do it so as to have what I state in my remarks accord exactly with the facts in the bill.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. SPOONER. I see that in section 46 of this reprint, with respect to the reading of bills, it is provided—

That a bill, in order to become a law, shall, except as herein provided, pass three readings in each house on separate days.

The words "on separate days" are in italics, and of course that is an amendment. Was that agreed to by the conferees?

Mr. CULLOM. I would rather read it, so as to be sure. What section is that?

Mr. SPOONER. Section 46.

Mr. CULLOM. This is the way the bill reads as reported:

That a bill, in order to become a law, shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by yeas and nays and entered upon its journal.

That is the section as it appears in the conference report. Is that satisfactory?

In section 52, as will be seen by the Senate, the word "Hawaii" was stricken out and the words "Territory of Hawaii" substituted, to make it more clear and so that it should be more properly stated. That is the only change from the Senate section. I think I would rather use the conference report for the next item.

In section 53 there was no change made in the Senate section. I now come to section 54, and here is a provision about which I

have no doubt there will be difference of opinion in the Senate, and I will read the whole of the section:

That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills—

Down to and including that word it reads exactly as does the Senate bill. I call attention to the remainder of the section. The Senate struck out the remainder of the section, the House restored it, and finally the conferees agreed to it. It reads as follows:

and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this act shall take effect shall be available to the government of the Territory of Hawaii.

That provision was not in the Senate bill; it was in the House bill, and the Senate conferees finally agreed to it.

Mr. BACON. I think that is a question about which there was a great deal of discussion when the bill was before the Senate.

Mr. SPOONER. The Senate struck it out.

Mr. BACON. I understand that. The Senate struck it out after elaborate debate. It is true it is limited to current expenses; and if there were a provision there which limited the time within which the governor should call the extra session of the legislature, I do not know that there would be any very great objection to it. But there is no limitation of time; and if the governor—of course we will not presume that he will fail to do his duty—

Mr. SPOONER. If the Senator will pardon me, it says the governor shall, upon the adjournment of the legislature, call an extra session.

Mr. BACON. I understand, but it does not state within what time it shall be convened. He might put it off ten months.

Mr. JONES of Arkansas. Upon the adjournment of the legislature, I should think, means immediately.

Mr. SPOONER. Yes.

Mr. TILLMAN. What about the situation in Pennsylvania?

Mr. BACON. Very well, if it will be so construed.

Mr. CULLOM. While that is not a usual provision in legislation, yet after considerable contest and controversy and discussion the Senate conferees agreed to it, believing that if it did not turn out to be satisfactory and work well it could be repealed hereafter.

Section 55 contains an amendment made by the House and agreed to by the conferees, which is to strike out the word "or" and insert "and," so that it will read:

That no corporation, domestic or foreign, shall acquire and hold real estate, etc.

I have not quoted the whole section, but Senators can see the provision in the bill. The purpose of it is to limit the holding of real estate by corporations to a thousand acres.

Mr. BACON. It seems to me that this is an exceedingly drastic amendment. I think the limitation of the number of acres a corporation may hold is all right. We have a similar law in my own State; but for it to go on and prescribe that whenever such title shall pass to a corporation it shall immediately escheat to the Government of the United States, it seems to me, is an extremely rigid provision. There ought to be rather than that some provision by which the court could distribute the property or administer the property in the interest of those justly entitled to it. But it ought not to say that if, by any means, title shall vest in a corporation—

Mr. SPOONER. It may take it in payment of debts.

Mr. BACON. Certainly. There are a number of ways in which a corporation may come into title, legal or equitable, to property, and to say that it shall be immediately forfeited—I do not know that there is any parallel to such a provision in any law, State or Federal. I certainly have never heard of one.

Mr. CULLOM. The Senate knows and the country knows that the tendency in those islands—and we are not entirely free from it anywhere else in this country—is for corporations to accumulate immense tracts of land and prevent the ordinary citizen or newcomer from getting a footing at all in real estate; and the purpose of this was to stop that if we could.

Mr. BACON. I think that is entirely proper.

Mr. CULLOM. And let the people get homesteads and tracts of land to cultivate, and for other purposes.

Mr. BACON. I think it is entirely proper to stop it, but the question is whether the remedy is a proper one. It would be very well to prohibit it, and then leave it to the courts to say what shall become of the property. Of course, if this last provision were not in it, and legal proceedings were not had to prevent a corporation from holding it, the courts would distribute the property necessarily to those who are entitled to it. They would administer it in the interest of those who are entitled to it. But here is an express provision that if a corporation ever does acquire such title, it shall immediately, without any possibility of appeal or redress of any kind, be forfeited, and escheat to the Government

of the United States. I think, if there is no other thing, that that single provision ought to be sufficient to induce the Senate to send the report back to the conference committee in order that it may be corrected.

Mr. CULLOM. My judgment is that it is a tolerably salutary provision for that Territory for a while, if not always, and I hope it will remain in the bill.

Mr. TILLMAN. I notice that accompanying the same provision there is no interference with existing or vested rights, and therefore the question arises at once whether or not there are not now corporations which hold in excess, and a good many of them, and that these existing corporations, the sugar companies of which we have heard so much, will thereby, under this provision, have a monopoly, so to speak, of the right of having enough capital, for instance, to organize a sugar factory. We know that unless there is something like a thousand acres or more than that tributary to a large sugar mill it can not run; and would not the existing sugar mills force all the balance of the country capable of being planted in sugar to be tributary to them by reason of the fact that no other corporations could organize? There must be some hidden purpose here. I am not now insinuating that the Senator from Illinois is cognizant of it or in any way mixed up in it, but I should like to know why this provision is put in here.

Mr. CULLOM. If the Senator wants to find out how it got in here, he will have to go to the House of Representatives.

Mr. TILLMAN. It was put in in the House, and the Senator said he thought possibly it was a salutary one. I threw out the idea which occurred to me, and I should like to have the Senator explain it, if he knows anything about it.

Mr. CULLOM. The Senator knows, and he has already stated, that there are very large corporations there—

Mr. TILLMAN. And they are not interfered with.

Mr. CULLOM. How are you going to interfere with them? You can not interfere with them by law.

Mr. TILLMAN. If one corporation is good—

Mr. CULLOM. How can you do it? You can pass a law that will prevent a continuation of the grasping spirit of these people and restrict their power to get possession of all the land.

Mr. JONES of Arkansas. Does the Senator from Illinois admit that corporations now holding more than a thousand acres would not be limited by this provision?

Mr. CULLOM. They will be limited as to buying any more, but we can not interfere with what they have if they have a deed to it.

Mr. JONES of Arkansas. I should think the Government has power to limit their right to hold real estate. In this paragraph the language is to acquire or to hold.

Mr. PETTIGREW. The Senator will see in the latter part of the paragraph a provision for the protection of corporations now in existence.

Mr. SPOONER. It is prospective in its operation.

Mr. CULLOM. It is prospective entirely.

Mr. PETTIGREW. The paragraph will be entirely harmless for the reason that any body of men can organize just as many corporations as they please, each holding a thousand acres, and run them all under one management. Further than that, the land is all taken up anyway. There remain nothing but volcanic fields of lava and a few thousand acres of high ground between the two great mountains of the island of Hawaii, which is adapted to grazing purposes. The missionaries have captured it all and organized corporations, and got the control of everything worth having.

Mr. TILLMAN. Then why put in this provision prohibiting them invading that beautiful paradise any more?

Mr. CULLOM. I do not know whether or not the Senator from South Carolina is answering the Senator from South Dakota, but the provision is in there, and on its face it is for the future; to prevent hereafter the accumulation of these immense estates as against the masses of the people who may want to go there and get homes, if they can. That is all there is of it.

Mr. BACON. You allow corporations which have land in excess of the limitation to retain it?

Mr. CULLOM. Will the Senator tell me how he is going to get rid of the ownership of land by the corporations or individuals, either, to which they have title under the law?

Mr. JONES of Arkansas. I think the Government has the right to limit the power of these corporations to hold real estate.

Mr. CULLOM. Certainly it has.

Mr. JONES of Arkansas. They are under the control of the Government, and the Government can do what it pleases with them.

Mr. CULLOM. That is the purpose of this provision.

Mr. JONES of Arkansas. No.

Mr. CULLOM. Are you going to take away from them what they already have?

Mr. JONES of Arkansas. Why not say that no corporation in the islands shall hold more than 1,000 acres of real estate?

Mr. CULLOM. You may do that, and compel them to sell; but it seems to me there is no occasion for it.

Mr. JONES of Arkansas. Then there is no occasion for preventing any other corporations from holding any more than that hereafter.

Mr. CULLOM. Let me say that most of the corporations existing there have already acquired large tracts of land. In the interest of the production of sugar, they have been compelled to expend very large amounts of money, and if they had not done so the sugar plantations which they have established would not have been made at all, because otherwise they could not do it. I know the situation there. The sugar lands and sugar cultivation begin at the foot of the hills, and they go up the hill as far as they can get water on the land—on the island of Hawaii, for instance.

At one time they supposed that they had got as high up the hills as they could go, because they could not get water, but it turned out finally that they could erect pumping works, which cost hundreds and hundreds of thousands of dollars, and I do not know but that some of them cost millions of dollars, by which they throw the water up the hill say 500 feet more, and that makes an additional amount of land which becomes good sugar land. Such corporations exist there where they had to have water, and I do not think it would be fair to them to—

Mr. TILLMAN. I agree with the Senator from Illinois that it would not be fair to try to take those vested rights away, but I do not see why we should limit it and prevent new capital from going in and pumping water up other slopes elsewhere, unless the present occupants of the country want a monopoly of the growth and manufacture of sugar and desire to force all future enterprises to submit to their dictation as to toll.

Mr. CULLOM. The House passed the bill, and it seems to me it is plain what was desired. The Senate conferees believed that it was in the interest of the masses of the people, and finally agreed to the House amendment. That is all I can say about it, and I think it will work to the advantage of the people out there, stopping the abuse as well as we can under the general law.

The remark of the Senator from South Dakota that the lands are all gone already, and so on, I do not think is exactly true.

Mr. PETTIGREW. It is practically true.

Mr. CULLOM. If it is true, as he says, this does not amount to anything?

Mr. PETTIGREW. No.

Mr. TILLMAN. If it had not been true, this provision would not have been put in by the House.

Mr. CULLOM. I suppose not.

Mr. JONES of Arkansas. It does seem to me that this sort of legislation is absolutely indefensible. I do not see why you should undertake to make a rule applicable to people who may enter into this business that is not applicable to those already engaged in it.

Mr. CULLOM. The next is section 56. There is a slight amendment in it.

Mr. PETTUS. Before the Senator passes from this section, I wish to ask him a question. I see an amendment in this section—

Nor shall saloons for the sale of intoxicating drinks be allowed.

I do not believe in the idea of regulating the morals of other people until we get so that we do not have any such thing here. I do not see why the Congress of the United States should prohibit it to other people.

Mr. CULLOM. If the Senator will allow me, I will read just what the amendment to that provision is. The words "nor shall saloons for the sale of intoxicating drinks be allowed" are stricken out, and words inserted as follows:

Nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide.

Mr. PETTUS. That does not appear in this copy.

Mr. CULLOM. It is in the conference report. No amendment made by the conferees appears in the bill which the Senator has. Is that satisfactory to the Senator?

Mr. PETTUS. If that is to be the law, it is.

Mr. CULLOM. That is in the bill reported by the conferees. Sections 57 and 58 were not amended.

Mr. SPOONER. Will the Senator allow me? There is an amendment marked here at the end of section 55—

No retrospective law shall be enacted.

Mr. CULLOM. That was stricken out.

In section 59 the minority provision with respect to voting for representative was stricken out by the House and agreed to by the conferees. The Senate had a provision in the bill which provided for what we call minority representation. They had it out there, and it being in Illinois, so far as I was concerned, I was willing that it should stay in the bill. The House struck it out, and I was entirely satisfied to let it go. I suppose the Senate is.

Mr. TILLMAN. Will the Senator tell us why he changed the mandatory provision in regard to the creation of counties? It was "shall" in the Senate bill and is "may" in the conference report.

Mr. JONES of Arkansas. What section is that?

Mr. TILLMAN. Section 56 in the conference report.

Mr. CULLOM. We have gone by that. The conferees regarded the word "may" as all that was necessary.

Mr. JONES of Arkansas. The Senator stated that there was no change in section 56.

Mr. CULLOM. It is left in the discretion of the legislature to do as it thinks best.

Mr. SPOONER. I think that is an improvement.

Mr. TILLMAN. It depends upon whether they propose to have an oligarchy in Honolulu and to run the whole business and make everybody come over there, or allow the people to have some local self-government.

Mr. CULLOM. This is in the direction of local self-government in that respect. The power remains in Congress to change it if it turns out not to be satisfactory. If any portion of the people get possession of the government by appointment to office or otherwise and abuse the people, the power will be in the hands of Congress to change it whenever it chooses.

Section 60 was amended by the House and subsequently amended by the conferees, so that the provision will read as I will read it. I think I had better read it from the substitute bill reported by the conferees, so that we may know exactly what it is. The fifth subdivision of section 60, as agreed to by the conferees, reads as follows:

Fifth. Prior to such registration have paid on or before the 31st day of March next preceding the date of registration all taxes due by him to the government.

That is the provision which was discussed by the Senator from South Dakota before I took the floor. That is as it appears in the conference report.

Mr. BACON. I think slight consideration will show that to be a very great injustice to the people of Hawaii, because the 31st day of March is already passed, and these people have not heretofore been recognized as having taken advantage of the conditions prescribed by the law; and with this remaining as it is, it will limit the voters in the next election to those who voted in the former election, which, I understand, is less than 3,000 people in the whole islands. I may be mistaken about that, but if so, I hope the Senator from Illinois will point out in what way I am mistaken, because if that is the truth it certainly ought not to be approved by the Congress or made the law by the Congress. We should not put in the organic law a provision in which there is a date fixed which absolutely and irrevocably determines that in the original organization of this Territory nobody shall vote except those who voted in the last election. That is practically the effect of it. If it is not the effect of it, I hope the Senator from Illinois will point it out.

Mr. TILLMAN. There is another phase of this question. I think this is the most important matter in the whole bill. The per capita taxes in Hawaii are \$5—\$1 for poll tax and \$3 for schools and \$2 for roads. It is in this bill, and the Senate provision, which they have left in, simply provides that those \$5 must have been paid before the 31st day of March or no person can register for the next election. I am speaking now about those who do not pay anything but the capitation taxes, the poor men. Therefore we will limit the suffrage to those who have paid their poll taxes of \$5 prior to the 31st day of March, just gone. Under that provision as it stands, as the Senator from Georgia just pointed out, the suffrage will be limited to that extent that the electors in the next election will have it in their power to elect a legislature which may double or treble the poll tax, and these poor devils never will get the franchise.

Mr. PETTIGREW. That is unquestionably the purpose of the bill. As the bill was first brought into the Senate it was clearly the purpose to limit the franchise simply to sugar planters and the men in their employ. That provision we corrected in a measure in the Senate. But we left in this provision. Now, the House corrected it by providing for a poll tax of \$1, but the conferees on the part of the Senate appear to have insisted upon this provision, which disqualifies practically everyone from voting except those whom the sugar planters want to have vote. Under this provision a graduate of Yale or Harvard College, if he failed to pay the poll tax on the 31st day of last March, is disqualified from voting for members of the legislature, and then the next legislature can impose conditions which would shut him out forever. It does not seem to me that this ought to be tolerated.

There are other taxes. The law provides that an annual tax of \$1 shall be paid by every male inhabitant of the Territory between the ages of 20 and 60 years, unless exempted by law. It also provides that an annual tax of \$2 for the support of public schools shall be paid by every male inhabitant of the Territory between the ages of 20 and 60 years, unless exempted by law.

The next paragraph provides that an annual road tax of \$2 shall be paid by every male inhabitant of this Territory between the ages of 20 and 60 years, unless exempted by law.

Then there is a tax on personal property, and then there is this provision:

SEC. 814. All male animals of the dog kind shall be subject to an annual tax of \$1 each, and all female animals of the dog kind shall be subject to an annual tax of \$3 each, to be paid by the owner thereof.

So if a man has a dog or two dogs, there is an additional tax of \$4. Then there is this further provision:

SEC. 832. If any property taxes shall remain unpaid after the 15th day of November in any year, 10 per cent of the amount of such taxes shall be added by the assessor to the amount of such taxes at said date, and shall become and be collected as part of such taxes.

SEC. 833. If any personal taxes or dog tax shall remain unpaid after the 31st day of March, 10 per cent of such taxes shall be added to the amount of such taxes at said date by the assessor, and shall be collected as part of such taxes.

Therefore if those people have failed to pay for two or three years, the tax runs up to many dollars. The probabilities are that there is an exceedingly small number of people who will be able to vote under this provision. At the last election in Hawaii I understand that there were about 2,200 votes cast. Under this provision I believe the number must certainly sink far below that figure. Yet at the last election held under the monarchy, before they established a republic in that country, there were between 13,000 and 14,000 voters in Hawaii, and that excluded all the Asiatics.

I wish to ask a question of the Senator from Illinois, who is more familiar with this subject than I am. I want to know whether this provision has been repealed?

Mr. CULLOM. Which provision is that?

Mr. PETTIGREW. It is paragraph 864 of the laws of Hawaii.

Mr. CULLOM. I would not be able to answer that unless I took the time to go through all the sections, paragraphs, chapters, etc., which have been repealed.

Mr. PETTIGREW. I wish to call the attention of the Senator—

Mr. CULLOM. But I can answer in a general way that all the laws of Hawaii not inconsistent with the Constitution or the laws of the United States or with the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii.

Mr. PETTIGREW. Now, here is this provision:

SEC. 863. In case of personal taxes due and unpaid on the 1st day of January in each year, if no personal property can be found whereon to distrain, the assessor may cause the arrest and detention of the person of such taxpayer by and under a warrant issued and signed by the assessor or his deputy, in substance in the form following, viz:

Territory of Hawaii, island of —, district of —:

To —, chief sheriff, or any constable or police officer of the district of —, island of — of —, in the island of —, having failed and neglected to pay the sum of — dollars assessed upon him for personal taxes for the year —, now due and unpaid, and no property being found belonging to the said — whereon to levy by distress:

Therefore, by virtue of the authority in me vested by law, I hereby order and command you to forthwith arrest and take said — before —, district magistrate of —, island of —, to show cause, if any he has, why he, the said —, should not be sentenced by said magistrate to be imprisoned at hard labor until he discharge the amount of said tax and costs as by law provided.

Hereof fail not, but of this order, with your proceedings thereon, make due return. Given under my hand this — day of —, A. D. —.

Assessor of — Division, Island of —.

SEC. 864. The officer receiving such warrant shall forthwith arrest the person therein named and take him before the district magistrate named in the warrant. Such magistrate shall, if no legal cause be shown for the nonpayment of said personal taxes, sentence such person to be imprisoned at hard labor until he discharge the amount of such taxes and the costs of arrest and hearing at the rate of 50 cents per day.

Costs shall be the usual costs of district courts.

The payment at any time of the amount of taxes and costs due shall release the person arrested.

I have seen the Republican papers of the North protesting very loudly that some of the Southern States had enacted a provision like this.

Mr. TILLMAN. What is the number of the section that the Senator from South Dakota has read?

Mr. PETTIGREW. I am reading from the laws of Hawaii, page 121, sections 863 and 864. As I understand it, this provision is not repealed. In other words, we reenact it, and that, along with the disfranchisement of these people, it seems to me will leave the Republican party where it can no longer complain, no matter what conditions are imposed by any State or any locality to disfranchise the inhabitants of any State or locality.

Mr. CULLOM. Mr. President, I am not able to get my eye on all of the sections that bear upon this question. Of course at the regular election that provision could be enforced. My belief is, however, that at the first election, if an election should be called by the governor before the regular session, there would be no requirement on the part of the governor and no rule by which he could be governed as to the registration at all, and he could register everybody if he wanted to do so.

Mr. PETTIGREW. It does not say so.

Mr. CULLOM. I think there are sections which result in that conclusion. Of course it applies to regular elections; but if it

applies to regular elections, perhaps it will be said it might as well apply to all.

Mr. JONES of Arkansas. If the Senator's construction of that is correct, why do you put in the words "prior to such registration?"

Mr. PETTIGREW. Why did you not agree to the House provision?

Mr. JONES of Arkansas. Yes. It is "prior to such registration" that this tax has to be paid. So when the registration comes to be made, the question whether he has paid this tax will be raised.

Mr. CULLOM. The provision reads "prior to each regular election;" not special but regular election.

Mr. JONES of Arkansas. I am reading it, which is the best that I can do. It says "prior to such registration."

Mr. CULLOM. I understand. From what section is the Senator reading?

Mr. JONES of Arkansas. I am reading paragraph 5 of section 60, the one which contains the language the Senator read a few minutes ago.

Mr. CULLOM. Let us see how it reads in the bill. Section 60 reads as follows:

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

All that refers to the regular election.

Mr. JONES of Arkansas. But the language of the law that you propose distinctly says that "prior to such registration" this tax must be paid.

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. The person can not be registered unless the taxes are paid.

Mr. CULLOM. That is true.

Mr. JONES of Arkansas. Then the purpose of it is to cut him out. That is exactly the complaint made by the Senator from South Dakota.

Mr. PETTIGREW. He can not vote at any election.

Mr. CULLOM. That connects with the fourth paragraph, referring to the regular election.

Mr. PETTIGREW. If the person is not registered, he can not vote at any election.

Mr. CULLOM. I think he can; but whether he can or not, in the first place, the people who I suppose the Senator would think were affected most by that paragraph are the native Hawaiians. The truth is that they have never had any trouble with the native Hawaiians on the question of preparing themselves for voting.

Mr. TELLER. Why?

Mr. CULLOM. Because they are always ready to pay their tax.

Mr. JONES of Arkansas. There will be trouble after this.

Mr. PETTIGREW. If the Senator will allow me, it is well known to the commission who visited the islands and to everybody else that the native Hawaiians did not register and did not vote because they protested against the overthrowing of their government by these people.

Mr. CULLOM. Of course many of them did not vote.

Mr. PETTIGREW. They are not registered, and they have not voted.

Mr. CULLOM. But it was not because they did not pay their taxes. It was because they did not know what was going on and did not feel satisfied at first to vote under the republic. That is the meaning of that.

Mr. JONES of Arkansas. Does the Senator from Illinois admit as correct the fact stated by the Senator from South Carolina [Mr. TILLMAN], as he understands it, that the present poll tax in the Hawaiian Islands is \$5 per head?

Mr. CULLOM. I do not know what it is.

Mr. PETTIGREW. I have just read the law.

Mr. TILLMAN. Here is the law of Hawaii, with the section providing for a capitation tax.

Mr. JONES of Arkansas. If that is the case, aside from every other fact presented in connection with this matter in the Senate, the Senate ought to reject the conference report for that reason. Here is the provision that went to conference:

Prior to such registration have paid a poll tax of \$1 for the current year.

The Senate conferees agreed to strike that out, and the House put in the provision that "on or before the 31st day of March next preceding the date of registration all taxes due by him to the Government" shall be paid. To leave that poll tax of \$5 per head in force against the poor people of that island is a shame, as it seems to me, and it ought not to be tolerated.

I believe that for that reason, and that alone, the Senate ought to send this conference report back to the conference committee and let them bring back a provision for a tax of not more than a dollar a head. The truth is, that with the wealth that has been accumulated in this great country of ours I have begun to believe and to feel that to collect a tax from a man who has no property, simply because he breathes the air of this free Republic—a tax of even \$1 a head—is wrong; that it ought not to be tolerated. None of our States, so far as I know, collect more than a dollar a head of poll tax, and that is enough in all conscience. That is one which has been sanctioned a long time, and I would make no special objection to it, though I would very much prefer to have none. When the proposition is that we shall pass a law here that shall impose a collection of \$5 per head of poll tax, I for one am not willing to submit to it under any conceivable circumstances.

Mr. CULLOM. The Senator gets very much excited about a small thing.

Mr. JONES of Arkansas. Five dollars a head is no small thing for a poor man.

Mr. CULLOM. I never thought much of a poll tax; and when that poll-tax provision was stricken out, I supposed, as a matter of fact, that the people there who are entitled to vote would probably have no tax to pay at all; that if they do not own anything they would not have to pay a tax; and if they do own anything on which they should pay a tax, they ought to pay it. That is all there is of that.

Mr. JONES of Arkansas. Yet the Senator admits that there is a poll tax of \$5 a head on all those people, as was read from the law here. This is a proposition to keep that in force.

Mr. CULLOM. But it remains for the legislature to wipe that poll tax out, and any other tax that is burdensome to the people.

Mr. JONES of Arkansas. When you allow a handful of men who own the property and are interested in making the poor people pay a poll tax to select a legislature, it is something like submitting the lamb to the tender mercies of the wolf.

Mr. CULLOM. The Senator goes on the theory that if a man owns anything, he is bound to oppress somebody. I do not believe in that doctrine myself.

Mr. TELLER. I wish to ask the Senator from Illinois, if it is agreed that this principle shall be applied only to taxes on property, what is the objection to letting the report go back and have the poll-tax provision stricken out?

Mr. CULLOM. I would abolish the poll tax if I did anything with it. I do not believe in it.

Mr. TELLER. I do not, either. I do not believe that anybody ought to be compelled to pay a tax before he votes. I do not think anybody ought to buy his suffrage in that way.

Mr. CULLOM. The Senator is aware that in some of the States they have a poll tax, and probably the Senator knows how it works. The politicians or candidates run around and try to find everybody who is not able to pay the poll tax to vote for them, and they offer to pay the poll tax.

Mr. TELLER. I want to say to the Senator that is the only objection I have to a poll tax. Since I have been a member of the Senate I was told by a man in public life, holding a high office, that he had bought \$40,000 worth of poll taxes in his State. Now, that is an indirect way of purchasing votes.

Mr. CULLOM. Exactly.

Mr. SPOONER. It is not so very indirect, either.

Mr. TELLER. Well, it is just about as direct as when a candidate pays any indebtedness. If a man owes \$5 and some candidate desires his vote and pays it and gets his vote, that is a purchase of that vote. I say it is absolutely inconsistent with the principle of good government to make the suffrage conditioned upon paying taxes. I am in favor of striking out all that provision, and I think the Senate would be in favor of it if we could get a vote on that proposition. It certainly is not a wise thing to do. A man may have but little property and not be able to pay the tax. Should he be deprived of his citizenship?

Mr. SPOONER. If the Senator will allow me, we struck out the property qualification.

Mr. TELLER. Certainly; we intended to give free suffrage there, and we did not intend to give it after this legislature had given it to them. We intended to give it to them ourselves, so that they might be able to vote in the next election.

Mr. CULLOM. As a matter of fact, when we struck out the poll tax, if I may be allowed to state the fact—

Mr. TELLER. Certainly.

Mr. CULLOM. It was largely on my motion. I did not believe in it.

Mr. TILLMAN. You mean the property qualification?

Mr. CULLOM. No; I mean in conference. When it was suggested that a voter before registering should pay his taxes, it occurred to me that the poor man did not have any to pay if he did not own property; that the great mass of the poor people not owning much, if anything, would not have any tax to pay at all, and

therefore it would be much easier for him to pay a little tax, if he had anything to pay it on, than to be constrained to pay a poll tax.

Mr. JONES of Arkansas. Now, as the Senator finds there is a tax of \$5 a head, I suppose he will be perfectly willing to have the report go back to the conference committee and let that be stricken out.

Mr. CULLOM. If it should go back, I would be in favor of striking it out; of course I would.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

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

Mr. SPOONER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside for the further consideration of the conference report. Is there objection? The Chair hears none.

Mr. CHANDLER. Before that is agreed to, I wish to say that there were one or two Senators who intended to speak upon the Pennsylvania resolution to-day. This conference report has occupied so much time that they will not speak to-day, and that resolution may go over until to-morrow if it has not already gone over until to-morrow.

I also wish to say that to-morrow there must be debate upon the Pennsylvania resolution. There is only to-morrow and Monday and until 3 or 4 o'clock on Tuesday for debate, and Senators in charge of this measure and in charge of the Alaska code bill must take notice that to-morrow will be given to debate upon the Pennsylvania resolution. I see the Senator from Arkansas rising. He secured an understanding that anyone wishing to speak upon the Pennsylvania resolution should have preference, as I understood, over all other speakers and all other business.

Mr. JONES of Arkansas. My understanding of that unanimous-consent agreement was that the Quay case was to be taken up and considered up to a certain time, giving preference to conference reports and appropriation bills, and that they had the right of way above every other consideration.

Now, I suppose there will be no difficulty about a general agreement to the proposition suggested by the Senator from New Hampshire that the resolution shall go on to-morrow, but I do not think he has a right to say to Senators that they must lay aside conference reports for the purpose of taking that case up to-morrow.

Mr. CHANDLER. I was only doing it because I wanted to carry out the new understanding which the Senator from Arkansas secured when the agreement was made, that in addition to the continuous consideration there should be a vote on next Tuesday. I certainly was cooperating with him; I thought I was.

Mr. JONES of Arkansas. There was no new unanimous-consent agreement proposed by the Senator from Arkansas. I have always insisted that the Senate should observe the agreement they made, and I was simply calling the attention of the Senator from New Hampshire to what the agreement was rather than finding fault with what he proposed.

Mr. CHANDLER. But certainly the Senator from Arkansas himself secured an understanding that up to next Tuesday at 3 or 4 o'clock—I forget what hour—at which the vote is to be taken—

The PRESIDENT pro tempore. At 4 o'clock.

Mr. CHANDLER. At 4 o'clock if anyone wished to speak upon the Pennsylvania resolution, he should have preference over all other speakers.

Mr. JONES of Arkansas. I stated he should have that right. But the Pennsylvania resolution was to be considered subject to the prior rights of appropriation bills and conference reports.

Mr. CHANDLER. Then I did not understand the Senator from Arkansas aright. I do not think there will be any trouble about it, because I consent that the Pennsylvania resolution shall go over until to-morrow.

The PRESIDENT pro tempore. Without objection, the resolution will go over until to-morrow.

Mr. CHANDLER. I will ask the Senator from Illinois whether he will have concluded his remarks upon the conference report before the close of the routine morning business to-morrow?

Mr. CULLOM. It looks a little bit uncertain as to when I shall get through. But I am trying as best I can to give all the information that the Senate wants with reference to this bill.

Mr. STEWART. Will the Senator allow me to make a suggestion right here in regard to that point?

Mr. CULLOM. Yes.

Mr. STEWART. I am so unalterably opposed to making the payment of a poll tax a condition precedent to voting, and I am so unalterably opposed to a property qualification for voting, that I think it is a matter that should not be left in doubt in this case. I advise the Senator by all means to withdraw his report if there is any uncertainty about it and have it made certain. If we adopt

an educational qualification, that I think is all right, and I agree to it. I agree that suffrage will be sufficiently exclusive in those islands with that qualification, but I ought not to go any further.

I have seen some of the operations of a poll tax. We had it in Nevada as a condition of voting, and it was a very demoralizing element in politics and led to abuses, and the people grew sick of it and repealed it. There is a general sentiment against it in the country where it has been tried. Any man who wants the vote will pay the tax, and the rich man will have it all in his hands. The poor man can not pay the tax, and it is just like buying his vote when another pays the tax for him. I hope the report will be returned and that that will be made certain. I could not vote for a conference report where there was any doubt on that question.

Mr. CULLOM. As the Senator from New Hampshire has made inquiry whether I am likely to get through with my remarks before Tuesday, I should like to be let alone until I can make them and see whether there is anything seriously in the way of the adoption of the conference report.

Mr. JONES of Arkansas. The Senator does not object to the Senate having information given as he goes along?

Mr. CULLOM. I certainly have not shown any disposition not to give all the information I could.

Mr. JONES of Arkansas. I thought the Senator said he did not want to be interrupted.

Mr. CULLOM. I have adopted this course, referring to each section and calling the attention of the Senators to each provision, so that when they come to vote they may have, so far as I am able to give it, the exact information in reference to the action of the conferees.

Mr. STEWART. Has the Senator any objection, when he calls up a particular subject, to have us make some remarks in regard to it with a view of having it understood? If we wait until he gets clear through and then take it up, we would have to make long speeches before we would get to understand it.

Mr. TILLMAN. Mr. President—

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

Mr. CULLOM. I do.

Mr. TILLMAN. I wish to direct the attention of Senators to the parliamentary status. If I am correct, it is that the Senate passed a bill and sent it to the House and the House amended it. Now, I understand that the conferees can not bring in anything that is outside of both bills unless it is germane to the subject under consideration. Can they bring in anything outside and not germane?

Mr. CULLOM. No, sir; after it has been disposed of by both Houses. This provision, however—

Mr. TILLMAN. The conferees must either take the House provision or the Senate provision or some compromise that is germane to both.

Mr. CULLOM. So far as the provision under discussion is concerned, it is clearly within the control of the Senate as to what it shall do with the provision.

Mr. TILLMAN. You mean that you could strike out all taxes?

Mr. CULLOM. I mean to say that if it was referred back to the conferees they would have jurisdiction of it so that they could do as they chose about striking out the provision requiring that the voter shall pay his taxes, or leaving in the poll tax, or striking both provisions out. There is no question about that, I think.

Mr. TILLMAN. It is possible that the Senator is correct; but if I understand the powers of a conference committee, he is absolutely wrong. The provision as passed by the Senate was that—

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

Mr. CULLOM. But the Senator does not seem to understand that that very provision was taken cognizance of by the conferees, and that the conferees can reconsider it.

Mr. PLATT of Connecticut. Mr. President—

Mr. TILLMAN. Let me get through.

Mr. CULLOM. There is no doubt about the fact that the subject is open to consideration by the conferees. The House added the poll tax. The Senate took hold of the provision and struck that out and put in another. The conferees can strike them both out if they reconvene.

Mr. TILLMAN. They can strike the whole provision out?

Mr. CULLOM. The whole provision as to taxes.

Mr. TILLMAN. Very well, if that is within your power. I just wanted to find out whether you could do it or not.

Mr. CULLOM. There can not be any doubt about that, I think. The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. CULLOM. Yes, sir.

Mr. PLATT of Connecticut. As I understand the parliamentary situation, it is that the Senate passed a bill for the establish-

ment of a government in Hawaii. It went over to the House and the House struck out the entire Senate bill and passed another bill.

Mr. CULLOM. It passed another bill.

Mr. PLATT of Connecticut. The two bills are in disagreement between the Senate and the House, and the conferees in their report could bring in any bill that they chose, and an entirely new one if they chose to do so.

Mr. CULLOM. Of course they could; but confining the conference to this particular paragraph, we can agree to either the poll tax or to the property tax.

Mr. PETTIGREW. Or to no tax?

Mr. CULLOM. Or to no tax, just as we choose.

Mr. PETTIGREW. The power is unlimited in that respect.

Mr. JONES of Arkansas. If the Senator will allow me to make a suggestion in regard to what the Senator from Connecticut just now said, while I believe that what he said is technically true, I think it is a violation of all reasonable parliamentary precedent. I do not believe it was ever intended that the whole of a bill should be stricken out and another bill brought in, similar in terms, so as to leave the whole matter open. For instance, as I understand this paragraph, as it went first from the Senate there was a provision that—

Prior to such registration have paid a poll tax of \$1 for the current year, due by him to the government.

That is printed in roman and the words "a poll tax of \$1 for the current year" are stricken out. I do not understand how that was done.

Mr. CULLOM. That is the House amendment. The conferees struck it out.

Mr. JONES of Arkansas. The conferees struck that out?

Mr. CULLOM. The conferees struck it out.

Mr. JONES of Arkansas. It was in the bill then as it was passed by the House?

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. Then the Senate conferees would have a right to agree to that House amendment and leave that in?

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. They would have a right to disagree to it and to leave the whole out?

Mr. CULLOM. Or substitute anything else.

Mr. JONES of Arkansas. I think that is true as to that paragraph, but I do not believe that it is a fair parliamentary practice to strike out a whole bill, and without reference to what was passed in the Senate and to what was passed in the House, say that the entire subject is open for legislation in conference committee.

Mr. CULLOM. We have no right to criticize what the House has done.

Mr. PLATT of Connecticut. It has been ruled so over and over again. It may not be good practice, but it is in the parliamentary power of the conferees.

Mr. JONES of Arkansas. I do not dispute that, but I say it is bad practice.

Mr. CULLOM. I thought myself when it was done that it was not exactly the right thing to do in dealing with the bill, especially as the greater part of the bill was retained by the House. So it embarrassed the whole situation as to the conduct of the proceeding. But still we are trying to deal with it the best we can.

Mr. SPOONER. We do that every day.

Mr. CULLOM. We do it almost every day between the two Houses, but it is not usually done on a bill so large and so important, I think.

If I may be allowed to go on—I do not know exactly where I quit.

Mr. JONES of Arkansas. You were on page 27 of the bill.

Mr. CULLOM. The sixth paragraph of this section was stricken out by the House and the conferees agreed to the same. That refers to this same subject we have been discussing.

Mr. JONES of Arkansas. Does the Senator say that was stricken out?

Mr. CULLOM. The sixth paragraph.

Mr. JONES of Arkansas. Then I do not understand—

Mr. CULLOM. I believe that is the section we were discussing.

Mr. JONES of Arkansas. I have in my hands the print of the 18th, which is said to be—

Mr. CULLOM. You have the wrong bill. The 19th is the last print.

Mr. JONES of Arkansas. I know the 19th is the last print, but the 18th—

Mr. CULLOM. The 19th has the House amendments in it.

Mr. JONES of Arkansas. Certainly; but I wanted to get the proposition of the conferees.

Mr. CULLOM. Well, I shall have to read the conference report to show that. What section is the Senator on?

Mr. JONES of Arkansas. I was trying to find the section the Senator was reading. I understood he was reading the sixth paragraph of section 60.

Mr. CULLOM. The last paragraph I read was in reference to the registration of voters, which we have been discussing.

Mr. JONES of Arkansas. The fifth paragraph.

Mr. CULLOM. Yes; the fifth paragraph. Now I come to section 61.

Mr. JONES of Arkansas. I thought the Senator said the sixth paragraph of section 60 was stricken out. This bill does not show that.

Mr. CULLOM. I did. That refers to some other section, I think.

Mr. PETTIGREW. A portion of it is stricken out, probably. The gist of it remains.

Mr. CULLOM. Yes; I was referring to the sixth paragraph of section 60, which reads:

Sixth. Be able to speak, read, and write the English and the Hawaiian language.

Mr. PETTIGREW. Did the Senator say that was stricken out?

Mr. CULLOM. No.

Mr. SPOONER. The proviso is stricken out.

Mr. CULLOM. The proviso is stricken out, and that reads as follows:

Provided, however, That the legislature of the Territory of Hawaii may, at any time after January 1, 1903, submit to the lawfully qualified voters of such Territory such changes and modifications in the qualifications for electors as they shall see fit; and the same being adopted by a majority vote, taken in the mode prescribed by the legislature, shall be valid and binding as law.

That was stricken out, as it was not deemed necessary.

Mr. SPOONER. They have the power without it.

Mr. CULLOM. They have the power without it.

There was no change in section 61. Section 62 was amended so as to read:

SEC. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

That was agreed to.

Section 63 provides:

SEC. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

In section 64 there is a slight change from the Senate bill.

Mr. PETTIGREW. I think the Senator has skipped the provision in section 63, for instance, with regard to the board of registration. The bill as the Senate passed it, I think, provided—

Mr. CULLOM. The provision was stricken out which required them to be of different parties.

Mr. PETTIGREW. Yes; and the House passed this provision: "No more than two of whom shall be of the same political party." Why was that stricken out by the conferees?

Mr. CULLOM. That was stricken out by the conferees on the theory that there were no parties in Hawaii.

Mr. JONES of Arkansas. In what section is that?

Mr. CULLOM. In lines 17 and 18, on page 29 of the bill, "no more than two of whom shall be of the same political party." There was some discussion on that subject, which did not amount to much, but the suggestion was made that there were no parties in Hawaii; we did not want to suggest any, and did not think it was necessary to insert such a provision in the bill.

There is no change in section 65, and there is no change in section 66 except that the House adopted an amendment that the governor shall be a citizen of the Territory, and so on, which was agreed to by the conferees.

In section 67 a provision was added, and agreed to by the conferees, that martial law or the suspension of the writ of habeas corpus should not continue longer than until communication could be had with the President and his decision thereon made known. That was added to the bill.

There is no change made in section 68.

Mr. PETTIGREW. Unless the Senator objects to being interrupted, I should like to ask why an exception was made in the case of Hawaii, which requires that the governor shall be a resident of that Territory?

Mr. CULLOM. Be a citizen of Hawaii.

Mr. PETTIGREW. Be a citizen, yes. None of the other Territories of the United States have any such provision. A man may be selected from anywhere to be governor of Arizona or New Mexico or Alaska or Porto Rico, for that matter. Why should an exception be made in Hawaii?

Mr. CULLOM. Mr. President, I think the Senator himself has been a stickler for what is called home rule in Territorial appointments; but not in that regard. The people of Hawaii, however, are in a large degree a different class of people from those in the United States; they are of mixed races and from different countries. It was the opinion of all the conferees, I may say, except myself, that the provision requiring the appointee to be a citizen of the Territory ought to be retained in the bill.

Mr. PETTIGREW. Was that because of their incompetence?

Mr. CULLOM. No, sir; it was because of their competence; and I desire to say, so far as that remark goes, that there are just as able lawyers in Hawaii, just as good merchants and business men, as you can find in any State of the Union at the present time.

Mr. PETTIGREW. But that is true also of Porto Rico; it was true of the Territory of Dakota; it is true of Arizona and New Mexico to-day, and it is true of Alaska, and yet there has never been any such provision as that.

Mr. CULLOM. I understand that.

Mr. PETTIGREW. In all our Territories the governor can be appointed from any part of the United States. Therefore the reason the Senator has given for this exception certainly can not be good.

Mr. CULLOM. But that does not furnish any reason why it should not be made, and therefore the conferees agreed to it.

Mr. TILLMAN. That is right, and the action in Porto Rico was wrong.

Mr. CULLOM. I am not running Porto Rico now.

As to section 73, with reference to public lands, the House amendment, on page 35, was stricken out and the Senate provision reinstated with a slight amendment, which I think makes it more definite as to the dates between which land transactions were carried on, which were afterwards suspended by the President. The Senate knows the history of that matter, and it is not necessary for me to take up time in discussing it. We put the provision back substantially, if not exactly, as it was passed by the Senate.

Mr. JONES of Arkansas. That is the proviso in section 73 which you put back—"That all sales, grants, leases," etc.

Mr. CULLOM. Yes; and ratifying the sale subject to the approval of the President. That is the substance of the provision.

In section 74 there was no change.

Section 75 of the bill relating to the appropriation of \$15,000 was stricken out, and that was agreed to by the conferees. The Senate section of the bill in relation to the superintendent of public works was not changed.

In section 76 there was no change as to the provision relating to public instruction alone; but there was an amendment which the House passed providing for a commissioner of labor. The conferees rejected a part of that amendment and provided that the Commissioner of Labor of the United States should do all the work that was proposed by the provision as put in by the House. I think myself that was very wise action on the part of the conferees, because there is no man who can do such work better than can Mr. Wright, who has charge of all these matters.

Mr. JONES of Arkansas. The print of the bill is confusing. I can not understand everything in it; but I understand from the two prints together that a provision in the print of the 19th which was stricken out, marked section 76, went out of the bill in conference.

Mr. CULLOM. The \$15,000 provision?

Mr. JONES of Arkansas. Yes.

Mr. CULLOM. All of that section goes out.

As I have stated, in section 76, relating to public instruction, there was no change from the section in the way it passed the Senate; but the House added to it a paragraph providing for a commissioner of labor to be appointed, who should report to the legislature, etc. The Senate conferees thought that was an unnecessary expenditure, and re-formed the section so that the work could be carried out by the Commissioner of Labor of the United States.

No changes are made in sections 77, 78, and 79.

In section 80 there were no changes except to strike out the words "commissioner of labor" where they were put in by the House. Section 80 was also amended by the House, and that was agreed to by the conferees, so as to provide that all officers appointed under the provisions of that section should be citizens of the Territory, and further, that all persons holding office, except as otherwise provided, should continue to hold their offices respectively until their successors should be appointed and qualified, but not beyond the first session of the senate of the Territory.

Mr. PLATT of Connecticut. What section is that?

Mr. CULLOM. Section 80, at the end of the section. The provision placed in the bill by the House, providing that it should be the duty of the surveyor to report annually to the Department of Labor, was deemed by the conferees as unnecessary, and that provision was stricken out.

Mr. PLATT of Connecticut. I do not suppose it will make any difference in the acceptance of this report, but I think it is a very great mistake to provide that all the officers to be appointed in that Territory, or the officers provided for in this section, shall be citizens of the Territory. I think we ought to reserve that power in the hands of the President. I do not think we ought to limit him in his exercise of the appointing power. It may work well, and it may work badly. There may a condition of things arise in that Territory where it will be almost imperatively necessary, to

establish and to maintain order and secure good government, that persons other than citizens of that Territory shall be appointed to official positions there. I confess that I am a little tired of having the Congress of the United States dictated to by the people of Hawaii in this and other respects. I think we ought to legislate from this end and not from that end.

Mr. CULLOM. Well, Mr. President, that has been discussed more or less heretofore. All I can say in reply is that I have not the least idea that it will work badly in that Territory; but, on the contrary, I am very sure it will do no damage, but will probably work for the welfare of those people.

Mr. PETTIGREW. Mr. President, unless the Senator desires not to be interrupted, I wish to say something in this connection.

Mr. CULLOM. I have no objection. I want this talked out, so that we shall get a vote at some time.

Mr. PETTIGREW. As to all the other Territories of the United States, we do not require that the appointees shall be citizens and residents at the time of their appointment in order to hold the positions of judges, governors, etc. Why, then, should we make an exception as to Hawaii? I perceive no reason why this should be done.

The character of the population of Hawaii is certainly not a reason, because there are only 3,000 people of American descent or American blood upon the islands, and of those about 1,900 are males of all ages. Therefore, the field from which to select these officers is exceedingly small, unless we appoint them from among the Hawaiians; and of the native Hawaiians there are about 40,000; of the Chinese and Japanese between sixty and seventy thousand, and they are coming in constantly. There are about 16,000 Portuguese there. Is that the kind of a population which entitles Hawaii to be specially favored over Arizona and over New Mexico, where there are 100,000 Americans, and of the very best blood of America also?

The fact of the matter is that these men—about 19 Americans out of 1,900 males—have established an oligarchy. They control the sugar plantations and the sugar industry. They are men of enormous wealth. They are the recipients of the \$80,000,000 we have remitted in duties; and they want to control and manage the government. There has been a steady effort from the start to fix this bill so that they may be able to manage the government. The bill that came in here put it absolutely in their hands, and now it is proposed to perpetuate it in their hands. The bill as amended by the Senate released their grasp. They have their lobbyists here to look after their interests. They have succeeded in getting provisions in the bill that they think most essential, so far as they could get them in, for a limitation of the suffrage, requiring that from their number shall be selected the officeholders of that country, so that they can get control of the governor, of the courts, and of the enormous veto power, so as to require two-thirds of the members of the legislature to overturn the veto, and so that they can use the courts for other purposes.

In the bill also we have provided that a man may be imprisoned and put at labor under a taskmaster if he fails to pay his tax, even his poll tax; and so far as possible we are undertaking to perpetuate this oligarchical government of a handful of enormously rich men, made rich by the taxation of the people of the United States in turning over to them the remitted duties. We have been trying to hedge their power around, but now it is proposed that the judges and the governor shall be selected from their ranks. Then we are told what great men they are and what enormous ability they have. It is simply a sample of the tendencies of this Government at the present time toward a plutocracy. We make one thing for Porto Rico, another thing for Hawaii, and something else for the Philippines. I fail to find any reason why this should be done.

Mr. CULLOM. Mr. President, the Senator knows just as well as anybody else, when he compares the qualifications of the people of Porto Rico as equal to those of Hawaii, that it is not true. A large portion of the people of Hawaii are well qualified for self-government; and the Senator knows that the Porto Ricans, so far as we have any information about them, are not particularly well qualified for self-government.

Mr. PETTIGREW. Who is it in Hawaii that is particularly well qualified, except simply the Americans?

Mr. CULLOM. The Americans, the Englishmen, the Germans, the Portuguese, and many of the natives as well.

Mr. PETTIGREW. Mr. President—

Mr. CULLOM. I do not want to yield any longer.

Mr. PETTIGREW. I only want to answer one statement made by the Senator. He says I know—

Mr. CULLOM. I think you do.

Mr. PETTIGREW. I am on the Committee on Pacific Islands and Porto Rico, and before the committee came men from Porto Rico equal in intellect and ability to these Hawaiians, and I believe far exceeding them in character.

Mr. CULLOM. The Senator knows, I think, that the great body of the people of Porto Rico can neither read nor write.

Mr. PETTIGREW. About 20 per cent of them.

Mr. CULLOM. He knows, I think, that nearly every man in Hawaii can read and write.

Mr. PETTIGREW. That is true; but this bill as it now stands excludes them, even if they can read and write, from any participation in the Hawaiian government.

Mr. CULLOM. That is very easily said.

Mr. SPOONER. I should like to ask the Senator from South Dakota—I ask him only for information—what warrant he has when he makes the statement that under this bill or under the law a man in Hawaii can be imprisoned for failure to pay his taxes? It may be true, but I have not noticed it.

Mr. PETTIGREW. We have not repealed this law of Hawaii:

SEC. 863. In case of personal taxes due and unpaid on the 1st day of January in each year, if no personal property can be found whereon to distrain, the assessor may cause the arrest and detention of the person of such taxpayer by and under a warrant issued and signed by the assessor or his deputy, in substance in the form following, viz.

Then it gives the form of the warrant.

The next section provides that the officer receiving such warrant—

Mr. HOAR. Read the form of the warrant. That is a very important part of it.

Mr. SPOONER. What is the warrant?

Mr. PETTIGREW. I will read the form of the warrant. I did not think it was important. I thought what I read had covered the case pretty well, but I will read the last paragraph of section 863 of the laws of Hawaii, giving the form of the warrant:

Territory of Hawaii, island of —, district of —:

To —, chief sheriff, or any constable or police officer of the district of —, island of — of —, in the island of —, having failed and neglected to pay the sum of — dollars assessed upon him for personal taxes for the year —, now due and unpaid, and no property being found belonging to the said — whereon to levy by distress:

Therefore, by virtue of the authority in me vested by law, I hereby order and command you to forthwith arrest and take said — before —, district magistrate of —, island of —, to show cause, if any he has, why he, the said —, should not be sentenced by said magistrate to be imprisoned at hard labor until he discharge the amount of said tax and costs as by law provided.

Hereof fail not, but of this order, with your proceedings thereon, make due return. Given under my hand this — day of —, A. D. —.

Assessor of — Division, Island of —.

Then the law provides that a man shall be imprisoned at hard labor until that tax is worked out.

Mr. SPOONER. Is that left in force?

Mr. PETTIGREW. That is left in force.

Mr. CULLOM. Are you sure about that?

Mr. PETTIGREW. I can not find it in the list of repealed sections, and I have examined in order to find it.

Mr. CULLOM. We have a provision in this bill which repeals all laws in conflict with the bill we are considering.

Mr. PETTIGREW. I can not find that this law of Hawaii is repealed. I may be mistaken, but I can not find any such repeal, and I have been examining the matter very diligently.

Mr. HOAR. Before we pass from that, I should like to ask the Senator if he understands it was the intention to repeal that portion of the Hawaiian law, because I think if it should happen that there is any doubt about the matter, such a declaration as the Senator now makes would be very important.

Mr. CULLOM. The purpose of the commission, in the first place, and then of the Committee on Foreign Relations of the Senate, and it certainly has been my purpose, was to repeal all provisions of the Hawaiian law which imprisoned any man for debt, whatever the character of the debt might be.

Mr. PETTIGREW. There is no doubt but what that law is left in existence, so far as I can see.

Mr. CULLOM. If I may be allowed now, I want to go on. I believe I have got through with section 80.

Mr. TILLMAN. I have made a very careful examination of the bill and the chapters of the law on pages 3, 4, 5, and 6, where you have repealed certain of the Hawaiian statutes, and I do not find that these two are repealed.

Mr. PETTIGREW. I can not find them.

Mr. CULLOM. I suppose the provisions of the bill repeal them.

Mr. SPOONER. What provisions?

Mr. TILLMAN. What provision of the bill could possibly repeal them? This is a legal process for collecting taxes. It is not an imprisonment for debt, although it actually amounts to that.

Mr. CULLOM. I have not had time to look up the statutes to see exactly as to that.

Mr. TILLMAN. I have not been able to find it in the section of the bill in which those two sections of the Hawaiian law have been repealed.

Mr. CULLOM. I understand that.

In section 81 the House inserted the words "circuit courts" in addition to the supreme court, struck out the provision in regard

to bills of exceptions, etc., and added at the end of the section the following:

And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

That section, perhaps, would be better understood if I should read it. There is nothing in section 81, however, except to restore the words "circuit courts" in the section. The Senate, I believe, had only provided that the President should appoint the judges of the supreme court. The House provided that the President should appoint both the supreme court and circuit court judges, and in conference the Senate conferees consented to the President appointing the circuit judges as well as the supreme court judges, and the conferees agreed accordingly on the section.

Mr. JONES of Arkansas. Is that section 80?

Mr. CULLOM. No; section 81.

Mr. SPOONER. If the Senator will allow me, does that section leave in all cases the decisions of the supreme court of the Territory final, without any right of appeal in any case to the Supreme Court of the United States?

Mr. CULLOM. I think the section did not apply to that.

Mr. SPOONER. Yes; it did. There was a provision in the Senate bill for an appeal from the supreme court of Hawaii to the circuit court of appeals of the Ninth judicial circuit, and an appeal on writ of error to the Supreme Court of the United States upon any writ of habeas corpus involving a question of personal freedom. Is that all stricken out of the bill?

Mr. JONES of Arkansas. From where was the Senator reading?

Mr. SPOONER. I was reading from page 43, section 81, of the print of April 19.

Mr. CULLOM. I think, if the Senate will allow me to go on until we get entirely through with the court business. Senators will probably be better able to understand what is in and what is out of the bill.

Mr. JONES of Arkansas. I wanted to ask the Senator a question about something that has been passed; but if the Senator prefers to conclude before I ask the question, I shall wait.

Mr. CULLOM. I am getting a little tired of standing so long.

Mr. JONES of Arkansas. There are some questions that I want to ask the Senator, but I will ask them after he gets rested.

Mr. CULLOM. In section 81, as I stated, the House inserted a provision that—

The laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Section 82 is amended so as to require that the judges of the supreme court shall be citizens of the Territory of Hawaii; that they shall be appointed by the President of the United States and confirmed by the Senate, and they may be removed by the President.

Section 83 is amended by the insertion, in line 21, on page 44, of the word "male," and also the words "and 21 years of age" are inserted; so as to make the provision that no person shall be a qualified juror unless he is a male citizen of the United States and 21 years of age, etc.

In line 24 there is an amendment which provides that "no person shall be convicted in any criminal case except by unanimous verdict of the jury."

Mr. JONES of Arkansas. Where is that?

Mr. CULLOM. In section 83. That, of course, is making the law conform to the laws of the United States.

Mr. SPOONER. It will be found in lines 1 and 2, on page 45 of the last print.

Mr. CULLOM. I will say that the laws of the Territory allowed a verdict by two-thirds of the jury, I think, instead of unanimously.

On page 45 of the Senate bill there is an amendment referring to grand jurors which was agreed to by the conferees, is now in the conference bill, and included in the last part of section 83.

There is no amendment to section 84 of the Senate bill.

Referring to the Delegate in Congress, section 85 of the Senate bill is amended so as to require that the Delegate shall possess the qualifications necessary for membership of the house of representatives of the legislature of Hawaii, and he is also to have a seat in the House of Representatives with the right to debate, but not to vote, the same as a Delegate from any of the other Territories who comes to Congress.

Section 86 was amended by the House, but the amendment was receded from in conference, and the section stands in the conference bill as it was passed by the Senate.

Sections 87, 88, 89, and 90 were not changed.

Section 91 was amended by the House, and the conferees agreed to the amendment, the purport of which is that all moneys in the Hawaiian treasury, all the revenues and other property acquired by the government of Hawaii since the cession, shall be and remain the property of the Territory of Hawaii.

Section 92 provides for the salaries of certain officers appointed

by the President, namely, the governor, \$5,000, and so on, giving the salaries of the respective officers provided for in the bill.

As to the chief justice, I have forgotten whether the Senate bill provided for a salary of \$5,500 or \$5,000, but I think it was only \$5,000. That is increased to \$5,500. The salary of the associate justices is \$5,000 each and that of the secretary of the Territory \$3,000.

Section 92, providing for the payment of salaries to the governor, the secretary, the chief justice, and the associate justices, is amended as I have stated.

The House provided for the salaries of the circuit judges to be paid by the Territory of Hawaii, but as we finally agreed that those judges should be appointed by the President, the conferees report the bill providing that they shall be paid their salaries by the Government of the United States.

Mr. JONES of Arkansas. They are Territorial judges?

Mr. BATE. Territorial circuit judges.

Mr. JONES of Arkansas. Is that the practice in the Territories of the United States?

Mr. CULLOM. I think we pay all the officers in our Territories where we provide for their appointment by the President. In such cases I think they are paid from the United States Treasury.

Mr. JONES of Arkansas. These are simply temporary appointments until such time as the local government there shall be able to administer affairs in its own way, is it not?

Mr. CULLOM. No, sir; the President is to continue to appoint the judges.

Mr. JONES of Arkansas. The President is to continue to appoint all of them?

Mr. CULLOM. Yes, sir.

Mr. TILLMAN. If the Senator will permit me, I understand we are compelled, under the conference report, if adopted, and if the bill becomes a law, to select all of these officers from citizens of Hawaii, and we are given the great privilege of paying them their salaries out of our own Treasury. Why does not Hawaii support her own government?

Mr. CULLOM. That is what the commission started in to require them to do; but under the direction in part of Congress, as it has been manifested here, the judges are all to be appointed by the President; and if they are appointed by the President, I think their salaries ought to be paid out of the Treasury of the United States, as is the case with all of our other Territories.

Mr. TILLMAN. Why not let the President select them, just as he does for all other Territories—wherever he can find the best talent?

Mr. CULLOM. That is a question I do not care to discuss any further now.

The section as reported by the conference also provides for the salary of the United States district judge at \$5,000; the United States marshal, two thousand five hundred; United States district attorney, three thousand. And the governor shall receive annually, in addition to his salary, the sum of \$500 for stationery, postage, and incidentals, and also his traveling expenses while absent from the capitol on official business, and the sum of \$2,000 annually for his private secretary.

Section 93 of the Senate bill was not amended.

Section 94 refers to the Commissioner of Fish and Fisheries, requiring a report, etc., the House striking out the last four lines, beginning after the word "fit," on page 51, line 18, of the Senate bill, being an appropriation of \$5,000 for the purpose of examining into the subject of fisheries surrounding that Territory.

Section 95 remains in the bill reported by the conferees as it passed the Senate.

Section 96 was amended by the House striking out "shall" and inserting "may," and inserting "such" between "in" and "manner," and inserting after the word "manner" the words "as may be." The intention was to make it read more smoothly, as the conferees thought.

Mr. JONES of Arkansas. What section is that?

Mr. CULLOM. Section 96.

Mr. JONES of Arkansas. Some of these prints have no section 96 in them.

Mr. CULLOM. You have got hold of the wrong bill, I reckon.

Mr. JONES of Arkansas. I have both.

Mr. CULLOM. It will now read as follows:

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law, etc.

Section 97 was amended by striking out all the latter portion of the section, requiring the United States to pay in part all the expenses of the leper settlement on the island of Molokai and the leper hospital at Kalihi, and the homes at which the children of lepers are received, etc.

The people of the Territory, so far as I could learn, prefer to pay the expenses of those settlements, and I thought it better to allow them to do so, and so did the conferees and the commission.

Section 98 was amended by the House striking out "on the 12th day of August" and inserting "permanent or temporary, on

August 12," and also inserting the words "together with the following-named vessels claiming Hawaiian register." That refers to the registration of a certain number of vessels which were incorporated in the bill, which are named and the names of which I presented to the Senate when we considered the bill; but there seemed to be some confusion as to what ought to go in, and I asked to withdraw the amendment, and it was done. The House put it in and the conferees agreed to it.

Mr. BACON. In this connection the Senator will remember that that was a provision which elicited considerable debate in the Senate, and after that debate it was the judgment of the Senate that the ships should not be named as entitled to registration. In other words, the judgment of the Senate was that the question of registration should be determined by the class to which a vessel belonged, and it should not be designated and taken out of a class and given this special favor. The judgment of the Senate was that the registration of those vessels should be limited to those which at a certain date were in the class named.

Now, what I desire to ask the Senator is this: The Senator, of course, is familiar with the reasons which were given in the Senate why the designation of particular ships as entitled to registration was not favored by the Senate and why the Senate decided against it; and in order that I may be informed as to whether the change should be made, I should like the Senator to inform us as to the reasons—

Mr. CULLOM. The Senator does not recollect the exact facts with reference to the matter as it occurred in the Senate. I myself introduced the amendment.

Mr. BACON. Yes; I remember.

Mr. CULLOM. It was given to me by a Senator, I think, and I supposed there would be no objection to it. I introduced it in the Senate, and we had scarcely begun to consider it before, I think, my distinguished friend the Senator from South Dakota [Mr. PETTIGREW] proposed to insert the names of a large number of vessels about which nobody seemed to know anything except, perhaps, the Senator himself. Rather than delay and indulge in a long discussion about it I withdrew the amendment. That is the literal truth about it. The Senate really did not consider this subject, except for a very few moments.

Mr. BACON. Is the Senator prepared to state now—my recollection having been refreshed—why these vessels named, which are admitted by this amendment to registration, should be admitted rather than other vessels?

Mr. CULLOM. The only reason I know is that as to these particular vessels everyone said that while there was a little question about their being legally registered in Hawaii, because of the change of government in the meantime, yet they were in fact entitled to registration, provided the government over there had had such an existence as to give registration at all; and so far as I was concerned as one of the conferees I allowed the provision to go in as it is reported.

Mr. PETTIGREW. The Senator from Illinois made a remark a few moments ago, saying I wanted to add the names of a lot of other vessels.

Mr. CULLOM. I think the Senator did have a list of eight or ten, he said.

Mr. PETTIGREW. I objected to adding the names of any vessels, and I read a list of those which had received Hawaiian register since our flag went up. I protested against adding the names of any ships, and the Senator decidedly misrepresents me by any such statement.

Mr. CULLOM. I certainly did not mean to do so, if the Senator objected.

Mr. PETTIGREW. I objected to any being put in.

Mr. CULLOM. I remember the Senator had a list of ten vessels.

Mr. PETTIGREW. I had a list from the records of Hawaii, showing that they had registered eight or ten ships, perhaps, after our flag went up there, as I believe, in violation of law, and I did not think it ought to be ratified by our act. It was a lawless act on their part, and it ought not to be ratified on our part. I objected to adding any names and giving registration in this manner. I want that distinctly understood.

Mr. CULLOM. I did not remember that the Senator made any objection, but thought that he wanted more ships added.

Mr. PETTIGREW. I did object to those that were in and to the adding of any more. A year ago I defeated a separate bill brought in here to give those ships a register by refusing to consent to its consideration. I do not believe this amendment ought to be ratified to give an American register to any such vessels.

Mr. CULLOM. Of course I do not desire to misrepresent the Senator from South Dakota. I was merely stating in his presence what my recollection was. If he says that he first objected to all of them, I withdraw it, of course.

Mr. PETTIGREW. I do not say I first objected to all of them. I say I objected at all times to all of them, and I simply read an additional list to show what they were doing over there.

Mr. CULLOM. I remember when the Senator began to read

the long list I concluded to withdraw the amendment, and did so in order to get rid of the subject.

Mr. PETTIGREW. And they are all put back in conference?

Mr. CULLOM. The list of five are put back in conference.

Mr. PETTIGREW. So my protest, by showing an additional list, succeeded in knocking it out in the Senate and preventing a discussion of this question; and then they are put back in conference.

Mr. CULLOM. I withdrew the amendment without any reference to the question of the merits of the case, because I did not want at that time to delay the bill by a long discussion as to what vessels were entitled to registration and what were not.

Section 99 remains in the bill reported by the conferees substantially as in the Senate bill, except a different use of language meaning the same thing.

Mr. TILLMAN. Before we pass from section 99, I see there is an amendment here which limits or rather puts off for a year our coasting laws. Why is that?

Mr. CULLOM. That was put in in the House and withdrawn by the conferees.

Mr. TILLMAN. But it is in yet.

Mr. CULLOM. No; it is not. I have said to the Senator several times that the amendments of the conferees to the House bill are not in this print, because the Senators desired to see just what the difference was between the House and the Senate, and not between the Senate and the conferees.

Mr. TILLMAN. I have the wrong bill. It is pretty hard to keep these babies from getting mixed up. It is very difficult to tell what is the conference report and what was passed by the House.

Mr. CULLOM. If the Senator would follow it closely he would find out.

Mr. TILLMAN. I am trying to follow it closely.

Mr. CULLOM. Section 101 was amended by the insertion of an amendment providing that "all Chinese and other Asiatics who came or were brought into Hawaii since August 12, 1898, under contract, etc., shall depart therefrom and from the United States within one year from the date of the taking effect of this act." That amendment was stricken out down to the proviso after the word "acts," in the last part of the paragraph, and the balance of the section remains in the bill reported by the conferees.

Sections 101 and 102 were not amended by the House.

One hundred and four, the last section of the bill, was amended by striking out "thirty" and inserting "sixty" by the House, but the conferees struck out "sixty" and inserted "forty-five." In the second line of the section as appears in the conference bill the words "excepting only as to section 52, relating to appropriations, which shall take effect upon such approval," were inserted and agreed to by the conferees. There was a mistake in the first conference report. It referred to a section of the bill as 53 when it ought to have been 52. That is all there was of that.

Mr. President, I desire to make a few general remarks, and then I propose to take my seat.

Mr. BACON. If the Senator will pardon me before he begins the general discussion, I was unavoidably out of the Chamber when one amendment was passed about which I wished to ask some questions. It may have been stated by the Senator, but I notice that there is an amendment here by which Hawaii is made a separate district and attached to the Ninth judicial circuit.

Mr. CULLOM. That is the bill verbatim et literatim as it passed the Senate, I think.

Mr. BACON. It is in italics here.

Mr. CULLOM. Yes, but it is—

Mr. BACON. If I recollect aright, the Senator from Wisconsin succeeded when that was before the Senate in having it changed. The Senator from Wisconsin took the position and argued it with great earnestness upon authority that it would be an unconstitutional court; that we had no right to establish a constitutional court outside of the organized territory of States.

Mr. CULLOM. The Senator will remember that after quite a discussion by himself and several other Senators, the provision as it was in the original Senate bill was amended so as to make it a legislative court in the estimation of the Senator from Wisconsin and the Senator from Colorado and the Senator himself, as well as the Senator from Connecticut. The House bill had the original provision in it as it was reported to the Senate, and it passed in that way, but the conferees insisted upon restoring the provision as it passed the Senate of the United States, and that was done.

Mr. BACON. I beg the Senator's pardon. I was misled by the printed copy of the bill as it came from the House.

Mr. CULLOM. I understand.

Mr. BACON. I supposed that was the status of the bill, but the statement of the Senator, of course, shows I am in error.

Mr. CULLOM. The Senator will find by looking at the conference report that the Senate provision was restored.

Mr. BACON. The Senator will see how it was that I made the mistake.

Mr. CULLOM. Certainly.

Mr. BACON. I got hold of the wrong copy.

Mr. CULLOM. It only verifies what has been often stated, that the action of the House in striking out all of the Senate bill in the first place makes it very embarrassing and difficult for any Senator to follow it.

Mr. President, I should be unfaithful to my conception of duty if I should fail to give to the Senate of the United States my views in regard to the annexation of the Hawaiian Islands.

The incorporation of these provinces of the sea into our political system, under the provisions of this bill, is the final great step taken in fulfillment of our duty in extending the salutary influences of the American Republic over a people who have for years offered to us a standing invitation to take them under our control.

It is true, Mr. President, that the events of a score of years have tended toward this result, as a culmination which was certain to come and which has been constantly foreseen. It is true, also, Mr. President, that the nations and peoples which have inhabited or controlled in large degree the oceanic provinces in both the Atlantic and Pacific have, by the logic of the situation, become rivals for the control and ownership of the wonderful commerce of this portion of the semitropical world. This rivalry has been a matter of growth, and not of choice, with the United States. The extent and the ramification of this rivalry came naturally and logically, and it was not initiated by the United States, as in a race for territory or for spoils. We all remember when the eyes of the civilized world were directed to the movements of the *Oregon* in her memorable trip half around the world. We all remember Santiago and San Juan, and we quickly recall Manila, and the rest, where the fortunes of war gave victory to our arms.

But, Mr. President, we have acquired Hawaii in the peaceful and proper way, as the logical and certain conclusion of great principles which underlie our civilization, our growth. In the early days of the century the American spirit of expansion carried our ships and our commerce and our whalers and our missionaries, as explorers and advance agents of civilization, into the far Pacific, and established agencies for the humanizing of the native peoples. Now they are coming back to us, bringing golden rewards to their mother country. They come back to us with a wealth of education and prosperity and intelligence and ask us confidently to be allowed to join us as citizens of the United States. They do not come as beggars or paupers, but as a people who have not buried their talents in a napkin.

Mr. President, what do they bring? What have they got? What will the United States realize as the return for the extension of sovereignty over Hawaii?

As preliminary to a general answer to these queries, I wish to allude to the visible commerce on the part of Honolulu in December last past, the latest showing available. I learn from official and reliable sources that in December, 1899, the largest amount of imports ever recorded in a single month was received. Sixteen foreign steamers and 48 sailing vessels arrived with cargoes. This did not include the large number of United States transports laden with stock or with quartermaster supplies. There were 40 general cargoes, with a total of 45,000 tons; 11 cargoes of coal, with 23,000 tons, and 13 lumber vessels, carrying nearly 10,000,000 feet of lumber. The revenue from import duties alone in 1899 was \$400,000 in excess of that of 1898.

This little statement shows in some degree what is now following the evolution of the policy of expansion as applied only to the Hawaiian Islands in part.

I append here a few extracts from the report of the collector-general of customs for the year 1899. These show an aggregate commerce in that year amounting to nearly \$42,000,000. Of this amount, over \$19,000,000 was imported from the United States and twenty-two and one-half millions exported to the United States.

The value of the exports show an increase in 1899 over 1898 of five and one-half million dollars in value.

COMMERCE OF HAWAII.

I take from the report of the collector-general of customs of Honolulu for the year ended December 31, 1899, the following figures:

Trade of Hawaii, by countries, in 1899.

Country.	Imports.	Exports.
United States.....	\$15,020,830	\$22,517,758
Great Britain.....	1,774,055	
Germany.....	384,102	
China.....	384,522	
Japan.....	673,410	54,033
Australia and New Zealand.....	257,388	39,863
Canada.....	113,480	17,067
Isles of the Pacific.....	1,035	
France.....	64,133	
Other countries.....	386,050	
Total.....	19,059,605	22,628,741

Trade of Hawaii, by articles, in 1899, with increase or decrease as compared with 1898.

IMPORTS.

Articles.	Value.	Increase.	Decrease.
Ale, beer, cider, and porter.....	\$149,629	\$31,300	
Animals and birds.....	234,170	108,871	
Building materials.....	547,177	228,852	
Clothing, boots, and hats.....	639,828	164,714	
Coal and coke.....	343,286		\$265,431
Crockery, glassware, lamps, etc.....	100,528	30,930	
Drugs, surgical instruments, and dental material.....	118,696	28,950	
Dry goods:			
Cottons.....	480,046	32,573	
Linen.....	43,518		7,164
Silks.....	63,071	14,888	
Woolens.....	106,640		41,389
Mixtures.....	45,654	15,149	
Fancy goods.....	186,781	39,373	
Fertilizer, bone meal, etc.....	957,861	648,945	
Fish, dry and salt.....	120,374	23,704	
Flour.....	263,272		10,108
Fruits, fresh.....	35,721	13,504	
Grain and feed.....	586,860	144,929	
Groceries and provisions.....	1,284,680	507,858	
Guns, gun materials, and powder.....	48,272	20,738	
Hardware, agricultural implements, and tools.....	940,577	449,017	
House furnishings.....	235,518	79,177	
Iron, steel, etc.....	289,187	187,042	
Jewelry, plate, and clocks.....	60,424	25,489	
Leather.....	60,604	21,812	
Lumber.....	630,898	294,368	
Machinery.....	2,089,278	1,230,148	
Matches.....	32,055	9,230	
Musical instruments.....	45,952	13,571	
Naval stores.....	140,625	69,364	
Oils (coconut, kerosene, etc.).....	106,851	68,753	
Paints, paint oil, and turpentine.....	97,942	46,134	
Perfumery and toilet articles.....	36,889	9,318	
Railroad material (rails, cars, etc.).....	282,326	100,654	
Saddlery, carriages, and material.....	220,314	75,886	
Sheathing metal.....	19,129	14,508	
Shocks, bags, and containers.....	405,953	119,734	
Spirits.....	102,338	25,457	
Stationery and books.....	104,984	50,955	
Tin.....	49,894		3,295
Tin, tinware, and materials.....	21,353	5,304	
Tobacco, cigars, etc.....	335,361	71,884	
Wines, light.....	183,893	61,683	
Sundry personal and household effects.....	76,671	18,884	
Sundry merchandise, not included in above.....	470,500	174,150	

Forty-six articles of import.

EXPORTS.

Sugar.....	\$21,898,190	\$5,283,568	
Rice.....	42,562		\$106,716
Coffee.....	132,347	16,402	
Bananas.....	84,268	17,687	
Wool.....	26,678	20,413	
Hides.....	95,073		19,873
Pineapples.....	10,781	2,111	
Goatskins.....	2,563		1,187
Deerskins.....	534		
Sheepskins.....	4,849	2,491	
Tallow.....	1,250		6,690
Molasses.....	358		560
Betel leaves.....	505		6
Taro flour.....	252	229	
Plants and seeds.....	3,919	998	
Sundry fruits.....	493	21	
Awa.....	900	490	
Bones and horns.....	421		1,961
Curios.....	195		676
Canned pine.....	3,848		1,937
Honey.....	9,948	6,635	
Specie.....	157,658	19,238	
Hide trimmings.....	185	145	
Beeswax.....	1,200	1,200	
Pelts.....	412	10	
Vegetables.....	39	412	
Glue stock.....	39	39	
Sundries.....	3,066	73	
Foreign goods.....	146,219	43,436	
Total.....	22,628,741	5,421,606	139,609

Twenty-nine articles of export.

Mr. Sewall, United States special agent at Honolulu, incloses a clipping from a local paper, which says, in part:

During the month of December, 1899, the largest amount of imports ever recorded for one month in Honolulu was received.

Sixteen foreign steamers and 48 sailing vessels arrived in port with cargoes. This does not include the large number of United States transports that entered the harbor bringing stock and quartermaster supplies.

There were 40 general cargoes, amounting to a total of 45,000 tons; 11 cargoes of coal, the total being 22,850 tons; and 13 vessels brought in lumber with a total of 9,198,520 feet.

The acquisition of these islands by the United States has given an impetus to Honolulu that has attracted the commercial interest of the world. The carrying and shipping to this port has grown with such rapidity that the increase of trade in December, 1899, compared with December of a year ago, is something phenomenal.

In evidence of the prosperity of the port, a walk along the water front will show every available dock and berth occupied by vessels unloading cargoes.

of every description, and a large number anchored in the stream compelled to wait for days before being able to discharge, on account of the small accommodations.

The revenue from import duties in 1899, adds Mr. Sewall, was \$400,000 in excess of that of 1898.

The second column in the tables of "Trade by articles" gives the increases in both imports and exports of Hawaii for 1899 over 1898, which reach nearly all of the articles of trade.

It must be remembered that the duties collected upon this commerce have all gone into the Hawaiian treasury. So it has been with all moneys accumulating in the Hawaiian postal service up to this time. But both the customs and the postal receipts will, after the passage of this bill, come to the United States Treasury.

Now let us look a little at the geographical situation of Hawaii as related to other parts of the world, and especially to this country. I quote from the reports of the Hawaiian commission made to the President and published by the Fifty-fifth Congress:

The Hawaiian Islands are located in the Pacific Ocean, about 2,100 miles southwest from San Francisco, and are between 18° and 23° north latitude and 154° and 161° west longitude. The latitude or distance from the equator is about the same as that of Cuba. The climate would probably be the same as that of Cuba were it not modified and equalized by the northeast trade winds, which prevail for about nine months of the year, coming over thousands of miles of ocean uncontaminated by impurities. The Japanese gulf stream is a broad current of cool water, flowing like a river across the Pacific Ocean, which lowers the temperature within its vicinity materially.

There are other somewhat permanent currents and winds which affect temperature, and these great natural agencies tend constantly to neutralize the tropical heat, which would otherwise seriously affect the temperature of the islands. The annual average of temperature at Honolulu is 72° or 73° F., while the lowest is 55° and the highest 88°. During the warmest month of the year, September, the temperature, except for about two hours at midday, stands at about 78°. There is never any frost or snow, except upon the high mountain peaks, where at the altitude of nearly 14,000 feet there are at times considerable snowfalls.

AREA AND POPULATION.

The Hawaiian group numbers seven inhabited islands and eleven or twelve small rocky or sandy shoals or reefs, with a total area of 6,740 square miles. They are described as follows:

	Population, 1896.
Hawaii, area 4,210 square miles	33,285
Mau, 760 square miles	17,726
Oahu, 600 square miles	40,205
Kauai, 500 square miles (rich farming and grazing lands)	15,228
Molokai, 270 square miles (agricultural and grazing)	2,307
Lanai, 150 square miles (devoted to sheep raising)	105
Niihau, 97 square miles (leased to sheep raisers)	164
Kahoolawe, 63 square miles.	
Molokini, small size.	
Lehua, small size.	
Nihoa, 500 acres (about), precipitous rock, 400 feet high (244 miles northwest from Honolulu).	
Laysan, 2,000 acres (about), guano island, low and sandy, 30 feet high (800 miles northwest from Honolulu).	
Gardens Island, two inaccessible rocks, 300 feet high, about 1,000 feet long (607 miles northwest of Honolulu).	
Lisiansky Island, 500 acres (about), low and sandy, 25 to 50 feet high (920 miles northwest from Honolulu).	
Ocean Island, 500 acres (about), low and sandy (1,800 miles northwest from Honolulu).	
Necker Island, 400 acres (about), a precipitous rock, 300 feet high (400 miles northwest from Honolulu).	
Palmyra Island, a cluster of low islets, about 10 miles in circumference, with lagoon in center; has a few coconut trees (1,100 miles southwest of Honolulu).	
Kaula, small, rocky island, a few miles southwest of Niihau.	
French Frigate Shoal, scattered shoals or reefs.	

THE INHABITANTS.

An important subject of our investigation was that of the adaptability of the several races of the people who inhabit the islands for American citizenship and their ability to sustain the obligations which attach to the right of suffrage. The American idea of universal suffrage presupposes that the body of citizens who are to exercise it in a free and independent manner have, by inheritance or education, such knowledge and appreciation of the responsibilities of free suffrage and of a full participation in the sovereignty of the country as to be able to maintain a republican government.

The following different races and nationalities of people now occupy the Hawaiian Islands:

Hawaiians and mixed blood	39,000
Japanese	25,000
Chinese	21,500
Portuguese	15,000
Americans	4,000
British	2,250
Germans and other Europeans	2,000
Polynesians and miscellaneous	1,250

Total 110,000

The native Hawaiians are a kindly, affectionate people, confiding, friendly, and liberal, many of them childlike and easy in habits and manners, willing to associate and intermarry with the European or other races, obedient to law and governmental authority. Many of the Japanese are contract laborers, who are engaged upon the sugar plantations. Others are employed as day laborers. There are some, however, who have become merchants and mechanics, who conduct business for themselves, and who exhibit the national characteristics of skill, thrift, and ability.

There are about 700 Chinese who have been naturalized into the Hawaiian republic. Many of the Chinese and Japanese on the islands are, or have been, brought there under permits by that government, and contracts under which they are bound to work for a term of years, and to return at the expiration of the contract term of service. At the expiration of their terms they are either returned to their native country, or renew their labor contracts, or become day laborers.

Nearly all Chinese laborers desire and expect to go back to China at death, if not before. The Japanese are not so particular as to returning; but with their accumulative habits they frequently attain a position and standing in business which makes it desirable to them to remain in the islands.

The Americans, although in such a small minority, practically dominate the governmental affairs of the country, and, with the British and Germans, and part-blood Hawaiian-Americans together, constitute the controlling element in business. The Chinese and Japanese do not now possess political power, nor have they any important relation to the body politic, except as laborers. The Portuguese are largely immigrants from the islands and colonies of Portugal in the Atlantic, and have never been very closely tied to their mother country. With the certain attrition which is bound to exist between them and the Americans in Hawaii, and under the influence of the existing public-school system, which makes the study of the English language compulsory, they promise to become a good class of people for the growth of republican ideas.

It will, of course, be observed that this entire population of 110,000 is dominated, politically, financially, and commercially, by the American element.

HAWAII.

Hawaii, the largest of the islands and from which the group takes its name, contains nearly 2,500,000 acres of land, and has a population of nearly 34,000. Its principal town is Hilo, situated on Hilo Bay, at the mouth of the Waikuku River. Hilo possesses several churches, a good hotel, and several business houses. There are three lofty mountains on the island of Hawaii, viz, Mauna Kea, Mauna Loa, and Hualalai. The two first are nearly 14,000 feet high and the other 8,000. Upon Mauna Loa are two great volcanoes, Kilauea, upon the side of the mountain, at an elevation of 4,000 feet, and the other, Mokuaweweoe, at the top, or at about 13,500 feet elevation. These two great volcanoes are still alive, but not now in eruption.

We visited Kilauea and crossed its broad lava fields within the walls of its original crater, and now about 500 feet below the rim or edge of the wall. On the southerly portion of this broad lava bed is a still deeper pit, or live crater, apparently some 800 feet below the surface of the broad lava field before mentioned, from the very bottom of which arises a whitish sulphurous smoke so dense as to hide from full view the surface of the burning, seething liquid far below. This is what is called "Halemaunau," "the house of fire," when the volcano is active and in eruption, but it is now very quiet and smoky. Yet even now numerous crevices are found, some of them 2 or 3 miles from this pit or lake, from which smoke or steam constantly arises, and in which sticks thrust down a few inches by us readily took fire. Around some of these crevices an efflorescence of sulphur was noticed, and on examination we found deposits of pure native sulphur so hot from the subterranean fountain, perhaps 3 miles away, that it could not be handled. It must be remembered that this description refers only to Kilauea, and not at all to the great volcano itself at the top of the mountain, and called "Mokuaweweoe," which during the ages and ages past has poured the lava over the island many times.

The magnitude of this mountain is hardly believed at first sight, but the distance is not less than 60 miles from the base on one side to the other. And from the crater of Kilauea, on the side of Mauna Loa, to the crater of Mokuaweweoe, at the top of the same mountain, is about 25 miles. The side slopes of these great mountains comprise practically all the agricultural land upon this island. This can nearly all be cultivated after it is cleared from its luxuriant vegetation. Some of it, however, has such a rank growth of tree ferns, wild bananas, and all sorts of tropical trees and vines as to require a cost of from \$20 to \$60 per acre to clear it. There are great fields of sugar cane on this island, the best of which yields under favorable conditions from 5 to 6 or more tons of sugar per acre.

MAUI.

Maui is believed to be one of the oldest volcanic islands. Much of the lava of which it is composed has become decomposed and available for easy cultivation, while the use of artesian water for irrigation has made the sugar lands the most profitable known. This island has upon it the great volcano of Haleakala, now and for centuries entirely quiet, but which is the largest extinct volcano in the world. This crater is half a mile deep and 20 miles in circumference.

On this island artesian water is pumped in quantities of 6,000,000 gallons daily to the height of 400 feet, for sugar irrigation. The lands on the south and west sides of the island are mostly cattle ranches and pasture lands, while on the north and east the numerous streams furnish abundance of water for prosperous plantations of sugar and coffee. This island was once a kingdom. The town of Lahaina was its capital and contained the palaces of the king. Some of the plantations on this island were visited by us and were truly places of beauty. They evidenced great enterprise, and yield large profits from the great crops of sugar.

KAUAI.

Kauai, the most northwesterly of the group, is nearly circular in form and about 25 miles in diameter, having an area of about 560 square miles. It is believed to be one of the oldest of the Hawaiian Islands; has a deeper soil and a greater proportion of naturally arable land. It seems to have been originally formed by eruptions of Mount Waialeale, the great central peak 6,600 feet in height, a volcano which has been extinct from time immemorial. There are several mountain streams flowing from an elevated natural reservoir, or lake, in the central plateau.

The valleys between the mountain ranges, which radiate from the interior, are broad and deep, having large areas of rich bottom lands, very productive under the influence of irrigation, which is largely in use for the sugar plantations. Kauai was, in the remote past, a kingdom by itself, and the stories of kings and chiefs and warriors of Kauai are the traditional histories of the island. Lihue, the chief settlement, has about 3,500 inhabitants. The Falls of Waiau are romantically situated in the midst of a luxuriant forest, the river falling 180 feet in one unbroken sheet. Coffee, sugar, rice, and some other products are grown with profit. The inhabitants of Kauai take much pride in their fertile lands.

OAHU.

Oahu, upon which is situated Honolulu, the capital city, is the most populous of the islands, having over 40,000 inhabitants. It is devoted largely to pasturage and agriculture. Several very profitable sugar plantations are now operated on this island, and the full development of the artesian water supply for the irrigation of growing sugar cane is here exhibited. During the past two years the yield of sugar upon one of the favorably situated plantations has exceeded expectation, amounting to from 9½ to 10½ tons of sugar per acre. Honolulu Harbor, although not large enough to accommodate a rapidly growing commerce, is a deep-water opening through the coral reefs at the mouth of the Nuuanu Valley, in front of the city of Honolulu.

PEARL HARBOR.

A few miles away is Pearl Harbor, a naturally excavated harbor, covering 8 or 10 square miles of water surface and ranging from 20 to 90 feet deep.

It is expected that by a small appropriation a coral reef, which bars the entrance from the ocean for large vessels, will be removed by the Government of the United States, whereupon this will furnish the best harbor on the Pacific. Some of the most beautiful and enchanting residence sites to be found are at Honolulu. A railway 55 miles in length connects Honolulu with Wailua and several intervening points. Several very prosperous business enterprises are established at Honolulu, and, altogether, the location, for many reasons, is a most desirable one for commercial and shipping facilities.

MOLOKAI.

Molokai is a long, narrow island, about 40 miles in length and less than 10 miles in width. The eastern half of Molokai has some very wild mountain scenery and in some places a luxuriant vegetation. Recently much attention has been given to irrigation from artesian water, and a large area is expected soon to be brought under profitable culture. Still, most of the island is devoted to pasturage. Quite a large number of deer have their haunts on this island.

NIIHAU.

Niihau is an island of nearly 100 square miles, the most of the land upon which has been leased to sheep raisers. There are about 100 native inhabitants, who adhere in manners and style of living to the customs of their earlier ancestors. The handicraft of the natives in the making of a kind of mats is known all over the islands. They are called "Niihau mats," and bring large prices from the collectors of curios. A part of this island consists of a coral reef, uplifted by some convulsion of nature, but now largely covered by volcanic material washed down from the mountains.

LANAI.

Lanai comprises about 100,000 acres, devoted almost wholly to sheep raising and the production of wool. It has only about 100 inhabitants, and is rarely visited except by persons interested in the sheep-raising or wool-growing industry.

RAINFALL.

There is a great diversity in the amount of rainfall in different localities, but it is thought that about 50 inches per annum is the average over the group. On the windward (northeast) side of some of the islands at certain low altitudes the rainfall reaches 150 inches, as at Hilo, or even 200 inches, as at the volcano of Kilanea, while on the leeward side, at the sea level, very little rain falls, but up the mountain sides there is usually abundant moisture. The climate is particularly healthy, both in the dry or wet localities, it being claimed even that the frequent showers in some places do not saturate the air with moisture. There is very seldom much humidity in the atmosphere, and even in damp or marshy districts there is seldom any malaria or fever germs.

Temperature and rainfall at Honolulu for the twelve months from July, 1896, to June, 1897, inclusive.

Month.	High-est.	Low-est.	6 a. m.	2 p. m.	9 p. m.	General average.	Rain-fall.
	°	°	°	°	°	°	Inches.
July.....	87	69	74	82	77	77	3.55
August.....	88	68	75	83	78	78	3.71
September.....	88	68	73	82	77	77	.64
October.....	86	68	71	81	76	76	3.57
November.....	85	65	69	80	75	75	3.46
December.....	83	64	66	77	73	73	6.70
January.....	81	55	69	76	70	70	2.90
February.....	82	62	69	77	72	72	2.15
March.....	81	63	73	78	72	72	1.92
April.....	82	64	70	79	73	73	1.46
May.....	84	67	70	80	74	74	1.95
June.....	84	68	72	81	75	75	1.74
For the year.....	88	55	71	80	72	74	30.75
Average for past seven years.....	90	54	71	80	73	74	38.80

FOR THE YEAR 1897.

On the island of Hawaii the rainfall at two stations, Kaunama and Olaa, was, respectively, 138 and 146 inches. For the entire island the average rainfall was 65 inches. On the island of Maui the average was 27½ inches. On Kauai the average was 46 inches.

NEWSPAPERS AND PERIODICALS.

The following daily papers are printed in Honolulu: Pacific Commercial Advertiser, English; Daily Bulletin, English; Hawaiian Star, English; Independent, English; Aloha Aina, native; Ka Loea Kalaiala, native; Hawaiian Shimpoo, Japanese.

Also the following semi-weeklies: Hawaiian Gazette, English; Shim Nipon, Japanese; Yamato Shimbun, Japanese.

Also the following weeklies: Weekly Hawaiian Star, English; The Kuokoa, native; O Luso, Portuguese; O Directo, Portuguese; Hawaiian Chinese News, Chinese; Chinese Times, Chinese; Chinese Chronicle, Chinese; Ka Makaaiana, native.

And the following monthlies: Al Boas Novas, Portuguese (sectarian); The Paradise of the Pacific, English; The Planters' Monthly, English; The Friend, English; Anglican Church Chronicle, English.

And the following quarterlies: The Honolulu Diocesan Magazine, English; The Young Men's Christian Association Review, English.

The Hilo Tribune, weekly, and the Hawaii Herald, weekly, are published in English at Hilo, on the island of Hawaii.

CHURCHES IN HONOLULU.

Central Union Church (Congregational).
Methodist Episcopal Church.
The Christian Church.
The Christian Church.
The Salvation Army.
St. Andrew's Cathedral (Episcopal); first and second congregations and Chinese congregation.
Roman Catholic Church.
Protestant Mission, Portuguese.
Japanese Union Church, connected with Hawaiian Board of Missions.
Japanese Church.
Kawaihau Church, Congregational, native.
Kaunahāpili Church, Congregational, native.

THE PUBLIC HEALTH.

The Hawaiian government has devoted its most earnest efforts to the protection of the inhabitants against the introduction of dangerous contagious and infectious diseases, and a strict quarantine is maintained at points where ships from infected ports might call.

The board of health is one of the most important agencies in the islands for the preservation and promotion of the public health, and is given almost plenary powers under the law. Ordinary malarial fevers are quite rare. There are, however, occasional cases of typhoid fever, especially among the United States troops recently stationed at Honolulu. There have been occasional epidemics of various diseases at times during the past one hundred years.

Under present health regulations, with the experience gained, the government can, it is thought, cope with epidemic diseases better than that of almost any other country.

Live stock, including cattle, sheep, and swine, are raised to some extent. It is stated that the value of live stock produced ranks third in amount of all the agricultural products of the islands.

THE PRISON SYSTEM.

The Hawaiian Islands maintain a prison system, the principal penal institution corresponding to the State prisons of the various States of the Union, while on each of the larger islands a prison for the use of their respective local offenders is provided. In addition there is in each district a lockup or detention calaboose, in some of which are detained small gangs held for minor offenses and sentenced for short terms to perform street or road labor. Where possible the plan of placing but one prisoner to a cell is adhered to. The Honolulu prison is under the charge of a jailor and several prison guards, the whole system subject to the supervision of the marshal of the islands, who is responsible to the board of prison inspectors appointed by the minister of the interior.

The foregoing gives briefly a description of the principal features of the country. It is now about eighteen months since the Stars and Stripes were formally raised over the country, and during that period, although the extension of the laws of the United States has been held in abeyance until the further action of Congress, yet the business of Hawaii has experienced the greatest prosperity, and every material interest of the people and the country has participated in the general welfare.

Mr. President, I am more than pleased that the labors of the Hawaiian Commission, in which I had the honor of participating, now bid fair to result in the establishment of Territorial government as a part of the United States. I am highly gratified to think that the new Territory of Hawaii, which has come to us willingly and peacefully in the progress of the nation's evolution, will doubtless stand as a bright monument marking almost the starting point of American expansion over the island provinces of the Pacific. No citizen of the United States need ever feel any doubt as to the intellectual, moral, or financial standing of the people who inhabit Hawaii. They bring to us a splendid educational system, a prosperous and profitable agricultural establishment, yielding large profits to the sugar planters and the coffee and rice growers.

Mr. President, it has been suggested to me and to the Senate that there are one or two provisions in the bill which are not satisfactory to the Senate. I do not know whether a majority of the Senate are for the provisions that have been controverted, but I desire to say that at the present moment the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. MORGAN], conferees on the bill, are absent. The Senator from Alabama, I understand, is ill. He has not been out for two or three days, at least. So if the bill should go back to the conferees, there could be nothing done with it until one or the other of the conferees of the Senate, both of whom are absent, can be secured to give attention to the subject.

Mr. HOAR. Put on other conferees.

Mr. CULLOM. The Senator from Alabama is in town, but he has been ill for several days. The Senator from Massachusetts has been called to New York or somewhere East. I should like very much to get the report ratified and out of the way, but I want to be entirely fair and frank, as I think I have been in connection with the subject to-day in trying to uncover every fact connected with it, so that Senators would not be misled.

Mr. BACON. I should like to ask the Senator a question, in view of his expressed desire that the report shall be ratified. In the bill as agreed upon by the conference committee, the fifth subdivision of section 60 reads as follows:

Fifth. Prior to such registration having paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

I wish to inquire of the Senator whether he agrees with the statement that if the conference report is agreed to and this becomes a law that that date, being fixed, necessarily will limit the persons who can be this year registered and this year participate in the election which will select the officers for this Territory to those who have heretofore been on the registration list, because the date has passed. That number, I understand, is less than 3,000. So, instead 14,000 men, which it was stated when the bill was in the Senate before would be the number of those who would be enfranchised and entitled to participate in this election, there will be less than 3,000. I want to ask the Senator if he recognizes the correctness of that, and if he does so recognize it, if he himself would personally favor the enactment of a bill into a law which would have that effect?

Mr. CULLOM. I would not.

Mr. BACON. Does not the Senator agree that that must necessarily be the effect of it?

Mr. CULLOM. I have been in doubt about it. I was going to suggest that I would ask the Senate to postpone the further consideration of the report to-day, so that I may learn whether the Senator from Alabama, one of the conferees, can be present to-morrow.

Mr. BACON. If the Senator will pardon me, the course which

I should like to have pursued is this: If the conference report can be disagreed to, the Senate could then accept the House amendment without more, which I believe is a proper amendment.

Mr. CULLOM. The Senator is mistaken, I think, as to the regular order.

Mr. BACON. Possibly.

Mr. CULLOM. The conference report, as I understand parliamentary law, must either be rejected as a whole or ratified or confirmed as a whole.

Mr. BACON. Certainly; the Senator is undoubtedly correct; but he does not understand what I said.

Mr. CULLOM. It is not in the power of the Senate to make any amendment to it, and naturally it would have to go back to the conferees.

Mr. BACON. The Senator is correct in part. We of course can not amend the conference report, but when we reject the conference report it is perfectly competent for the Senate to adopt the House amendment, which was in conference.

Mr. PLATT of Connecticut. I think not.

Mr. BACON. We are not obliged to send it back to the conference committee at all. We may accept the entire House amendment after that and agree to it.

Mr. SPOONER. We have to agree to it or reject it and send it back.

Mr. BACON. Rejecting it is not sending it back; it is failing to agree to it.

Mr. CULLOM. I should like to hear the Presiding Officer on that point.

Mr. PLATT of Connecticut. The matter in disagreement between the Senate and the House is upon one amendment of the House, which is an entire bill. That is what is in disagreement between the Senate and the House. It is the Senate bill as it left the Senate; it is the House amendment as the House adopted it; and that is one amendment, and covers the whole ground.

Mr. BACON. I admit that the Senator from Connecticut is correct. That view of it had not suggested itself to me.

Mr. PLATT of Connecticut. Now, one other word. If we reject it, we are at liberty then, I think, though I am not sure about that, to accept the entire House amendment, but we can not change it in one particular.

Mr. BACON. The Senator is wrong in that, I respectfully submit. Whenever a bill passes the Senate and goes to the House and comes back to the Senate with an amendment, while we can not amend any part of the bill which we sent to them, we can amend any of their amendments, and we could amend the entire bill, which is an amendment, in any one particular that we saw proper, upon the general proposition that we can always amend an amendment of the House. Of course that would presuppose the fact that the conference committee reports the other way.

Mr. PLATT of Connecticut. That is true, until the matter has gone to a conference. This has been to a conference. It comes back here. The question and the only question is, Will the Senate agree to the report of the conference committee? Then, as I understand it, the only question after that is whether we will agree to the entire amendment of the House, or whether we will insist upon our disagreement and send the entire amendment back to the conference committee. I have never understood that we could, after rejecting the report of a conference committee, proceed to make amendments to the House amendment.

Mr. HOAR. I ask the Senator from Connecticut if we can not recede now from our disagreement to the House amendment?

Mr. PLATT of Connecticut. Yes.

Mr. HOAR. Or disagree to the amendment of the House and agree to it with an amendment?

Mr. PLATT of Connecticut. I think not, Mr. President.

Mr. HOAR. I supposed we could.

Mr. BACON. Oh, yes; undoubtedly.

Mr. PETTIGREW. The conference report is still in our possession. I think we can.

Mr. CULLOM. I do not think so.

The PRESIDENT pro tempore. Will the Senate agree to the report of the committee of conference?

Mr. TILLMAN. Mr. President—

Mr. CULLOM. I began to state that I myself was inclined to postpone the further consideration of the conference report to-day, so that the conferees on the part of the Senate might have time to consult. If the conference report is likely to be rejected, I would rather withdraw it and make such amendments to it by another conference as would be necessary to fairly satisfy the Senate, if we could do it.

Mr. TELLER. I suggest to the Senator whether he can withdraw it?

Mr. CULLOM. I do not know whether I can or not. If I can not, there is only one thing to do, and that is to agree to it or reject it.

Mr. TELLER. We can dispose of it either by accepting it or rejecting it. If we want a further conference, we will reject it.

Mr. JONES of Arkansas. It seems to me also that this matter can only go back to a conference by the action of the Senate. The conferees have met, the report is made and signed, and it can not go back to conference except by order of the Senate. Besides, the conferees ought to have the action of the Senate when they go into conference again to show the state of mind of the Senate, the objections that are made to the different amendments, and the reasons why the Senate will not agree to the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CULLOM. Mr. President, it seems to me, if the Senate consents, that I have a right to ask that the report be postponed for the time being.

Mr. TELLER. What is the use of postponing it?

Mr. CULLOM. Because I want to consult the other conferees before taking action.

Mr. TILLMAN. Will the Senator's consultation amount to anything if he has not the power to change it, and can not change it until he gets it out of the Senate?

Mr. CULLOM. Of course we may consent to take the vote and let the report be agreed to or rejected. But I do not think it is exactly fair to press a disposition of it at this moment unless I consent to it.

Mr. TELLER. It seems to me we might just as well dispose of it. I do not think under the parliamentary law the Senator can gain anything by taking a recess and consulting his colleagues on the conference committee. We must either accept the report or reject it. Now, if we are ready, if debate has gone on as far as it need to go, why not vote on it? I do not know whether any Senator desires to speak on it further, but I will say to the Senator I do not believe the Senate is very likely to accept the report with that provision in it. The Senator himself says that he does not think it ought to be in there.

Mr. CULLOM. I agree—

Mr. TELLER. He says that it may have been an oversight on the part of the conference committee. The orderly way is for us to reject the report and let the Senator take it back into conference. There may be other things in it that are objectionable. I do not know whether other Senators may not have other objections, but that is certainly a fatal objection.

Mr. PETTIGREW. I want to call attention to another objection.

Mr. CULLOM. I simply made the suggestion in perfect good faith that I should like to have the report go over for to-day so that I could consult with the Senator from Alabama [Mr. MORGAN], who is interested in it and who is present in town, but not able to be here to-day. I think it is not unreasonable for me to ask that privilege.

Mr. JONES of Arkansas. I see no reason why the Senator from Illinois should not be gratified in this matter.

Mr. CULLOM. I have been perfectly square with the Senate.

Mr. JONES of Arkansas. The report is in the hands of the Senate. The Senate can do with it what it chooses.

Mr. CULLOM. Certainly.

Mr. JONES of Arkansas. If the Senator from Illinois wants the report to go over to another day for consideration or for any reason, he has charge of it, and it seems to me perfectly reasonable that he should have his request complied with.

Mr. CULLOM. I want to make one more remark before it goes over, if it does, and that is that since I sat down I have this note, which answers the first question that was made:

All the subjects of the monarchy were made citizens of the republic by express provision of the constitution of the republic. Those who wished to vote under the republic were required to take the oath.

Mr. BACON. That is all right, then.

Mr. SPOONER. I wish, if this matter is to go over, that the Senator from Illinois, who is more familiar with this subject than I am and than most of us are, would give attention to the question whether under the bill as it would stand if it passes the law of Hawaii punishing a man by imprisonment and hard labor for failing to pay his poll tax would remain in force.

Mr. CULLOM. I shall certainly do so.

Mr. TILLMAN. That is a special objection.

Mr. SPOONER. I myself would not vote for any such provision.

Mr. TILLMAN. Sections 863 and 864 of the Hawaiian code are the points we want absolute certainty on, as to whether those statutes are repealed or not.

Mr. CULLOM. Very well.

Mr. PETTIGREW. Mr. President, I want to call the attention of the Senator from Illinois to the provision on page 9. We provide with regard to contract laborers—

That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.

Then we provide further—

That the provisions of this section shall not apply to merchant seamen.

Mr. SPOONER. That was not in the Senate bill.

Mr. JONES of Arkansas. Where is the Senator reading?

Mr. PETTIGREW. On page 9 of the last print.

Mr. JONES of Arkansas. Of what print—the 19th?

Mr. PETTIGREW. Yes; the print of the 19th of April. I do not know whether they have a law with regard to seamen or not in Hawaii. I have looked at the code or this print of the laws of Hawaii, and I can not find it, but I have had only a brief time to examine it. However, under our law the Supreme Court have held that seamen can be imprisoned and returned to the ship and compelled to complete their contract. But in 1890 we amended the law so that the provisions with regard to enforced service did not apply to seamen who had contracted for service in the domestic trade, the coast trade.

Now, it seems to me that we ought not to do more in Hawaii than extend the provisions of our own laws. I do not believe that in the foreign service a man should be compelled to finish his contract if he did not want to do it. I think there should be some other remedy besides enforced service. But I do object to extending to Hawaii the provisions of any law that are more stringent than ours. Therefore I am desirous of knowing whether they have a law with regard to enforcing contracts with seamen for service, and what it is, and where it is.

Mr. CULLOM. I do not care to take up time now in discussing the bill any further, except to say that one of my reasons for asking for the postponement of the consideration of the report until to-morrow, or some other day, is for the purpose of seeing in the RECORD the exact points of criticism of the bill, so that if it has to go back to conference we will know what has been said about it and be more ready to dispose of it.

Mr. JONES of Arkansas. I want to say that the Senator, in going over the bill in a hasty sort of way, referring to sections and saying they had been or had not been amended, etc., a number of times saying to the Senate that he was fatigued and intimating he did not want to be interrupted, has prevented a number of us from asking questions and getting an explanation about matters in the conference report that are not satisfactory to me as they are now. I regret that all these provisions have not been gone over and understood. I should like to ask the Senator one question that I wanted to ask while he was going through with the report; and that is the parliamentary condition as to two lines on page 42 of the print of the 19th, lines 8 and 9, that—

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

This print is in italics in the print of the 19th, and, as I understand, that was agreed to in the conference; it was proposed as an amendment in conference.

Mr. CULLOM. On page 44?

Mr. JONES of Arkansas. On page 42, lines 8 and 9.

Mr. CULLOM. "All persons appointed under the provisions of this section shall be citizens of the Territory of Hawaii."

Mr. JONES of Arkansas. Yes; I want to know the parliamentary status of that provision.

Mr. CULLOM. That was in the conference report.

Mr. JONES of Arkansas. That was agreed to in conference?

Mr. CULLOM. It was agreed to in conference.

Mr. JONES of Arkansas. Was it a conference amendment?

Mr. CULLOM. No; it was a House amendment.

Mr. JONES of Arkansas. And the Senate conferees receded from the disagreement of the Senate?

Mr. CULLOM. The Senate receded from its disagreement and agreed to it.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the further consideration of the report may be postponed? Is there objection?

Mr. PETTIGREW. Mr. President, I want to call the attention of the Senator to one other provision, and that is with regard to the income tax. I notice that there is an amendment in the bill, apparently made in conference, which seems not to repeal the income tax heretofore in force in Hawaii.

Mr. CULLOM. I do not recollect certainly whether that is in or out of the conference bill. Where does the Senator find it?

Mr. PETTIGREW. I merely wish to call the Senator's attention to it. I do not care to—

Mr. CULLOM. I think it appears in some other class.

Mr. PETTIGREW. I think you will find it on page 4 of the bill.

Mr. CULLOM. I see it. My impression is that it is in again.

Mr. PETTIGREW. Somewhere else?

Mr. CULLOM. Somewhere else.

Mr. PETTIGREW. I just wished to call attention to that fact now.

The PRESIDENT pro tempore. Is there objection to postponing the further consideration of the conference report? The Chair hears none, and it is postponed.

Mr. HOAR. Until when?

Mr. CULLOM. Until—

The PRESIDENT pro tempore. The request was that it should be postponed.

Mr. CULLOM. I said until to-morrow.

The PRESIDENT pro tempore. Notice has been given that—

Mr. HOAR. I do not want to interfere with the order of business by a mere trifling suggestion, but I remember once, in the other House, making a point that a conference report could not be indefinitely postponed under the peculiar rules that apply to that order of business, and it was sustained by Mr. Speaker Blaine, who held that it must be postponed to a fixed time.

Mr. CULLOM. I think it should be postponed until to-morrow.

The PRESIDENT pro tempore. It certainly can not be postponed indefinitely.

Mr. HOAR. I suggest, therefore, that it be postponed until to-morrow.

Mr. CULLOM. I simply ask that it be postponed until to-morrow or to suit the convenience largely of the Senate before we take it up.

The PRESIDENT pro tempore. Without objection, the report is postponed until to-morrow.

PROPOSED CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, the Senator from Tennessee [Mr. BATE] proposes to address himself to, I think, the Alaska bill, and I find that there is a special order for 4.30. I rise to request that if there be any time remaining after the Senator from Tennessee concludes his remarks, before the special order is taken up, that we may proceed to the Pension Calendar and consider unobjected cases for fifteen or twenty minutes.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases after the Senator from Tennessee has concluded his remarks, not interfering, however, with the special order at half past 4. Is there objection? The Chair hears none.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Alaska bill be taken up for consideration.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the bill known as the Alaska bill be laid before the Senate. Without objection, it is before the Senate.

CAROLINE WEINHEIMER.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 3436) granting a pension to Catharine Weinheimer, returned to the Senate in compliance with its request.

Mr. COCKRELL. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I think the word "Catharine" is to be stricken out and "Caroline" inserted in the bill.

Mr. COCKRELL. Yes; I move to strike out "Catharine," in line 11, and insert "Caroline."

The PRESIDENT pro tempore. Wherever it occurs in the bill? It occurs in another place.

Mr. COCKRELL. No. This is the case where the dependent and helpless child of a pensioned mother is to be pensioned, and this gives to the mother the additional pension.

The PRESIDENT pro tempore. The Senator from Missouri proposes an amendment, which will be stated.

The SECRETARY. In line 11, after the word "of," strike out the word "Catharine" and insert "Caroline."

The amendment was agreed to.

The PRESIDENT pro tempore. Is there any further amendment to be proposed?

Mr. COCKRELL. That is all.

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

VISITORS TO WEST POINT.

The PRESIDENT pro tempore appointed Mr. CARTER and Mr. HARRIS members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy at West Point, N. Y.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for the civil government of Alaska, and for other purposes.

Mr. BATE. The Senator from Nevada has a short paper which he wishes to have read.

Mr. STEWART. The Senator from Tennessee, who is about to speak, gives way that I may ask to have the paper which I send to the desk read. It is an affidavit in connection with this matter.

The PRESIDENT pro tempore. If there be no objection, the paper will be read.

The Secretary read as follows:

DISTRICT OF COLUMBIA, City of Washington, ss:

John A. Dexter, being duly sworn, deposes and says: That I am an American citizen; 45 years of age; and was born in Richmond, Va. I have resided in Alaska for the past ten years. This is the first time I have left there during that time. My business in Alaska has been merchandising, having stations along the coast of Bering Sea, at St. Michael, Unalaklik, Norton Sound, Golofnin Bay, Cape Nome, and Fort Clarence. I established trading posts at these places with the Indians to buy furs. I have native agents at each of these places. I visited all of these points five or six times each winter in the course of my business. It was known from the first that there was gold along the shores of Bering Sea at various points, but it was not known that it was in sufficient quantities to pay for working until within the last two years.

There were several parties of prospectors fitted out at my store who went up and down the coast, but none of them found mines which they located previous to the fall of 1898. The first locators were Eric O. Lindblom, Hagaline, and Jaf Lindenburg. They got their supplies at my store and they told me they were going up the coast prospecting. After these three men went there first and made their locations they returned for more supplies. They shortly afterwards went back, taking with them Dr. A. N. Kittelsen, Gabriel W. Price, and a Laplander, Jo Hahn, who had declared his intention in April, 1898, before United States Commissioner Shepherd, to become an American citizen. These six men organized a miners' district and made rules and regulations in compliance with the laws of the United States. I knew them all well. They were all citizens of the United States except the Laplander, who had in good faith declared his intention to become such before a United States commissioner. They all made my stations their headquarters, and I knew all the Laplanders well. They were industrious, sober men, and said that they had come to make that country their home.

I went to Nome in November, 1898, and made some locations myself. Everything was proceeding orderly, and Dr. Kittelsen was the duly elected recorder. A large number of people came there during that winter and located claims. Mr. Price, one of the original locators and organizers of the district, who went there with the first party, notified the people of Council City, about 80 miles from Nome, that good diggings had been struck at Nome. Large numbers of people soon came over from Council City. Some of the emigration during the winter located claims for themselves and some jumped claims that had been located by the original parties who discovered the mines, on all sorts of pretexts, viz, that the notices were defective, the claims were not in proper shape or size, etc. There was nothing said for a long time about any of the original locators being aliens. Nearly all the jumpers were men who had been dealing with me for some time. Many who came to Alaska represented English and other foreign companies.

George Gardner was the agent of the English company, and as such grubstaked many of the jumpers at Cape Nome. The jumpers did no work on the claims because the original locators were in possession and would not allow them to enter on the claims. They simply recorded them in the recorder's office. I have seen the petition or memorial of the so-called "Law and Order League" of Council City. Nearly all the signers are Council City men, and most of them belong to companies sent out from London, Chicago, San Francisco, and other places to locate claims. I know that some of the signers of the so-called memorial belong to the English company represented by Gardner, and that many of them were foreigners who had declared their intention to become American citizens before the United States commissioner, Judge Shepherd, the same officer before whom some of the Laplanders made their declarations. I know these facts of my own knowledge, and have seen the grub-stake contracts between Gardner, agent of the alien company or syndicate, and the jumpers. A large number of the signers of the memorial or petition are aliens. If there was a "law and order league" in existence at Council City, Alaska, I never heard of it before I came to this city.

I do know that no such league ever existed at Cape Nome or ever assisted in maintaining the laws in Alaska. When navigation opened in the spring, about the last of June or the 1st of July, about two or three thousand people came into Nome. They declared that everything that had been done was illegal. They were a turbulent set of men, not miners, but many had the reputation of being professional agitators. They called a meeting to change the mining laws, after they had stationed men all over the district to relocate the claims after the meeting had abrogated existing locations. After the meeting assembled and its purpose was made known, Lieutenant Spaulding, of the Army, dispersed it to avoid what would necessarily have led to bloodshed if persisted in, because it was well known that the miners would not give up their claims without a fight. Lieutenant Spaulding told them that they must wait until the courts decided in their favor before they took possession of claims which other people had located.

JOHN A. DEXTER.

Subscribed and sworn to before me this 20th day of April, 1900.

[SEAL]

HARVEY T. WINFIELD,

Notary Public.

Mr. BATE. Mr. President, I thought I would have nothing to say in regard to the pending amendment because others who belong to the Committee on Territories, one of our largest committees, from which it has come, would address the Senate in regard to it and make such criticism upon this dangerous and forceful amendment as it deserves at the hands of one of our committee. I was particularly anxious that my friend the Senator from Vermont [Mr. Ross], who had, by assignment, immediate charge of these sections, would discuss it. But it seems in the progress of the discussion that not a single member of this Committee on Territories, to which I belong, has seen fit to say a word about this matter except the Senator from Montana [Mr. CARTER], who has the bill in charge and who now advocates this amendment.

Not a word has been said by any other member of the committee in regard to it. I apprehend that some Senators who are to vote upon this vital amendment may take up the idea that we approve and acquiesce in what has been said and done touching it by the Senator who has it in charge. Therefore it is that I am induced, at the request of some of my fellow-members of the committee, to say something of our course in the committee room touching the consideration of these two sections, 72 and 73, as well as others in the Alaska code bill.

I differ in toto with the Senator from Montana in regard to this amendment. I deem it those of us who differ with him as to this amendment to speak of our course in the committee room. While in the committee all these matters were freely discussed, as were all matters pertaining to this bill. I heard nothing whatever—and I do not know whether any of the others of the committee heard anything—adverse to the rights of aliens as embodied in sections 72 and 73 relating to the mining laws. Sections 72 and 73 of the bill were commented upon, no doubt, as other sections were, in our committee, and those sections were under the immediate supervision, correction, and direction of the able and distinguished lawyer and Senator from Vermont [Mr. Ross].

After undergoing his special attention and criticism, they, as the other sections, were taken up by the committee seriatim and examined very thoroughly and criticised. There was no objection whatever, as I can now recall, made to them, and I was as much surprised as other members of the committee when an amendment came in the Senate doing away with sections 72 and 73 for the purpose alleged in the amendments now under consideration.

In order to understand it properly, Mr. President, let me tell you in a few words that this Alaska code bill was composed of more than 600 typewritten pages. It seems that it had been prepared by the commission for codifying the penal laws of the United States, composed of Messrs. Botkin, Watson, and Culbertson, and was understood to have been taken, as far as practicable, from the code of the State of Oregon. When before the committee it was divided into four parts. The first to Senator CARTER, who now has it in charge; the second 150 pages to me; the third to Senator BEVERIDGE; the fourth, in which are these sections 72 and 73, was assigned to Senator Ross.

As I said, if there was any objection raised to these sections, I can not recall it. The first attempt to amend this mining-law provision was by the Senator from North Dakota [Mr. HANSBROUGH], and it applied only to section 73; but, by way of further security against alien miners, the Senator from Montana, who had charge of the bill in the committee room, as he has here, offered an amendment and then substituted for it the one now under consideration, including both sections 72 and 73.

This amendment proposed as a substitute to the sections by the Senator from Montana is very comprehensively and adroitly written and presents a very attractive and innocent look; but when penetrated and read between the lines, ugly and dangerous features appear. There is, Mr. President, a serpent coiled beneath that rose; a dagger behind that smile. We ought to vote down these amendments and not encourage that unhappy influence which is calculated to destroy the rights of these interested parties, and not only of these parties, but the rights of other parties over this country.

It is true that in one sense this does not apply to the general domain of this country, but only to Alaska; but it is the principle involved in it which is so dangerous. The United States Congress has passed an act which gives all the rights that might be required by any miner in locating his claim or by any person in locating land; but in the law passed in 1897—and there is the rub—as late as 1897 this Congress has taken action, and it has given all the rights required by any party, native or alien. I will read that act first, and then I will read the amendment or substitute to show why we ought not to make this change.

In 1897, on March 3, Congress passed in regard to these mining claims a law of this kind:

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of land in any incorporated or platted city, town, or village, or in any mine or mining claim in any of the Territories of the United States.

That act has been referred to very frequently in this discussion. It is an act limiting the power to enter these lands. There is an expression there that it shall not apply to mining districts. Therefore, as the matter stands, many of us believe that these two sections of the bill ought to remain intact, and we are perfectly satisfied with them as they are. But this is an attempt to repeal that law; not only to render it nugatory, but to repeal it absolutely in terms, and it is in substance, at least, proposed to be repealed by this amendment. What does this amendment say? I will first read section 72 as it stands in the bill and agreed to by the committee:

SEC. 72. Any alien may acquire and hold lands, or any right thereto or interest therein, by purchase, devise, or descent, and he may convey, mortgage, and devise the same, and if he shall die intestate the same shall descend to his heirs; and in all cases such lands shall be held, conveyed, mortgaged, or devised, or shall descend in like manner and with like effect, as if such alien were a native citizen of the district or of the United States, etc.

That is section 72, and that in conjunction with the other section is now sought to be repealed by this amendment. This amendment has evidently been drafted by some fine Italian hand. It comes in here for consideration, and at first blush seems to be all right, but when you go to the bottom of it you find how destructive it would be to the rights of these miners.

Section 73, which is the one sought to be disposed of by the amendment of the Senator from North Dakota, and which was approved by the whole committee, including the Senator from Montana, reads:

SEC. 73. The title to any lands heretofore conveyed shall not be questioned nor in any manner affected by reason of the alienage of any person from or through whom such title may have been derived.

Mr. President, those are the sections that passed our committee without objection and without other than favorable criticism, so far as I know. We all assumed that they were correct and we relied upon their containing nothing contrary to the statute of the United States and the interest of the country generally, and we heard nothing to the contrary until the proposition to amend was introduced. I suppose the Senator from North Dakota will tell us when he comes to speak on the amendment the reasons for its introduction. But it seems some influence has been at work seeking to have these statutes repealed and to establish this substitute in lieu thereof that was unknown to the Committee on Territories.

Mr. HANSBROUGH. Mr. President—

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

Mr. BATE. Certainly, sir.

Mr. HANSBROUGH. What is the information the Senator from Tennessee desires?

Mr. BATE. The Senator can tell exactly how this came about. He presented it; it is his own bantling.

Mr. HANSBROUGH. The Senator seems to be naming it, however.

Mr. BATE. I have named it in a certain way as your bantling, and I think it deserves the characterization I have given it; but I know the Senator will make an explanation here, which no doubt will be satisfactory to him if not to the Senate. I assume so, at least, from the character and ability of the Senator; and I will give way now to the Senator if he wishes to explain how this came about, for it reverses in toto the unanimous action of the committee.

Mr. HANSBROUGH. I think the Senator will be satisfied with my explanation when I make it.

Mr. BATE. I hope I may be, because I am not satisfied with the situation now, and I am opposed to this attempt to reverse the unanimous action of the committee upon what I regard the most vital point in the bill touching the interest of Alaska.

Here is an amendment, written, as I have said, by some fine Italian hand, which comes in here for the purpose of destroying these two sections. This is the second or third one that has come in. The one now pending is an amendment to the amendment of the Senator from North Dakota, as I understand it, in lieu of the one formerly presented by the Senator from Montana. It provides—

That nothing in this act contained shall be construed as changing the existing mining laws of the United States—

That is very good and satisfactory. Then it proceeds:

but in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location on the public domain any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

Mr. President, that amendment, were it to become law, would take away the property from any man who has come to this country and not declared his intention to become a citizen of the United States, although he might have lived here twenty-five or thirty years of his life. His rights are to be disregarded and his property confiscated. That is what this means the disregard of rights and the confiscation of the property of foreigners.

It has been stated here, and truly stated, that, as the law now is, no one but the Government can interpose in these matters. This invites suits by any and every one. Where a foreigner has sold his claim, as I understand it, not only by the statutes but also by the decisions of the courts, he has the right to transfer title. It seems to have been the policy of the Government, and a wise one, to encourage alien miners to come here—men who are of a hardy, adventurous spirit—that they might find these mines, locate them, delve in them, and bring out the yellow and white metals.

That seems to have been the policy of the Government, and we have legislated to that effect and sought to do so in this bill. In 1897 there was a culmination of that progressive legislation favorable to miners in the statute which I read a few moments since. That statute shows that any foreigner can come here and locate and work mines without molestation. Let me say in this connection, that if this amendment is passed it will take right away and destroy the privileges of the miner, not only in the future, but also divest him of those rights which have already accrued.

I assume, Mr. President, that under existing laws when miners, native or alien, locate and work their claims they become vested rights and should not be disturbed by legislation. The effect, if not the design, of these amendments will be to disturb, if not destroy, all such holdings and rights under them as have been shown by testimony in certain cases referred to in this discussion. Through the court, under order of the Government, is the only way to interfere with these rights already accrued and in possession of these parties, and that is done by directing the Attorney-General to proceed to bring his suit in the name and by the authority of the Government against the parties, and when that is done it opens up the question of title and forces the man who either was a locator or the occupant or holder to derange his title, and in doing so go back to the original locator. This the Government does not do, and hence the locator and worker of a mining claim is safe in his holding and title as the law is now. As I have said, this amendment, then, is intended to allow any person to sue and put the holder to the test of title, and if the holder of the claim in its beginning or subsequent was an alien it would void the title.

This amendment is, Mr. President [Mr. PETTUS in the chair], what you, as a lawyer, know is in the nature of a demurrer, a general fault-finder, and reaches back even to the original defect. It is a kind of pleading which takes away the rights of the original locator of the mine and destroys them. That is one of the objections to this amendment. If you propose to pass a provision on this subject, it should be prospective, and not retrospective and retroactive—not looking to the past, but to the future.

In that case, it would meet with some approbation, perhaps, and then the Senator from Montana [Mr. CARTER] might sustain himself more consistently and with better reasons in the very inflammatory and enthusiastic speech he made here yesterday evening in a tirade against foreigners. There might then be some plausibility in it. Not while it is in its present form, retroactive, is it entitled to earnest consideration, and, I think, should be promptly defeated by the Senate. These rights are vested rights, and this amendment is a mere demurrer, seeking to reach back, and disturbs titles instead of quieting them. We should knock it out of Senatorial court, so to speak, and let the law remain as it is and as it has been indorsed and reported by this committee.

Of course there are some inducements—honorable inducements, I mean to say—that have been brought to bear in this Senate to have these amendments made, but it was not a question that was discussed or even thought of in the committee, and it has sprung up since the bill was reported. At any rate, it is here before us and we have to deal with it, and, in doing so, in my judgment, reviewing this case as briefly as I shall, is to let the bill remain as it was reported by the committee, as it was approved by the committee, and as it was approved by the Senator in charge of the bill who is now fighting it. He was instructed by the committee, so far as I know—I believe I was not present on that particular occasion—but I understand he was instructed to return the bill as the sense of the committee, and it has been so returned, and these two sections are in it, and I want to maintain them. I think it is right that we should.

Mr. CARTER. Mr. President, the very section under consideration—section 73—was, I believe, a part of the work assigned to the Senator from Tennessee.

Mr. BATE. No, sir.

Mr. CARTER. It was not?

Mr. BATE. No; as I stated a while ago, it was assigned to the Senator from Vermont [Mr. ROSS].

Mr. CARTER. I will ask the Senator from Tennessee, then, since the matter was not discussed in committee and attention was not called to it, if he believes that Congress should affirmatively ratify all the questionable titles in Alaska?

Mr. BATE. I do not think so.

Mr. CARTER. Section 73 does that very thing.

Mr. BATE. I do not think it could possibly have that effect, and could not have then been so regarded without attracting the attention of the committee.

Mr. SPOONER. The Senator from Montana does not mean to say that that section would confirm all questionable titles in Alaska, does he?

Mr. CARTER. As to the alienage of the party holding the title?

Mr. SPOONER. Yes.

Mr. BATE. Well, Mr. President, this is an omnium gatherum. It was so covertly written and so plausibly presented that I do not know exactly what it does contain. It seems to sweep all around, but, anyway, it strikes at these rights and strikes them down. So much, Mr. President, for the amendments.

A remarkable protest was presented here yesterday evening or the day before—it is not very long since, but I get mixed in these dates—it was rather surprising, and I must say it rather shocked

me. It shows a condition up there that ought not to be permitted. I thought it was bringing a very severe criticism upon the commanding officer who was there, Lieutenant Spaulding.

There has been handed to me, however, by the Senator from Nevada, a paper which has just been read, which contains the statement of a Richmond gentleman, as I understand, who has been in business and is still engaged in business in Alaska; but he has been in Richmond recently, and came here yesterday and heard of the proceedings in regard to this matter. Being right from Cape Nome, he made the facts known. He knew some of these parties. He came to a Senator here, and hence this document was shown to me and read by the Clerk. He, Mr. Dexter, being vouched for as a reliable gentleman, his statement has rebuked into silence that remarkable protest.

We have heard talk about lobbyists here, Mr. President. I have seen none myself, and I assume that there have been none, except the men who have come here on business, and who had a right to do so, and we have had their assistance in the framing of this bill and in the correction of it. In this work we have had the assistance of two or three gentlemen of high character who live in Alaska. One of them, Mr. R. L. Lewis, I remember distinctly, and there were others here for the purpose of giving information as to the condition of things in their country, and they did so in a very lucid and very conclusive manner, and in many instances we have adopted their suggestions. I know I did myself in the part of the bill assigned to me.

That you may know the history of the bill I will say that it consists of over 600 pages of printed matter. That was divided, as I have said, by the chairman into four parts. There were four lawyers who happened to be upon that committee, and it was divided among them. I had a part, the Senator from Vermont [Mr. ROSS] had a part; the Senator from Indiana [Mr. BEVERIDGE], who is not now present, had a part, and the Senator from Montana [Mr. CARTER] had the first part. In that way the bill was divided amongst us. We entered upon the work, and we thought we had corrected and rearranged the bill as well as it could be done. We had no lobbyists about the committee. The governor of Alaska was there by our invitation, and the other gentlemen to whom I have referred were also there upon our invitation, and they gave us a good deal of valuable information which we used to advantage.

I beg to further state, in regard to the memorial which was presented here yesterday, that it is a remarkable document signed by many men—

Mr. SPOONER. It was only signed by two men.

Mr. BATE. Of course at first blush we would say there was something wrong there and that these men, not knowing anything about them, were all right and that we should respect their utterances; but the gentleman to whom I have referred was here this morning, and he gives an explanation as to that. Those memorialists do not pretend to state anything upon their own knowledge, as I understand it. Here is the conclusion of what Mr. Dexter says, this gentleman who has made affidavits since some of these matters have been stated in the Senate. He says:

I have seen the petition or memorial of the so-called "Law and Order League" of Council City.

That is the one read yesterday.

Nearly all the signers are Council City men, and most of them belong to companies sent out from London, Chicago, San Francisco, and other places to locate claims. I know that some of the signers of the so-called memorial belong to the English company represented by Gardner, and that many of them were foreigners who had declared their intention to become American citizens before the United States commissioner, Judge Shepherd, the same officer before whom some of the Laplanders made their declarations. I know these facts of my own knowledge, and have seen the grub-stake contracts—

That is a new term to me. Grub-stake contracts—

between Gardner, agent of the alien company or syndicate, and the jumpers.

I understand what "claim jumper" means. He had seen the contract between the jumpers and these men.

A large number of the signers of the memorial or petition are aliens. If there was a "law and order league" in existence at Council City, Alaska, I never heard of it before I came to this city.

I do know that no such league ever existed at Cape Nome or ever assisted in maintaining the laws in Alaska. When navigation opened in the spring, about the last of June or the 1st of July, about two or three thousand people came into Nome. They declared that everything that had been done was illegal. They were a turbulent set of men, not miners, but many had the reputation of being professional agitators. They called a meeting to change the mining laws, after they had stationed men all over the district to relocate the claims after the meeting had abrogated existing locations.

They had their men out ready to locate claims at once, as I understand it.

After the meeting assembled and its purpose was made known Lieutenant Spaulding, of the Army, dispersed it to avoid what would necessarily have led to bloodshed if persisted in, because it was well known that the miners would not give up their claims without a fight. Lieutenant Spaulding told them that they must wait until the courts decided in their favor before they took possession of claims which other people had located.

Mr. President, that is a very clear exposition of this matter, and it seems to me it thoroughly and effectively contradicts the memorial which was read here yesterday. I was myself very much surprised when the memorial was introduced. I was demoralized a little, so far as my prior convictions were concerned; but when I came to look at it, and see who were the people who had signed it, and found that they did not profess to state any of these things upon their own knowledge, I saw that it did not amount to much, and I came to the conclusion that we ought not to regard it.

But it was very shrewd upon the part of my fellow-Senators, with all respect to them, in managing their case, when they saw how the law had been presented here by the Senator from Colorado [Mr. TELLER] and the Senator from Nevada [Mr. STEWART], both old miners and familiar with the mining laws, as well as with the miners' customs and how they get along generally under such circumstances; when that had been explained they should have allowed the matter to drop, for it put their case out of court. They seem to have felt that it was time to throw out a tub to the whale; and this memorial was sprung here yesterday as a tub to the whale to divert the attention of the Senate from the fact that retroactive legislation was here being urged. We have destroyed that tub by this affidavit of Mr. Dexter, if by nothing else.

Now, they say that these foreigners did not discover this gold. This man, whose affidavit has just been read here, states that these men were doing business with him. He had five or six stations, where he kept merchandise supplies along Bering Sea, and, among others, one at Cape Nome and at other places. He said that some men came to one of his trading stations and made known the fact that gold had been discovered in the Cape Nome district, when there was organized a force of six men, who went down there for the purpose of locating, and he gives the names of those; and without, I suppose, knowing anything about this memorial as it came here yesterday, the names he gives correspond exactly with the names of those given by Dr. Kittelsen, whose affidavit was read yesterday by the Senator from Nevada and who gives a clear exposition of this whole matter and gives the names of all the parties.

He, Dr. Kittelsen, is the man who was chosen in that camp as their recorder, and he did record all the claims of all these parties and those of the jumpers also. When those men came there, he was required to record their claims, and he did it.

This shows that six men went there, and Dr. Kittelsen, in his statement which was read here, also shows that six men went there. I believe two were Norwegians and one was a Laplander. They had all filed their intentions to become citizens of the United States, with one exception, before the same man, Sheppard, who was the commissioner who has been alluded to in this discussion, and before whom these applications were made at Council City. These foreigners had all applied to him, believing he had the right to take their declarations of intention to become citizens. Those Laplanders believed they had the right to go before him and take the oath of allegiance, and were so informed.

These men went there, made application, and took the preliminary steps to be made citizens of this country. That was the condition of the men who went there when they made locations. Before that they organized what is known as a miners' camp, of which you have heard much here, and if I understand it, practically the way they locate these claims—I do not know that I am correct in this, but such is my belief—one of them wants to locate a claim, whether a citizen or a foreigner, goes and drives down a stake at this and that corner, unless he has had it surveyed, and in the center sometimes a stake is driven down, and to that a piece of wood is attached, upon which he writes his name, and lets it be known that that is his location.

That was the condition of things there, and these, Mr. President, are the men who did this and whose claims were recorded. Even after two or three hundred more came there during the winter, there was no interference with or disturbance of what had been done, and there was no disturbance at all until long after, when two or three thousand more came in and wanted to regulate matters. Then this emeute sprang up, when this officer came in and suppressed it. So everything had been going on there in a quiet, lawful, and orderly way to secure the titles of these men.

Their locations had been worked according to the laws of the country. Some of them had turned out to be very fine locations, and two, three, or four had yielded an immense amount of gold; one, I understand, got as much as thirty or forty thousand dollars in one season, and another got a little more than \$40,000. So it went on until presently the mine became so valuable that two or three men who had money to invest in such things, who led that character of life and were good judges of mines and mining claims, staked their money on their judgment, proposed to buy, and finally did buy up a part of these claims at a very high price.

A letter was read here at the opening of this discussion by the Senator from Nevada from one of the parties in interest, which

shows that there has been about \$90,000 paid there by one individual; and now a hundred thousand dollars or more is being used to carry machinery for the purpose of getting water over to the mines on the creeks. So you see what a hardship the adoption of these amendments would be to these men, and they would apply alike to all such in Alaska.

Meantime, Mr. President, Mr. A comes along as a locator; he is a foreigner, if you please; he locates some of these claims. There, then, is the recorder, Mr. B, and he records them. So far it is all right. Then, another man comes along, Mr. C, who has money, and he wants to buy. He proposes to purchase. He makes terms with Mr. A to buy at quite an advanced rate. That man then holds the title. That man is an old miner and he knows very well, as well as these other old miners here do, that no one but the Government can touch the claim of a foreigner, and the Government has never yet done it, so far as I have heard, and the statements here are all to that effect.

Therefore the purchaser felt secure in his title, even though a foreigner had located it, for he explicitly relied upon the law as it then existed and the decisions of the courts being carried out. He had no anticipation that there would be an effort made by anyone to come into the Congress of the United States and ask legislation which would upturn his rights and deprive him of his claim.

This man, Mr. C, purchased the property, and meanwhile this crowd of men came in. Then three lawyers appeared, one, I believe, of the name of Hubbard, of the firm of Hubbard, Beeman & Hume. They went there, and it seems as soon as they got there trouble began. They began to look into titles. They claimed that the locations of the foreigners were invalid, and then the jumpers proceeded to pounce upon those claims and attempted to sell them to somebody else. They are a character of people justly amenable to criticism and censure. They are aiders and abettors of jumpers and are as bad as the jumpers themselves.

Who are these jumpers? "Jumpers" is a bad term anyhow. You know how we all despise men of that character. My friends on the other side know how they despised the bounty jumpers during the war between the States. The word "jumpers" is associated with advantage taking and disreputable acts.

Mr. RAWLINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. BATE. Certainly.

Mr. RAWLINS. The Senator has evidently given much consideration to this question. He alludes to the question of jumpers. I desire to put a question to the Senator. Assuming that the laws of the United States make it a condition to a valid location of a mining claim that the locator be a citizen of the United States, or that he have declared his intention to become a citizen; if he does not comply with that condition his location is invalid and the land is the same as if it had not been located. Any citizen of the United States or person having declared his intention to become a citizen is, therefore, under the laws of the United States, entitled to make a valid location, because the first is wholly invalid. Now, does the Senator mean to characterize a person in the last situation I have mentioned as a jumper?

Mr. BATE. In the first place, I think the Senator's assumption is wrong, and I differ with him in regard to that title. I think the alien gets a temporary title, and it can be made a permanent title. This has been shown in this discussion where suits have been brought against foreigners to escheat their lands or mining claims, the Government declining to disturb the title and giving the alien the right to file his intention to become a citizen after suit is brought, and at any time before final decree, and upon such filing the proceedings are dismissed. The statute opens the courts to the foreigner and gives him the privilege, up to the last hour before the money is paid, of declaring his intention and making permanent his title.

Mr. STEWART. Let me answer that.

Mr. BATE. Let me get through. I will answer it further in a moment. I understand a jumper is a man who seeks to interfere with the title of the man with the pick and spade who has been there in the dust and cold, under the blasts of winter, in order to establish a claim. He is a man who has done no work whatever and goes there for the purpose of jumping a claim. That is the way I understand it.

Mr. RAWLINS. If the Senator will allow me, having lived all my life in the midst of a mining country, I will give him what I understand to be the definition of a jumper accepted among miners. A man has made a valid location; he is entitled to make it under the law, and he is doing what he can to maintain it; he is complying with the law. A corporation or a combination of men enter upon possession of his mining claim by force, dispossess him of it, drive him away from it, proceed to operate it as if they had a right to it, contrary to law. Those are jumpers; but a man who enters lawfully—makes a location—never is a jumper.

I desire, further, to state that I understood the Senator from

Nevada, and I did not quite understand the Senator from Colorado, to maintain that an alien could make a valid mining location. I have found no case in which it has been held that an alien can make a valid location. I called upon the Senator from Nevada to give me such a case, as I understood him to make such a statement. He referred me to a case in my own State. I want to call attention to the nature of the case in my own State.

Mr. STEWART. I simply want to say what a jumper is.

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. BATE. I yield to the Senator from Nevada to define a jumper.

The PRESIDING OFFICER. The Senator from Nevada is out of order. He can not speak without the recognition of the Chair.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. BATE. I yield for him to define a jumper.

Mr. STEWART. A jumper is a man who enters upon a claim of another in his possession. I do not care whether he is a foreigner or whether he is an American. If he has located a claim and is working it and is in possession of it, the man who enters upon it to take it from him is a jumper, and is treated as such. Nobody has a right to take it from him, if he is a foreigner, except the Government of the United States, and according to the affidavit of Mr. Hubbard his clients are jumpers. He says that they went there and located these claims which had previously been located, and brought suit. Of course they were jumpers.

Mr. BATE. Mr. President, the Senators who are familiar with mining and mining operations can better define jumpers than a layman like myself, but I will give my definition of it, the common-sense view of it. I look upon a jumper as a man trying to get something for nothing, who wants to interfere with the rights of the man with the pick and spade amidst the dust and blasts up there in the Arctic Circle, who is trying to make a living.

A jumper is a man who tries to oust him by coming in there and saying, "Your title is no good. Pay me so much money or I will bring suit against you and you will jump out." He is trying to get something for nothing by a species of blackmailing. Sir, in the animal kingdom we see that very frequently, and I think these jumpers might well be likened to the jackal. The jackal follows in the wake of the lion to get his prey. The lion destroys the game and the jackal comes along for the purpose of devouring it. That jackal is a jumper.

See an illustration that is perhaps more forcible, afforded in ornithology. Look at the cuckoo bird. Did anybody ever hear of the cuckoo making its own nest? No, sir. But whenever another bird makes a nest, the cuckoo bird comes along, takes the nest, lays its eggs, and hatches its young. That is an illustration of it, and that cuckoo is a jumper.

Mr. STEWART. That is good.

Mr. BATE. I have not very much time, and there are some things I wish to say. I shall have to yield the floor at half past 4 by prearrangement. This question of jumping has gotten to be a very serious one. They have a jumper on the side of this amendment, as the Senator from Nevada just told you. This man has jumped four or five thousand miles, all the way from Cape Nome, and lit down into the committee room of my friend the Senator from North Dakota, for the purpose of doing what? Why, of helping those jumpers who are at Cape Nome to take that which does not belong to them and put out the man with the pick and the spade and set up for themselves there and make a fortune out of his interest. That is a long jump and an adroit one.

Mr. HANSBROUGH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. BATE. Certainly.

Mr. HANSBROUGH. I understood the Senator a while ago to say that he had an interview with a gentleman by the name of Lewis.

Mr. BATE. Yes, in the committee room, sir; and Senator Ross—

Mr. HANSBROUGH. Mr. Lewis informed me that he himself had prepared most of this civil-code bill, and that he was here in the interest of the parties who had taken an option on the claims alleged to have been located by these parties. Mr. Lewis is an attorney, and he is here on behalf of the other interest.

Mr. BATE. Yes, sir. He is here, and is an attorney by profession.

Mr. HANSBROUGH. I do not dispute his right to be here.

Mr. BATE. Nor I.

Mr. HANSBROUGH. Or to talk with the Senator.

Mr. BATE. Nor do I dispute the right of Mr. Hubbard to talk with you, but nevertheless I say he is a jumper, a good jumper, because he jumped four or five thousand miles in an incredibly short time and found himself in the committee room of a United States

Senator. But Mr. Lewis is a good man. He is a good lawyer. He submitted a brief, and sent it to me the second day of this discussion, and that brief contains everything in the way of legal reference I have heard in regard to mining. He did it in two or three short pages.

Two or three of the leading cases referred to and analyzed with the facts. He is a fine lawyer and a modest, cultivated gentleman. We all were glad to have his suggestions in the committee room, which were given only when invited.

These foreigners are the parties who first found the gold there. They were the adventurers. What was the condition of things at Cape Nome when gold was discovered there? We knew nothing about it.

It is said here in a part of the proof touching this matter that a few months before they learned of this discovery it had been told somebody in confidence, and they had made it known; had violated their confidence. It was, however, lost and forgotten; at least, no effort had been made to develop it. This was in the spring when, as Mr. Dexter states, the company was to go and organize a camp in the fall, and up to that time nothing had been done to establish a camp or make a location. It stood just in that relation. And these six men organized the first camp and made the first location of mining claims there. If ever claimed by anyone else, the claims had been abandoned.

Mr. President, I believe that it is said that the Norsemen discovered America before Columbus did; but Columbus really discovered it. He is the man to whom we are indebted for it. His discovery brought practical benefit with it. The Norsemen may have seen it first on the coast of Iceland, but it was not followed up, and was lost and forgotten. So these people may have heard of Cape Nome and the gold, yet they paid no attention to it; but months after that here comes these men with the pick and spade, and they go over and find it and they locate and develop it. It belongs to them, and it would be an outrage upon the part of the Government of the United States to take it away from them or from those who hold under them.

I have gone somewhat over this matter. There are a great many more points in it, but I do not intend to detain the Senate to-day after half past 4. I desire the ceremonies to begin then as we have agreed. But I want to say that as a member of this committee I have looked at this a little more narrowly, perhaps, than if I had not been a member of the committee, for I felt a pride naturally that our committee should do what is right, and I know, furthermore, that Senators rely upon committeemen for information coming under their investigation more than upon their own observation and their own examination in matters that come before the Senate. I felt that there was a moral obligation resting upon me as a member of the Committee on Territories to give my ideas about this and to do the best I could touching this bill.

This is a large bill, a very remarkable bill, and it has been conducted on this floor by the manager who has had it in charge with very marked ability and success. He has not only shown astuteness and adroitness in this matter, but he has shown eloquence when it was necessary to denounce foreigners. I think I could afford to do it as an ex-Confederate—you and I, Mr. President [Mr. Pettus in the chair]. But when one-third of the men shooting us down in our late war were foreigners, I do not think those who enlisted them to do it ought to abuse them. I think they ought to take care of those who fought with them to sustain the Federal Government and to overcome us Confederates in the fight. I think the Senator from Montana should not indulge his bitter tirade upon them to such an extent.

Mr. President, this amendment destroys the rights of those who have gone to Cape Nome in good faith, made their locations according to law, and have sold the locations in good faith; and others have invested a large amount of money there, and when you pass this amendment, destroying these two sections, you destroy their property; you take it away from them. It amounts to nothing but confiscation upon the part of the Government of the United States, and I am against that kind of a proceeding.

I am against it in morals as well as in law. The law is on the side of our contention. The morals are upon that side. The man who located it sold it. Another man bought it in good faith. Now he holds it and is trying to better it, and to carry money there to add to it and help this country, and he is doing it on a liberal scale.

The foreigners found the gold at Cape Nome. What was the condition of things? To me it looks almost like an apparition, a wonderful thing in itself. Two years ago there was a cold, bleak, barren, uninhabited, and unattractive country at Cape Nome. Not a sail fluttered in its boreal blasts; not a steam stack belched forth its cloud of smoke. No commerce, no trade; naught to be seen but a shipless sea and the rock-ribbed mountains frowning upon it. Now we see thrift and trade in season, and active, thrifty, stirring population, with pick and spade, digging, even in

the sands of the sea, for gold. How comes this gold in the ocean? I have been racking my brain to see what is the most plausible theory.

How come these gold nuggets in the ocean, down in the sands, where the water has been washing over them for centuries? It is said, I believe, that the most plausible idea is that the intense internal fires have made the gold of some coarser material and cast it up along with the rock, the upheaval of which makes the mountains.

We must look at time not as we have it in the Bible—I do not dispute the Bible—but as of thousands and perhaps millions of years. This abrasion, the beating of the sea against this gold-bearing mountain, has been going on and on. These waters have been beating against these rock-ribbed hills, now and then washing out these little particles of gold, and they have dropped into the sands, where the miners find them. That was the condition when these foreigners went there, these enterprising men from Lapland.

I think that was fortunate, and it is the first time I ever thought it a good investment for the Government to send for the Laplanders and pay the amount of money we had to pay. They have come, and with their energy they have gone to Cape Nome and they have discovered these mines, and now you see how it is working, and the amount of gold it is bringing forth. They came with their reindeer. They are adapted to that climate. So is the reindeer. Nature is beautiful in its adaptability. The reindeer is adapted to that cold, unproductive climate. He feeds and fattens upon the native moss. His skin is thicker, his hair is longer and softer, and there is a little fine wool next to his skin to keep him warm. They use his skin for garments to keep warm the inhabitants of that bleak and uncongenial climate.

Another thing occurs to me in this connection. The finest and most costly material known to the Gobelin looms or to handmade product comes from the arctic regions. It is the down of the eider duck. Nature is adaptable, and it prepares these things to suit the necessity. So those Lapps came to Alaska, promising, before they came, to become citizens of the United States. They came and did the very best they could to become citizens. Twenty-seven of them filed their affidavits of first intention in Port Townsend. The others made application when they went up there before authorities whom they thought were authorized to give certificates of citizenship.

Now, I am glad those men came with their reindeer. They may develop a useful industry up there; I do not know; but one thing is certain, that these Laplanders can live there and live there successfully, where our people could not survive—a place where the sun is never vertical, but gives its horizontal rays in long days and cold and darkness in long and dreary nights. No warmth to melt the ice-bound brook and the snow-covered vale or to bring forth fresh and green vegetation or to give blush to the rose.

These Laplanders, Swedes, and Norwegians are peculiarly adapted to that country, and they can bring it into a rich development. They can make a useful country of it when we could not. Our people go there merely to stay three months, and are as migratory as the cranes who fly over us, going forward and backward with the seasons. That is the character of our people who go there.

They would go there in the summer time for three months, while these Lapps can stay there all the time and they can develop the resources of the country and pour any amount of gold into the pockets of our people. Therefore, we ought to encourage them instead of turning them out upon a cold technicality of law. We ought to let them have their equities; and this case is full of equities. It would be unfair, unjust, illiberal, and, I think, inequitable for us to put this amendment in lieu of the two sections which I have read and which have been agreed upon by the committee.

The PRESIDING OFFICER (Mr. Pettus in the chair). The hour of half past 4 o'clock has arrived.

Mr. BATE. I am not through, but I will quit.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE DANFORD.

Mr. FORAKER: Mr. President, I ask that the resolutions from the House of Representatives on the death of the late Representative DANFORD may now be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, January 20, 1900.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. LORENZO DANFORD, late a member of the House of Representatives from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That a copy of these resolutions be transmitted to the family of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. FORAKER. Mr. President, I offer the resolutions which I send to the desk and ask for their present consideration.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep and profound sorrow of the death of Hon. LORENZO DANFORD, late a Representative from the State of Ohio.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his eminent public services and high personal character.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. FORAKER. Mr. President, it is the custom to take formal note of the decease of our colleagues, and it is usual in such connection to speak only words of eulogy.

The circumstances of death and the proprieties of such occasions are calculated to restrain and qualify all that may be said.

For this reason our tributes too frequently have less weight and make less impression than they should. It is not necessary to have any such thoughts in this instance. The unrestrained truth is in this case the highest eulogy; and if it were not so, he whom we honor to-day would, if able to have a wish, infinitely prefer it to any false compliments.

LORENZO DANFORD was born on a farm in Belmont County, Ohio, October 18, 1829. At the age of 25 years he had attended the common schools, spent two years at college, graduated in the law, and been admitted to its practice, where his advancement was rapid.

In the six years following he had acquired a clientage, attracted the favorable attention of the public, been twice chosen prosecuting attorney of his county, and had turned his back on all the bright prospects that thus attended him to enlist as a private soldier in the Union Army.

His service was at the front, where he made a record for gallantry in battle that brought its reward in one promotion after another, until finally he was made a commissioned officer, and later attained to the rank of captain.

At the close of the war he resumed the practice of his profession, in which he soon became so distinguished that he was tendered employment in almost every case of importance in his judicial district. His great success was due to the fact that, in addition to being well grounded in the law and having great power as an advocate, he had preeminent good common sense and a familiar knowledge of human nature. He seemed to comprehend intuitively the motives of men, and thus was able to unravel transactions and discover and establish the truth.

He lived in a Congressional district that had given to the public service such men as Edwin M. Stanton and John A. Bingham. Mr. Bingham was then representing that district in Congress. He was popular with his constituency not only because of the distinction he has conferred upon them by his conspicuous public services, but also because he was one of the most affable and lovable of men. Only a strong man intellectually, morally, and in a popular sense could succeed such a man to such an honor. But this distinction fell to Captain DANFORD when, in 1872, he was first elected to the House of Representatives. He was soon recognized in that body and throughout the country as worthy to follow his distinguished predecessor.

His habits of thorough study, his sound judgment, and his long and varied experience at the bar made him ready and forceful in debate, and at once, almost, he took his place as one of the strong men of the House. After three terms of service he voluntarily quit public life, that he might devote himself to the practice of his profession, in which he again had the most brilliant success. He was reelected to the House in 1894 and reelected in 1896 and 1898, but died at his home in the county of his birth in 1899, before the Fifty-sixth Congress had convened.

His whole life was a struggle. As a boy with poverty and to acquire an education; later to qualify himself for the practice of the law; as a soldier in the civil war to contribute his full share to the preservation of the Union; as a man to discharge with fidelity the duties of the high positions to which he was called.

He was strong and rugged, both physically and mentally. He was an earnest and constant exemplification of truth and sincerity. He was in all his conduct plain, practical, and straightforward. He relied on his own powers, his own efforts, his own judgment, his own abilities, his own sense of right and justice. In person he was tall and graceful, with a handsome face, a frank, manly countenance, and a polite and attractive address. He had the genius of common sense, and the brilliance of sound judgment and sincere purposes. He was not an orator who dealt in imagery, but he was an easy, logical, eloquent, and forceful speaker, who marshalled facts and presented them with commanding power.

He surmounted all difficulties and attained a high measure of success in all the fields of his labors and efforts.

He was a faithful friend, a devoted husband, a loving father, a splendid type of the American citizen, and an inspiring example for the American youth. His work is done. In the House, where he served so long and so ably, fitting testimony has been given by his colleagues of the uprightness of his life and worth of his services. They have spoken admiringly, tenderly, beautifully, but in it all there has been no insincerity or exaggeration. He was worthy of all that has been said. I can speak no higher praise.

Mr. President, I ask for the adoption of the resolutions.

The PRESIDING OFFICER. The question is, Shall the resolutions submitted by the Senator from Ohio be adopted?

The resolutions were unanimously agreed to.

Mr. FORAKER. Mr. President, as a further mark of esteem to the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 21, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 20, 1900.

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

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

NICARAGUAN CANAL.

Mr. SHACKLEFORD. Mr. Speaker, some time ago the majority of the Committee on Interstate and Foreign Commerce filed a report upon the subject of the Nicaraguan Canal, and the committee agreed that I might file on behalf of the minority a report, which I now ask to file by unanimous consent and have it considered as pending with the majority report.

The SPEAKER. The gentleman from Missouri asks unanimous consent to file a minority report on what is known as the Nicaraguan Canal bill, and that the same may be printed. Is there objection? [After a pause.] The Chair hears none, and that order is accordingly made.

ORDER OF BUSINESS.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. MAHON. Mr. Speaker, I ask for the regular order.

The SPEAKER. This is the regular order. The gentleman from Illinois moves that the House resolve itself—

Mr. MAHON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will wait until the Chair puts the motion. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. The Chair will now hear the parliamentary inquiry of the gentleman from Pennsylvania.

Mr. MAHON. Before that motion can be put, Mr. Speaker, Rule XXIV, which provides for order of business, says that the daily order of business shall be as follows: First, prayer by the Chaplain; second, reading and approval of the Journal; third, corrections of reference of public bills; fourth, disposal of business on the Speaker's table; fifth, unfinished business; sixth, the morning hour for the consideration of bills called up by committees. I want to ask if this order of business must not be finished before a motion to go into Committee of the Whole House on the state of the Union is in order?

The SPEAKER. The Chair will state that under the rules this motion is in order at all times; it is highly privileged, and the question as between the two committees on Claims and War Claims does not come up at this time. When that question comes up, the Chair will pass upon it.

Mr. MAHON. Then, Mr. Speaker, I would like to ask the House to give us another day in place of this.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois to go into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. MAHON. I ask the House to vote this motion down. It is in your power to do it if you want to consider bills.

The question was taken; and on a division (demanded by Mr. MAHON) there were—51 yeas and 53 noes.

Mr. FOSS. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 96, answered "present" 16, not voting 134; as follows:

YEAS—104.

Adams,	Cummings,	Hopkins,	O'Grady,
Alexander,	Curtis,	Jenkins,	Olmsted,
Allen, Me.	Cushman,	Jones, Wash.	Payne,
Baker,	Dalzell,	Kerr,	Ray,
Barber,	Davidson,	Kitchin,	Reeder,
Barham,	Dayton,	Knox,	Roberts,
Bingham,	Dick,	Lacey,	Rodenberg,
Bishop,	Dolliver,	Lawrence,	Smith, H. C.
Boreing,	Driggs,	Linney,	Smith, Samuel W.
Boutell, Ill.	Eddy,	Littlefield,	Smith, Wm. Alden
Brick,	Faris,	Long,	Southard,
Bromwell,	Fletcher,	Loudenslager,	Sperry,
Brosius,	Fordney,	Lybrand,	Steele,
Brown,	Foss,	McCleary,	Sulloway,
Bull,	Gardner, N. J.	McPherson,	Tate,
Burke, S. Dak.	Gill,	McRae,	Tawney,
Burleigh,	Graham,	Marsh,	Taylor, Ohio
Burton,	Greene, Mass.	Mercer,	Vandiver,
Butler,	Grosvenor,	Mesick,	Van Voorhis,
Calderhead,	Grout,	Meyer, La.	Wadsworth,
Cannon,	Hamilton,	Miller,	Wanger,
Capron,	Heatwole,	Moody, Mass.	Warner,
Clarke, N. H.	Hepburn,	Morris,	Weeks,
Corliss,	Hill,	Mudd,	Wheeler, Ky.
Cousins,	Hitt,	Needham,	Wise.
Crumpacker,	Hoffecker,	Norton, Ohio	

NAYS—96.

Adamson,	Elliott,	Maddox,	Small,
Allen, Ky.	Emerson,	Mahon,	Snodgrass,
Atwater,	Finley,	Mann,	Spalding,
Ball,	Fitzgerald, N. Y.	Meekison,	Sparkman,
Bell,	Fitzpatrick,	Mondell,	Spight,
Berry,	Gaston,	Moon,	Stark,
Brantley,	Glynn,	Neville,	Stevens, Tex.
Breazeale,	Green, Pa.	Newlands,	Stokes,
Burleson,	Griggs,	Otey,	Sulzer,
Caldwell,	Hedge,	Pierce, Tenn.	Sutherland,
Clark, Mo.	Henry, Miss.	Pearre,	Swanson,
Clayton, Ala.	Jack,	Rhea, Ky.	Talbert,
Clayton, N. Y.	Johnston,	Richardson,	Terry,
Connell,	Jones, Va.	Riordan,	Thomas, N. C.
Cooney,	Kleberg,	Robinson, Ind.	Underwood,
Cox,	Kluttz,	Rucker,	Wachter,
Davenport, S. A.	Lamb,	Ryan, N. Y.	Williams, J. R.
Davenport, S. W.	Lanham,	Shafroth,	Williams, W. E.
Davis,	Latimer,	Shelden,	Williams, Miss.
De Graffenreid,	Lewis,	Sheppard,	Wilson, Idaho
De Vries,	Little,	Sherman,	Wilson, N. Y.
Denny,	Livingston,	Showalter,	Wilson, S. C.
Dinsmore,	McAleer,	Sims,	Zenor,
Dougherty,	McDowell,	Slayden,	Ziegler,

ANSWERED "PRESENT"—16.

Allen, Miss.	Carmack,	Graff,	Norton, S. C.
Bartlett,	Esch,	Hull,	Ransdell,
Burkett,	Gaines,	Miers, Ind.	Rixey,
Burnett,	Gillet, N. Y.	Muller,	Shackleford.

NOT VOTING—134.

Acheson,	Davey,	Lentz,	Robertson, La.
Aldrich,	De Armond,	Lester,	Robinson, Nebr.
Babcock,	Dovener,	Levy,	Ruppert,
Bailey, Kans.	Driscoll,	Littauer,	Russell,
Bailey, Tex.	Fitzgerald, Mass.	Lloyd,	Ryan, Pa.
Bankhead,	Fleming,	Lorimer,	Salmon,
Barney,	Foster,	Loud,	Scudder,
Bartholdt,	Fowler,	Lovering,	Shattuc,
Bellamy,	Fox,	McCall,	Sibley,
Benton,	Freer,	McClellan,	Smith, Ill.
Boutelle, Me.	Gamble,	McCulloch,	Smith, Ky.
Bowersock,	Gardner, Mich.	McLain,	Sprague,
Bradley,	Gayle,	May,	Stallings,
Brenner,	Gibson,	Metcalf,	Stevens, Minn.
Brewer,	Gilbert,	Minor,	Stewart, N. J.
Broussard,	Gillet, Mass.	Moody, Oreg.	Stewart, N. Y.
Brownlow,	Gordon,	Morgan,	Stewart, Wis.
Brundidge,	Griffith,	Naphe,	Taylor, Ala.
Burke, Tex.	Grow,	Noonan,	Thayer,
Campbell,	Hall,	Otjen,	Thomas, Iowa
Catchings,	Haugen,	Overstreet,	Thropp,
Chanler,	Hawley,	Packer, Pa.	Tompkins,
Cochran, Mo.	Hay,	Parker, N. J.	Tongue,
Cochrane, N. Y.	Hemenway,	Pearce, Mo.	Turner,
Cooper, Tex.	Henry, Conn.	Phillips,	Underhill,
Cooper, Wis.	Henry, Tex.	Polk,	Vreeland,
Cowherd,	Howard,	Powers,	Watson,
Crawford,	Howell,	Prince,	Weaver,
Cromer,	Jett,	Pugh,	Weymouth,
Crowley,	Joy,	Quarles,	White,
Crump,	Kahn,	Reeves,	Wright,
Cusack,	Ketcham,	Rhea, Va.	Young,
Dahle, Wis.	Landis,	Ridgely,	
Daly, N. J.	Lane,	Robb,	

So the motion to go into Committee of the Whole for the further consideration of the naval appropriation bill was agreed to.

Before the result of the vote was stated the following announcements were made:

Mr. COONEY. Mr. Speaker, I would like to change my vote. I answered "present" when my name was called, but I wish to vote "no."

The name of Mr. COONEY was again called, and he answered in the negative.

Mr. MIERS of Indiana. I am paired with my colleague, Mr. HEMENWAY. I wish to withdraw my vote and be recorded present.

The name of Mr. MIERS of Indiana being again called, he answered, "Present."

Mr. GAINES. I am paired with the gentleman from Massachusetts, Mr. MCCALL. I wish, therefore, to withdraw my vote, which was cast in the negative, and answer, "Present."

The name of Mr. GAINES was again called, and he answered, "Present."

Mr. HULL. I am paired with the gentleman from Virginia, Mr. HAY. As he did not vote, I desire to withdraw my vote and to be recorded "present."

The name of Mr. HULL was again called, and he answered, "Present."

Mr. BARTLETT. On this question I have voted "no," but I wish to withdraw my vote on account of being paired with the gentleman from New Jersey, Mr. FOWLER, who has not answered on the roll call.

Mr. JOHNSTON. Mr. Speaker, I voted in the affirmative, but I desire to change my vote and be recorded in the negative.

The name of Mr. JOHNSTON was again called, and he answered in the negative.

Mr. ROBERTS. Mr. Speaker, I rise to a parliamentary inquiry. If the House refuses to go into Committee of the Whole for the further consideration of the naval bill, which of the Committees on Claims will be entitled to the day?

The SPEAKER. That question is not properly at issue at this time, but the Chair will say to the gentleman that it will be the Committee on Claims.

Mr. ROBERTS. Then I desire to change my vote from "no" to "aye."

The name of Mr. ROBERTS was again called, and he answered in the affirmative.

Mr. GILLET of New York. Mr. Speaker, I wish to withdraw my vote, as I am paired with the gentleman from Kentucky, Mr. GAYLE.

Mr. RANDELL. I am paired with the gentleman from Indiana, Mr. STEELE. I wish to inquire whether I am recorded as present?

The SPEAKER. The gentleman is so recorded.

Mr. RANDELL. That is right.

Mr. ADAMS. I wish to change my vote from "no" to "aye."

The name of Mr. ADAMS was again called, and he voted in the affirmative.

Mr. TATE. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman present and listening for his name when it was called?

Mr. TATE. I was on the last roll call. I think the Clerk will bear me out that he did not call my name. If he did, I could not hear it.

The name of Mr. TATE was again called, and he voted in the affirmative.

Mr. WHEELER of Kentucky. I am paired with the gentleman from California, Mr. METCALF, my colleague on the committee. But I shall permit my vote to stand, as I am quite sure that if he were present he would vote as I have done, in the affirmative.

The following pairs were announced:

For this session:

Mr. WRIGHT with Mr. HALL.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. HULL with Mr. HAY.

Mr. PACKER of Pennsylvania with Mr. POLK.

Until further notice:

Mr. DOVENER with Mr. CATCHINGS.

Mr. GRAFF with Mr. BRUNDIDGE.

Mr. BAILEY of Kansas with Mr. HOWARD.

Mr. FOWLER with Mr. BARTLETT.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. KAHN with Mr. RUPPERT.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.

Mr. GILLET of Massachusetts with Mr. THAYER.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. BURKETT with Mr. BURKE of Texas.

Mr. PRINCE with Mr. GRIFFITH.

Mr. JOY with Mr. SHACKLEFORD.

Mr. MINOR with Mr. RIXEY.

Mr. ESCH with Mr. BAILEY of Texas.

Mr. COCHRAN of New York with Mr. CROWLEY.

Mr. GROW with Mr. LLOYD.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. MAHON with Mr. OTEY.

Mr. GILLET of New York with Mr. GAYLE.

Mr. BROWNLOW with Mr. CARMACK, for one week, from April 14.

Mr. OVERSTREET with Mr. STALLINGS, for one week, from April 19.

Mr. GAMBLE with Mr. ROBERTSON of Louisiana, for one week, from April 19.

Mr. SHATTUC with Mr. BREWER, for one week, from April 19.

Mr. LANE with Mr. SPIGHT, for one week, from April 20.

Mr. MCCALL with Mr. GAINES, for one week, from April 12.

Mr. GIBSON with Mr. TATE, for one week, from April 16.

Mr. LORIMER with Mr. CUSACK, for two weeks from April 14.

Mr. YOUNG of Pennsylvania with Mr. BENTON, from April 14 to April 26.

Mr. POWERS with Mr. BANKHEAD, from April 14 to April 28.

Mr. RANDELL with Mr. STEVENS of Minnesota, from April 14 to May 1 (on all questions except contested-election cases).

Mr. STEWART of New York with Mr. MAY, for two weeks from April 5.

Mr. OTJEN with Mr. BRENNER, until April 20, inclusive.

Mr. ALDRICH with Mr. BURNETT, until April 29.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina, until Saturday week.

Mr. KETCHAM with Mr. MULLER, until April 24.

Mr. HOWELL with Mr. DALY of New Jersey, until Tuesday next.

Mr. LOVERING with Mr. FITZGERALD of Massachusetts, until Tuesday next.

Mr. HENRY of Connecticut with Mr. GORDON, until April 29.

Mr. MIERS of Indiana with Mr. HEMENWAY, until May 1.

Mr. SPRAGUE with Mr. HENRY of Texas, until Monday next.

For this day:

Mr. LITTAUER with Mr. CHANLER.

Mr. WATSON with Mr. MCCULLOCH.

Mr. ACHESON with Mr. LENTZ.

Mr. WEAVER with Mr. NAPHEN.

Mr. REEVES with Mr. JETT.

Mr. TONGUE with Mr. DAVEY.

Mr. LOUD with Mr. NOONAN.

Mr. COOPER of Wisconsin with Mr. SCUDDER.

Mr. BABCOCK with Mr. COWHERD.

Mr. STEWART of New Jersey with Mr. DE ARMOND.

Mr. PARKER of New Jersey with Mr. BRADLEY.

Mr. TATE. Mr. Speaker, I am paired with the gentleman from Tennessee, Mr. GIBSON. I understand that if he were present he would vote "aye," and therefore I have taken the liberty to vote "aye."

Mr. BURKETT. Mr. Speaker, I see by the announcement of the pairs that I am paired with the gentleman from Texas, Mr. BURKE. I did not know that, and not knowing of the arrangement of that pair I voted "aye." If the gentleman from Texas [Mr. BURKE] did not vote, I wish to withdraw my vote.

The SPEAKER. The gentleman from Texas [Mr. BURKE] did not vote.

Mr. BURKETT. Then I will withdraw my vote.

The SPEAKER. Without objection, that will be done.

Mr. ESCH. I notice that I am paired with the gentleman from Texas, Mr. BAILEY. He is not present, and therefore I wish to withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. GRAFF. I voted, but I find that I am paired with the gentleman from Arkansas, Mr. BRUNDIDGE. So I ask leave to withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. SHACKLEFORD. I am paired with the gentleman from Missouri, Mr. JOY. I voted in the negative on this question, but I desire to withdraw my vote, as Mr. JOY is not present.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

The result of the vote was announced as above recorded.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. PAYNE in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. VAN VOORHIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

S. 4197. An act to provide for the construction of a revenue cutter for use at Philadelphia, Pa.

S. 4051. An act to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.

S. R. 116. Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 13, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

S. 3296. An act to provide for the establishment of a port of delivery at Worcester, Mass.; and

S. 2559. An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps.

The message also announced that the Senate had passed with amendments the bill (H. R. 8386) to amend section 953 of the Revised Statutes, had asked a conference with the House of Representatives on said bill and amendments, and had ordered that Mr. HOAR, Mr. PLATT of Connecticut, and Mr. BACON act as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 3 and 4 to the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. Before the Clerk proceeds with the reading of the bill, I ask unanimous consent to adopt the following amendment in lieu of the substitute that was adopted yesterday touching the Naval Academy, and to take the place of all the provisions for the Naval Academy down to and including line 13, on page 35.

The CHAIRMAN. The Clerk will read the proposed substitute, after which the Chair will ask unanimous consent.

The Clerk read as follows:

Buildings and grounds, Naval Academy: Toward the construction of buildings and for other necessary improvements at the Naval Academy, Annapolis, Md., \$350,000: *Provided*, That before any part of this sum is expended complete plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy and for each and every purpose connected therewith; which plans shall involve a total expenditure of not more than \$6,000,000, including the sum of \$1,220,000 heretofore appropriated and the sum herein appropriated for said buildings and improvements: *Provided further*, That after the preparation and approval of the plans herein provided for, the Secretary of the Navy is authorized to enter into contract or contracts for any part or all of the improvements and buildings herein authorized, within the said limit of cost, to be paid for as appropriations may from time to time be made by law.

The CHAIRMAN. Unanimous consent is asked that this be substituted for the substitute adopted yesterday, and also for the language of the bill from line 24, on page 33, down to and including line 9, on page 34. Is there objection?

Mr. MUDD. Mr. Chairman—

Mr. TALBERT. Mr. Chairman, reserving the right to object, as this is a time when considerable stress is put upon the matter of changing minds so suddenly, or having them changed by somebody else, I should just like to know from the gentleman from Illinois what is his reason for wanting this change? He made a noble fight yesterday in which I stood by him, as did other gentlemen here, and he was successful. I should like to know whether the gentleman is giving up any of the fruits of his victory.

Mr. CANNON. I will say to the gentleman from South Carolina that there is no change in my mind nor is there any change in this proposition. It is in complete harmony with the amendment, or the substitute that was adopted to the first paragraph under the head of the Naval Academy. Now, unanimous consent is asked that this provision just read shall be in lieu of what the committee did yesterday and in lieu of all other provisions for the Naval Academy, and in substance it limits the cost of all the improvements there to \$6,000,000, and provides that no money shall be expended until the plans are perfected within that limit of cost, and then it gives power to the Secretary of the Navy to contract for any or all of the buildings after the plans are approved within the limit. In other words, it applies the contract provision, the same as is done on other large buildings, river and harbor works, and so forth. It is very desirable from the standpoint of economy, and results in harmonious and systematic work.

Mr. TALBERT. It does not increase the appropriation over your other amendment?

Mr. CANNON. Oh, no.

Mr. TALBERT. That is what I wanted to know. If it does not increase the appropriation, I have no objection.

Mr. FITZGERALD of New York. Does that interfere with the contract that has already been made for the building of the sea wall and the piling, dredging, and filling in which are already contracted for and in progress?

Mr. CANNON. If any contracts have been made, I suppose they would be lawful and would proceed.

Mr. FITZGERALD of New York. I understand that at present such work is in progress under a contract made for that purpose, and you are eliminating the appropriation to continue that work. If it has that effect, I shall have to object.

Mr. CANNON. Oh, I do not eliminate any appropriation.

Mr. FITZGERALD of New York. Why, yes; the gentleman

substitutes in the place of an appropriation of \$200,000 to continue that work a proposition—

Mr. CANNON. Oh, no; this \$350,000 is in addition to all that has been appropriated, and gives authority to contract for the whole thing besides as soon as the plans are completed within the \$6,000,000 limit.

Mr. FITZGERALD of New York. Yes; but the gentleman's substitute must certainly eliminate this provision for the continuing of the work which is now under construction.

Mr. MOODY of Massachusetts. The substitute offered by the gentleman from Illinois, as I understand it, as stated by the Chairman, only goes down to line 9. It does not touch that subsequent matter.

Mr. FITZGERALD of New York. Oh, yes; it takes in all that.

The CHAIRMAN. The Chair stated that it only included line 9, page 34; but he is corrected by the Clerk, who states that it goes down to and includes line 13, page 35.

Mr. CANNON. That is correct—line 13, page 35. In other words—

The CHAIRMAN. Unanimous consent is asked that this language be substituted for the bill as amended yesterday, from line 24 on page 33 down to and including line 13 on page 35.

Mr. CANNON. That is right. In other words, if this provision is made under this substitute, nothing further will be done toward the erection of any additional buildings or making additional improvements until the plans are made for all the buildings and all the improvements in addition to those that have been made, where contracts have been let, so that all the buildings and improvements will not cost to exceed \$6,000,000.

Mr. FITZGERALD of New York. Well, I call the attention of the gentleman to the fact that there is work under way there now under contract for the building of the sea wall and the piling, dredging, and filling in. There is an appropriation made in the bill as it now stands to continue that work.

Mr. CANNON. Well, I will say to my friend now that there can not be any work under way there that is in excess of \$1,200,000, because there was no power to contract except for money appropriated; so that there is no contract in existence in excess of money that is already appropriated, and could not be under the law.

Mr. FITZGERALD of New York. I understand that while a contract for a certain amount has been authorized and made, the money to carry out the contract has not been appropriated.

Mr. CANNON. Oh, no; that could not be the case.

Mr. LOUDENSLAGER. I think I can explain this provision to the satisfaction of the gentlemen. This \$200,000 is not for the purpose of carrying out any contract already made. There is no contract made for that.

Mr. CANNON. That is right.

Mr. LOUDENSLAGER. It is simply to carry out a plan, not a contract.

Mr. BERRY. May I ask the gentleman from Illinois a question?

Mr. CANNON. Yes.

Mr. BERRY. Has the Secretary of the Navy approved of the plans furnished by Mr. Flagg which have heretofore been presented to this House?

Mr. CANNON. Under no law has he approved the plans.

Mr. BERRY. This House of Representatives has approved the plans and has appropriated money under them.

Mr. CANNON. Not at all.

Mr. BERRY. I think the United States is committed to Mr. Flagg for the 5 per cent, whether he does the work or not.

Mr. CANNON. Not at all.

Mr. BERRY. I think the gentleman will find that to be the case when the time comes.

Mr. CANNON. I have examined the case, and he has no claim.

The CHAIRMAN. Is there objection?

Mr. MUDD. Reserving the right to object, I would like to be heard for two or three minutes.

The CHAIRMAN. Without objection, the gentleman from Maryland will proceed for three minutes.

There was no objection.

Mr. MUDD. Mr. Chairman, if this proposition is the whole of the damage that is contemplated by the gentleman from Illinois, I am not sure that, in view of the amendment adopted by the House yesterday evening, I would object. I would like to have some assurance from the gentleman from Illinois that this is all the damage that he contemplates to inflict on the State of Maryland.

Mr. CANNON. I will say to my excellent friend that this is a provision, if adopted, that will be written into the law, so far as the House is concerned, covering the Naval Academy and its complete construction and to complete all the constructions, if this should be enacted into law, just as soon as the plans can be made and the Secretary will construct them. Not only is all the money that has been appropriated available for that construction, but I am so desirous of seeing this work done that this provision pro-

vides for a contract up to \$6,000,000, less what has been appropriated. Now, then, I have no desire to do any harm to Maryland. Maryland is not concerned any more in this than is Illinois.

Mr. MUDD. That is all right.

Mr. WM. ALDEN SMITH. She is in the Union.

Mr. CANNON. So is Illinois in the Union.

Mr. MUDD. Mr. Chairman, I think I have the floor.

Mr. BARTLETT. I want to ask the gentleman this question.

The CHAIRMAN. The Chair will state that the gentleman from Maryland has the floor.

Mr. BARTLETT. I know, and I ask permission of the Chair to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Georgia?

Mr. MUDD. I will yield always to Georgia, because I think Georgia is generally with Maryland.

Mr. BARTLETT. I am with the gentleman from Maryland in this case. I want to know of the gentleman from Maryland, if the House puts this proposition in the bill by unanimous consent, if that will not prevent the House, when we go into the House from the Committee of the Whole, from having a separate vote on the amendment; in other words, if he by unanimous consent lets this amendment be ingrafted on this bill which is offered as a substitute by the gentleman from Illinois for that which had already been agreed to, if the gentleman from Maryland will be permitted when we go back into the House to have a separate vote, as he gave notice on yesterday evening?

Mr. MUDD. That will not prevent us from getting a vote. This is a small expiation in the morning or atonement of the gentleman from Illinois for the damage inflicted in the evening [laughter]; and if I can understand that this will be the limit of the damage the gentleman from Illinois purposes to do, I should not make any objection here.

Mr. CANNON. This represents the opinion of the gentleman from Illinois that there should not be to exceed \$6,000,000 spent in rebuilding the Naval Academy at Annapolis. That is my judgment, that is my voice, and that was the action substantially of the committee.

Mr. MUDD. I have the floor. I have heard that voice and that judgment before.

Mr. CANNON. Certainly; and that is all.

Mr. MUDD. And if I can be heard I will be heard here.

The CHAIRMAN. The gentleman can be heard if there is no objection to it. His time has expired.

Mr. MUDD. I would like to hear from the gentleman from Illinois if this will represent all the voice and all the harm which Illinois proposes to inflict on the State of Maryland and the Naval Academy?

Mr. CANNON. This represents, if adopted, in my opinion, all the money that should go from the United States Treasury into a great public improvement.

Mr. MUDD. Then this is all that the gentleman from Illinois wants?

Mr. CANNON. I believe that this is ample and sufficient, and I believe any more would be extravagance.

Mr. MUDD. Will the gentleman give bond and security that he will not go any further after this amendment shall have been accepted? I would like to know that. I apprehend, however, from the extent to which the gentleman from Illinois has already gone, that this will perhaps be the extent and limit of the damage that he purposes to inflict upon the State of Maryland and the country, and if that be the fact, as his purpose this morning is no worse than he has already inflicted, I should not make objection, though, of course, I will contend against the proposition in any form and in any shape and any place that I shall have an opportunity to do so.

But I take it for granted, Mr. Chairman, that is about the limit to which the gentleman from Illinois purposes to go. I take it for granted from his expression that this brings the proposition of the rebuilding of the Naval Academy down to about the level of parsimony of the gentleman from Illinois; and if the gentleman from Illinois is to be regarded as the exponent of the views and wishes of the House up to the present time and in the committee, I shall not make objection against his proposition, if I could have any sort of assurance that this is the limit to which he proposes to go.

The CHAIRMAN. The gentleman's time has expired. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. Did that consent adopt the amendment?

The CHAIRMAN. It does.

Mr. CANNON. All right.

The Clerk, proceeding with the reading of the bill, read as follows:

The active list of surgeons shall hereafter consist of 55, and that of passed assistant and assistant surgeons of 110. Assistant surgeons shall rank with assistant surgeons in the Army: *Provided*, That the assistant surgeons appointed for temporary service during the war with Spain, having creditable records, who are now in the Navy may be given permanent commissions as

such without limitation as to age: *And provided further*, That section 13 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, so amended as to provide that nothing therein contained shall operate to reduce the pay which, but for the passage of said act, would have been received by any commissioned officer at the time of its passage or thereafter.

Mr. DINSMORE. Mr. Chairman, a point of order on this paragraph. This is manifestly new legislation, and I think the point of order ought to be made on the paragraph. I will reserve it to hear from the chairman of the committee in reference to it. I do not want to do anything which shall cripple the service, but I see no reason why the assistant surgeons, provided for by this paragraph, should come into the service as junior lieutenants. I do not see why they should not go through the first grade and rank as other officers are required to do, as do officers of the line. If there is any reason why it should be done, I would be glad to hear it. I do not think it ought to be done myself.

Mr. FOSS. In reply to the gentleman from Arkansas, I beg leave to read what Surgeon-General Van Ruyven says, on page 3 of the hearing before the committee:

Mr. LOUDENSLAGER. If you increase your number, how do you expect to get the places filled?

Surgeon-General VAN RUYVEN. By putting the assistant surgeons in the Navy upon the same footing as those in the Army. That is not the case now. The Army has no trouble whatever in filling their corps. We can hardly get any. And I have asked the question very often, "Why is it that we can not get men to go into the Navy, when the Army has no trouble in getting as many as they want?" The answer is, they will not come into the Navy because they have better pay and better rank in the Army, and because in the Navy they go in the steerage. They get better rank and better pay in the Army, as they have more independent positions, and our assistant surgeons at the present time are the only staff officers that have to go in the steerage.

For that reason it is impossible to get the young men, doctors and surgeons, to enter the Navy, because they have to go in the steerage. Now, by giving them a relative rank of those in the Army, they will not go into the steerage, but into the wardroom or mess room with other officers. That is the only reason given by the Surgeon-General before the committee, and he regards it as a very important one for this provision.

Mr. DINSMORE. It is important that the service should have doctors; but it seems to me, and perhaps I should not put my opinion against the opinion of the Surgeon-General, that with the great number of young men who are anxious to get into public service, particularly in the Army and Navy, there should not be any difficulty in getting young doctors to enter the service.

There is a disposition on the part of each one of the different corps of the service to advance themselves as much in rank as possible. Of course that is the natural desire; every man likes to get as much position and every man is pleased to obtain as much rank as he can. I can not understand why the members of the Medical Corps should not be willing to go through the lower grades of rank as other officers do. They are relieved from the rank of ensigns, who have to take their time in the steerage. I have known officers of the Medical and Pay Corps take theirs in the steerage, and I can not see why they should object to it.

Mr. MUDD. There is no grade of ensign in the surgeons' corps.

Mr. DINSMORE. They have the relative grade. He is not an ensign, of course. He is an assistant surgeon. I understand that. Now, there has been for many years a conflict going on in the different branches of the naval service, a bitter controversy between the staff and the line. It was thought by the line that the staff had acquired more rank than they were entitled to, relatively—that they had advantages over the line. The line had to come in from the beginning, go through the Academy, be prepared for the service. Well, they did get some advantages, but in the last Congress we passed the personnel bill, with a view to increasing the efficiency of the service, and we were gratified at the opportunity to settle an old controversy between the line and the staff. We balanced matters up, and they all seemed comparatively contented.

Now, here is manifested again a disposition for one corps to creep along at the expense of some other corps. I do not mean to deprive the other corps of any advantage it now has, except they obtain for themselves the right of precedence on board ship when living in confined quarters. These assistant surgeons will take precedence of the ensigns in the service. It seems to me it is unwarranted and unjustified by the reasons assigned by the Surgeon-General. I believe there are plenty of ambitious young men who will be glad to receive a commission in the naval service and take their course as other officers have done.

Mr. MEYER of Louisiana. Mr. Chairman, there is a much stronger reason than any which has been suggested why this proposition should be adopted by the committee. The comparison suggested by my friend from Arkansas [Mr. DINSMORE] between the position of a medical officer of the Navy and that of a paymaster or junior officer of the line is not altogether logical. An assistant paymaster upon entering his corps does so with the rank of ensign; but he is not eligible if more than 26 years of age. His education need not be of the highest academic order. He must be a good accountant, a man of good intelligence and fair attain-

ments only. An ensign of the line, coming in from the Naval Academy, is appointed to the Academy at an age ranging from 16 to 20, and graduates at the age of 20 to 24. He becomes an ensign at about 22 to 25. But an assistant surgeon in the Navy, with the same rank, may be 30 years of age when appointed. He is subject to a strict professional examination and a careful examination as to his general education before admission; and unless he shall have passed through a thorough academic course and subsequently graduated at some first-class medical college he can not become a medical officer of the Navy.

Now, I take issue with my friend when he states that there are numerous aspiring young surgeons who would be delighted to get into the Medical Corps of the Navy. The experience of the Department indicates otherwise. I know that in my own city, New Orleans, where we have a fine medical school, graduating yearly a large number of young men, I have been unable to induce any of the graduates to enter the naval service, although I have solicited them time and again to do so. They know that if they enter the service they do so at a disadvantage as compared with their brethren who go into the Army, both as to pay, work, and position.

The Surgeon-General of the Navy, in his statement before the Naval Committee, explains the situation explicitly.

He informs us that it is impracticable to fill the vacancies existing in the corps because of the conditions I have stated, and also because junior medical officers in the Navy must go into the steerage. Our assistant surgeons at the present time are the only staff officers that have to go in the steerage. The change proposed would give them the privilege of the wardroom.

By giving them the same rank as the assistant surgeons in the Army, we can get good men to come into the corps; now there is the utmost difficulty in attracting capable and desirable material.

The warrant for the proposed legislation is more fully explained in the following letter, addressed to the Secretary of the Navy:

WASHINGTON, D. C., January 10, 1900.

SIR: I have the honor to transmit herewith a proposition for the improvement of the condition of the Medical Corps of the Navy, with a request that it be transmitted to the naval committees of Congress to be incorporated in the naval appropriation bill or otherwise enacted.

It is proposed to add 5 surgeons to the list, making the number 55 instead of 50, as now allowed by law. This would give promotion, without, however, any present increase of rank or pay, to 5 of the senior passed assistants, and accord somewhat to the increase of rank of officers in the line, caused by the personnel bill.

It is also proposed to transfer to the regular service the 15 remaining volunteer assistant surgeons who were in service during the war with Spain and who still remain in service by authority of the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, approved May 4, 1898. All of the other volunteer medical officers, 46 in number, have been mustered out of service. The 15 who remain are desirous of being transferred to the regular service, but 9 of them are beyond the age limit prescribed by the present law, which limits the age of admission to 30. The eldest of the 15 is 37, and the youngest 24; 9 of them are now at sea. None of them can ever be promoted if they retain their present status, whereas if they were transferred to the regular service they would be in the line of promotion, which they deserve for their intelligent service and honorable record during and since the war with Spain.

The transfer of these officers would partly fill the increase asked for, which is 5 surgeons and 20 passed assistant and assistant surgeons. There are now 5 vacancies in the regular service, which, with the 10 additional vacancies made by the proposed increase of the corps, would make 15 vacancies in the list of assistant surgeons.

The Bureau would despair of ever filling these vacancies unless the assistant surgeons in the Navy were put on the same footing as assistant surgeons in the Army, as provided for in the accompanying proposition. Assistant surgeons are now the only staff officers assigned to the junior officers' quarters. Assistant paymasters are always alone on board ship, and, as the head of a department, occupy quarters in the ward room. Assistant engineers have been transferred to the line by the personnel bill. I have made repeated inquiry of medical students and civil practitioners as to the reason why we can not get candidates to appear for examination for appointment as assistant surgeons in the Navy, and the almost universal reply is, "Because they have to go in the steerage." If assistant surgeons in the Navy were given the rank of junior lieutenant, corresponding to the rank of first lieutenant in the Army, the rank given to assistant surgeons in the Army on entrance, this marked inequality and disparagement would not exist, and we would stand an equal chance with the Army of getting well qualified men to fill the lower grade.

The increase of numbers in the lower grades asked for is imperatively necessary in view of the large addition to the enlisted force of the Navy and the establishment of hospitals and sick quarters in the Philippines, Porto Rico, Guam, and Habana. It is simply impossible with the present force to provide adequate medical attendance. Ships and stations are left without assistant surgeons, and the Medical Department of the Navy can not be conducted in the efficient condition that it is the desire of the Bureau to maintain.

Very respectfully,

W. K. VAN RUYVEN,

Surgeon-General.

The SECRETARY OF THE NAVY.

The act also proposes opportunity to embrace the 15 remaining volunteer surgeons who served patriotically and efficiently in the war with Spain in the permanent service. These are now well trained and competent and are much needed.

The health of the personnel, so vital to the efficiency of our Navy, is dependent upon a thoroughgoing, accomplished, and capable corps of surgeons, and I trust that the gentleman from Arkansas [Mr. DINSMORE], whose zeal for the welfare of the Navy is well known and whose services for its progress and efficiency are not surpassed by any member of this House, will not insist upon his

point of order, but allow the House to consider the matters involved upon their merits.

Mr. DINSMORE. Mr. Chairman, I have no desire to cripple any branch of the service; but it would seem by the statement of my friend from Louisiana [Mr. MEYER] that the object of the provision in the bill is to offer an inducement to these officers to enter the naval service. Sir, the time will never come when officers of the line and staff will not be not only willing but anxious to get promotion. We all know that persons in the Government service are looking out for this all the time. I am willing that these officers should be promoted when they deserve it; but I do not think it right, by a general provision in an appropriation bill, to provide that a particular corps of the service shall be filled by men in advance of the rank at which they have hitherto come in. As stated by my friend from Louisiana, the inducement is rank and pay. My friend says that young men can not be induced to enter this service. I should like to have the opportunity to furnish some from my district.

Mr. FOSS. Does the gentleman from Arkansas insist on the point of order?

Mr. DINSMORE. I think I shall have to do so.

Mr. FOSS. I will state that this is a new provision of law.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. DINSMORE. These gentlemen are members of the committee and more familiar with this matter than I am. If they will tell me that the service will be crippled if this point of order be insisted upon—that it will prevent this corps from being filled up—I am willing to defer to their judgment.

Mr. DAYTON. Unquestionably we can not build up this service unless some provision be made that will place the surgeons on the same rank as officers of corresponding rank in the Army.

Mr. DINSMORE. Although I am apprehensive that we may have as a result of this action a repetition of the same experience that we had prior to the personnel bill, I withdraw the point of order. I warn gentlemen that other corps will be here making a similar demand.

Mr. MAHON. I move to amend by inserting after the word "surgeons," in line 2, page 38, the words "under the age of 50 years;" and also by striking out after the word "commissions," in line 4 of the same page, the words "as such without limitation as to age;" so that the clause will read:

Provided, That the assistant surgeons under the age of 50 years, appointed for temporary service during the war with Spain, having creditable records, who are now in the Navy, may be given permanent commissions.

Mr. FOSS. I reserve a point of order on that.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the amendment is not subject to a point of order. It is germane to the pending paragraph.

Mr. MAHON. My reason for offering the amendment is this: In my view no man now in the service who is over 50 years of age should be given a permanent position whereby he may very soon be placed on the retired list. I do not know that it is a fact, but it strikes me that the provision as it now stands has been worded so as to cover some gentleman who has reached that age.

Now, in the act passed in the last Congress we limit the appointment to 50 years. That is to say, that no man who has passed 50 years is eligible and could be put into the permanent service so as to allow a year or two of service and then get on the retired list.

I make the amendment, Mr. Chairman, because we must watch this retired list carefully and not allow it to grow too long. It is a liberal amendment and ought to prevail.

Mr. FOSS. Mr. Chairman, on behalf of the committee, we accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty (other than commissioned officers of the line, medical and pay corps and chief warrant officers) and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given), labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at \$2,500 per annum, and two chemists, at \$2,000 each per annum, \$2,500,000.

Mr. BUTLER. Mr. Chairman, I desire to move an amendment to the paragraph just read. On conference with the chairman of the Committee on Naval Affairs, I think the suggestion I make is acceptable to him.

I move, on page 38, line 20, to strike out the words "warrant officers" in that line and substitute therefor the words "chief boatswains, chief gunners, chief sailmakers, chief carpenters;"

so that that provision of the bill included within the parenthesis points may read:

Other than commissioned officers of the line, medical and pay corps and chief boatswains, chief gunners, chief sailmakers, chief carpenters.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The amendment was again read as stated by Mr. BUTLER.

Mr. FOSS. I accept the amendment.

Mr. CUMMINGS. I would like some explanation of the necessity for the amendment. What difference would it make? These are warrant officers now.

Mr. BUTLER. The amendment applies only the rank given to these officers by the Navy Department.

Mr. SOUTHARD. They are not commissioned officers.

Mr. CUMMINGS. All right; I see no objection to it.

The amendment was considered and agreed to.

The Clerk read as follows:

Contingent, Bureau of Supplies and Accounts: For freight and express charges, fuel, books and blanks, stationery, advertising, furniture for general storehouses and pay offices in navy-yards, expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, iron safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, \$150,000.

Mr. GAINES. Mr. Chairman, I move to strike out the last word.

This provision makes an appropriation for the expenses of a naval clothing factory and machinery for the same. We find the Government going into the business of making naval clothing, of course for our naval officers, and from what I have read as to the enterprise it has proven to be successful so far.

Without taking up the time of the committee for a statement on that subject, I desire the privilege, without reading it, to insert in the RECORD a short article I have in my hand, on the subject of the manufacture of armor plate.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to continue his remarks in the RECORD by inserting a certain document relating to the manufacture of armor plate. Is there objection?

Mr. MERCER. We could not hear the request, Mr. Chairman.

Mr. MUDD. Will the Chair please state it again?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting an article relative to armor-plate manufacture which he presents. Is there objection?

Mr. MILLER. Mr. Chairman, I object.

Mr. GAINES. Then, Mr. Chairman, while I did not desire to take up the time of the committee, I will read the article myself. During the reading the following proceedings took place:

Mr. MILLER. Mr. Chairman, I desire to withdraw the objection I have made to print the document referred to by the gentleman from Tennessee.

The CHAIRMAN. Is there further objection? The Chair hears none.

Mr. MAHON. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects. Mr. GAINES. Mr. Chairman, the gentleman from Pennsylvania is too late. Consent has been given.

The CHAIRMAN. The Chair thinks the gentleman had a right to object.

Mr. GAINES. Very well, Mr. Chairman, I will continue the reading. I was going to read it, and the gentleman might just as well allow its insertion in the RECORD. My only desire was to save time.

Mr. BUTLER. We can not hear what the gentleman is reading.

Mr. GAINES. I can state to the gentleman that it is evident they do not desire to hear what I am reading, but, Mr. Chairman, I will proceed with the reading.

Mr. MILLER. Will the gentleman from Tennessee yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. GAINES. Mr. Chairman, I decline to yield.

Mr. MILLER. Then I desire to raise the point of order—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES. Then I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. GAINES. Then I move to strike out the next two words.

Mr. MILLER. Now, Mr. Chairman, I desire to raise the point of order—

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] will suspend. The gentleman from Kansas rises to a point of order.

Mr. MILLER. My point of order is that the article which the gentleman from Tennessee is reading is not germane to the paragraph under consideration.

The CHAIRMAN. The point of order is well taken.

Mr. GAINES. I say it is germane, for the simple reason—

The CHAIRMAN. It is not germane to this paragraph.

Mr. GAINES. It is germane for the simple reason that we are appropriating money here to establish a Government factory—

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is out of order. The Chair has already ruled.

Mr. GAINES. Very well.

The CHAIRMAN. Is the formal amendment withdrawn?

Mr. GAINES. I withdraw it.

The Clerk read the next paragraph of the bill.

Mr. GAINES. I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GAINES then proceeded with the reading of the article, which is given in full below.

Mr. MAHON. I make the point of order that the gentleman is not addressing himself to the paragraph of the bill under consideration.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that the article is not germane to the paragraph. The Chair sustains the point of order.

Mr. GAINES. Will the Chair let me finish this paragraph?

The CHAIRMAN. It is not within the power of the Chair so to do, the gentleman from Pennsylvania having made the point of order.

Mr. GAINES. I hope the House will let me finish this paragraph.

The CHAIRMAN. The point of order has already been decided, and it is not in the power of the gentleman from Pennsylvania so to do.

Mr. GAINES. Mr. Chairman, I ask unanimous consent that I may insert this whole article in the RECORD for the information of the House. It is a very able article, written on the subject of the making of armor plate and the building of ships by the Government. The author of it is well known to me, and deserves great credit for what he has accomplished.

I have known him from boyhood, and there was never a prize offered in any class from the time he left the common schools in my city until he graduated at Annapolis, and still later in Europe in a like school, that he did not take first prize. He is now one of the most distinguished members connected with our Navy.

I ask that this be inserted in the RECORD, not only for its merit but in compliment to this young author, a man who differs with me in politics, but who is distinguished in his profession—a credit to himself and an honor to his country. I withhold his name.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert this article in the RECORD. Is there objection? There was no objection.

The article is as follows:

MANUFACTURE OF ARMOR.

The United States Government has at present no shops nor appliances for the manufacture of armor.

When an armored ship is appropriated for the contract for the ship proper is let to some shipbuilding firm, and the contract for the armor proper is let to some armor-making firm. The result is the builder of the ship has no authority over the question of the method of manufacture or of the time of delivery of the armor.

The ship contractor furnishes drawings and models to the armor contractor, who in turn manufactures the armor subject to Government inspection, and ships the same to the ship contractor, who fits the armor in place on the ship. The manufacture of armor, being rather a limited industry, is practically in the hands of a few concerns, and the Government is practically at their mercy as regards time of delivery and cost.

Moreover, there always have been, and probably always will be under this system, cases where the ship contractor blames the armor contractor for slowness in delivery of armor, and the armor contractor blames the ship contractor for slowness in furnishing such data as is necessary to complete the armor. The Government acts as a sort of go-between in such cases, and invariably so far has suffered from long delays in the completion of the ships, and has been put to great expense for the claims of the ship contractors that they are entitled to fees for the care and preservation of ships because the ships are ready and the armor is not.

This could be obviated in either of two ways: First, the contract to be let for the ship and armor as a whole, the ship contractor being therefore made responsible for the prompt delivery and completion of both ship and armor. Second, the Government to establish its own armor plant and build its own ships in its navy-yards.

The existence of a Government armor plant would be advisable for the following reasons:

Whatever haste might be considered necessary in the completion of armor could be obtained, as there would be no work other than that of making armor, while in the present armor plants there is always a good deal of work besides Government work going on, and it may safely be said that Government work is always put to one side and outside work given preference, the contractor depending on political influence to avoid any penalty that might be imposed by his contract with the Government.

The initial cost of an armor plant would not be excessive in view of the large saving in the price of the armor to be effected; in view of the fact that officers, in any case on the pay roll, would superintend such plant; in view of the decreased cost of vessels and the decrease in time required before they are ready for sea; in view of the fact that the existence of such armor plant would give employment to a large number of men thoroughly familiar with the work, who would form a standing force for any other work of a similar nature that might be required, the blacksmiths, forgers, and machinists employed in an armor plant being men capable of doing almost any kind of ship work, and in view of the fact that in cases of emergency the Government is not at the mercy of contractors who may have other work on hand that they

prefer to finish, but that the Government with its own armor plant could expedite its work as might be found desirable.

SHIPBUILDING.

When a ship is appropriated for by Congress, advertisements for bids for the construction of such ship are issued by the Navy Department, and the contract for the ship is awarded to the lowest bidder. Such contract usually includes the ship and engines complete, other contracts being let for the armor, while the armament, ship's miscellaneous fittings, small boats, etc., are made by the Government.

It is necessary at each of the works where Government ships are being built to detail a number of officers with large office forces composed of draftsmen, special mechanics, etc., to interpret the specifications for the contractors, see that the work is done properly, to work out details, and to make finished plans and calculations for the ships, it often happening that the naval officers so detailed virtually get up all the details for the construction of the ship.

In the case of a large shipbuilding programme it is advisable for the general interest of the Government that certain of the work go to private firms, but it is also essential that in all cases certain of the ships should be built in the Government navy-yards.

The plants of the various navy-yards are to-day not in the condition and efficiency of a first-class shipbuilding yard, but with comparatively slight expenditure, each one of the important yards could readily be fitted to build as efficiently a ship as any shipyard in the country. The cost of building the ship would be no greater than the amount paid by the Government to the contractors, as in contract prices there is always a certain profit; any changes that the Government might desire to make after the contract has once been let have to be paid for, and a large amount has to be spent for superintendence and inspection.

Moreover, in case each of the important navy-yards had a certain number of ships building, there would always be at work in the yard a large number of skillful, competent mechanics, forming a steady navy-yard force; and whenever it became necessary to make urgent repairs to ships forming the fleet, these steady employees would be available for such work.

Repairs of necessity have to be made in a navy-yard where the people are familiar with the fittings and details of men-of-war and with the requirements of the service, and it is often a serious question to obtain good men for this work, as under present conditions no large number of men can be employed continuously, as repair work does not last long, and men are not willing to take employment where it may only be for a few weeks or at most for a few months. With a steady force that would be employed on new ships, men could be drafted therefrom as occasion demanded for repair work, and when such repair work was completed these men could be returned to the new work.

Also, the Government doing its own work, much of the present difficulty in making any slight change that might be found desirable would be avoided, and the Government would be sure of good results.

The tendency of a contractor of any kind is to do his work as cheaply as possible, although, of course, many, in fact most, of them are desirous of doing good work. With work done in a navy-yard it would be to the interest of everyone concerned to have the work done as well as possible.

Navy-yards are a necessity, as the navy-yard is the base of a fleet, where supplies are kept and repairs are made. The Navy has also a skilled corps of officers, who have been educated at great expense in the various branches necessary for a successful shipbuilder. The efficiency of the Navy in this respect is shown by the efficient condition of all of its vessels during the late war, all of which were built under the supervision of the Navy and repaired and fitted out in the navy-yards.

All the sea powers of Europe maintain large naval stations where, in addition to the furnishing of supplies and the repairing of ships, the building of new ships is done. The United States alone has allowed its navy-yards to be practically deserted as far as new construction is concerned.

The Clerk read as follows:

In all civil establishment, Bureau of Steam Engineering, \$13,200; and no other fund appropriated by this act shall be used in payment for such service.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment as a separate paragraph to come in after line 13, page 50.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert after line 13, page 50, the following:

"That section 422 of the Revised Statutes is hereby amended so as to read as follows:

"The Chief of the Bureau of Engineering shall be appointed from the line of officers of the Navy, not below the grade of lieutenant-commander, and shall be a skilled engineer."

The amendment was agreed to.

Mr. RIXEY. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a separate paragraph, after line 13, page 50, the following:

"That the Secretary of the Navy is hereby authorized to consolidate the three Bureaus of Construction and Repair, Steam Engineering, and Equipment into one bureau, to be known as the bureau of ships, the consolidation to take effect at such time as the Secretary of the Navy shall designate."

Mr. FOSS. I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. RIXEY. The reasons for that amendment are so well stated—

Mr. MAHON. I make the point direct that this is new legislation.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that this is new legislation.

Mr. RIXEY. Will not the gentleman withhold the point of order until I can state some of the reasons—

Mr. MAHON. I insist on the point of order.

The CHAIRMAN. The gentleman insists on the point of order, and the Chair sustains the point of order. The Chair has no doubt that it is new legislation. The Clerk will read.

The Clerk read as follows:

NAVAL ACADEMY.

Pay of professors and others, Naval Academy: For 1 professor of mathematics, 1 of chemistry, 1 of physics, and 1 of English, at \$2,500 each; 7 professors, namely, 1 of English, 1 of French and Spanish, 3 of French, 1 of Spanish, and 1 of drawing, at \$2,200 each; 1 sword master, at \$1,500, and 2 assistants, at \$1,000 each; 1 instructor in gymnastics, at \$1,200; 1 assistant librarian, at \$1,800; 1 secretary to the Naval Academy, at \$1,800; 2 clerks to the Superintendent, at \$1,300 each; 1 clerk to the commandant of cadets, at \$1,200; 1 clerk to the paymaster, at \$1,200; 1 dentist, at \$1,000; 1 baker, at \$900; 1 mechanic in department of physics, at \$750; 1 cook, at \$225.50; 1 messenger to the Superintendent, at \$900; 1 armorer, at \$649.50; 1 chief gunner's mate, at \$529.50; 1 quartermaster, at \$469.50; 1 cockswain, at \$469.50; 1 seaman in the department of seamanship, at \$397.50; 1 attendant in the department of navigation and 1 in the department of physics, at \$300 each; 6 attendants at recitation rooms, library, store, chapel, and offices, at \$300 each; 1 bandmaster, at \$1,080; 21 first-class musicians, at \$420 each; 7 second-class musicians, at \$360 each; services of organist at chapel, \$900; in all, \$59,591.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment. I will say that this amendment reduces the number of professors and is in accord with the wishes of the new Superintendent, Captain Wainwright.

The Clerk read as follows:

On page 50 strike out all in line 18, after the word "each" and all in line 19 to the word "and," at the end of the line, and insert in lieu thereof the following: "four professors, namely, one of English, two of French," and insert after the word "each," in line 20, "one assistant professor of Spanish at \$1,800."

The amendment was agreed to.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 13,500 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$3,600,000 each; three armored cruisers of about 13,000 tons trial displacement, carrying the heaviest armor and most powerful ordnance for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,250,000 each; and three protected cruisers of about 8,000 tons trial displacement, carrying the most powerful ordnance for vessels of their class and to have the highest speed compatible with good cruising qualities, and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$2,800,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and not more than two of the vessels herein provided for shall be built in one yard or by one contracting party; and in the construction of all said vessels all the provisions of the act of March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made two and not more than two of the aforesaid vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts, when the same are opened and examined by him, that said vessels, or any of them, can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the other vessels provided for in this act, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. CUMMINGS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 63, line 4, after the word "each," insert "and six light-draft composite gunboats of about 900 tons displacement, to be fixed by the Secretary of the Navy, and no one of which shall cost more than \$230,000, or in all for said six gunboats \$1,380,000, exclusive of armament, and no more than two of said gunboats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest and best responsible bidder."

Mr. CUMMINGS. The Secretary of the Navy in his report asked for the construction of 12 of these small gunboats. It does seem to me that his recommendation ought to have been recognized by the committee to the extent of authorizing the construction of at least half that number, and as the committee has not seen fit to recommend the construction of any, that the House should take the matter into its own hands and add to the Navy at least six more of these composite gunboats.

Mr. SNODGRASS. Mr. Chairman, I desire to ask the gentleman, does not your amendment limit the competition, inasmuch as you say that the Secretary of the Navy shall not permit more than two of these ships to be constructed in any one yard?

Mr. CUMMINGS. I take the language proposed in the provision that was submitted to the Committee on Naval Affairs and voted down.

Mr. SNODGRASS. But when one of them gets a contract, then that eliminates him from competing with any other firm.

Mr. CUMMINGS. We provide that no more than two can be constructed in any one yard. When the Secretary came before the committee and was questioned in regard to the construction of these gunboats, Mr. DAYTON said:

I do not like the idea of building small crafts until we get thoroughly equipped vessels of the cruiser and battle-ship class. Do you think those are preferable to the battle ships?

Secretary LONG. I should think that at present these gunboats of 900 and 1,000 tons are perhaps the most useful vessels we could have. In the Philippines at the present time a battle ship has very little to do; the work is done by the smaller boats.

Mr. DAYTON. We have a good many of those small boats on hand now, have we not? Understand I am not speaking of the cruisers, but the question was in regard to these small gunboats.

Secretary LONG. They are very useful to us. Take the torpedo boats: we have a very good showing of those, but torpedo boats are not useful in peace. A torpedo boat is not useful in ordinary times; it is only a fighting boat.

He was questioned further, and the Secretary referred the committee to Admiral Dewey. Admiral Dewey, in reply to questions put to him concerning the gunboats, said that we had acquired by purchase twelve or thirteen Spanish gunboats, including those that had been wrecked and raised from the bottom after the battle of Manila Bay. Further along he said, in reply to a question of Mr. Metcalf:

Admiral DEWEY. I think the Secretary of the Navy could answer you; he knows the condition perhaps of these gunboats, and although perhaps we may have a large number on the list, many of them may count for nothing, so I am not prepared to speak.

Mr. MUNN. Did I understand you would recommend gunboats as an alternative proposition?

Admiral DEWEY. No; that is another thing. We have just bought 14 gunboats.

Mr. DAYTON. I just simply took the Naval Register on page 176 there, if I may be pardoned—

Admiral DEWEY. Does not that include some auxiliary vessels we bought? Mr. DAYTON. Now, under the third rate, here is the *Bennington*, the *Concord*, the *Yorktown*—those are larger. Coming down here are the *Machias*, the *Don Juan de Austria*, the *Isla de Luzon*.

Secretary LONG. We captured those. Mr. DAYTON. Then we have the *Alert*, the *Ranger*, the *Annapolis*, the *Vicksburg*, the *Wheeling*, the *Marietta*, the *Newport*, and *Princeton*, of 1,000 tons.

Secretary LONG. Those are new boats. Mr. DAYTON. Then we go down to the *Petrel*, which is 892 tons, which is about the size you are asking for, and the *Scorpion*, the *Fern*, and the *Bancroft*.

Secretary LONG. Then you are getting to vessels which are auxiliary vessels.

Mr. DAYTON. Then comes the *Vixen* and the *Gloucester*. Secretary LONG. Those are the converted yachts which we purchased during the war.

Mr. DAYTON. Then comes the *Wasp*, the *Frolic*, the *Dorothea*, the *El Cano*, the *Pinta*, the *Stranger*, the *Peoria*, the *Hist*, the *Eagle*, the *Hornet*, etc.

Secretary LONG. A great many of those are big tugboats and yachts. Mr. DAYTON. I could not tell anything about them, but I noted them under the head of gunboats, and that we had sixty and something.

Secretary LONG. Many of them have been turned over to the States for their naval reserves.

Mr. DAYTON. I hope you will not misunderstand me. I do not oppose the building of small vessels where necessary, but I am very anxious to get this larger and stronger and more substantial part of the Navy built up.

Mr. LOUDENSLAGER. Have you now any gunboats building?

Secretary LONG. No; the gunboats are all finished. They are very useful for patrolling, etc.

Now, Mr. Chairman, Admiral Dewey acknowledged that the Secretary knew more about the necessity of these gunboats than he did, and as the Secretary, in his examination before the committee, did not see fit to withdraw his request for the building of 12 new gunboats, I think that justice requires that we should give him at least one-half of what he asked for.

Mr. KITCHIN. Mr. Chairman, is it the desire of the committee to dispose of this particular amendment before we enter into consideration of any other item there?

Mr. FOSS. I think that it will be better to dispose of this item first.

Mr. KITCHIN. I will then speak to this item. It seems to me, from Admiral Dewey's testimony in the statement that my friend from New York has just read and the immense amount of money that we are already expending for the Navy, that we can well do without these gunboats.

If the members of the Naval Committee will remember, the recommendations of the Secretary of the Navy were made some time in the fall, and Admiral Dewey was before the committee on February 28, probably three or four months after the Navy Department had made out their estimates. Admiral Dewey said in that hearing that General Otis had just recently—a few days before, as I understood—turned over 3 gunboats to our Navy in the Philippines; and Admiral Dewey told us also that we had recently bought 14 Spanish gunboats that were in good condition in the Philippine Islands. I understand, therefore, there are 17 more gunboats now in the Navy than were in the Navy when the Secretary of the Navy made his report asking for 12, this being the number, as I recall, first recommended.

Mr. FOSS. That is it.

Mr. KITCHIN. The Secretary of the Navy asked for 12 in the fall, and since that time we have acquired 17—14 and 3. So we now have more than the Secretary asked. Another thing. I think Admiral Dewey expressed the opinion—I will not take time to read his testimony, although I have it in my hand—that the kind of ships we want in war are cruisers and battle ships, and that we can make out very well at present without the gunboats.

While the gunboats themselves are not very expensive, every gentleman in this House is aware that the Navy is expensive, and wherever we can save the money of the Treasury without harming the American Navy I think we ought to make that saving. I feel that every member of the House would be fully justified in voting against this amendment.

Mr. CUMMINGS. Let me call the gentleman's attention to the words of Admiral Dewey:

Mr. METCALF. The question I asked was, if the committee of the House would authorize the construction of three additional battle ships at this particular time, would you then recommend the construction of gunboats; that is, supposing we could get both?

Admiral DEWEY. I think the Secretary of the Navy could answer you; he knows the condition, perhaps, of these gunboats, and although, perhaps, we may have a large number on the list, many of them may count for nothing, so I am not prepared to speak.

Mr. KITCHIN. From what page is the gentleman reading?

Mr. CUMMINGS. The Secretary of the Navy maintained his attitude—

Mr. KITCHIN. I think that Admiral Dewey thinks the gunboats purchased from Spain are first-class.

Mr. CUMMINGS. Oh, no.

Mr. PEARCE of Missouri. No.

Mr. KITCHIN. Let us see. I read from the testimony before the committee:

Mr. METCALF. Suppose the committee should authorize the construction of three battle ships in addition to the construction of the armored cruisers, etc., do you then recommend the construction of the 12 gunboats also?

Admiral DEWEY. No. That is to say, I would not. I, however, would not want to give an opinion upon that because I am not familiar with the workings of the Department; but in view of what Mr. DAYTON says that we have something over 50 and the purchases we have recently made—I see General Otis has just turned over three more of the Spanish gunboats—I think the gunboats had better wait for the fighting ships.

Mr. DAYTON. That is, you would build them, but after the battle ships?

Admiral DEWEY. Yes.

Mr. METCALF. The question I asked was if the committee of the House would authorize the construction of three additional battle ships at this particular time would you then recommend the construction of gunboats; that is, supposing we could get both?

Admiral DEWEY. I think the Secretary of the Navy could answer you; he knows the condition, perhaps, of these gunboats, and although perhaps we may have a large number on the list many of them may count for nothing, so I am not prepared to speak.

Mr. MURD. Did I understand you would recommend gunboats as an alternative proposition?

Admiral DEWEY. No; that is another thing. We have just bought 14 gunboats.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CUMMINGS. Now, right there. I find a list of the gunboats, with those captured from the Spanish Government. On page 42 of the report on the naval bill I find this. Instead of being first-class boats of 900 tons, as the Secretary asked for, I find that three of them are of 106 tons displacement, steel; three, 203 tons, steel; three of 151 tons, iron; six of 83 tons, wood. Now, some of them are not as large as an Erie Canal boat.

Mr. KITCHIN. What was the date of that report?

Mr. CUMMINGS. That is on page 42 of the report on the naval appropriation bill.

Mr. KITCHIN. Does that include the boats that Admiral Dewey referred to?

Mr. CUMMINGS. It says "boats purchased by the War Department."

Mr. KITCHIN. How many of them?

Mr. CUMMINGS. Nineteen.

Mr. KITCHIN. The gentleman will remember we bought other gunboats; I think many others.

Mr. CUMMINGS. Six of them were captured from Spain, and that leaves 13 purchased.

Mr. KITCHIN. Now, let me read further from Admiral Dewey's testimony. He says, on pages 8 and 9 of the hearings:

Mr. RIXEY. I would like to ask the Secretary, in view of the statement made by the Admiral that we have recently purchased quite a number of gunboats through General Otis to be turned over to the Government, does he think in view of that fact it would be necessary to build these dozen gunboats recommended?

Secretary LONG. I can not answer you very clearly about that, because I do not know much about these gunboats which have been turned over, in what condition they are in. Have you any information on that, Admiral?

Admiral DEWEY. I know these last ones which have been turned over in the last week. One of them—the *Alava*—is about 600 tons and is a fine ship. They are very good in the Philippines.

Secretary LONG. I should certainly think if we get the three additional ships from the Army which the Army has given to us, that would certainly modify the necessity of increasing the gunboats in your bill; I should certainly think so; but I can not answer very definitely, because I do not know what the ships are and what condition they are in.

Mr. RIXEY. You would utilize those three gunboats?

Secretary LONG. I should be glad to. You gentlemen must bear in mind in making the recommendation it never occurred to me that Congress would give us three battle ships, costing \$3,000,000 or \$4,000,000 apiece, and also three cruisers costing a great deal of money, and three protected cruisers of 8,000 tons, also costing a great deal.

Secretary LONG says that if we get three additional ships that would remove the necessity of increasing the gunboats. That refers to the three that General Otis had just turned over.

Mr. CUMMINGS. But those three are only 106 tons burden.

Mr. KITCHIN. What page is the gentleman reading from?

Mr. CUMMINGS. Page 42 of the report.

Mr. KITCHIN. Is that ship, the *Alava*, that Admiral Dewey mentions in your list?

Mr. CUMMINGS. The *Alvarado* is in this list, but not the *Alava*.

Mr. KITCHIN. No; the *Alava* is a 600-ton ship, and Admiral Dewey says she is a fine ship.

Mr. PEARCE of Missouri. What kind of a ship is it—iron, steel, or wood?

Mr. KITCHIN. He does not state.

Mr. CUMMINGS. Six of these ships captured from the Spaniards are practically Erie Canal boats—only 93 tons.

Mr. KITCHIN. I do not think we bought any ships of that kind; we might have captured some.

Mr. RIXEY. I want to call the gentleman's attention to page 8 of this hearing, where Secretary Long says:

There are about 35 of those which are vessels of 500 tons or less; some less than 100.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I send an amendment to the Clerk's desk as an amendment to that offered by the gentleman from New York.

Mr. KITCHIN. Mr. Chairman, are we through with the debate on this amendment?

Mr. FOSS. Oh, no; we are not.

Mr. KITCHIN. I asked if it was proper to offer another amendment to this section, and the chairman of the committee said he would prefer to get through with this amendment before another was offered.

Mr. FOSS. I would prefer to have this settled first.

Mr. FITZGERALD of Massachusetts. I believe I have the floor. After I have occupied my five minutes I will cheerfully give way to gentlemen on either side to make any agreement that they may think proper.

Mr. KITCHIN. I would like to offer my amendment before any other amendment is offered.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] was entitled to the floor. His time expired, and he sat down. The Chair then recognized the gentleman from Massachusetts.

Mr. KITCHIN. I thought the Chair understood what passed between the chairman of the committee [Mr. Foss] and myself; and, understanding that, I did not think he would recognize another gentleman to offer an amendment until the settlement of the first amendment, as we understood.

The CHAIRMAN. The Chair could not presume that the gentleman from North Carolina was holding the floor without the consent of the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. I am entitled to my rights on the floor. There is no objection to the gentleman from North Carolina offering an amendment after I get through.

Mr. KITCHIN. Very well; go ahead. I will not insist on anything.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from Massachusetts.

The Clerk read as follows:

Strike out all of the amendment proposed by the gentleman from New York [Mr. CUMMINGS] after the words "exclusive of armament" and insert in lieu thereof the following: "these gunboats to be built under the direction and supervision of the Secretary of the Navy in such Government navy-yards as are best suited for this purpose, the selection to be made by the Secretary of the Navy."

Mr. LOUDENSLAGER. I make a point of order against that amendment that it changes existing law.

Mr. FOSS. I also make a point of order against the amendment.

Mr. FITZGERALD of Massachusetts. Will the gentlemen be kind enough to reserve the point of order until I have spoken? I have not occupied any time on this bill. I wish they would reserve the point of order until I have occupied my five minutes.

Mr. FOSS. I reserve the point of order until the gentleman has spoken.

The CHAIRMAN. The gentleman from Massachusetts will proceed.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I have listened very carefully to the arguments which have been made by those opposed to the building of some of our war ships in Government yards, and I am still strongly of the opinion that it is the duty of the Government to give this matter a trial at least, and if this is done I feel confident that in a short time it will be shown that ships can be built more cheaply and better constructed than in private yards. The Charlestown Navy-Yard is situated in my district. I am fully acquainted with its possibilities in this direction, and I think it is only fair that Congress should afford an opportunity for the construction of one or more war ships in this yard.

Within the last three or four years millions of dollars have been spent to put this yard in proper shape, so as to enable it to repair and reconstruct almost every kind of ship in the United States

Navy. At the present time a dry dock, to cost more than a million dollars, is being completed, and Government buildings containing the most modern shipbuilding machinery are being built. Within a radius of 10 miles of the Charlestown Navy-Yard live more than 1,000,000 people, and amongst this vast number may be found the best mechanics in the world. It is inconceivable to me that the United States Government should spend millions of dollars in fitting up Government plants at this and other navy-yards and not at the same time undertake to build as well as repair Government vessels.

Arguments have been adduced on this floor citing the case of the four vessels built in the Government yards, viz, the battle ships *Texas* and *Maine* and the cruisers *Raleigh* and *Cincinnati*,

and it has been pointed out that these vessels cost a much larger sum than that for which they could have been built in private yards. This statement has, however, been disputed, and I think it was Constructor Bowles who made the statement at one of the hearings before the Naval Committee that a great deal of this additional cost was due to the delay of the Government in providing plans, armor, and armament, and that Messrs. Cramp & Co., who were building vessels about the same time, have a claim now before Congress amounting to over \$400,000, which, if allowed, would make this vessel, the *Indiana*, I believe, cost as much as the *Texas*.

The figures which I submit below show the difference between contract and actual cost and give a fair idea of conditions prevailing when these vessels were built years ago.

Name.	Date of laying keel.	Date of first commission.	Hull and machinery.			Ship without stores, ammunition, or water in boilers.		
			Cost of hull and machinery.	Weight of hull and machinery.	Cost per ton of hull and machinery.	Final cost of finished vessel.	Weight without stores, ammunition, or water in boilers.	Cost per ton of finished vessel.
				Tons.			Tons.	
Maine.....	Oct. 17, 1888	Sept. 17, 1895	* \$3,305,409.87	3,836,920	\$861.47	\$4,677,788.75	5,436.35	\$860.46
Texas.....	June 1, 1889	Aug. 15, 1895	* 2,949,549.12	3,595,600	820.30	4,202,121.49	5,124.69	819.91
Cincinnati.....	Jan. —, 1890	June 16, 1894	* 1,985,773.30	2,358,183	846.31	2,571,004.52	2,675.92	886.38
Raleigh.....	Dec. —, 1889	Apr. 17, 1894	* 1,839,965.23	2,358,183	789.24	2,190,729.80	2,691.00	817.43
Minneapolis.....	Dec. 16, 1891	Dec. 13, 1894	+ 2,690,000.00	5,816,700	482.45	3,849,996.44	6,161.20	624.87
Indiana.....	May 7, 1891	Nov. 20, 1895	+ 3,063,000.00	5,601,100	538.20	5,983,571.98	8,943.30	669.03
Detroit.....	Feb. —, 1890	July 20, 1893	+ 612,500.00	1,449,650	412.52	1,233,039.90	1,680.00	740.11

* Amount expended in navy-yards.

Comparison of contract price with total cost of certain ships.

+ Contract price.

	Monterey.	Olympia.	San Francisco.	Oregon.	Massachusetts.	Indiana.
Payments on account of contract.....	\$1,647,728.64	\$1,796,000.00	\$1,423,231.50	\$3,272,403.99	\$3,045,576.48	\$3,055,272.39
Extra to contractors for authorized changes.....	107,093.02	103,831.30	47,739.94	295,862.69	171,111.12	149,860.42
Work done by Government, plans, inspection, etc.....	73,588.03	70,878.67	141,840.06	248,165.75	239,233.32	257,032.19
Hull armor.....	237,730.26	—	—	838,468.34	838,929.74	837,884.62
Armor for gun protection.....	190,534.38	—	—	1,029,591.42	1,030,051.58	977,134.02
Speed premiums.....	—	300,000.00	100,000.00	175,000.00	100,000.00	33,500.00
Trial-trip expenses.....	11,547.42	39,269.09	25,446.52	22,913.69	10,882.73	17,924.41
Care and preservation, insurance, etc.....	—	32,525.86	—	71,615.72	—	—
Total cost.....	2,268,281.75	2,484,027.54	1,738,257.82	5,914,021.90	5,401,844.97	5,333,708.05
Contract price.....	1,674,839.60	1,796,000.00	1,428,000.00	3,301,510.00	3,090,000.00	3,060,000.00
Excess of total cost over contract price.....	593,442.15	688,027.54	310,257.82	2,612,511.90	2,311,844.97	2,243,708.05

Every member of Congress knows the condition in which the Norfolk and Brooklyn navy-yards were at the time of the building of these vessels. Members of the House must realize that neither of those yards was in a condition to build Government vessels in competition with private yards. Neither yard had tools or machinery at that time compared to what can be found there now, and it is not fair argument to make comparisons in the cost of vessels built at these navy-yards at that time and the cost of doing similar work there now. When members of this House declaim against the building of Government vessels at our navy-yards they make unwarranted charges against the efficiency of our whole system of navy-yard construction and repair now in vogue at the different navy-yards in the country.

Who are the men that recommend the construction of Government vessels in our navy-yards? The chief constructor of the Navy, Admiral Hichborn, and he is sustained, I think, by every naval constructor in the country. These men, or nearly all of them, are graduates of our Annapolis Naval Academy, and are therefore the best fitted and best trained men in the world to-day in this class of work. Under the system of civil service in operation at the navy-yards, mechanics and laborers are given employment and retained in the service in accordance with their fitness for their duties, and it is a well-established fact that during the last seven or eight years the navy-yards of the country have been operated upon as economical a scale as are the private shipyards.

Claim has been made here that while the employees of private shipyards work ten hours a day those engaged in Government work are only compelled to work eight hours a day. This difference in time, however, can not exist long. The sentiment of the country, and I might say the sentiment of the entire world, is, in my opinion, for a working day of eight hours, and I think it is the duty of this Congress in making appropriations for the ships that are to be built in private yards to insist, as can be done in the present bill, that in the construction of all Government vessels in private yards the mechanics and laborers employed on these vessels should not be allowed to work more than eight hours per day.

I am surprised that large shipbuilding concerns should exact any longer service than this, as it is generally admitted that the average mechanic can accomplish as much in eight hours as he can in ten, and inasmuch as a great many of the trades in this

country to-day are on an eight-hour basis, and practically all on a nine-hour basis, it seems to me almost criminal on the part of this Government to allow any of the Government vessels to be built in private yards on a ten-hour basis. All the other governments of the world have instituted this practice and find it a profitable one, otherwise the amount of shipbuilding which other countries have given to their own government yards during the last year would never have been authorized.

I will present at this time some of the statements which were made by the different naval constructors who appeared before the committee at the hearings on this matter. Mr. Bowles, speaking generally, said the advantages to be gained by the building of ships in Government yards were as follows:

1. Maintains efficiency of force and plant.
2. Renders repair work economical and rapid.
3. Will reduce the amount of repair work by removing the necessity for maintenance of force.
4. Maintains a standard of workmanship and design on basis of practical experience.
5. Provides training for those who must inspect contractors' work.
6. No profit to be made.
7. The indirect charges in commercial practice which make a large percentage of cost are not included, because they are already provided and are maintained for other purposes, viz: Interest on plant, taxes, insurance, depreciation and care of property, large proportion of office and organization expense.
8. Cost of inspection is saved.
9. Cost of trial trip is saved.

Mr. Bowles also said:

The English Government has shown that a government can build ships in competition with outside shipyards. Nobody can say we can not do it, because we can. It is only a matter of the means, the regulation, and the methods and the men. And it can be done, and it can be done very quickly; if you want to do it very quickly there is no question about it.

There is just one sentence more, and that is, I believe in time gone by, when we had a wooden navy, the greater portion of our ships were built acceptably in the Government yards. At one time ships were built here in the Washington yard.

Mr. Bowles also said, in answer to a question of Mr. DAYTON as to the capability of the navy-yards for doing Government work:

I believe that the principal navy-yards of the United States are capable to-day of beginning the construction of a modern vessel and carrying it on successfully.

Mr. DAYTON. Without detriment to the repair work?

Mr. BOWLES. Not only without detriment, but with great advantage to the repair work.

In answer to the question as to whether by the building of vessels in navy-yards the number of officers on shore duty would not be increased, Mr. Bowles said:

There are more people inspecting the ships building at Newport News than it would take to build the same number of ships in the New York Navy-Yard to-day.

Mr. Baxter, the constructor at the Boston Navy-Yard, a man who in my judgment is one of the foremost men in the world in his line of business, summed up the matter admirably when he gave his opinion on this question in the following language:

Mr. BAXTER. When I went to the Mare Island Navy-Yard, nearly six years ago now, to take charge of the work, there was a bare, empty hull there. It is now the monitor *Monadnock*, which has made considerable fame for herself by her trip to Manila. We started in there with practically nothing. With the exception of this empty hull, everything had to be done at the Mare Island yard. That enabled us to get a plant together and to train the men. Then we went along. Congress in its wisdom ordered the rebuilding of the *Hartford*. That went along from year to year. Then there were two tugs built on special appropriations, and each one of these is an absolutely separate, definite appropriation, so I could use my best judgment.

If the current yearly appropriations were running slack, or if there were no ships to be repaired at the yard, I would switch my men off from one thing to another and keep my good men all the time. The result was, when the Spanish war came on us we did a great deal out there, although you did not hear about it in the East. I had at hand there a set of men that knew everything about the plant, and those men worked faithfully fourteen hours a day straight ahead for four or five months. That state of affairs could not have existed, in my opinion, if there had not been this jumping back and forth, if I had not had this continuous work to keep those people going, and the value to the Government of being able to do that work was quickly seen when the war came upon us, because we are very isolated out there in a great many ways, and we can not get men from Baltimore or New York or Philadelphia. We have to take the men we have, and those men have to be trained up to do what we want them to do, and if they can not get work in California they have to come back here; they can not stay there; and the cost of work on the construction work pure and simple was paid for ten times over by the efficiency with which the work for the Spanish war was rendered.

In another portion of his testimony he made the following statement:

Mr. BAXTER. Yes, sir. For instance, in repairs to a ship there are a great many different trades required. It might possibly be that we would be simply repairing—say, the woodwork of the deck, or something of that kind—that would be the general line of the work, and therefore most of the men would be that style of mechanics. They would not be ship fitters or iron workers. In case another ship needed to be repaired—a ship that has been in collision, perhaps, and had a hole stove in her—a different set of men would be required, and none of those people working on the first ship mentioned would be needed. Whereas if you are building a ship you have those people there all the time, and it is simply taking a man out of this work and putting him into some other work.

Naval Constructor Stahl, of the Norfolk Navy-Yard, gave equally strong testimony in favor of this Government building one or more of the new vessels in the Government yards, and stated that the work could be done after a little while better and more economically than in the private yards.

Admiral Hichborn, the chief constructor of our Navy, who is recognized throughout the known world as one of the greatest authorities on shipbuilding, in his annual reports has favored this method of constructing war vessels.

Let us see what the practice of foreign governments is in this direction, and I will quote the figures for the year 1899. Before doing this, however, I will give the status of the different navies compiled up to and including 1898:

	Completed.					Under construction.				
	England.	France.	Russia.	Germany.	Italy.	United States.	Japan.	England.	France.	Russia.
Battle ships	52	27	12	9	15	5	3	12	8	6
Armored cruisers	18	9	10	3	3	2	1	3	10	1
Protected cruisers	95	30	3	7	15	14	10	24	10	3
Unprotected cruisers	16	16	3	21	1	10	8	8	3	3
Coast-defense ships	15	14	3	19	20	3	1	1	1	1
Torpedo vessels	35	13	17	2	15	1	1	2	1	1
Ships for special purposes	3	1	5	1	2	1	1	1	1	1
Torpedo-boat destroyers	50	1	1	1	1	1	1	1	1	1
Torpedo boats	98	211	114	113	142	78	44	38	9	12

* Including 6 double-turret monitors, 13 old single-turret monitors, and the ram *Katahdin*. The 13 old monitors would hardly be included in computing the strength of the Navy on the usual basis of age, speed, etc. (O. N. I.)

+ Torpedo boats completed, 13; under construction, 13. (O. N. I.)

War ships built in United States navy-yards since 1883.

Class.	Number.	Total tonnage.
Second-class battle ship <i>Texas</i>	1	6,315
Second-class battle ship <i>Maine</i>	1	6,648
Protected cruisers <i>Raleigh</i> and <i>Cincinnati</i>	2	6,426
Grand total.....	4	19,389

War ships building in English dockyards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships.....	11	150,850	\$55,482,514
Armored cruisers.....	3	33,700	11,889,464
First-class protected cruisers, sheathed with wood and copper.....	2	22,000	5,820,807
Second-class protected cruisers.....	2	11,500	2,021,948
Third-class protected cruisers.....	3	6,535	2,332,283
Sloops sheathed with wood and copper.....	6	6,060	2,246,763
Royal yacht.....	1	4,700	2,112,068
Grand total.....	28	241,345	\$2,805,847

War ships building in English private yards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships.....	7	94,850	\$33,273,641
Armored cruisers.....	5	61,900	21,610,790
Armored cruisers sheathed with wood and copper.....	6	72,000	22,681,767
First-class protected cruisers, sheathed with wood and copper.....	2	22,000	5,542,358
Second-class protected cruisers, sheathed with wood and copper.....	3	16,800	4,391,470
Third-class protected cruisers.....	3	6,405	2,017,812
Sloops sheathed with wood and copper.....	2	1,960	669,824
Gunboats.....	4	2,800	1,048,728
Torpedo-boat destroyers.....	40	14,000	(*)
Torpedo boats.....	2	350	(*)
Grand total exclusive of cost for torpedo-boat destroyers and torpedo boats.....	74	293,065	\$1,236,390

* Cost not on record.

Recapitulation of war ships building in England in 1899.

Where building.	Number.	Total tonnage.	Total cost.
In dockyards.....	28	241,345	\$2,805,847
In private yards.....	74	293,065	\$1,236,390
Grand total.....	102	534,410	\$1,742,237

War ships building in French dockyards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships.....	6	67,553	\$30,521,353
Battle ship.....	1	12,728
Armored cruisers.....	8	73,518	30,172,551
Fast cruiser.....	1	4,000	1,704,198
Third-class protected cruiser.....	1	2,452	1,011,079
First-class sloop.....	1	1,243	580,731
Torpedo gunboats.....	2	1,732	1,183,818
Gunboats.....	2	1,291	574,461
Submarine boats.....	8	1,078	1,008,172
Torpedo boats.....	6	518	601,230
Grand total.....	35	166,171	\$67,357,598

War ships building in French private yards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Armored cruisers.....	6	53,045	\$23,705,087
Fast cruisers.....	3	20,295	7,714,360
Second-class protected cruiser.....	1	4,055	1,584,048
Third-class protected cruiser.....	1	2,452	942,106
Torpedo cruisers.....	10	2,582	3,285,768
Seagoing torpedo boats.....	11	1,772	2,222,944
First-class torpedo boats.....	22	1,344	1,836,744
Torpedo boats.....	11	990	965,186
Small torpedo boats.....	6	900	143,583
Grand total.....	71	87,435	\$42,399,836

Recapitulation of war ships building in France in 1899.

Where building.	Number.	Total tonnage.	Total cost.
In dockyards.....	35	166,171	\$67,357,598
In private yards.....	71	87,435	\$42,399,836
Grand total.....	106	253,606	\$109,757,434

War ships building in German dockyards in 1899.

[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships.....	4	43,660
Cruisers.....	4	8,582
Grand total.....	8	52,242

War ships building in German private yards in 1899.

Class.	Number.	Total tonnage.
Battle ships	2	22,360
Cruisers	6	20,495
Torpedo-boat destroyers	16	2,780
Grand total	24	45,635

Recapitulation of war ships building in Germany in 1899.

Where building.	Number.	Total tonnage.
In dockyards	8	52,242
In private yards	24	45,635
Grand total	32	97,877

War ships building in Russian dockyards in 1899.

[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	5	50,772
Coast defense	1	4,126
Cruisers	6	33,020
Grand total	12	87,918

War ships building in Russian private yards in 1899.

Class.	Number.	Total tonnage.
Battle ships	4	65,616
Armored cruiser	1	7,800
Cruisers	4	22,500
Grand total	9	95,916

Recapitulation of war ships building in Russia in 1899.

Where building.	Number.	Total tonnage.
In dockyards	12	87,918
In private yards	9	95,916
Torpedo-boat destroyers distributed among dockyards and private yards	42	14,066
Torpedo boats distributed among dockyards and private yards	16	2,500
Grand total	79	200,400

War ships building in Italian dockyards in 1899.

[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	2	26,265
Armored cruiser	1	7,398
Cruisers	2	2,700
Torpedo boats	12	1,020
Grand total	17	37,383

War ships building in Italian private yards in 1899.

Class.	Number.	Total tonnage.
Battle ship	1	12,765
Armored cruisers	3	23,196
Torpedo-boat destroyers	8	2,680
Torpedo boat	1	147
Grand total	13	38,788

Recapitulation of war ships building in Italy in 1899.

Where building.	Number.	Total tonnage.
In dockyards	17	37,383
In private yards	13	38,788
Grand total	30	76,171

These figures conclusively show that other governments have found it profitable to build a portion of their war fleet in their own yards, and I can not see any reason why this House should

fail to go on record in favor of making this innovation at the present time.

In order that the members of this House may realize the vast expenses that the Government is assuming in connection with the upbuilding of our Navy, and in order to draw the attention of the House to the vast payments that are being made for public works in the navy-yards where vessels are to be repaired, not constructed, I quote the following statements from the Naval Affairs Committee report of the present year:

Comparative statement of present cost of Navy.

	Supplemental estimates as per H. Doc. 398.	Total Department estimates, 1901.	Proposed appropriations, 1901.	Appropriated, 1900.
Pay of the Navy	\$5,000.00	\$12,810,897.00	\$12,810,897.00	\$13,500,171.00
Pay, miscellaneous		500,000.00	500,000.00	500,000.00
Contingent, including emergency	500,000.00	510,000.00	520,000.00	10,000.00
Bureau of Navigation	9,550.00	463,925.00	566,425.00	505,125.00
Bureau of Ordnance		2,503,124.00	2,388,124.00	3,143,124.00
Bureau of Equipment	321,577.52	3,564,052.52	3,464,052.52	2,765,455.10
Bureau of Yards and Docks	220,000.00	753,322.83	603,439.83	453,442.23
Public works, yards and docks		13,768,674.32	7,797,467.32	5,465,286.50
Public works, Naval Academy and Observatory		2,051,500.00	690,000.00	730,000.00
Bureau of Medicine and Surgery	40,000.00	220,000.00	220,000.00	192,500.00
Bureau of Supplies and Accounts	10,800.00	3,231,232.03	2,731,232.03	3,220,432.03
Bureau of Construction and Repair	500,000.00	6,795,824.25	6,235,824.25	3,273,407.00
Bureau of Steam Engineering		2,774,200.00	2,774,200.00	1,209,200.00
Naval Academy		207,813.45	199,685.45	195,153.45
Marine Corps	25,000.00	2,740,370.27	2,712,870.27	2,544,271.27
Increase of the Navy		16,990,699.00	16,990,699.00	10,392,402.00
Total	1,632,527.52	69,885,634.67	61,209,916.67	48,069,969.58

PUBLIC WORKS.

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Portsmouth	\$602,000.00	\$361,000.00	\$306,000.00
Boston	1,798,300.00	866,300.00	379,000.00
New London, Conn.	50,000.00		25,000.00
New York	1,977,000.00	1,300,200.00	612,062.00
League Island	1,963,092.00	939,500.00	800,767.00
Washington	875,017.32	414,102.82	205,000.00
Norfolk	1,649,000.00	466,500.00	645,687.50
Port Royal	882,000.00	227,000.00	145,000.00
Key West	117,000.00	97,000.00	112,520.00
San Juan	52,000.00	52,000.00	
Pensacola	29,500.00	9,500.00	
Algiers	145,000.00	145,000.00	
Mare Island	1,152,700.00	563,200.00	935,750.00
Puget Sound	226,065.00	206,165.00	48,500.00
Dredging, Dry Tortugas ..	200,000.00	100,000.00	
Habana, naval station	50,000.00		
Dry dock, Algiers	650,000.00	650,000.00	
Four dry docks	900,000.00	900,000.00	800,000.00
Repairs and preservation ..	450,000.00	500,000.00	450,000.00
Total	13,768,674.32	7,797,467.32	5,465,286.50

The necessity for increased appropriations in this important branch of the naval establishment has been set forth in the able report of the Secretary of the Navy, on page 41, in which he says:

"The operations of the various bureaus at the yards during the war show that in very many respects the public works were not adequately equipped for the prompt and proper conduct of the work of repairing and fitting out vessels of war. Even in such navy-yards as New York, Norfolk, and Mare Island, the best equipped in the country, many deficiencies were found to exist. This was the experience of every bureau, and the importance of modernizing the navy-yard plants, erecting new storehouses and shops, providing adequate docking facilities, and thereby enabling the yards to meet the great increased requirements of the Navy was strongly impressed upon the Department."

The following table shows the value of the real estate, chattels, and machinery plants at the various yards and stations June 30, 1899:

Statement showing the value of real estate and chattels and machinery plant at the several yards and stations June 30, 1899, as per appraisal under Department's circular No. 9.

Navy-yards and stations.	Real estate and chattels.	Machinery plant.
Navy-yard, Portsmouth, N. H.	\$2,684,627.32	\$243,063.00
Navy-yard, Boston, Mass.	12,295,181.10	539,180.28
Naval War College, Newport, R. I.	100,422.00	
Naval training station, Newport, R. I.	313,005.60	7,315.60
Naval torpedo station, Newport, R. I.	239,576.38	45,060.90
Naval station, New London, Conn.	131,146.52	900.00
Navy-yard, New York, N. Y.	19,165,023.79	543,277.68
Navy-yard, League Island, Pa.	2,523,566.27	129,349.60
Naval Home, Philadelphia, Pa.	901,944.45	
Naval Academy, Annapolis, Md.	569,268.40	21,432.50

Statement showing the value of real estate and chattels, etc.—Continued.

Navy-yards and stations.	Real estate and chattels.	Machinery plant.
Naval Observatory, Washington, D. C.	\$869,948.77	
Navy-yard, Washington, D. C.	4,375,091.61	\$1,746,562.57
Marine headquarters, Washington, D. C.	230,293.50	
Navy-yard, Norfolk, Va.	5,649,554.37	599,544.70
Naval proving ground, Md.	272,064.00	5,500.00
Naval station, Port Royal, S. C.	906,630.75	55,226.63
Naval station, Key West, Fla.	497,837.31	37,474.48
Navy-yard, Pensacola, Fla.	1,710,821.00	51,754.00
Navy-yard, Mare Island, Cal.	4,127,611.48	435,420.00
Naval training station, Cal.	578,023.50	
Naval station, Puget Sound, Wash.	798,550.55	
Naval station, San Juan, P. R.	193,143.83	6,000.00
Naval station, Honolulu, H. I.	595,762.32	
Total	59,719,004.82	4,425,061.31

The above indicates the magnitude of these yards and stations. It is here that the ships are taken for repair and fully equipped for further service, and as the number of ships increases a corresponding improvement in our yards and stations follows as a necessary sequence in order that they may be able to meet the requirements of a growing navy. The two must go hand in hand. While the committee has not seen fit to recommend what has been asked for to the full extent, yet they have made provision for that amount of public works which can be judiciously carried on during the coming fiscal year. Under the head of public works is that of the completion of the dry docks which are now being built at Portsmouth, Boston, League Island, Mare Island, and the floating dock at Algiers, La., requiring an appropriation of \$1,550,000. There has already been appropriated for these docks \$1,800,000, making a total of \$3,350,000, and \$1,800,000 more will be required to complete them.

This bill also provides for the beginning of construction of two more stone dry docks, one at New York and the other at Norfolk, Va. These are urgently demanded by the Department in view of the importance of these two yards, that of New York being the largest and most important and that of Norfolk next. At the present time we have no docks at either place large enough to take in our largest battle ships with safety.

Let us consider for a moment, Mr. Chairman, the false economy we are practicing when the Government, with navy-yard property to the value of \$85,000,000, refuses to build part of its own fleet in these yards.

Statistics are available which prove that in the matter of the construction of battle ships and some other kinds of government vessels the work is done more cheaply at the government yards in England than in the private yards. In France the case is about the same. When one considers that there is no charge against the Government for taxes, for interest, for insurance, for plant depreciation in the building of vessels in the navy-yards, and no profits expected, it is simply incomprehensible to me, under the excellent system of labor employment now in vogue in the navy-yards of the country, that the work of building vessels can not be done more cheaply there than in private yards.

The Charlestown Navy-Yard for years, in its equipment department, has been manufacturing the cordage for the Navy, both hemp and wire, and it has held its own with private corporations. The smaller boats of the Navy are being built now at this yard, and the price compares favorably with that demanded by outside contractors.

The navy-yard at Charlestown is unequalled in the matter of water and rail transportation. Boston Harbor, where the yard is located, is one of the best, if not the best, harbor on the Atlantic Ocean. It has a magnificent system of fortifications, and, being the wealthiest and most populous city in New England, the National Government can always be depended upon to furnish proper protection to the port and therefore to the navy-yard. The harbor is accessible at all stages of the tide to Government vessels of the heaviest draft. Skilled labor in iron-ship building and marine engineering is to be found in ample supply, and if, therefore, a selection is to be made among the different navy-yards for the initiation of this work, the advantages of the Charlestown Navy-Yard must not be overlooked.

The maintenance of our naval establishments in proper manner is the best guaranty we have for peace. Two ends are accomplished by this practice.

First and most important is the preservation of peace without the sacrifice of honor and principle, and the second is that we may be prepared for war. Our ability to attain the first end is in proportion to our readiness to maintain our rights; hence it is necessary that we should at all times be independent of private shipbuilding establishments in the matter of ship construction. This work can not be carried forward any too soon.

We should have a settled policy. It will be wise economy to authorize the building of one or more ships in every navy-yard. There will be no pulling and hauling then for different appropriations for different classes of work at different navy-yards. All yards will be fitted up with the most modern tools and appliances, a system of construction and repair will be inaugurated in all of them, thousands of mechanics will be employed with living hours and living wages, and the Government will have embarked on a career of profound wisdom and economy in the building of its war ships. [Applause.]

MR. KITCHIN. I hope the gentleman from Massachusetts will withdraw his amendment and allow another to be offered.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to withdraw the amendment which I have presented, so that the point of order may not be made against it now, my object being that another amendment may be presented upon another portion of the bill for the construction of some of the protected cruisers at the Government navy-yards.

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from New York, which I send to the desk.

The Clerk read as follows:

Amend the amendment proposed by Mr. CUMMINGS, of New York, by adding thereto the following: "Provided further, That two of such gunboats shall be constructed on or near the coast of the Pacific Ocean, or in the waters connected therewith."

Mr. JONES of Washington. Mr. Chairman—
Mr. FOSS. I understand the amendment of the gentleman from Massachusetts [Mr. FITZGERALD] to have been withdrawn.

The CHAIRMAN. It has been withdrawn for the present.

Mr. JONES of Washington. Now, Mr. Chairman, if the gunboats provided for here are to be constructed at all, it seems to me that they should be constructed in as many different yards as possible, not only giving encouragement to the development of the yards themselves, throughout the country, but also allowing these boats, when constructed, to be in a position where they are most likely to be needed. Many of these vessels would probably be needed in the Philippine Islands, and the nearest point to the Philippines where we could build them is on the Pacific coast; and if constructed there, we would save considerable expense in taking them around for service in the Philippines.

Furthermore, we have about three yards on the Pacific coast that are able to construct naval ships of the various kinds, and the finest vessel we have in the Navy to-day, the *Oregon*, was constructed at San Francisco, as well as several torpedo boats, while others have been constructed, one at Seattle and one at Portland, Oreg. Under the amendment of the gentleman from New York all of these must be constructed, or all of these may be constructed at least, in one yard if the bids are low enough, unless we adopt a provision of this kind.

Mr. CUMMINGS. Oh, no; it provides that not more than two shall be constructed in one yard.

Mr. JONES of Washington. Then in three yards you would be able to construct the whole of them on the Atlantic coast. In other words, three yards will alone be available for the construction of them if the amendment is adopted, and it seems to me that anything that tends to encourage the building up of the yards all over the country, diversifying the construction of our vessels and adding new facilities to such construction, is a great benefit to the people at large, and hence I ask the adoption of the amendment that I have proposed.

A MEMBER. What is the amendment?

Mr. JONES of Washington. If the gunboats are provided for, that two of them shall be constructed in the waters of the Pacific coast.

Mr. LOUDENSLAGER. Do you limit the extra cost of the two which you propose to construct there?

Mr. JONES of Washington. I have not done so in this amendment—

Mr. LOUDENSLAGER. Because if these vessels were required to be constructed on that coast, and no limit as to cost were made, there is no knowing how much the Government might have to pay.

Mr. JONES of Washington. But there will be at least three competitors for their construction.

Mr. LOUDENSLAGER. Do you not think it better to ask that the amendment be withdrawn and the question of competitive construction be determined hereafter?

Mr. JONES of Washington. I am entirely willing that the competition be extended to the shipyards on our coast.

Mr. LOUDENSLAGER. Because your amendment applies to the gunboats, and not only to the gunboats but to the cruisers and battle ships as well.

Mr. JONES of Washington. You have provided already that two of the cruisers and battle ships may be constructed on or near the coast of the Pacific Ocean under a differential of 4 per cent.

Mr. LOUDENSLAGER. But it provides that the cost shall not exceed 4 per cent above the lowest bids for vessels provided for in this act.

Mr. JONES of Washington. Yes; but if the amendment of the gentleman from New York should prevail, only two vessels would be constructed, and these two might be gunboats, while all of the battle ships and cruisers might be constructed on the Atlantic coast.

Mr. LOUDENSLAGER. The amendment of the gentleman from New York is a provision made after the word "each," in line 4, as the gentleman will find, and adds a proviso according to which two of these vessels may be constructed on the Pacific coast if the bids are satisfactory. That will apply to the gunboats, if they are put in, as well as to the battle ships. So the amendment is unnecessary.

Mr. JONES of Washington. Yes; but it will not provide for the building of two gunboats as well as two of the other ships.

Mr. LOUDENSLAGER. Yes; there is no limit as to the number.

Mr. JONES of Washington. I beg the gentleman's pardon. Only two are to be constructed on the Pacific coast.

Mr. LOUDENSLAGER. Not more than two in one yard.

Mr. JONES of Washington. The gentleman will see that, beginning in line 15, it says:

And subject to the provisions hereinafter made two and not more than two of the aforesaid vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith.

Mr. LOUDENSLAGER. I beg your pardon. That is correct. I was mistaken.

Mr. DAYTON. I suggest that the gentleman withdraw his amendment, and if the gunboats are provided for then line 16 can be amended so as to provide that two of the battle ships and two of the gunboats may be constructed on the Pacific coast. That will accomplish what the gentleman desires.

Mr. JONES of Washington. That will be satisfactory to me.

Mr. DAYTON. I suggest that as the better thing to do.

Mr. JONES of Washington. That would be all right. I withdraw my amendment, Mr. Chairman, with the understanding that I may reach the subject in the other way.

Mr. FOSS. Mr. Chairman, as I understand it, the proposition which is pending before the House is the amendment of the gentleman from New York [Mr. CUMMINGS], authorizing the Secretary of the Navy to contract for 6 gunboats.

In the Secretary's report to Congress this year he recommended a naval programme consisting of 3 armored cruisers, 3 protected cruisers, and 12 gunboats; but when we had the Secretary before the committee, Admiral Dewey being there at the same time, it was discovered that General Otis had purchased, I think, 14 gunboats of just about the size which the Secretary had recommended in his report; and not only that, but we had raised 3 of the Spanish gunboats and added those to the Navy, making in all 17 gunboats; and it was decided by the committee that it would be wise to leave out the gunboats this year, in consequence of that fact, and in their place to build 2 battle ships. That seemed to meet with the approval of the Admiral and the Secretary of the Navy at that time, and that is the recommendation of the committee in this bill.

Mr. PEARCE of Missouri. Mr. Chairman, there is no proposition in this whole bill which I more heartily support than I do the proposition contained in the amendment of the gentleman from New York [Mr. CUMMINGS]. These gunboats are of the most useful type of boat in the United States Navy. We have but 6 of them in the entire Navy to-day.

Mr. CUMMINGS. And they are all at Manila, too.

Mr. PEARCE of Missouri. Yes. I find on examination of the roster of the English navy that Great Britain has two and a half of these boats for every battle ship in the English navy. These boats will pay for themselves in two years' time in the saving of maintenance and cost of the larger vessels, which have to be used if they are not constructed.

They are useful for a great many purposes, for ordinary cruising and for patrol duty, and their complement is comparatively small. If we had had them during the Spanish war in cruising the waters of the West Indies, we should have saved hundreds and hundreds of thousands of dollars. The boats purchased by General Otis in the Philippine Islands are of exceedingly light draft and entirely unseaworthy. Not one of those would have been obtainable by the United States if they could have crossed the ocean. They are good for nothing except the navigation of the quiet waters surrounding those islands, and are of comparatively little use for the general purposes of the United States Navy. I hope, Mr. Chairman, that this amendment will be adopted by the unanimous voice of the committee.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. CUMMINGS].

The question being taken, on a division (demanded by Mr. CUMMINGS) there were—ayes 28, noes 52.

Mr. CUMMINGS. I ask for tellers.

Tellers were refused, 19 members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment was rejected.

Mr. LOUDENSLAGER. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "Provided," in line 2, page 64, insert:

"That the contracts for the construction of the said battle ships and of each class of cruisers shall contain provisions to the effect that the contractors guarantee that when completed and tested for speed under conditions to be prescribed by the Navy Department the battle ships shall exhibit a speed of at least 19 knots an hour under natural draft and that the cruisers of both classes shall exhibit a speed of at least 23 knots an hour under natural draft. And of the two battle ships hereby authorized to be constructed the Secretary of the Navy is hereby authorized to pay to the contractor of the one that shall develop the greatest speed the sum of \$50,000 for every one-half knot in excess of the speed of the other."

"And the Secretary of the Navy is hereby authorized to pay to the contractor for the building of any cruiser in each class authorized to be built by this act that shall exhibit a speed greater than either of the other two in the same class the sum of \$50,000 for every one-fourth knot in excess of the greatest speed exhibited by either of the other two in the same class."

Mr. FOSS. I make the point of order against that amendment that it is new legislation.

The CHAIRMAN. The Chair has no doubt that it is new legislation, and accordingly sustains the point of order.

Mr. MAHON. I offer the following amendment:

The Clerk read as follows:

Amend by striking out, on page 62, line 10, the word "two" and insert the word "one;" strike out, in line 18, the word "three" and insert instead the word "two;" strike out, in line 22, the word "three" and insert the word "two."

Mr. KITCHIN. I would like to offer an amendment to that amendment, beginning at the word "two," in line 10, striking out lines 11, 12, 13, 14, 15, and down to the word "three," in line 16, and that will leave his amendment applying to just the two battle ships.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

Mr. KITCHIN. My amendment is to amend the amendment of the gentleman from Pennsylvania, so that his amendment shall read as follows: Strike out on page 62, beginning at the word "two," in line 10, and then lines 11, 12, 13, 14, 15, and down to the word "three," in line 16, and the effect of that will be to strike out only after the two battle ships.

The CHAIRMAN. The Clerk will first report the amendment of the gentleman from North Carolina.

The Clerk read as follows:

Strike out all after the word "contract," in line 10, page 62, down to and including the word "each," in line 16 of the same page.

The CHAIRMAN. The Chair will state that the amendment proposed by the gentleman from Pennsylvania changes the original text, and therefore will first be in order, because it will be an amendment to the original text.

Mr. MAHON. Mr. Chairman, I have no disposition to interfere with the committee's bill. We have three ships now on the docks, and they have been waiting for armor for a considerable length of time, and through the action of this Congress, if this bill is passed, allowing \$545 a ton—and it can not be had for less—will result in a net loss to this Government of nearly \$400,000, and the contractors and owners of these shipyards who have them in their docks will be found in the Court of Claims, and properly there, claiming heavy damages for delay in the finishing of these ships. If I understand correctly, the other day we were short in naval officers—and I want to be corrected if I am wrong—some 1,400 officers. We have not the men to man the ships that we have, and this bill makes no provision to provide for the officers and the men for the great ships that we have already built, and the Secretary of the Navy was compelled for lack of men to take them out of service and to put them in your League Island anchorage or some other place.

Now, Mr. Chairman, if we build, according to my amendment, 1 battle ship, 2 armored cruisers, and 2 protected cruisers, we would have appropriated, if this bill passes, \$17,700,000, and if this amendment of mine prevails and is adopted by the House, we will reduce this bill \$10,680,000. I am satisfied from the condition—

Mr. FOSS. If the gentleman will permit me to interrupt him a moment, he does not mean that we will reduce this bill \$10,000,000, because the gentleman must know that if these ships are authorized it takes about a year to thrash out the plans before the ships can be put under contract.

Mr. MAHON. We had better not thrash out too much.

Mr. WM. ALDEN SMITH. We must get the thing in shape to thrash first.

Mr. MAHON. I am satisfied, Mr. Chairman, that 1 battle ship and 4 cruisers are sufficient for each Congress to provide for. Now, you see how much this bill will carry over, from \$58,000,000 to \$61,000,000; and when you count the cost of these ships, I believe this House ought to make this reduction. It is a reasonable reduction, and 1 battle ship, 2 armored cruisers, and 2 protected cruisers will be provided for.

Another thing, Mr. Chairman: The material and labor have gone away up to about double the price; and if you go on and put these vessels under contract, there is no telling what the Government will have to pay for them with the prices of iron as high as they are at present. Now, the question is, Do we need them? The Navy is not provided with a sufficient number of officers and men for the ships already in the service and going into the service. I believe there are some five or six battle ships and cruisers that will be ready for the service that have never been in it before, and therefore I ask the adoption of this amendment.

Mr. LOUDENSLAGER. Mr. Chairman, I am certainly surprised at the remarks of the gentleman from Pennsylvania. I am sure he does not voice the sentiment either of Congress or of the people of this country. I am of the opinion that they are almost a

unit in their desire to increase the efficiency of our Navy. All the maritime powers of the world are increasing in all directions, and it has been but a short time since we were called upon in this Hall to vote an emergency fund of \$50,000,000 to make more efficient our Navy.

I do not believe that the American Congress or the American people want to repeat that action. These vessels, if authorized in this bill, can not be contracted for at this time. The plans for them must be prepared, and it will take from six to nine months for the Department to prepare these plans; and if we delay action in this matter of authorization, we must certainly delay the ultimate finishing of these vessels, and we must also delay having them as vessels of war to defend us.

I am of the opinion, Mr. Chairman, that this House and this country will approve of the action of the committee in regard to the increase of the Navy, and I sincerely hope the amendment of the gentleman from Pennsylvania will not prevail, but that the action of this Congress at this session and at all future sessions will be to gradually build up the Navy each and every year, so that at all times we may have in our squadron the highest efficiency that man can produce.

Mr. WACHTER. Will the gentleman allow me a question?

Mr. LOUDENSLAGER. Yes.

Mr. WACHTER. How long will it take to build a ship after the plan has been made?

Mr. LOUDENSLAGER. Three or four years.

Mr. KITCHIN. Mr. Chairman, I want to say a few words on the amendment I offered, to strike out the two battle ships, which is pending and is to come up later for a vote. I believe it will meet the desires of the gentleman from Pennsylvania. I have no doubt that he has already read the reports, and after thoroughly hearing the facts we hope he will be with us on this matter. The minority report says nothing about these battle ships. One member of the minority favors this section as it stands, as we understand. The others agree that the two battle ships ought to be omitted.

Another thing I call the attention of the chairman of the committee to, and the attention of the committee, is that when the Secretary of the Navy made his annual report, as the gentleman from New Jersey knows, he did not recommend the building of any battle ships, but he recommended the building of 3 armored cruisers and 3 protected cruisers, for which this bill provides.

Mr. LOUDENSLAGER. May I interrupt the gentleman?

Mr. KITCHIN. You may.

Mr. LOUDENSLAGER. Did not the Secretary of the Navy in his testimony before the committee say that he desired the battle ships, and did he not give a reason for omitting them in his report?

Mr. KITCHIN. Yes; I will read it, and I think the reasons he gave are the strongest reasons in the world why we should stand by his first report. He said that the board had thought about recommending more than they did recommend—that is, the 6 cruisers—and that there were 3 battle ships considered, but they were omitted for fear they were asking too much. In view of the fact that there are 3 battle ships authorized and not begun, and this, too, is well known to the gentleman from New Jersey, that we have 3 battle ships authorized for which no contract has been made, the Secretary of the Navy himself, knowing the extravagance of this Congress, said the reason he did not recommend some battle ships was because he thought it would be asking too much and he could not get it.

Now, on page 9, the Secretary said this, in response to a question by Mr. RIXEY:

Mr. RIXEY. You would utilize those 3 gunboats?
Secretary LONG. I should be glad to. You gentlemen must bear in mind in making the recommendation, it never occurred to me that Congress would give us 3 battle ships, costing three millions or four millions apiece, and also 3 cruisers, costing a great deal of money, and 3 protected cruisers of 8,000 tons, also costing a great deal.

And, then, Secretary Long, lower down on the same page, says:

I think you will come to it, of course, in future years.

And he reiterates it that he had no idea that this Congress would give him, in addition to the 6 cruisers, 3 battle ships.

Mr. CUMMINGS. And no gunboats.

Mr. KITCHIN. He did recommend 12 gunboats. Secretary Long, as I understand, never insisted upon it. Admiral Dewey, who was examined on the same day, as I recollect his testimony, said that he preferred armored cruisers to any other class of ships, and he agreed with Secretary Long about the immense naval programme involved in this bill.

Now, let me say this: I called attention the other day, when the distinguished gentleman from New York [Mr. CUMMINGS] and the distinguished acting chairman of the committee [Mr. FOSS] were flaunting in our faces the great German programme, I called attention to the fact that if we only adopted the German programme we would have to cut our number of proposed war vessels in two, because in sixteen years the German navy will add 422,000 tons to their navy, while at the rate of increase last year and this year we shall add more than 1,400,000 to our Navy in that

time. I believe in increasing our Navy, but I believe we should increase it gradually. I believe in putting the best ship to sea whenever one goes to sea, but I believe it is absolutely unnecessary to increase the Navy at the rate of 90,000 tons a year.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. I should like five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. The tonnage in last year's bill was 91,000 tons, according to my calculation, and I went over it very carefully. The tonnage in this bill is 88,000 tons. Now, if we keep up this rate for sixteen years we shall have a Navy not only equal to Germany, but double that of Germany at that time and equal to that of England now. I will now hear what the gentleman from New Jersey has to ask.

Mr. LOUDENSLAGER. I know the gentleman desires to state the facts in the case.

Mr. KITCHIN. I certainly do.

Mr. LOUDENSLAGER. I want to call the gentleman's attention to Secretary Long's statement, on page 4, in answer to the gentleman's position when he says it was never the intention of the Secretary to build battle ships. In reply to a question by Mr. WHEELER of Kentucky, the Secretary says that it was his original idea to build three battle ships.

Mr. KITCHIN. That is true.

Mr. LOUDENSLAGER. And below that, on the same page, in Admiral Dewey's testimony, the Secretary says he would be very glad if we gave them the battle ships and the cruisers.

Mr. KITCHIN. I have stated nothing contrary to that. I quoted the Admiral's testimony, and stated that the Secretary of the Navy said that he wanted to ask the committee for the battle ships, but he did not do so because he thought that Congress would not authorize them.

Now, let me call attention to the fact that the construction of the battle ships and other ships authorized in this bill will impose upon the United States an obligation of about \$50,000,000—\$28,000,000 for hulls and machinery; and I estimate it will take at least twenty or twenty-five million dollars to supply the armor, the furniture, and the ordnance, etc. The vessels authorized in the bill of last year, in my opinion, imposed upon the Government an obligation to the amount of forty-five or fifty million dollars.

Sixty-two million dollars of the obligations authorized for ships heretofore have not yet been appropriated, as I understand, but must hereafter be paid by the Government. To-day we have, including the obligations carried by this bill, more than \$100,000,000 of obligations imposed upon the United States, none of which is provided for in this bill, but all of which must be met hereafter for naval purposes.

Mr. PEARCE of Missouri. Will it not be ten years before all that money will be required to be expended?

Mr. KITCHIN. That is perhaps true, but what I am objecting to is adding to our obligations at the rate of \$50,000,000 a year for the next ten years, making an additional \$500,000,000 for the Navy in that time. I am in favor of standing by the recommendations of the Secretary of the Navy and allowing the provision for these six cruisers to stay in this bill; but I think we ought to strike out the provision for the battle ships and proceed to build up our Navy gradually. There is no use of incurring a debt of fifty, sixty, or seventy-five million dollars a year for ships in the building up of this Navy.

Mr. WM. ALDEN SMITH. Does the gentleman believe in that policy because this Government can not afford to buy battle ships?

Mr. KITCHIN. No, sir. But because this Government can if it chooses tax the people to death, that is no reason why we should do so.

Mr. WM. ALDEN SMITH. Does the gentleman believe that it is not necessary to enlarge our Navy, because the German Government is not making similar progress?

Mr. KITCHIN. If the gentleman had been here the other day he would know that that was one of the strongest arguments in the speeches made here at that time for an increase in our Navy.

Mr. WM. ALDEN SMITH. It did not appeal to me in that way. I understood the gentleman from Illinois [Mr. FOSS] to make the comparison for the purpose of strengthening the American Navy and not to limit it.

Mr. KITCHIN. I understood the gentleman to speak in praise of the great German programme, and I have shown that the last two bills of this House indicate three times the increase that Germany proposes.

Mr. WM. ALDEN SMITH. Your argument has no force with me. We are a greater nation than Germany, and should have a Navy large enough to meet all emergencies.

Mr. KITCHIN. No matter about that; I take the position that to-day we have a navy larger than that of Germany, and we have not the same necessity for a vast navy that Germany has. I also

believe we should have a navy sufficient to meet emergencies, and say that we have one that has so far successfully met them.

Mr. WM. ALDEN SMITH. Our Navy is none too large for the United States now, and it takes time to build the new ships, and they should be authorized each year, thus building up the Navy steadily and strongly.

Mr. KITCHIN. The gentleman must have heard me say not more than two or three minutes ago that I was in favor of increasing our Navy, but not at the exorbitant rate that this bill indicates.

As for the position of Germany, she stands in the midst of other powerful nations surrounding her, Italy, Russia, her old enemy, France, and England. Nations so situated, with various colonial possessions throughout the world, require larger navies than the United States. I admit that this Government having, under the present Administration, entered upon a policy of imperialism, will need a larger navy than it would have needed otherwise. This requires an increase of the Navy, although I am not in favor of imperialism or colonialism, and I do not favor such enormous strides annually in authorizing war vessels and entailing such heavy expenditures as this naval increase represents, because I do not believe there is any necessity for it.

Mr. Chairman, we do not need a navy such as Italy, Germany, and such other nations need which stand side by side, with hundreds of thousands of men in arms in time of peace, always expecting war and always standing with swords drawn against their neighbors.

I therefore think we ought to strike out the two battle ships, but leave the cruisers in the bill, thus following the recommendation of the Secretary of the Navy in his report.

[Here the hammer fell.]

Mr. DAYTON. Mr. Chairman, just a word in this connection. This bill provides for two battle ships. When we had our war with Spain we traveled all over the world trying to buy a battle ship and could not purchase one. It is absolutely impossible to obtain by purchase that class of ships, and it is the bulwark of our defense in a naval conflict.

What is the condition of our Navy to-day?

We have and will have only sixteen when all authorized are provided for, or, rather, when all are completed. England has seventy. The Committee on Naval Affairs has year after year gradually added to this class of ships—the most important, the one that constitutes the fighting line—and they have been gradually added to, as I have said, by the committee.

Now, I submit to the judgment of the House on both sides that it is reasonable and right for us to carry out the programme that has been carried on with unanimity for years past by adding two or three battle ships each year until our Navy is commensurate with our importance and requirements.

Mr. FOSS. Mr. Chairman, I move to close debate upon this part of the bill.

Mr. RIXEY. I want five minutes, if the gentleman would allow me.

The CHAIRMAN. The Chair will state that debate upon the pending amendment is exhausted.

Mr. RIXEY. I hope the gentleman from Illinois will not close the debate now. I have stated, if my colleague will permit me, that I desired five minutes at least.

Mr. FOSS. Then I move that debate be closed at the end of ten minutes.

Mr. RIXEY. If the gentleman will pardon me, he will remember the other day that it was generally understood and, I think, agreed upon that when we came to this part of the bill general discussion should be had for at least sixty minutes on a side if it was desired.

Mr. FOSS. There was no understanding or agreement, if the gentleman will remember. Objection was made.

Mr. RIXEY. That is true, but it was the general talk that such would be allowed.

Mr. FOSS. The general talk was that when we came to that part of the bill which provided for the building of the navy-yards the debate might run for a reasonable time.

Several MEMBERS. Regular order, Mr. Chairman!

The CHAIRMAN. The regular order is called for, which is the vote on the amendment proposed by the gentleman from Pennsylvania [Mr. MAHON].

Mr. RIXEY. I understood the motion was to close debate in ten minutes.

The CHAIRMAN. But the regular order was demanded, and that is the vote on the amendment of the gentleman from Pennsylvania.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from North Carolina.

Mr. RIXEY. Mr. Chairman—

The CHAIRMAN. The Chair will state to the gentleman from Virginia that a motion would now be in order to strike out the last word.

Mr. RIXEY. I accept the suggestion of the Chair, and move to strike out the last word.

Mr. Chairman, I agree with much that was stated by the gentleman from Pennsylvania in regard to the propriety of reducing the number of vessels authorized, and was glad that the motion to reduce the number of ships authorized by the bill came from that side of the House.

So far as I am concerned, sir, I shall vote every dollar that seems necessary to provide a good Navy; but it does seem to me, in matters of this kind, if we follow the recommendation of the Secretary of the Navy it would be sufficient, and we ought not to be expected to go beyond that. The consideration of this matter is largely intrusted to him, and if we follow his recommendation it is sufficient.

In the last bill we authorized the construction of three battle ships and three armored cruisers, which are battle ships in everything except name, none of which have as yet been contracted for. Six battle ships, therefore, have been authorized, but no contract has yet been made for their construction. Admiral O'Neil tells us that it will be six or eight months before the contract is made for them. In view of this condition why should we authorize two more battle ships, when the Secretary of the Navy does not ask for them?

Secretary Long, in his testimony or statement before the committee in response to a question of the utilization of certain gunboats, said:

You gentlemen must bear in mind in making the recommendation it never occurred to me that Congress would give us three battle ships, costing \$3,000,000 or \$4,000,000 apiece, and also three cruisers, costing a great deal of money, and three protected cruisers of 8,000 tons, also costing a great deal.

Mr. DAYTON. Looking at the world's naval progress and advance in the face, I want you to state whether you regard an increase of three battle ships and three cruisers as an unwarrantable one?

Secretary LONG. Not at all. I think you will come to it, of course, in future years. If I were on the Naval Committee I should be inclined to say that with three battle ships already authorized and construction not yet begun, if you will give us three big cruisers and three smaller cruisers we will have enough large ships to go to the country with this present year.

I say, therefore, that this proposition to build two battle ships is not in pursuance of the recommendation of the Secretary of the Navy; and it seems to me that with six battle ships already authorized, but not contracted for, we have enough to wait until the assembling of Congress in December. The proposition of the gentleman from North Carolina [Mr. KITCHIN] to strike out the two battle ships should prevail.

Mr. BARTLETT. Mr. Chairman, one of the first votes which I cast in Congress after I became a member of it, in the Fifty-fourth Congress, was a vote for four new battle ships. I think, however we have now arrived at a stage in our history when, for a while at least, we ought to call a halt, until we can see our way clear to have officers enough to man those we already have in commission and expect soon to have in commission. Ships should not be built just to spend the people's money nor to aid in making us appear as a "world power" among the nations of the earth.

Mr. DAYTON. Will my friend allow me?

Mr. BARTLETT. Yes; certainly.

Mr. DAYTON. I want to call the gentleman's attention to the fact that by this bill and the provisions that have already been passed we have provided for the extra officers.

Mr. BARTLETT. The Secretary of the Navy, in Senate Document 168, this session, in reporting to the Senate upon the resolution of inquiry relative to what ships are in commission, or soon would be, and the number of men necessary to officer them, has reported the number of vessels in commission, or which soon will be, and the number of officers required, and has stated that 867 officers will be needed on additional ships under construction and under repair. Experience in the late war has demonstrated that the cruiser, with her 8-inch guns, is more effective than the large battle ship, with her 13-inch guns. The battles of Manila and Santiago Bay were won by the cruisers and the 8-inch guns.

Now, we propose to go on with this bill, the largest naval appropriation bill that we have ever had in the history of this country, in a time of profound peace—and it is even suggested in the report of the majority that it is almost equal to disloyalty to oppose some of the provisions of this bill—and spend \$38,000,000 for new ships, exclusive of armor and armament.

For myself, Mr. Chairman, I am ready, whenever this country needs battle ships or needs men in time of war, to give them to the utmost limit of our Treasury and to the furthest limits of taxation; but in the past few years we have progressed, from being the fifteenth nation in the world in sea power to where we stand, fourth, and are able to compete with the other nations of the world certainly in the management of our Navy, in the defense of our own coasts and our own commerce. Therefore I see nothing in the necessities pressing upon this country to demand such an extravagant expenditure of money in increasing the Navy by two battle ships, and these three additional armored cruisers, and the protected cruisers provided for in this bill.

I have a great admiration for the Navy of the United States. I

am ready at all times to vote money to sustain it, but I say this increase of two battle ships, three armored cruisers, and four protected cruisers provided for in this bill is unnecessary at this time. Why should we go on increasing our Navy to such an extent? Are we at war or in prospect of war with anyone? Is it expected that in the near future it will be necessary for us to parade our Navy or our Army in order to incite war? I remember, Mr. Chairman, when it was announced two years ago that Russia had appropriated \$70,000,000 to increase her navy, it startled the world, and we all looked upon it as an evidence of the fact that she was preparing herself for an aggressive and an offensive war with her enemies, the other great powers of the earth.

To-day we, who are a people of peace, who have builded this Republic upon the theories and principles of the founders of it, who proposed to establish for all time to come a republican government which should not interfere with the affairs of foreign nations by carrying offensive war into other climes and lands, but to protect our own people and our own coasts; we, a peace-loving people, who have established liberty upon this continent, and who expect all the peoples of the world to look to us as lovers of liberty in a republic to live forever and for aye, are appropriating nearly \$70,000,000 to increase our Navy, that we may attract attention as a warlike people, and vie with the other powers of the earth in extravagant expenditures for our military and naval establishments. For one, in the behalf of the taxpayers, I protest, and shall vote to strike out the provision for new battle ships.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I call for a vote upon the pending amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. KITCHIN].

Mr. FOSS. I call for the reading of the amendment.

The Clerk read as follows:

On page 62 strike out all after the word "contract," in line 10, down to and including the word "each," in line 16, the part proposed to be stricken out being the following:

"Two seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 13,500 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$3,000,000 each."

The question being taken, the Chairman announced that the "noes" appeared to have it.

On a division (demanded by Mr. KITCHIN) there were—ayes 50, noes 68.

Accordingly, the amendment was rejected.

Mr. FITZGERALD of New York. I offer the following amendment.

The Clerk read as follows:

Amend by inserting before the word "three," in line 22, page 62, the following:

"To be constructed under the supervision and direction of the Secretary of the Navy in such of the navy-yards of the United States as are best adapted therefor."

Mr. FOSS. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. FITZGERALD of New York. It seems to me, Mr. Chairman, very clear that the point of order does not lie. This is a paragraph authorizing the increase of the Navy, and by providing that the vessels shall be built by contract it places a limitation upon the power of the President. This amendment is merely a further limitation on his power or discretion in regard to the construction of certain vessels. It does not change existing law. There is no existing law authorizing the building of these vessels. This bill authorizes the construction of certain vessels, and this amendment proposes the manner in which some of them shall be built.

If the bill merely provided that the President of the United States shall have constructed certain vessels, it would be in order to limit his power and discretion by providing that he must build them by contract, as it is in fact done; and it is equally in order to further limit his discretion by providing that a certain number of these vessels shall be constructed in some other way than by contract. It is proper to provide some other method or means or place where these vessels authorized by the bill shall be constructed. I think it is very clear that the amendment is in order and not obnoxious to the rule.

Mr. FOSS. Mr. Chairman, I beg to state that there is a special act under which ships authorized by each naval appropriation bill, year by year, are contracted for. That act was passed in 1886. Under that act there were some vessels authorized. Section 5 of that act states—

That the Secretary of the Navy shall cause one or more of the new vessels herein provided for to be constructed, by one or more contractors, to be completed in one or more of the navy-yards of the United States, and if he shall be unable to contract with responsible parties—

This is the language which I especially call to the attention of the Chair—

And if he shall be unable to contract with responsible parties to construct and build at reasonable prices all or any of the vessels hereinbefore provided

for, he shall cause the same to be constructed or completed in such of the navy-yards of the United States as may be best adapted thereto.

Under this particular act of 1886 it is discretionary with the Secretary of the Navy, in case he should be unable to contract for vessels at reasonable prices, to have them built in the navy-yards of the United States, at such navy-yards as he may designate.

Mr. FITZGERALD of New York. Will the gentleman yield to me?

Mr. FOSS. I do not care to be interrupted when discussing a point of order.

Mr. FITZGERALD of New York. The gentleman has not stated the facts there.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. FOSS. Now, Mr. Chairman, I desire to connect this bill with the law of 1886. On line 9, page 63, are these words:

And in the construction of all said vessels all the provisions of the act of March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," shall be observed and followed.

Now, that refers to the naval bill, the naval appropriation act of last year. In the naval appropriation act of last year—that is, for the construction of the vessels authorized last year—"all of the provisions of the act of May 4, 1898, entitled 'An act making appropriations for the naval establishment for the fiscal year ending June 30, 1899, and for other purposes,' shall be observed and followed." That is the act of last year, which refers back to the previous year. In each substantially the same language is used, relating back to the act of the year previous to that. Now, what do we find in the act of March 3, 1897, which was passed March 3, 1897, but to which this act related back from other acts?

And in the construction of said torpedo boats all the provisions of the act of August 3, 1886—

The act, the special act, which to-day is in operation and under which all vessels are built, the section which I read but a few moments ago:

And in the construction of said torpedo boats all the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture.

That act, Mr. Chairman, refers back to the special and specific act of 1886, which is the permanent law to-day on the subject of contracting for the construction of these naval vessels. That act, which is the permanent law to-day, leaves it to the discretion of the Secretary of the Navy, in case he should not be able to contract for these ships at a reasonable price, to build them in the navy-yards of our country. But, sir, the amendment of the gentleman from New York makes it mandatory upon the Secretary of the Navy to build these ships in the Government navy-yards, and because that amendment is mandatory, and because the permanent act itself is discretionary, therefore the point of order, in my judgment, should be sustained.

Mr. FITZGERALD of New York. Mr. Chairman, the gentleman from Illinois [Mr. Foss] has hardly stated the facts correctly in connection with the act of August 3, 1886. If the amendment be not in order, it must be obnoxious to the rule legislating or making a change in existing law upon appropriation bills. The act of August 3, 1886, was an act providing for the building or construction of certain vessels named therein. In that act there was a provision, inserted in the House, providing that certain vessels should be built in the navy-yard and that other vessels should be built by contract, and that those to be built by contract should be built in the navy-yard if favorable contracts could not be made. That act was a law unto itself; it only applied to the vessels that were provided for in that bill.

Mr. WHEELER of Kentucky. An appropriation bill?

Mr. FITZGERALD of New York. No; it was not an appropriation bill. The point was made in the House by Mr. Reed, of Maine, and Mr. BOUTELLE of Maine, that the proper place to provide for the construction of vessels was in the naval appropriation bill. This was a law to construct certain vessels, and it provided in that law for the method of constructing them.

The appropriation bill for this year provides, under the head of "Increase of the Navy," that the President of the United States "shall have constructed by contract" certain vessels; and if this House has the power to limit the construction of vessels by contract, it has the further power to limit the discretion and to provide for the construction of some of them in some other way. It could bring in a bill authorizing the building of vessels alone by the President of the United States, and then he could build them anywhere he liked. It does not do that. It limits his power to build them to contract, and this amendment further limits that power.

There is no existing law which says that every vessel or new ship to be built shall be built by contract. The act of 1886 merely provides that the vessels mentioned in that act shall be built in a certain way, and it does not seem possible to construe that law as

to affect any other authorization for an increase of the Navy. The gentleman from Illinois [Mr. Foss] has not even stated the ground upon which he believes this amendment to be out of order; he has not stated upon which clause of the rule he hangs his objection. He has made a statement about the act of 1886, which merely authorizes certain vessels and provides for the methods and the places in which they should be constructed. It can not affect the provisions of this bill.

Mr. KITCHIN. Mr. Chairman, the argument that was made to the Chair the other day on the "emergency fund" would seem to imply that the point of order in this case would not be sustained; and for this reason I understood it was argued, and met the Chair's approval, that the "emergency fund" was for the maintenance of the Navy, and if enacted for the benefit of the naval establishment then, under several decisions heretofore made on appropriation bills, it would be in order on this bill. I believe the Chairman himself cited instances where they had put new ships upon appropriation bills because it was to maintain the Navy.

Now, what is the purpose of this amendment? In the opinion of those who introduced it, it is for the benefit of the Navy. I take it this is true: That if the Naval Committee had inserted this provision in the bill, and a point of order had been raised against it, and the point of order could not have been sustained, then the point of order can not now lie against this amendment when offered to this bill. If that is true, if you could not strike this provision from the bill on account of its being a change of law, then certainly the amendment itself, when proposed to be put on the bill, could not be resisted on the ground that it is a change of law.

For instance, we put on certain ships here and we insert the words "by contract." The Chair would have no hesitation in holding the words "by contract" were for the purposes of maintaining the Navy, and, following the ruling of the other day, the Chair would hold that the point of order against the words "by contract" could not be sustained.

If the words "by contract" could remain in the bill against the point of order, certainly a provision saying that three ships shall be built in the navy-yards would remain in the bill. If the committee would have the right in the first instance of putting in this bill that three ships were to be built in three different navy-yards, then you can find no precedent for throwing out this amendment on a point of order?

As I said, if it would be sustained if it were now in the bill against a point of order, it certainly should not be rejected, when being offered as an amendment, on the same point of order.

Mr. DRIGGS. Mr. Chairman, I only desire to be heard one moment on the point of order. I would like to ask the Chair to take into consideration the fact that the act of 1886, which provided for an increase of the Navy, was not in the regular appropriation bill. I have read the debate most carefully. I have it before me in volume 81, records of Forty-ninth Congress, in the first session.

At the opening of the day's session Mr. Randall arose and demanded the regular order. There was considerable debate over it, and Mr. Herbert moved that the House go into Committee of the Whole House on the state of the Union for the purpose of considering bill 6664, to increase the naval establishment. There was a great deal of debate over that bill.

The gentleman from Maine [Mr. BOUTELLE] made an exceedingly strong and partisan speech against the bill, in which he said the Naval Committee itself should have brought that in at the time they reported the naval bill. The gentleman from Maine also, Mr. Reed, as my colleague has stated, also made an exceedingly strong speech, parts of it in opposition to the policy of considering the increase of the Navy in that special bill, contending that it should have been done in the regular bill of the Naval Committee. The bill went along without debate as far as that was concerned, and no point of order was raised. I have looked up the records to ascertain when it was, and how it was, and why it was that the increase of the Navy was placed in the naval appropriation bill.

It was done two Congresses later in order that matters might be facilitated. I believe it was when the Republican party won control of this House. They brought in these appropriations. I can not find that there was any point of order raised upon the proposition for the increase of the Navy under Republican rule or by the minority at that time.

In the report upon that bill, Mr. Herbert, then chairman of the Committee on Naval Affairs, distinctly said:

I read now another extract from the report, showing that as the responsibility is with the executive department, and as we desire to utilize all the mechanical genius of the country, we have given the Secretary a discretionary power over these contracts.

Now, in consideration of the fact that this was a separate bill at the time the increase in the Navy was started, I insist that the point of order can not hold good against the amendment of the gentleman from New York.

Mr. FITZGERALD of New York. I wish simply to call the attention of the Chair to a part of the recommendation of the Secretary of the Navy for this year. In his report, under the head "Increase of the Navy," I find this language, showing that there can be no existing law in regard to the building of vessels which gives him discretionary power:

The same board are also of the opinion that if any of the foregoing vessels are authorized the law should provide that in case satisfactory bids can not be obtained for their construction by contract the Department shall have authority to construct the same in the navy-yards.

I submit that this language shows clearly that the Secretary of the Navy, under the law as it stands at present, has no discretionary power to build these vessels where he pleases, notwithstanding the contention of the chairman of the committee.

The CHAIRMAN. It appears to the Chair that the natural interpretation of the language just read by the gentleman from New York [Mr. FITZGERALD] is that under the construction of the present law by the Secretary of the Navy there is no law for building any of these vessels in the navy-yards, but that legislation would be necessary in order to authorize that. This is the interpretation the Chair would put upon the language which the gentleman has just read.

Aside from that, however, the question now before the Committee of the Whole is whether this provision is new legislation or whether it is a limitation of the appropriation. There are several decisions to which the attention of the Chair has been called. One of them reads in this way:

Provisions that bids for the construction of naval vessels should be limited to bidders having adequate plants and not having over a specified number of vessels under construction were held to be in the nature of legislation and not a limitation.

That decision would seem to throw a good deal of light upon the question of order on this amendment, which provides that the Secretary of the Navy shall construct these vessels "in such navy-yards of the United States as are at present established therefor." This would seem to be a parallel case. The Chair therefore, following the decision made in the Fifty-fifth Congress, sustains the point of order.

Mr. FITZGERALD of New York. I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee of the Whole?

The question being taken, there were—ayes 80, noes 58.

Mr. UNDERWOOD. I call for tellers.

Tellers were ordered; and Mr. Foss and Mr. FITZGERALD of New York were appointed.

The question was again taken; and the tellers reported—ayes 82, noes 74.

So the decision of the Chair was sustained.

Mr. FITZGERALD of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding, after the word "each," in line 4, page 63, the following: "The three last-mentioned vessels to be constructed, under the supervision and direction of the Secretary of the Navy, in such of the navy-yards of the United States as are best adapted therefor."

Mr. FOSS. I make a point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, \$12,740,699.

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

The Clerk read as follows:

After the word "dollars," at the end of line 6, page 64, insert the following: "That the sum of \$2,000,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings and the purchase of suitable machinery and other materials necessary for the establishment and maintenance of a plant for furnishing armor plate for the use of the Navy."

"Sec. 2. That the Secretary of the Navy is hereby authorized to appoint a board to consist of three officers of the Navy, who shall examine and report what, in their opinion, is the most suitable site for the erection of the plant provided for in the foregoing section of this act; and no money shall be expended until the point so selected shall have been approved by the Secretary of the Navy."

Mr. DAYTON. Mr. Chairman, I make the point of order that this proposition is not germane to the section, and also that it is new legislation.

Mr. VANDIVER. I want to ask the gentleman from West Virginia if he will not consent to withhold the point of order—

The CHAIRMAN. The point of order is made that the proposition is not germane to the section and that it is new legislation.

Mr. VANDIVER. I would like to ask the gentleman if by the latter part of the point of order he means us to understand also that he will make the point of order if the amendment is offered to the next paragraph?

Mr. DAYTON. Unquestionably.

Mr. VANDIVER. Then I ask the gentleman if he will not consent, in view of the understanding arrived at on Wednesday

afternoon, to withhold the point of order until some discussion can be had upon this part of the bill, or upon the amendments, and that we may have some opportunity of presenting amendments to it? If I understand it, the chairman of the committee on Wednesday afternoon consented that when this paragraph should be reached in the discussion, under the five-minute rule, time would be allowed for the presentation of amendments then to be offered for debate and action upon them; and under that agreement I think the chairman of the committee has consented to allow the matter to be so discussed. I would like to ask, therefore, if the gentleman will not withhold the point of order for that purpose?

Mr. DAYTON. I wish to call the attention of the gentleman to the fact that there is a misunderstanding as to having time for debate on the armor-plate question under the five-minute rule. There was an agreement, which was carried out, that there should be an hour's general debate on both sides touching the question of the Coast and Geodetic Survey.

Mr. VANDIVER. I call the attention of gentlemen to the fact that the other agreement was made at the same time.

Mr. WHEELER of Kentucky. Whether the gentleman from West Virginia was present or not, it was consented to.

Mr. FOSS. There was no agreement.

Mr. WHEELER of Kentucky. But there was a tacit understanding to that effect.

Mr. FOSS. It was understood generally without any agreement that there should be some debate on this portion of the bill when the time came. The fact of the matter is, gentlemen, that we have exhausted now nearly five days in the discussion of this and other propositions connected with the naval appropriation.

Mr. VANDIVER. This proposition has received no attention under the opportunity to amend.

Mr. FOSS. And I am anxious that the bill should be reported out of the committee this evening.

Mr. VANDIVER. I should not undertake to obstruct that.

Mr. FOSS (continuing). Gentlemen know that to-morrow is set apart for eulogies, and I think we ought to be able to fully consider this proposition to-night and close the general debate in a very brief time.

Mr. WHEELER of Kentucky. I would like to ask the gentleman from Missouri what is the use of presenting an amendment that would be likely to be ruled out?

Mr. FOSS. How much time does the gentleman from Missouri want?

Mr. VANDIVER. For myself, only a short time. Of course, I can not speak for other gentlemen.

Mr. DAYTON. Will a half hour be enough? We will not want any time on this side, or very little.

Mr. VANDIVER. Well, I am not prepared to say as to that.

Mr. DAYTON. Well, say twenty minutes on your side and ten on this.

Mr. WHEELER of Kentucky. But what is the use of making a speech on an amendment in view of the remarkable ruling which we have just had?

Mr. VANDIVER. We have no intention on this side of trying to delay the passage of the bill. It would be fair and reasonable to consent to an hour or an hour and a half on this question.

Mr. DAYTON. Will the gentleman state how long he desires to debate the proposition, and we may be able to arrive at some conclusion?

Mr. VANDIVER. I have no disposition to unnecessarily delay the consideration of the bill.

Mr. DAYTON. There is just an hour and ten minutes of the session left of to-day, and we want to get through with the bill this afternoon.

Mr. VANDIVER. Well, there is but one proposition after this likely to lead to any discussion.

Mr. DAYTON. Let us say, then, that we have twenty minutes on a side.

Mr. VANDIVER. Oh, that would be too short a time.

Mr. DAYTON. Then you can take thirty minutes on your side, and we have twenty on this.

Mr. VANDIVER. So far as I am personally concerned, I should not object. But other gentlemen may desire to be heard.

Mr. DAYTON. Then I reserve the point of order for fifty minutes, Mr. Chairman, with the understanding that thirty minutes of the time shall be controlled by the gentleman from Missouri [Mr. VANDIVER] and twenty minutes on this side.

The CHAIRMAN. The gentleman from West Virginia reserves the point of order.

Mr. MAHON. I renew it.

The CHAIRMAN. The gentleman from Pennsylvania renews it.

Mr. VANDIVER. I would like to ask the gentleman from Pennsylvania if he would not be willing for the chairman of the committee to arrive at some understanding?

Mr. MAHON. This question has been thrashed over and over again, and I insist upon the point of order.

Mr. VANDIVER. I would like to ask the gentleman from Pennsylvania if he will not consent that the chairman of the committee may make arrangements by which the bill will be disposed of this afternoon?

Mr. MAHON. No, sir.

Mr. VANDIVER. Well, then, Mr. Chairman—

Mr. MAHON. If we can take a vote on the bill at 5 o'clock, I will withdraw my objection.

Mr. VANDIVER. I shall not undertake to prolong the debate beyond 5 o'clock.

Mr. MAHON. Well, make your agreement.

Mr. UNDERWOOD. I wish to say that any agreement of that kind on a proposition of this sort is absurd. I shall address myself to the proposition of the gentleman from Illinois [Mr. FOSS]. Here is a proposition which has involved the whole naval establishment of the United States for the last five years, which has delayed the construction of at least three battle ships, which are now unprovided with armor. It is a question to which this Congress has devoted hours in the past, and which very nearly defeated the last naval bill, because of inability to agree on the proposition in conference. And yet, with this most important item in the entire bill, the item that has brought about more discussion and more difficulty in the passage of the naval appropriation bill than any other item that we have had in it for five years, the gentleman comes before this House and says the House must decide this question without a reasonable discussion.

Now, to say that there shall be twenty minutes in which to discuss a question that involves the facts and figures that this does, and to say that it must be disposed of in twenty minutes, is practically the same as to say that the gentleman proposes to lead this House to the desk there like a bull with a ring in his nose and force the House to vote on party lines, without any due consideration of this great business question.

Mr. DAYTON. In view of that statement, I insist on the point of order now. I have tried to arrange it.

The CHAIRMAN. The point of order is insisted upon, and the Chair is ready to decide.

Mr. UNDERWOOD. Then, Mr. Chairman—

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. UNDERWOOD. I ask to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman for ten minutes on the point of order.

Mr. UNDERWOOD. I wish to state that the Chair has no right to limit a member of this House in that way.

The CHAIRMAN. The Chair will state to the gentleman that discussion on a point of order is entirely within the discretion of the Chair. The Chair may decide it without any discussion.

Mr. UNDERWOOD. Certainly.

The CHAIRMAN. That is the reason the Chair made the limitation.

Mr. UNDERWOOD. Now, Mr. Chairman, in all good temper and in good faith, I wish to say this to the Chair: I desire to be heard on this point of order. I desire to be heard fully. I think that the importance of this matter entitles members on this side to be heard fully; but if the Chair says that he is not willing to give that hearing here, I submit to the power that is vested in the Chair, and I shall then ask for an appeal from the ruling of the Chair, but I am unwilling to take the floor unless I can have a reasonable hearing. If the Chair wishes to strangle debate and prevent a hearing on this—

The CHAIRMAN. The Chair will hear the gentleman on the point, if the gentleman desires to be heard.

Mr. UNDERWOOD. Well, that is all I desire, Mr. Chairman, but I do not consent to start out with the idea that I must make my argument within ten minutes.

The CHAIRMAN. The Chair does not change that statement in the least. If the gentleman desires to discuss the point of order within the ten minutes, the Chair will hear him. The Chair does not wish to hear the gentleman on some other subject.

Mr. UNDERWOOD. Mr. Chairman, it is impossible to argue the question within ten minutes, particularly if the Chair intimates that his mind is made up; and unless I can have a reasonable time in which to make a full statement of the case, I will not accept any such terms, but I ask the Chair to recognize me in the usual way to discuss this question of order, and I ask whether—

The CHAIRMAN. The Chair declines to recognize the gentleman otherwise than he has already recognized him.

Mr. UNDERWOOD. Then the Chair's recognition is with the limitation stated.

The CHAIRMAN. Certainly. The gentleman understands it.

Mr. UNDERWOOD. Then, Mr. Chairman, I appeal from the ruling of the Chair on that proposition.

Mr. STEELE. I submit that the Chair has not decided yet.

The CHAIRMAN. Of course the Chair has not decided.

Mr. UNDERWOOD. I wish to appeal from the authority of the Chair to limit the debate on this.

The CHAIRMAN. The gentleman wishes to appeal from a matter of recognition. The Chair declines to entertain such an appeal.

Mr. VANDIVER. Mr. Chairman, the gentleman from West Virginia [Mr. DAYTON] made his point of order, and after learning from the chairman of the committee [Mr. FOSS] that some agreement had been made or some understanding had, he consented to withhold the point of order. Then the gentleman from Pennsylvania [Mr. MAHON] renewed the point of order and afterwards withdrew it under a statement from me that I had no intention to prolong the debate unreasonably.

Now, Mr. Chairman, subsequent to that statement the gentleman from Pennsylvania withdrew his point of order, and the gentleman from Alabama made a statement which seemed to be somewhat irritating to the gentleman from West Virginia; whereupon he announces that in view of the statement of the gentleman from Alabama, he renews the point of order. Now, I ask him if he is going to allow petulance like that, coming from any gentleman on the floor, to interfere with the understanding that existed between members of the committee in regard to this matter?

Mr. DAYTON. Why, if the gentleman will pardon me, there is no petulance, no temper; you and I know we can agree. Unanimous consent was asked, and his remarks indicated that he would not consent to anything of the kind, and there was nothing for me to do but to renew the point of order.

Mr. UNDERWOOD. The gentleman from Illinois indicated the other day that when this question came up we should have two hours' debate on this proposition.

Mr. VANDIVER. It was the general understanding that we would have two hours' debate.

Mr. DAYTON. The gentleman has misunderstood the gentleman from Illinois. The agreement was to have two hours' debate on the Coast and Geodetic Survey. There was no time fixed as to this.

Mr. VANDIVER. I say on my responsibility as a member of this House that the gentleman is mistaken and misstates the facts.

The CHAIRMAN. This discussion is entirely out of order. Any gentleman in the committee has the right to raise the point of order and insist that it shall be finally decided. This discussion is on another matter.

Mr. WHEELER of Kentucky. I would like to make a statement.

Mr. VANDIVER. I yield temporarily to the gentleman from Kentucky.

Mr. WHEELER of Kentucky. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield the floor?

Mr. VANDIVER. I yield the floor, Mr. Chairman, to the gentleman from Kentucky if it is understood that I could be heard upon the point of order also.

The CHAIRMAN. The gentleman has already consumed his time on the point of order.

Mr. VANDIVER. Well, I agreed to yield to him for a short time only. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will be very glad to hear the gentleman on the point of order.

Mr. VANDIVER. Now, Mr. Chairman, the offering of the amendment at this particular point, to this paragraph of the bill, was, I say, frankly premeditated. I think that the amendment is germane to this particular paragraph, perhaps more so than it would be to the succeeding paragraph.

The CHAIRMAN. The Chair will state to the gentleman that if this amendment is in order to the bill, it would be in order as a new paragraph at this point.

Mr. VANDIVER. Well, that is why I have offered it.

The CHAIRMAN. So far as the germaneness of the amendment is concerned, the Chair does not attach much importance to that. The Chair would rather hear the gentleman on the question of whether it is new legislation.

Mr. VANDIVER. The amendment is offered as a new paragraph to the paragraph on construction and machinery. This paragraph on construction and machinery provides "on account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, \$12,736,099 shall be appropriated. I call the attention of the Chair to the fact that that paragraph opens with the word "construction." This amendment proposes to "construct" a factory for the purpose of manufacturing armor plate, to carry out the provisions of the different parts of this bill. I think it is certainly germane to the paragraph. After providing that we shall construct vessels, we shall then proceed a step further and provide the means by which those vessels shall be constructed.

I think that if it were necessary to go to that point, we might assume that conditions might possibly arise whereby it would be absolutely impossible for the Government to construct these vessels and complete them according to the provisions of this bill without such a factory. Suppose, for instance, that the armor-

plate factories of the world have entered into combinations—as I have no doubt they have—by which the price of armor plate is to be fixed by an agreement among them; and suppose, furthermore, that exercising their absolute control over the market price of armor plate, they should put it clearly out of the reach of the Government of the United States; then I want to ask how it would be possible for the Secretary of the Navy to carry out this provision of this bill for the construction of any vessels unless he were authorized to make this armor plate for the Government?

Mr. GAINES. Will the gentleman allow me to make a suggestion?

Mr. VANDIVER. I yield now to the gentleman.

Mr. GAINES. Secretary Herbert in his report found that after the Bethlehem Company and the Carnegie Company had furnished the Russian Government armor plate at \$249 a ton, they, together with all the armor-plate manufacturers of this country and Europe, put up the price of plate to \$565 a ton.

Mr. VANDIVER. There is no doubt about that. Now, Mr. Chairman, in all fairness and candor and good faith this amendment is offered. And I want to say that it was the understanding of the minority of this committee that they should have time for the offering of this amendment and its consideration at this time. I am sorry as well as surprised that the gentleman from West Virginia at this late hour should undertake to interfere with the understanding by raising the point of order. If the gentleman from West Virginia, Mr. Chairman, had served his country as well as he serves the manufacturing and protected interests, and especially the armor-plate factories, he would certainly be entitled to more credit for his service on this floor.

Mr. BUTLER. I raise the point of order, not as a member of the committee but as a member of the House, that the gentleman is not talking to the point of order.

Mr. VANDIVER. I am talking to the point of order. If the Chair should hold—and I want to call attention to this particular point—if the Chair should hold that this amendment is not in order and thus rule it out, and give this House no opportunity to vote upon it, the result might be, and not unreasonably may be, that the armor-plate factories of this country, holding absolute power over the subject, could hold up this Government worse even than they have done, and put it out of the power of the Secretary of the Navy to increase the Navy and build the battle ships herein provided for.

I think, if the Chairman of the committee will consider for a moment what may be and probably will be the consequences of such a ruling, he will at least hesitate before surrendering this Government to the dictation of the armor trust which now controls the price of armor throughout the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I notify the gentleman from West Virginia [Mr. DAYTON] that if he insists upon his point of order he will gain no time by it, for I shall offer it as a resolution to recommit the bill with instructions to the committee.

The CHAIRMAN. It is the privilege of the Chair to hear discussion upon any point of order; but it is no hardship upon the House or the committee if he declines, because the committee can indulge in debate on an appeal from the decision of the Chair to any extent it wishes. The Chair thinks the rule is a wise one, leaving it in the discretion of the Chair to hear discussion or otherwise. For that reason the Chair enforced the rule in this instance.

Now, the question is—

Mr. WHEELER of Kentucky. Mr. Chairman—

The CHAIRMAN. The Chair is stating a ruling.

Mr. VANDIVER. Mr. Chairman—

The CHAIRMAN. Will the gentleman wait until the Chair finishes his ruling?

Mr. VANDIVER. I beg the Chair's pardon; I understood the Chair to say that he had made the ruling.

The CHAIRMAN. The Chair is making the ruling. The question is whether this amendment authorizing the building of a plant for any purpose in the way of making armor plate is new legislation on an appropriation bill. It is not a question of building new buildings in place of old ones, the replacing of buildings already made; it is not a question like those which were decided in reference to the Naval Academy. There it was held that the Government already had a work in progress, the naval school, in the language of the decision of Mr. Cox in the West Point Academy case, and they could build a new building there for that purpose. This is not that question. The Government has never gone into the armor-plate business; it has always bought what is needed by contract. It has never made any, never had any plant for the construction of armor plate, and therefore it seems to the Chair to be most clearly new legislation. It is in line with all the decisions, even the decisions made in the West Point case and the Annapolis case in former Congresses, and the Chair therefore sustains the point of order.

Mr. UNDERWOOD. Mr. Chairman, I make an appeal from

the ruling of the Chair, and on the appeal I desire to say a word. I find on page 4227 of the RECORD that the chairman, the gentleman from Illinois [Mr. Foss], when the question was up as to the length of debate on this question, said that he was willing to agree to this, that the understanding when the armor-plate question was reached—

Mr. HEPBURN. Mr. Chairman, I make the point of order that the gentleman is not discussing the appeal.

Mr. UNDERWOOD. I am discussing the appeal. I am stating the ground why it is necessary for us to overrule the decision of the Chair in this instance, and I am stating the parliamentary situation, the agreement that was attempted to be entered into. The understanding was that when we reached the armor-plate—

Mr. HEPBURN. Mr. Chairman, I make the point of order that the gentleman is not discussing the appeal.

The CHAIRMAN. The Chair sustains the point of order.

Mr. UNDERWOOD. I do not see, Mr. Chairman, how, when I have only uttered one sentence, the Chair or the gentleman from Iowa can say that I am not discussing the appeal. I am entitled to state the proposition under discussion. But if the Chair does not want me to go at it in that way, I can probably show wherein the proposition comes in a different way. I will read, when it is more clear to the Chair that this is within the discussion.

Mr. Chairman, when this bill was before the committee two years ago a provision was put in the bill providing that unless armor plate could be purchased at \$300 a ton the Secretary of the Navy should purchase no further armor. It also provided that unless he was able to purchase the armor at \$300 a ton he should not go on with the construction of the battle ships provided for in that bill.

Now, the situation that presents itself to us on this point of order is not the same as stated by the Chair, not the same conditions that existed when Mr. Sherman two years ago rendered his decision, but we are confronted, as I desired to say to the Chair, but was unable to say—we are confronted by a new condition. We have three battle ships the construction of which are provided for by the law of the land to-day. They are necessary to the completion of our naval establishment. We have made what Congress believes to be a reasonable appropriation for the furnishing of the armor plate for these vessels, and the Secretary of the Navy has offered to purchase this armor at those figures. There is nobody, no armor-plate factory, no contractor, that is willing to furnish armor plate to the United States Government.

Now, that is the condition that confronts us. That is the law of the land to-day. The Government has provided the money and appropriated the money to build these three battle ships, and as a necessary part of building these battle ships we must have armor plate.

Mr. BARBER. Has not the Government already bought 400 tons of armor plate during the past year?

Mr. UNDERWOOD. Yes; but that was for ships of the *Alabama* type.

Mr. BARBER. They can get the same for any other type.

Mr. UNDERWOOD. The gentleman did not understand my argument. I state that the ships of the *Maine* type are unprovided for; the ships of the *Alabama* class are provided for; but we have now three ships that we can not get armor for under the existing law.

Mr. BARBER. Yes, we can, if we take the kind of armor we have been getting heretofore.

Mr. UNDERWOOD. My friend evidently does not go with me in my argument. I am discussing the question from the standpoint of the law as it exists to-day. I say we can not get the armor under existing law; not that we can not get armor if we pay \$1,000 a ton for it, or if we change the law; but the proposition, as it confronts this House, is what we can do under existing law, and under existing law we can not buy any armor. There is nobody who would furnish us with any armor, and yet we must build these battle ships.

Mr. MADDOX. What is the existing law? What was it we agreed to pay for this armor?

Mr. UNDERWOOD. We agreed to pay \$300 a ton for armor; and the bill provided that unless we could purchase it at \$300 a ton no armor should be made for these three ships—that the contract should be delayed until the armor was purchased.

Mr. MADDOX. What does this bill provide?

Mr. UNDERWOOD. This bill, in a subsequent section, attempts to strike out all that and provide for paying a higher price.

Mr. MADDOX. What price?

Mr. UNDERWOOD. Five hundred and forty-five dollars a ton.

Mr. MADDOX. Why is not that a change of existing law?

Mr. UNDERWOOD. It is; and when we reach that section, if the point of order be not made by somebody else, I propose to make it.

Mr. BARBER. One question further: Does not the Secretary of the Navy say that the difficulty is that he can not obtain armor

of a suitable quality for \$300 a ton; not that he can not obtain armor, but that the quality of the armor obtainable is not what he wants?

Mr. UNDERWOOD. I do not think the Secretary of the Navy says that.

Mr. BARBER. I will refer the gentleman to his letter—

Mr. UNDERWOOD. If the gentleman will allow me a minute, I will answer his question. I shall have to go into some facts and figures on the question.

Mr. BARBER. I simply refer the gentleman—

Mr. UNDERWOOD. I know what the Secretary of the Navy said. I have his report here.

Mr. BARBER. He gives the reason he has not contracted for armor—that he could not obtain it of suitable quality at the price fixed.

Mr. GAINES. That he could not obtain that which they claim to be the best quality—the Krupp armor; but we contend that the harveyized armor is just as good.

Mr. UNDERWOOD. I will say to the gentleman from Pennsylvania that the question is not whether the Secretary of the Navy can get the armor, but whether it can be got at a suitable figure. Now, to answer the gentleman's question fully it is necessary for me to go into some facts and figures in reference to the cost of this armor, and whether it can be gotten in any other way, in order to build these battle ships and carry out existing law.

I find, Mr. Chairman, that the materials consumed in the manufacture of a ton of armor plate cost only \$56.75; that the entire labor cost for a ton of armor plate is only \$43.65; that the cost of keeping the plant ready for use is \$9.80 a ton; that shop expenses are \$2.88 a ton; office expenses and contingencies, \$3.34 a ton; experimental work, \$1.67 a ton; administration and engineering, \$21.40 a ton.

Mr. HEPBURN. I make the point that the gentleman is not discussing the question of order.

Mr. UNDERWOOD. The gentleman from Pennsylvania asked me a question—

The CHAIRMAN. The point of order is well taken. The gentleman will confine himself to the question of order.

Mr. UNDERWOOD. Mr. Chairman, I submit that the question of appeal to this House as to whether this is in line with the rules and precedents of the House and as to whether it is necessary to carry out existing law involves the question as to whether there is any other way of providing for this material; and that is just what I am talking about.

The CHAIRMAN. The gentleman will confine himself to the question of order.

Mr. UNDERWOOD. I will endeavor to do so.

Mr. HEPBURN. I make the point that when a gentleman has been called to order and when the Chair has sustained the point of order, it is his duty to take his seat—

The CHAIRMAN. That is correct—

Mr. HEPBURN. And that he can then only proceed by the consent of the House—

A MEMBER. Upon motion.

Mr. HEPBURN. Upon motion. I insist on the rule.

Mr. GAINES. That is a technical rule, which is insisted on now for the first time in this debate.

Mr. BARTLETT. In answer to that point of order, I insist that the Chair did not raise it, but directed the gentleman from Alabama to proceed in order, without a motion; and I submit that it is now too late, after the Chair has directed—

The CHAIRMAN. After the Chair had directed the gentleman from Alabama to proceed in order, the gentleman from Iowa [Mr. HEPBURN] made the point of order that the gentleman from Alabama should take his seat under the rule when the point of order is made and until it is decided.

Mr. BARTLETT. Then, Mr. Chairman, I move that the gentleman from Alabama be permitted to proceed in order.

Mr. HEPBURN. And, Mr. Chairman, prior to that, I insist that the gentleman from Alabama should resume his seat.

Mr. UNDERWOOD resumed his seat.

Mr. HEPBURN. Now, Mr. Chairman, I move to lay the appeal from the decision of the Chair on the table.

Mr. BARTLETT. There is no table in Committee of the Whole. [Laughter and applause.]

The CHAIRMAN. The motion of the gentleman from Iowa is not in order. [Derisive laughter on the Democratic side.]

Mr. DALZELL. I move to close the debate on the appeal.

Mr. MCRAE. Mr. Chairman, is not the only motion before the committee now the motion of the gentleman from Georgia [Mr. BARTLETT] that the gentleman from Alabama proceed under the rule?

Mr. DALZELL. The motion I have made is not debatable.

Mr. WHEELER of Kentucky. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHEELER of Kentucky. Did not the Chair recognize

the gentleman from Georgia and permit him to make his motion before recognizing the gentleman from Pennsylvania [Mr. DALZELL].

The CHAIRMAN. The gentleman from Georgia made the point of order that the Chair had directed the gentleman to proceed in order—

Mr. BARTLETT. No, Mr. Chairman; not that.

The CHAIRMAN (continuing). The gentleman from Georgia made the point that the Chair had already directed the gentleman from Alabama to proceed in order. The gentleman from Iowa made the point of order that the gentleman from Alabama must first take his seat before any decision could be made on the point of order.

The Chair ruled that the gentleman from Alabama should take his seat. The gentleman from Alabama did not do so, and the gentleman from Iowa then made the point of order that the gentleman from Alabama must take his seat, and the gentleman from Alabama thereupon resumed his seat. The gentleman from Iowa then rose, and the gentleman from Georgia, both standing at the same time, and both making their motions, the gentleman from Georgia moving that the gentleman from Alabama should proceed in order, and the gentleman from Iowa moving that the appeal be laid upon the table. The Chair ruled the latter motion to be out of order; whereupon the gentleman from Pennsylvania [Mr. DALZELL] rose, addressed the Chair, and was recognized to submit his motion.

Mr. BARTLETT. Mr. Chairman, I ask the Chair to permit me just a moment. I know the Chair would not wish to make a misstatement as to what actually occurred.

Mr. DALZELL. Is not the motion that I have made in order, Mr. Chairman, and not debatable?

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. BARTLETT. The Chair is mistaken, I was about to say, as to the statement of fact; and if necessary, I appeal to the stenographer's notes to show that, before the gentleman from Iowa asked the gentleman from Alabama to take his seat, I had made the motion that the gentleman should be permitted to proceed in order. That was prior to either the recognition of the gentleman from Iowa or the gentleman from Pennsylvania. Now, if that is true, Mr. Chairman, I believe that the Chair does not desire to do any injustice, and I appeal to the Official Reporter's notes to sustain the statement I make with reference to the occurrence in the House.

Mr. DALZELL. Mr. Chairman, the trouble about the statement made by the gentleman from Georgia is that the gentleman made his motion before the gentleman from Alabama [Mr. UNDERWOOD] had taken his seat, and his motion, therefore, when made, was not, under the rule, in order.

Mr. BARTLETT. And yet, Mr. Chairman, I made the motion, and the Chair had recognized me, and up to this time I have never—

The CHAIRMAN. The committee will be in order.

Mr. BARTLETT. Up to this time I have still remained upon my feet for that purpose, and, the Chair having recognized me, I submit to the Chair that it is unfair to me and unfair to the House and unfair to the gentleman from Alabama thus to cut off the motion that I had made and was preparing to make, and there is no rule of the House, except an arbitrary and brutal motion to strangle debate—

The CHAIRMAN. Notwithstanding the last statement of the gentleman from Georgia, the Chair will state that the Chair has no desire to do any injustice to any member of the committee or of the House. The Chair understood the gentleman from Georgia to make the point as stated by the Chair. Now the gentleman from Georgia states that he made the motion that the gentleman from Alabama be permitted to proceed in order. The Chair will entertain that motion, which must be decided without debate.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. BARTLETT demanded a division.

The committee divided; and there were—ayes 81, noes 73.

The CHAIRMAN. The yeas have it, and the gentleman will proceed, under the rule, to explain.

Mr. UNDERWOOD. I hope, Mr. Chairman, that I may have order.

The CHAIRMAN. The committee will be in order.

Mr. UNDERWOOD. Now, Mr. Chairman, the proposition comes to the point where I was interrupted by the gentleman from Pennsylvania, and I sought to answer a question of his when I was called to order.

I will return to the proposition that I was discussing when I was interrupted, and that is that, these battle ships being provided for and there being no way by which we can provide armor under the bill, it is in order for us now to provide a way.

As the Chair has stated, it has been held by previous Congresses

that the creation of an entirely new battle ship, where there had been no previous appropriation, is in order and not in contravention of the rule. That has been repeatedly held. It has further been held and decided here, not longer ago than yesterday, that in order to carry on and build up a naval establishment in the United States it was in order to erect an entirely new building at the Academy at Annapolis.

The same thing has been held with reference to the building of a building at West Point in order to maintain and build up the Army of the United States. They have gone further than that. This House has sustained the ruling of the Chair that it is in order, upon a general appropriation bill, to provide for the maintenance and the education of seamen necessary to man the Navy, to pass special legislation with reference to seamen to man the Navy, although there was no general law, and the Chair is familiar with that decision, although there was no law specially authorizing it previously; yet that new legislation providing for it on an appropriation bill was in order, because it was necessary to build up the general naval establishment of the country.

Now, to return to the proposition before the House. Here we have legislation directing the Secretary of the Navy to build three armored war ships of the United States. He is directed to purchase that armor, if he can do it, within a certain figure, but if he can not he is prohibited from purchasing the armor.

That is the law as it stands on the statute books to-day. The Secretary of the Navy has advertised for bids. The armor-plate factories of this country refuse to furnish the armor at the price that the Congress of the United States has said was a reasonable price. Now, we must build up this naval establishment—

Mr. DAYTON. I make the point of order that the gentleman is not discussing the question.

The CHAIRMAN. The point of order is well taken.

Mr. UNDERWOOD. I am discussing the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is well taken.

Mr. UNDERWOOD took his seat.

Mr. DALZELL. I move that debate on the appeal be now closed.

Mr. WILLIAMS of Mississippi. Mr. Chairman, surely the Chair did not hear the gentleman from Alabama.

The CHAIRMAN. The gentleman from Pennsylvania moves that debate be now closed.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. UNDERWOOD demanded a division.

The committee divided; and there were—ayes 86, noes 79.

Mr. UNDERWOOD. Tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Alabama [Mr. UNDERWOOD] will act as tellers.

The committee again divided.

Mr. WHEELER of Kentucky. Mr. Chairman, a question of privilege. I request that the pairs be announced before the tellers announce the result of this vote.

The CHAIRMAN. The Chair does not think pairs should be announced in Committee of the Whole. It is an unprecedented thing; and the Chair does not think it can be done.

Mr. WHEELER of Kentucky. I understand that it can be asked for as a matter of privilege at the request of a member, unless there is objection. The pairs will show how gentlemen who are paired are voting on the floor.

The CHAIRMAN. The Chair does not think pairs can be announced. On this question tellers report—ayes 96, noes 82. Debate is therefore closed, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. UNDERWOOD. Division.

The committee divided; and there were—ayes 94, noes 84.

Mr. UNDERWOOD. Tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Pennsylvania [Mr. DALZELL] will please take their places as tellers.

The committee again divided; and tellers reported—ayes 97, noes 83.

The CHAIRMAN. The yeas have it, and the decision of the Chair therefore becomes the judgment of the committee. The Clerk will read.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, \$4,000,000: *Provided*, That the Secretary of the Navy is hereby authorized to procure by

contract armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898, at a cost not to exceed \$545 a ton of 2,240 pounds, including royalties.

Mr. VANDIVER. I desire, Mr. Chairman—

Mr. KITCHIN. Mr. Chairman, I desire to reserve the point of order before debate begins.

Mr. VANDIVER. That is what I am going to do.

Mr. Chairman, I make the point of order that the words "five hundred and forty-five dollars," contained in the twentieth and twenty-first lines, change existing law, and are therefore out of order.

Mr. FOSS. Mr. Chairman—

Mr. VANDIVER. I desire to be heard upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Illinois first, and afterwards the gentleman from Missouri.

Mr. VANDIVER. All right.

Mr. FOSS. I yield to the gentleman from West Virginia.

Mr. DAYTON. Mr. Chairman, I want simply to say that, in my judgment, that point of order is not well taken, and I refer the Chair to the second session of the Fifty-fifth Congress, page 3482 of the RECORD, where it was held that a distinction existed between a limitation upon the present appropriation bill and a future provision making new law; and in the third session of the Fifty-fifth Congress, on page 2190 of the RECORD, the same identical question came up, and the Chair sustained the point of order against this limitation referring to the future, and when these words were struck out overruled it; so that I refer to two precedents in the past to show that this point of order is not well taken. That was a limitation upon that appropriation bill. I want to call the Chair's attention to the further fact that this limitation is a new provision upon this legislative act.

Mr. VANDIVER. Mr. Chairman, by the act of March 19, I think it was, 1898, the price of armor plate was limited to \$400 per ton.

The CHAIRMAN. Has the gentleman that act?

Mr. VANDIVER. I have not it here with me. I am not sure of the exact date, but I know it was in 1898.

Mr. UNDERWOOD. I would suggest to the gentleman from Missouri that that act is contained in the next paragraph.

Mr. VANDIVER. Furthermore, Mr. Chairman, the act of March 3, 1899, limits the price which the Secretary of the Navy may pay for armor plate to \$300 per ton. Now, we may suppose at least, Mr. Chairman, that that law of 1899 holds good until it is repealed. It is the law to-day. The Secretary of the Navy has himself stated that he was unable to purchase armor plate because that is the law now. If that be the law, this provision here, which increases the price to \$545 per ton, evidently changes existing law, and therefore, according to the precedent that the Chair has just established, and which is a long-standing precedent in fact, this particular paragraph is obnoxious to existing law, and subject to the point of order.

I desire further to call the attention of the Chair to the ruling just a few minutes ago, made on the amendment offered by the gentleman from New York [Mr. FITZGERALD] providing that the three armored cruisers should be constructed in the Government navy-yards. That the Chair ruled was a change of existing law; and now, in a few minutes afterwards, comes in this proposition that the gentleman from West Virginia makes objection to, and tries to show that it is not a change of existing law. Now, I submit, Mr. Chairman, that if the Secretary of the Navy is not now able to purchase this armor plate because this is the law, then this increase of the price does change existing law, and is subject to the point of order.

Furthermore, as I am reminded by my friend from Georgia [Mr. MADDOX], the gentleman in charge of the bill finds it necessary by the next paragraph of the bill to repeal the existing law.

Now, then, perhaps the gentleman will claim that the next paragraph will repeal it, but I want to ask what right has he to assume that it is going to be repealed? That very paragraph itself would be subject to a point of order. The fact that the next paragraph repeals that law is of sufficient evidence that, in the judgment of the committee that framed this bill, this would change existing law.

Now, Mr. Chairman, I do not desire to unnecessarily consume the time of the committee. I think it is certainly clear, and must be clear to the Chair, that this would be a change of existing law.

The CHAIRMAN. The Chair calls the attention of the gentleman from Missouri to the change in the limitation of \$545. He calls attention to the fact that the ships provided for in this paragraph are ships constructed under the law of 1898. Now, the language on the following page is:

"And provided further, That no contract for the armor for any vessels authorized by this act—

That is, the act of 1899, and not the act of 1898—

shall be made at an average rate exceeding \$300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessels," is hereby removed.

The gentleman stated that there was some limitation in the act of 1898, and the Chair asked what, and the gentleman from Alabama responded that it was on the following page, and the language on the following page is from the act of 1899.

Mr. VANDIVER. If the Chair will pardon me, the act of 1898 provided for \$400 and the law of 1899 provided for \$300 a ton.

The CHAIRMAN. The law of 1898 the Chair has before him, and it refers to the battle ships authorized by the law of 1896:

Provided, That the total cost of armor, according to the plans and specifications already approved for the three battle ships authorized by the act of June 10, 1896, shall not exceed \$3,210,000, including all costs of nickel, etc.

That is the only limitation the Chair finds.

Mr. VANDIVER. Now, if the Chair will allow me, I call his attention to the fact that in line 10 and in the first part of line 11, of this page 64, these vessels are authorized by the act of June—

The CHAIRMAN. The Chair will call the attention of the gentleman still further to the language:

And no contract for armor plate shall be made at an average rate of not exceeding \$400 per ton of 2,240 pounds, including nickel, as aforesaid.

That probably is the language the gentleman refers to.

Mr. VANDIVER. I call the Chair's attention to the fact that the vessels authorized by the act of 1896 are the very ones mentioned in this paragraph and for which the armor is to be purchased at \$545 a ton.

The CHAIRMAN. The Chair does not think the vessels provided for in 1896 are spoken of here. It says:

The Secretary of the Navy is authorized to procure armor plate of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898, at a cost, etc.

Mr. VANDIVER. But just before that in the bill now under consideration—

The CHAIRMAN (continuing). And the proviso only refers to the battle ships authorized under the law of 1898.

Mr. VANDIVER. I beg the Chair's pardon. It applies to both. Mr. WILLIAMS of Mississippi. It expressly recites the act of 1896.

Mr. VANDIVER. And refers to vessels under that act as well as the other.

The CHAIRMAN. It says:

Toward the armament and armor of domestic manufacture for the vessels authorized by the act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, \$1,000,000: Provided, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898, at a cost not to exceed \$545 a ton of 2,240 pounds, including royalties.

Now, this limitation only applies to the three battle ships constructed under the law of 1898.

Mr. VANDIVER. Even on that supposition this very act here increases the price to \$545—increases the price of those provided for in the act of 1898, the law of which limited the price to \$400.

Mr. UNDERWOOD. Will the gentleman from Missouri allow me to interrupt him?

Mr. VANDIVER. Yes.

Mr. UNDERWOOD. Mr. Chairman, with the consent of the gentleman from Missouri, I desire to make this suggestion to the Chair: The building of the battle ships *Maine*, *Ohio*, and *Missouri* was provided for by the law of 1898. The armor that was provided for these battle ships was provided for by the act of March 3, 1899, which this bill seeks to repeal.

The CHAIRMAN. In a subsequent paragraph.

Mr. UNDERWOOD. In a subsequent paragraph. It repeals it here; repeals the law that authorized the armor for these particular vessels under the act of March 3, 1899. That is the law to-day in reference to the *Maine*, *Ohio*, and *Missouri*.

The CHAIRMAN. That is the question under that construction of that language—whether it is or not—

Mr. UNDERWOOD. The naval appropriation bill of last year carried this provision for those ships, because all other ships of the Navy up to the time of the authorization of these had their armor already provided for.

The CHAIRMAN. In other words, that was the interpretation of the Department at that time.

Mr. UNDERWOOD. It did not involve any interpretation of the Department. The Department reported that those ships needed armor at that time. That will be found to be the fact if the Chair will refer to the report. And the law is based on that fact—that those ships needed this armor.

Mr. VANDIVER. Allow me to suggest that under either ruling of the Department these words change existing law; because if the Department should hold that the armor for these vessels should be purchased under the act of 1898 it would be limited to \$400 a ton, and if the armor was to be purchased under the act of 1899 the Department would be limited to \$300 a ton. But this provision raises the price which may be paid to \$545; so that in either case there is a change of existing law.

Mr. DAYTON. The language fixing the price is a limitation upon that year's appropriation and expired with it.

Mr. WHEELER of Kentucky. Why repeal it, then, by this act?

Mr. DAYTON. We are not proposing to repeal it.

The CHAIRMAN. The Chair will suggest to the gentleman from West Virginia [Mr. DAYTON] that the question is whether that language is limited to that appropriation or whether it is general language covering all armor plate to be purchased. That is the very question, and that depends upon the interpretation of the language. It seems that the Department has held that this limitation applied to armor plate for these very vessels; and still that might have been a limitation on that appropriation of \$4,000,000.

Mr. DAYTON. Therefore that appropriation has not been used. But here is a new appropriation. That is the point to which I desire to call the attention of the Chair. This appropriation is under the control of this House. The price of a thing may change. It would be impossible to finish that work already commenced if the Department were to be limited in that way.

The CHAIRMAN. The Chair suggests to the gentleman that one question is whether the previous law has limited the amount for which armor plate should be bought for these vessels, independently of the appropriation. The Chair must say that the language seems to him involved, and there is room for difference of interpretation as to whether the limitation should apply simply to that appropriation or should apply generally to the purchase of armor plate in the future.

Mr. VANDIVER. Does the Chair hold that my point of order is sustained?

The CHAIRMAN. The Chair has not ruled yet on that subject. The Chair is suggesting a doubt as to the interpretation of the language itself—as to whether it applied to that appropriation simply as a limitation, or whether it was a positive and general provision of law that no armor plate should be purchased at a price exceeding that specified.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. The Chair will suggest to the gentleman from Mississippi [Mr. WILLIAMS] that the further question would then arise as to whether this limitation applied to those vessels.

Mr. WILLIAMS of Mississippi. That is just the point upon which I want to be heard.

Now, Mr. Chairman, the act of 1899 provided armor for those ships that had not had armor provided for them by previous acts. Those ships were the *Maine*, the *Ohio*, and the *Missouri*; and so plain was that construction of the act that the Secretary of the Navy has held that he was not able to furnish armor for the *Maine*, the *Ohio*, and the *Missouri* because—

The CHAIRMAN. May the Chair interrupt the gentleman right there—because under that provision, whether it be taken as a limitation upon the appropriation itself or a general provision of law, the Secretary of the Navy could not use the appropriation. So the holding of the Secretary of the Navy does not seem to throw much light upon the question suggested by the Chair.

Mr. WILLIAMS of Mississippi. What I was going to say was this: The Secretary of the Navy has properly held that he can not go ahead and get the armor for these three ships because, by the existing law of 1899, he is limited to the price of \$300 a ton as a matter of law and because, as a matter of fact, he could not buy armor at that price.

The CHAIRMAN. The Chair suggests to the gentleman that there would be the same difficulty on the part of the Secretary of the Navy if the limitation applied only to the appropriation itself, because if he were limited in expending that appropriation to \$300 a ton, he could not expend the money; and he had no money available, even if there was no change of law.

Mr. WILLIAMS of Mississippi. But, Mr. Chairman, the very law which limited the Secretary to \$300 a ton for this armor was the law with reference to these very vessels. It was not merely a limitation, but was a law declaring that the Secretary of the Navy should pay only a certain price in the purchase of armor; in other words, that he should not buy armor except at the price named or below it—that is to say, that any armor which he had to buy for the purposes then existing should not exceed that sum—and some of the purposes so existing are found embodied in the bill; that is to say, the armor for these very ships.

Mr. WHEELER of Kentucky. Will the gentleman permit a suggestion?

Mr. WILLIAMS of Mississippi. I will yield to the gentleman from Kentucky.

Mr. WHEELER of Kentucky. Can I have the attention of the Chair for a moment?

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield to a suggestion of the gentleman from Kentucky.

Mr. WHEELER of Kentucky. I desire, Mr. Chairman, to call the attention of the Chair to this fact, in line with the difficulty which seems to be present in his mind in connection with the point of order, that the limitation of the price to \$300 a ton for

this armor plate did not apply in the act of 1899 to the specific appropriation made in the bill of that year, but was a general limitation.

Mr. WILLIAMS of Mississippi. Yes; it was a general limitation upon the armor to be purchased for any purpose, and not a specific limitation upon the purchases for that particular year.

The CHAIRMAN. The language, the Chair will state, is precisely this:

That no contract for the armor for any of the vessels authorized by this act.

And so forth.

Now, what does that mean? Does it mean armor for the vessels authorized by the act of 1899, or does it extend to the purchase of all armor for all purposes? In other words, is the question applicable to the armor authorized by the act for all purposes, or only for either or all of the vessels—the three vessels? That is the distinction that occurs to the Chair; and the difficulty is in the interpretation of the language.

Mr. KITCHIN. Mr. Chairman, I think if the Chair would read the entire section he would have no difficulty in arriving at the same understanding of the law that we have reached. It says that armor purchased shall be purchased at a certain price. Read the exact language of the law of March 3, 1899:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of July 20, 1894, of the vessels authorized under the act of March 2, 1895, of those authorized by the act of June 10, 1896, of those authorized by the act of March 3, 1897, of those authorized by the act of May 4, 1898, and of those authorized by this act, \$4,000,000: *Provided*, That in procuring armor for the seagoing coast-line battle ships and the harbor defense vessels of the monitor type, authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, approved May 4, 1898, the Secretary of the Navy may contract for suitable armor for said vessels under the limitations as to price for the same as fixed by this act.

Now, as we all well understand, these vessels, the *Maine*, *Ohio*, and *Missouri*, were authorized under the act of May 4, 1898.

And provided further, That no contracts for the armor for any vessels authorized by this act shall be made at an average rate exceeding \$300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel.

The Chair will observe that the language used applies to the vessels authorized by the act of 1898. There is no question of that; and it goes on to say that the price for armor plate shall be the price in that act; and in the next proviso of that act the price is fixed at \$300 a ton.

That is the construction of the Navy Department itself. They refused to go beyond that given price, and finally refused to act at all in reference to the armor plate for these vessels because by the limitation of price they could not get the best kind of armor for the sum named.

Now, that construction having been presented to the country through the report of the Secretary of the Navy, and having been acted on by the entire Naval Committee, the committee put in this provision in the bill. Unless this construction is correct, why the necessity of this provision that the Secretary is authorized to buy the armor at \$545 a ton?

Is that the law now? If so, this provision is an absurdity; and I quote from the majority report here. It says:

Your committee recommend that this restriction—

Of \$300 per ton—

be removed and that contracts be authorized, so that the construction of the hulls of these vessels may go on without further delay.

That shows that they were recognizing the \$300-a-ton limitation as law, and if everybody had not so understood it this provision would not have been in here. If it is now the law to pay \$545 per ton for this armor, then it is an absurd provision to put in this bill. But, however the Chair may rule upon this (because it seems to me the more I have tried to convince the Chair this week the less I have succeeded), it seems to me it ought to be well known to every one here that there is no law to-day by which you can buy this armor at any price in excess of \$300 per ton.

Therefore the Navy Department resorts to the committee and the committee resorts to the House with this bill changing existing law, which limits it to \$300 per ton, changes it to apply to these three battle ships. All this was well considered in the committee, I will say. If this does not change existing law, then it is another instance in which I do not understand this rule. But to my judgment it is clear that this provision is contrary to section 2 of Rule XXI, and the point of order made against it should be sustained.

Mr. LACEY. I call the attention of the Chair to clause 2 of Rule XXI. Now, it appears that this is an appropriation of \$545 a ton in order to continue a public work. The completion of a naval vessel, although the work has long been interrupted, has been held to be the continuation of a public work. The construction of a new vessel in the Navy is also a continuation of a public work.

Mr. KITCHIN. May I interrupt the gentleman?

Mr. LACEY. In a moment. Now, the provision as to continuing a public work and as to changing existing law is found in the second paragraph of Rule XXI. The limitation of the first part of the paragraph is the one that we are really called upon to meet. Can it be claimed that when an appropriation is made and a price of material fixed, after a building has been authorized, that we can not meet a subsequent rise in the price by an increased appropriation because the original appropriation was based on a lower price? If so, the earlier part of the rule would be entirely inoperative.

Now, take the rule by its four corners and examine it as a whole. Here we have a public work authorized by existing law. The proposition now is to appropriate money. They say if you appropriate the money at more than \$300 a ton it changes existing law. That may be true, but it also carries on a work already begun, and therefore the other part of the rule comes in, and a fair construction of the whole rule does not render this House powerless to go on and complete a public building partly constructed or to complete a steel-clad vessel partly constructed. Now, it seems to me, by taking this as a whole—

The CHAIRMAN. What becomes of the last clause of the rule?

Nor shall any provision changing existing law be in order on any general appropriation bill or any amendment thereto.

Mr. LACEY. Now, the existing law applies only to these particular ships, and they are covered in the other part of the rule, which refers to a continuation of public works already in progress. Consequently you can change existing law as to a building or public work already started by an appropriation bill, and that of necessity must be the rule. If that were not the rule we should be powerless, because of a rule of the House, to complete a structure that had been started, where even the national defense was involved in its completion.

Suppose a light-house is contracted for when iron is worth so much a ton, and we put a limitation in the appropriation bill that this light-house shall not cost more than so much a ton. It has already been authorized by existing law. It is partly built. Now, the other part of the rule comes in and provides that you may make appropriations, although not authorized by the terms of existing law, although changing the existing law, if it is to continue a public work already in progress, already in process of execution.

Mr. MOODY of Massachusetts. The ground that the gentleman takes is so much broader than the necessities of the case require, and touches upon matters so general, that I should like to ask the gentleman if he understands the rule to be, in case a public building of any kind is authorized, and a limit is fixed in the act authorizing that public building, that it is in order on a general appropriation bill to appropriate in excess of that limit of cost?

Mr. LACEY. Suppose that it was authorized, and subsequently there is a provision that we shall not pay over \$6 a thousand for brick. The work is in process of construction. Subsequent to the provision for that particular work that provision is inserted. I say you may change existing law as to a public work that is already in process of construction.

Mr. MOODY of Massachusetts. This is a matter of the very greatest importance, because almost every public building that was authorized in the last Congress, or a great many of them, can not be constructed within the limit Congress prescribed; and the question comes to the Committee on Appropriations, for instance, and is there to-day, whether without legislative action by Congress appropriations in excess of the limit prescribed by Congress may be made. With all due respect to the gentleman from Iowa, I doubt if we can. I think that the rule limits us. I think that the provision is obnoxious to the other part of Rule XXI, and it must go out on a point of order. If it changes existing law, it must go out on a point of order, even if in continuance of a public work.

Mr. LACEY. An appropriation not authorized by law always changes existing law, because the existing law is that there is no law on the subject. Now, when the rule expressly provides that after a public building is started that then you may make an appropriation, notwithstanding the general law, it is intended to meet such a case as you have already suggested. If you had started a public building that was to cost \$50,000, and you find that you can not construct it for that money, you must lose what you have expended or may have to spend \$75,000 instead; and having commenced the work, you must go on and complete it, because it is authorized by existing law.

Mr. COWHERD. The question was ruled on by the gentleman from Pennsylvania [Mr. DALZELL] when presiding over the Committee of the Whole this session, and he ruled just contrary to the suggestion of the gentleman.

Mr. LACEY. You will find rulings on every side of every question in Committee of the Whole. I am trying to get a correct ruling on this particular question. [Cries of "Rule!"]

Mr. VANDIVER. Mr. Chairman—

The CHAIRMAN. The Chair is ready to rule.

Mr. VANDIVER. I desire to submit one observation.

The CHAIRMAN. The Chair is ready to rule. The only question here is whether it changes existing law.

Mr. VANDIVER. Certainly, Mr. Chairman.

The CHAIRMAN. This provision—

Mr. VANDIVER. Now let me make a suggestion. [Cries of "Rule!"]

The CHAIRMAN. The gentleman will permit the Chair to rule.

The Chair has been referred to the law of 1899, "armor and armament." The paragraph of that law—the whole paragraph—relates to the armament; to armor and armament of domestic manufacture for the vessels authorized by the different acts from 1894 to 1898, inclusive, with the proviso:

Provided, That in procuring armor for the seagoing coast-line battleships and the harbor-defense vessels of the monitor type, authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, approved May 4, 1898, the Secretary of the Navy may contract for suitable armor for said vessels under the limitations as to price for the same as fixed by this act: And provided further, That no contracts for the armor of any vessel authorized by this act shall be made at an average rate exceeding \$300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel.

Now, the Chair thinks, taking the whole paragraph, that the intention of Congress in passing that law, and the intention of the law, was to apply to the armor for all of those vessels, and that it was not a limitation upon the appropriation, but was positively a legislative limit on the price of armor plate of \$300 per ton; and, of course, to fix a limit at a greater price in this bill would be a change of existing law. Therefore the Chair sustains the point of order. [Applause on the Democratic side.]

Mr. MAHON. I want to offer an amendment to this section.

The Clerk read as follows:

That the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Navy to have a thorough test made of the McAllister system of built-up armor plating; and the Secretary of the Navy is hereby directed to cause such tests to be made as may, in his opinion, demonstrate its efficiency as compared with the solid armor plating now in use.

Mr. FOSS. I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word, and I make that motion simply to submit to the committee a statement which will take but a minute. In the debate of April 17 the honorable gentleman from Kentucky [Mr. WHEELER] made a statement with reference to a clipping he had made from the New York World, and which he stated he did not know whether it was true or not, but further said it seemed to have some authorization.

Mr. DRIGGS. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The Chair was not paying attention to what the gentleman from Pennsylvania said. If the committee will be in order, the Chair will try to hear what is said.

Mr. WHEELER of Kentucky. I hope the gentleman will be permitted to proceed.

Mr. DRIGGS. I withdraw the point of order, Mr. Chairman.

Mr. BINGHAM. The gentleman from Kentucky said:

I have in my pocket here a little clipping that I got out of a paper a few days ago, and whether true or not I can not say; but here is a statement taken from the New York World, which I will not take up the time of the House to read, but still perhaps I may be permitted to state its contents. It is a declaration, appearing to be authoritative, that the Cramp shipyards and the Carnegie Steel Company have combined, for what purpose will be apparent to the House.

Now, Mr. Chairman, Mr. Cramp is president of the William Cramp & Sons Company of shipbuilders, which is a corporation. He is an esteemed constituent of mine, and inasmuch as this becomes a matter which will go into the permanent RECORD, in view of the gentleman's statement, Mr. Cramp has authorized me to say that a counter statement should be made, and that neither on the part of the Carnegie Company nor the William Cramp & Sons Company has there ever been a proposition for combination with reference to armor plate.

That is all I desire to state; and I know that Mr. Cramp's words will be taken by this House, for he is a truthful man and correct in every particular.

Mr. WHEELER of Kentucky. Mr. Chairman, I have no desire on earth to question the credibility of Mr. Cramp. I know him, and I have no question but that he is an honorable gentleman. I did not charge this fact to be true. I notice that the gentleman qualifies his statement somewhat in this matter. He says that no proposition had been made from the Cramps for a combination.

Mr. BINGHAM. Or from the Carnegie Company. There was none from the Carnegie Company to the Cramps, or from the Cramps to the Carnegie Company.

Mr. WHEELER of Kentucky. And by no person authorized from either side?

Mr. BINGHAM. None whatever. The whole statement in the World is incorrect.

Mr. WHEELER of Kentucky. I did not charge it to be true. I only took my authority from the New York World.

Mr. BINGHAM. My proposition was only to let it run on all fours with the gentleman's statement.

Mr. UNDERWOOD. Mr. Chairman, the hour of 5.30 having arrived, I move that the committee do now rise.

Mr. FOSS. Mr. Chairman, I hope that motion will be voted down.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were 71 ayes and 102 noes.

So the committee refused to rise.

Mr. WHEELER of Kentucky. Mr. Chairman, I move to strike out the last word. I desire to make a statement in order to define the correct position of this side of the House, as I understand it. In regard to the point of order that has just been raised, I wish to say that the minority of the Committee on Naval Affairs and most of this side of the House really have no objection to the section that is stricken out, but we desire to take the sense of the House on the proposition to construct an armor-plate factory.

The acting chairman of the committee [Mr. Foss] will remember that I told him that if an opportunity was given for the House to vote on this question no point of order would be raised, but unless there was an opportunity we would raise the point of order in the hope of being able to test the sense of the representatives of the American people on the question. I say this in deference to the position we occupy on this side of the House. We really are not opposed to the section stricken out, but resort to the point of order because we have been driven to it by what we consider unfair tactics.

Let me qualify my statement a little further. I do not wish, as suggested by my colleague near by, to be understood as committing this side of the House to paying willingly \$545 per ton for armor plate; but we would pay that rather than to allow the three battle ships to rust on the stocks. What we desire particularly is that the representatives of the people may have an opportunity to provide for the future supply of armor at reasonable prices.

The Clerk proceeded with the reading of the bill.

Mr. RIDGELY. Mr. Chairman, I move to strike out the entire paragraph.

Mr. LOUDENSLAGER. A parliamentary inquiry, Mr. Chairman. What paragraph does the gentleman allude to?

The CHAIRMAN. The Clerk is reading the paragraph in relation to armor plate.

Mr. LOUDENSLAGER. I thought that was out.

Mr. RIDGELY. Do I understand that all that part from line 15 has been been stricken out on page 64?

The CHAIRMAN. The Chair will inform the gentleman from Kansas that that section has not been read, and the amendment is out of order.

Mr. RIDGELY. Let me ask where the Clerk is reading.

The CHAIRMAN. The Clerk began to read on line 23, page 64, and read two lines when he was interrupted.

The Clerk read as follows:

The following restriction under the heading "Armor and armament" in the act approved March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," namely: "And provided further, That no contract for the armor for any vessels authorized by this act shall be made at an average rate exceeding \$300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessels," is hereby removed, and the Secretary of the Navy is authorized, upon the passage of this act, to let the contracts for the vessels therein referred to, subject to all other requirements relating to the same as contained in said act of March 3, 1899, except as to sheathing and coppering, which is hereby made discretionary with the Secretary of the Navy.

Mr. VANDIVER. Mr. Chairman, I desire to make a point of order on this paragraph also.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Equipment: Toward the completion of the equipment outfit of the new vessels heretofore authorized, \$250,000.

Mr. VANDIVER. Mr. Chairman, I move to amend by striking out the last word. I make this motion for the purpose of giving notice that when this bill shall have been reported to the House, I shall move a resolution to recommit it with instructions to the committee to bring in the following amendment:

That the sum of \$2,000,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings and the purchase of suitable machinery and other materials necessary for the establishment and maintenance of a plant for furnishing armor plate for the use of the Navy.

Sec. 2. The Secretary of the Navy is hereby authorized to appoint a board, to consist of three officers of the Navy, who shall examine and report what in their opinion is the most suitable site for the erection of the plant provided for in the foregoing section of this act; and no money shall be expended until the point so selected shall have been approved by the Secretary of the Navy.

Now, Mr. Chairman, just one word. I think I may safely say—

Mr. KITCHIN. Will the gentleman allow an interruption?

Mr. VANDIVER. Certainly.

Mr. KITCHIN. I would ask the gentleman whether the minority has consented to that specific motion of recommitment?

Mr. VANDIVER. No, sir.

Mr. KITCHIN. Well, I hope the gentleman will not undertake to commit us on that point until we have had some consultation.

Mr. VANDIVER. I have an understanding with other gentlemen about that which will be satisfactory to the gentleman from North Carolina.

Mr. KITCHIN. We do not want to be committed to that special amendment.

Mr. VANDIVER. I do not yield for the purpose of discussion.

Mr. KITCHIN. I hope the Chair will recognize me immediately after the gentleman from Missouri has concluded.

Mr. VANDIVER. Now, Mr. Chairman, I desire simply to say that there are three propositions which I think are undisputed and can not be successfully disputed: First. That so far as we have any special information before this committee, the actual cost of material and labor in a ton of armor plate is not in excess of \$250. What amount should be added to that for the maintenance of plant and the profit on investment, I shall not undertake to say except this much: That the committee of Congress which investigated this subject in 1897 reported unanimously that these additions to that cost ought not to bring the price of armor plate above \$300 per ton. Secondly. We have the report of a committee appointed by Congress to investigate the question of the cost of establishing an armor-plate factory—

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I ask unanimous consent to occupy just two minutes more.

Mr. FOSS and others objected.

The CHAIRMAN. Objection is made.

Mr. FOSS. I move to close debate upon the pending paragraph. The motion was agreed to.

Mr. FOSS. Now, Mr. Chairman, I beg to state that at the suggestion of the gentleman from Arkansas [Mr. McRAE] we passed an item with reference to dredging, I think, at the Dry Tortugas.

The CHAIRMAN. The several paragraphs heretofore passed over and reserved will be read.

The Clerk read the paragraph beginning with line 16, on page 24, in relation to depots for coal.

Mr. McRAE. That is not the paragraph.

The CHAIRMAN. The Clerk will read the paragraph beginning at line 24, page 24, which was passed over.

The Clerk read as follows:

Navy-yard, Boston, Mass.: Ship fitters' shop, to cost not more than \$200,000, for which contract is hereby authorized, \$100,000; rebuilding building 43, \$75,000; refitting and improving machine shop No. 1, building 42, to cost not more than \$100,000, for which contract is hereby authorized, \$50,000; trusses under pattern-shop floor, building 42, \$10,000; extension of building 40, equipment shops, \$100,000; chain and anchor-storage shed for equipment, \$90,000; yards and docks shop building, \$90,000; new piers and wharves, \$50,000; paving, \$25,000; railroad and platform scales, \$5,300; crane scow, \$30,000; wharf-pillar crane, \$6,000; dredging, \$30,000; new caisson for stone dry dock, to be immediately available, \$40,000, and the unexpended appropriation for swinging gates in the act of March 3, 1897, is hereby reappropriated for caisson; machine tools for yards and docks shops, \$5,000; electric elevators, \$10,000; smithery for construction and repair, to cost not more than \$200,000, for which contract is hereby authorized, \$100,000; fire-protection system, \$60,000; in all, navy-yard, Boston, \$866,300.

Mr. ROBERTS. Mr. Chairman, I understand this paragraph was passed over by unanimous consent upon the request of my colleague. I desire now to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 25, after the word "dollars," in line 3, insert "metal workers' shop, to cost not more than \$200,000, for which contract is hereby authorized, \$100,000."

On page 26 strike out, in line 2, the word "eight" and insert in lieu thereof the word "nine."

Mr. ROBERTS. Mr. Chairman, I do not purpose to take much of the time of the committee in the presentation of this amendment, but I do desire to present a few facts and one or two reasons in support of the amendment, which I think will be conclusive upon the members of this body.

It must be known to all—it certainly is to the members of the Committee on Naval Affairs and should be to the members of this committee—that the navy-yard at Boston, Mass., is the second yard, in value of its real estate and chattels, in the country. It is only exceeded in that respect by the navy-yard in New York, and has more than double the real estate and chattels of any other yard outside of the one I have mentioned in New York.

I wish to say also that in point of value of machinery it stands third among the repair yards of the country. The great navy-yard at New York has only about \$5,000 more of machinery than the Boston yard.

Mr. FOSS. May I interrupt the gentleman from Massachusetts for a suggestion?

Mr. ROBERTS. Certainly.

Mr. FOSS. I will state to the gentleman that the committee have carefully looked over the provision in question, and since the

committee have investigated I have received a letter from the constructor at the Boston yard, who seems very anxious that this shop should be built; and while there has been no action taken by the committee in the preparation and the reporting of this bill on this appropriation, yet if I may in any manner for the committee, I will be pleased to accept the amendment. [Cries of "Vote!" "Vote!"]

Mr. ROBERTS. Then I ask a vote on the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next paragraph of the bill which was passed over by consent.

The Clerk read as follows:

Page 33, line 9:

"Dredging, Dry Tortugas, Florida: Dredging channel \$1,000."

Mr. MCRAE. Mr. Chairman, I made the point of order against that when the bill was under consideration. I am now satisfied, from an examination of the papers before the Committee on Appropriations, that the appropriation ought to be made and therefore withdraw the point of order.

The CHAIRMAN. This concludes the reading of the bill.

Mr. FOSS. I move that the committee now rise and report the bill with amendments and with favorable recommendation to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the naval appropriation bill, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be adopted and the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move the previous question upon the bill and amendments to its final passage.

Mr. VANDIVER. I gave notice, Mr. Speaker, of a motion to recommit the bill. Would it be now in order?

The SPEAKER. It would not.

Mr. VANDIVER. When would it be in order?

The SPEAKER. The Chair will decide the question at the proper time. It is not now in order.

The question now is on the motion of the gentleman from Illinois for the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is there a separate vote demanded on any amendment?

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. If there is not, the Chair will submit the question on the amendments in gross.

Mr. UNDERWOOD. Mr. Speaker, I demand a separate vote on each amendment.

The SPEAKER. A separate vote being demanded, the Clerk will report the first amendment.

The Clerk read as follows:

In line 9, page 1, of the bill, after the word "pay," insert the words "and allowances prescribed by law."

The SPEAKER. The question is on the amendment just read.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 113, noes 22.

Mr. UNDERWOOD. I make the point of order that there is no quorum present.

The SPEAKER (having counted the House). One hundred and seventy-four gentlemen are present—not a quorum.

Mr. UNDERWOOD. I move that the House do now adjourn.

Mr. FOSS. I make the point of order that that is dilatory.

Mr. UNDERWOOD. Mr. Chairman, this is not dilatory, as it is demonstrated that a quorum is not present in the House.

The SPEAKER. The Chair is not so clear about it not being dilatory, but will submit the motion to the House.

Mr. UNDERWOOD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 105, answered "present" 18, not voting 159, as follows:

YEAS—68.

Adamson,	De Vries,	Little,	Snodgrass,
Allen, Ky.	Dinsmore,	McCulloch,	Spight,
Atwater,	Dougherty,	McDowell,	Stark,
Ball,	Elliott,	McLain,	Stephens, Tex.
Bell,	Finley,	McRae,	Stokes,
Bradley,	Fitzgerald, N. Y.	Maddox,	Sutherland,
Brantley,	Fitzpatrick,	Neville,	Swanson,
Breazeale,	Foster,	Newlands,	Talbert,
Burleson,	Glynn,	Otey,	Terry,
Clark, Mo.	Henry, Miss.	Rhea, Va.	Thomas, N. C.
Clayton, Ala.	Howard,	Richardson,	Turner,
Clayton, N. Y.	Jett,	Robb,	Underwood,
Cooney,	Jones, Va.	Robinson, Nebr.	Vandiver,
Davenport, S. W.	Kitchin,	Rucker,	Williams, J. R.
Davis,	Kieberg,	Ryan, N. Y.	Williams, W. E.
De Armond,	Kluttz,	Sheppard,	Williams, Miss.
De Graffenreid,	Lawrence,	Sims,	Zenor.

NAYS—105.

Adams,	Curtis,	Jenkins,	Pearce, Mo.
Alexander,	Cushman,	Johnston,	Pearre,
Allen, Me.	Dahle, Wis.	Jones, Wash.	Reeder,
Baker,	Dalzell,	Kerr,	Roberts,
Barber,	Davenport, S. A.	Lacey,	Rodenberg,
Bingham,	Davidson,	Levy,	Shelden,
Bowersock,	Dayton,	Littlefield,	Showalter,
Bromwell,	Dick,	Long,	Sibley,
Brosius,	Dolliver,	Loud,	Smith, Ill.
Brown,	Driscoll,	Loudenslager,	Smith, H. C.
Bull,	Eddy,	Lybrand,	Southard,
Burke, S. Dak.	Esch,	McCleary,	Spalding,
Burkett,	Fletcher,	McPherson,	Sperry,
Burleigh,	Foss,	Mahon,	Steele,
Burton,	Gardner, Mich.	Mercer,	Stewart, N. Y.
Butler,	Gardner, N. J.	Mesick,	Tawney,
Calderhead,	Gilbert,	Meyer, La.	Thomas, Iowa
Cannon,	Gill,	Miller,	Van Voorhis,
Capron,	Graham,	Mondell,	Vreeland,
Clarke, N. H.	Groat,	Moody, Mass.	Wachter,
Connell,	Hamilton,	Moody, Oreg.	Wanger,
Hedge, Wis.	Cooper, Wis.	Morris,	Warner,
Corliss,	Hepburn,	Needham,	Waters,
Cousins,	Hill,	Norton, Ohio	Wise.
Cromer,	Hoffecker,	O'Grady,	
Crump,	Hopkins,	Olsted,	
Cummings,	Jack,	Payne,	

ANSWERED "PRESENT"—18.

Bankhead,	Gillett, Mass.	Naphen,	Tate,
Bartlett,	Kahn,	Norton, S. C.	Taylor, Ohio
Burnett,	Lamb,	Rixey,	Wheeler, Ky.
Driggs,	Linney,	Robinson, Ind.	
Gaines,	Mann,	Smith, Wm. Alden	

NOT VOTING—159.

Acheson,	Dovener,	Lentz,	Ruppert,
Aldrich,	Emerson,	Lester,	Russell,
Allen, Miss.	Faris,	Lewis,	Ryan, Pa.
Babeock,	Fitzgerald, Mass.	Littauer,	Salmon,
Bailey, Kans.	Fleming,	Livingston,	Scudder,
Bailey, Tex.	Fordney,	Lloyd,	Shackelford,
Barham,	Fowler,	Lorimer,	Shafroth,
Barney,	Fox,	Lovering,	Shattuc,
Bartholdt,	Freer,	McAleer,	Sherman,
Bellamy,	Gamble,	McCall,	Slayden,
Benton,	Gaston,	McClellan,	Small,
Berry,	Gayle,	Marsh,	Smith, Ky.
Bishop,	Gibson,	May,	Smith, Samuel W.
Boreing,	Gillet, N. Y.	Meekison,	Sparkman,
Boutell, Ill.	Gordon,	Metcalf,	Sprague,
Boutelle, Me.	Graft,	Miers, Ind.	Stallings,
Brenner,	Green, Pa.	Minor,	Stevens, Minn.
Brewer,	Greene, Mass.	Moon,	Stewart, N. J.
Brick,	Griffith,	Morgan,	Stewart, Wis.
Broussard,	Griggs,	Mudd,	Sulloway,
Brownlow,	Grosvenor,	Muller,	Sulzer,
Brundidge,	Grow,	Noonan,	Taylor, Ala.
Burke, Tex.	Hall,	Otjen,	Thayer,
Caldwell,	Haugen,	Overstreet,	Throop,
Campbell,	Hawley,	Packer, Pa.	Tompkins,
Carmack,	Hay,	Parker, N. J.	Tongue,
Catchings,	Heatwole,	Pierce, Tenn.	Underhill,
Chanler,	Hemenway,	Phillips,	Wadsworth,
Cochran, Mo.	Henry, Conn.	Polk,	Watson,
Cochrane, N. Y.	Henry, Tex.	Powers,	Weaver,
Cooper, Tex.	Hitt,	Prince,	Weeks,
Cowherd,	Howell,	Pugh,	Weymouth,
Cox,	Hull,	Quarles,	White,
Crawford,	Joy,	Ransdell,	Wilson, Idaho
Crowley,	Ketcham,	Ray,	Wilson, N. Y.
Crumpacker,	Knox,	Reeves,	Wilson, S. C.
Cusack,	Landis,	Rhea, Ky.	Wright,
Daly, N. J.	Lane,	Ridgely,	Young,
Davey,	Lanham,	Riordan,	Ziegler.
Denny,	Latimer,	Robertson, La.	

So the motion to adjourn was rejected.

Mr. TAYLER of Ohio. I am paired with the gentleman from Mississippi, Mr. FOX, and desire to be recorded as "present."

Mr. ROBINSON of Indiana. I am paired with the gentlemen from Ohio, Mr. GROSVENOR, and desire to be recorded as "present."

Mr. BARTLETT. I desire to withdraw my vote and to be recorded as "present." I voted "aye."

Mr. ROBB. I ask leave of absence for my colleague, Mr. LLOYD, for five days, on account of serious illness in his family.

The SPEAKER. That can not be done at this stage of the proceedings.

Mr. BANKHEAD. I desire to withdraw my vote. I am paired with the gentleman from Vermont, Mr. POWERS.

Mr. KAHN. I desire to withdraw my vote. I am paired with the gentleman from New York, Mr. RUPPERT.

Mr. NAPHEN. I desire to withdraw my vote. I am paired with the gentleman from Pennsylvania, Mr. WEAVER.

Mr. LAMB. I desire to withdraw my vote. I am paired with the gentleman from Indiana, Mr. LANDIS.

The Clerk announced the following additional pairs:

For the session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Until further notice:

Mr. REEVES with Mr. SPARKMAN.

Mr. LANDIS with Mr. LAMB.

Mr. JETT with Mr. MANN.

Mr. PUGH with Mr. TAYLOR of Alabama.

Until April 27:

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

Until Tuesday next:

Mr. GREENE of Massachusetts with Mr. SULZER.

Mr. LOVERING with Mr. FITZGERALD of Massachusetts.

Until next Thursday evening:

Mr. SULLOWAY with Mr. SALMON.

For this day:

Mr. CRUMPACKER with Mr. UNDERHILL.

Mr. HAUGEN with Mr. RIORDAN.

Mr. WATSON with Mr. McALEER.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

For the remainder of the day:

Mr. MUDD with Mr. WILSON of New York.

Mr. HEATWOLE with Mr. LEWIS.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair requests the House to be in order, so that business may be transacted.

Mr. FOSS. I demand the regular order, Mr. Speaker.

The SPEAKER. The question is on agreeing to the first amendment.

Mr. VANDIVER. Did the gentleman withdraw the motion to adjourn?

Mr. HOPKINS. We have just voted on that.

The question was taken on agreeing to the amendment; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. Division.

The House divided; and there were—ayes 108, noes 12.

Mr. UNDERWOOD. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Alabama makes the point of order that no quorum has voted.

Mr. FOSS. I make the point of order that that is dilatory.

Mr. DALZELL. The roll call has just displayed the presence of a quorum.

Mr. RICHARDSON. There has been a vote since that.

The SPEAKER. Although in grave doubt, thinking it ought to be ruled out as dilatory while the last roll call displayed a quorum, gentlemen are very apt to have left at this hour, and therefore the Chair will count. [After counting.] One hundred and sixty-seven gentlemen—not a quorum present.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair will submit the following requests:

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4197. An act to provide for the construction of a revenue cutter for use at Philadelphia, Pa.—to the Committee on Interstate and Foreign Commerce.

S. 3296. An act to provide for the establishment of a port of delivery at Worcester, Mass.—to the Committee on Ways and Means.

S. 2559. An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps—to the Committee on Ways and Means.

S. R. 116. Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes"—to the Committee on Insular Affairs.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900; when the Speaker signed the same.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 3534) granting a pension to Helen G. Heiner, and it was referred to the Committee on Pensions.

WITHDRAWAL OF REPORT.

By unanimous consent, Mr. ADAMSON obtained leave to withdraw the report No. 1082 on the bill (H. R. 9924) to authorize the construction of a bridge across the Tallahatchee River, Mississippi.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. HOFFECKER, for three days, on account of important business.

To Mr. LLOYD, indefinitely, on account of death and illness in family.

To Mr. McRAE, balance of day, on account of important business.

To Mr. MAHON, for five days, on account of important business.
To Mr. LANDIS, for one week, on account of important business.
To Mr. WATSON, for two weeks, on account of important business.

To Mr. SALMON, for three days, on account of important business.

To Mr. BRICK, for ten days, on account of important business.
To Mr. TAYLOR of Alabama, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ROBINSON of Indiana obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Alcott, Fifty-fifth Congress, no adverse report having been made thereon.

The motion to adjourn was then agreed to; and accordingly (at 6 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *Adam*, Stephen Brown, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the sloop *Almena*, John Smith, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10340) providing compensation to United States commissioners in Chinese deportation cases, reported the same with amendment, accompanied by a report (No. 1096); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, submitted the views of the minority, accompanied by a report (No. 351, part 2); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10557) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., reported the same with amendment, accompanied by a report (No. 1097); which said bill and report were referred to the House Calendar.

Mr. FITZGERALD of New York, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9083) to authorize the Commissioner of the General Land Office to dispose of Choctaw orphan Indian lands in Mississippi and to make appropriation for executing act of Congress approved June 28, 1898, reported the same without amendment, accompanied by a report (No. 1098); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5273) to require street railway companies operating electric cars, cable, or other cars propelled by steam, cable, or electricity, in the District of Columbia to protect certain of their employees from the inclemency of the weather during certain months of the year, and providing punishment for violations thereof, reported the same without amendment, accompanied by a report (No. 1100); which said bill and report were referred to the Private Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss., reported the same without amendment, accompanied by a report (No. 1101); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RIXEY, from the Committee on Claims, to which was

referred the bill of the House (H. R. 8645) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Brene-man, reported the same with amendment, accompanied by a report (No. 1092); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5647) granting a pension to Miss Amanda Hurd, reported the same with amendment, accompanied by a report (No. 1093); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9740) granting a pension to Sophia A. Lane, reported the same with amendment, accompanied by a report (No. 1094); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10060) granting an increase of pension to Mrs. Winfred M. Goins, of Barnesville, Ga., reported the same with amendment, accompanied by a report (No. 1095); which said bill and report were referred to the Private Calendar.

Mr. PEARCE of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 4059) for the relief of John H. McLaughlin, reported the same with amendment, accompanied by a report (No. 1099); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. TATE: A bill (H. R. 10867) to create the northern division of the northern district of Georgia for judicial purposes, and to fix the time and place for holding court therein—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: A bill (H. R. 10868) for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law, as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and Commissioner of Pensions—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 10869) for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.—to the Committee on Indian Affairs.

By Mr. SNODGRASS: A bill (H. R. 10897) to increase the jurisdiction of United States commissioners in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. CORLISS: A bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona—to the Committee on Indian Affairs.

By Mr. SULZER: A resolution of the legislature of the State of New York, asking amendment of section 25, Schedule A, of an act of Congress approved June 13, 1898, known as the war-revenue law, so that all railroad, steamboat, carrier, express, and every telegraph company, corporation, or person shall assume and pay the stamp duty upon all bills of lading, manifest memorandum, or other evidence of receipt and forwarding—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

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

By Mr. BAILEY of Kansas: A bill (H. R. 10870) granting a pension to Herbert J. Graff—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 10871) granting a pension to Mary A. Brown, widow of John E. Brown—to the Committee on Invalid Pensions.

By Mr. CLAYTON of New York: A bill (H. R. 10872) granting a pension to Caroline Buehler—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10873) to increase the pension of Ida J. Peixotto—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10874) granting an increase of pension to William Markle—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 10875) for the relief of the Presbyterian Church of Woodstock, Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10876) for the relief of the estate of Samuel

Good, deceased, late of Rockingham County, Va.—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 10877) for the relief of John Wright—to the Committee on Claims.

By Mr. HEATWOLE: A bill (H. R. 10878) for the relief of Alfred E. Haven—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 10879) to authorize William C. Braisted, passed assistant surgeon, United States Navy, and Luther C. Ellsworth, United States consul at Puerto Cabello, Venezuela, to accept testimonials from the Government of Venezuela—to the Committee on Foreign Affairs.

By Mr. McCALL: A bill (H. R. 10880) removing the charge of desertion from the military record of Julius F. Hill, alias Franklin J. Hill—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana (by request): A bill (H. R. 10881) for the relief of James Rainey, New Orleans, La.—to the Committee on War Claims.

By Mr. MULLER: A bill (H. R. 10882) for the relief of Amos D. Le Fevere, the surviving partner—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 10883) to pay the findings of the Court of Claims in the case of Preston E. Miller, executor of Jacob A. Miller, deceased—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 10884) for the relief of William Tavenner, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10885) for the relief of Napoleon B. Watkins, of Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10886) for the relief of Ella A. Hall, of Fairfax County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10887) for the relief of Annie Jane Swort, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 10888) granting an increase of pension to Lizzie C. Long, widow of Capt. Michael P. Long, late of Company E, Third Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10889) granting a pension to Roxey M. Beach—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10890) granting a pension to Alta Nina Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10891) granting a pension to Mary J. Bowers—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10892) granting an increase of pension to Mrs. Phebe Tate—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 10893) to correct the military record of W. R. Cassel—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 10894) to remove the charge of desertion from the record of Milton P. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 10895) to remove the charge of desertion from the record of Hugh Ferrell—to the Committee on Military Affairs.

Also, a bill (H. R. 10896) granting a pension to John Sheppard—to the Committee on Invalid Pensions.

By Mr. ALLEN of Mississippi: A bill (H. R. 10898) to carry out the findings of the Court of Claims in the case of J. Q. Roberts, administrator of Henry M. Roberts, deceased—to the Committee on War Claims.

PETITIONS, ETC.

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

By the SPEAKER: Petition of F. M. Zell and 69 others, of Buckcreek, and H. H. Opperman and 71 others, of Buchanan County, Iowa, in support of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BABCOCK: Petition of citizens of Sylvan, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of commercial clubs of Topeka and Ottawa, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central Labor Council of Cincinnati, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BREAZEALE: Petition of the Epworth League and others, of Grand Cane, La., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

By Mr. BROMWELL: Resolutions of Pattern Makers' Association of Cincinnati, Ohio, for the building of one or more new war

ships in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of the Fireman's Protective Association of Cincinnati, Ohio, favoring the passage of House bill No. 4911, relating to salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Resolutions of the Woman's Christian Temperance Union of Lancaster, Pa., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Petition of the Western South Dakota Stock Growers' Association, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, resolution of the Western South Dakota Stock Growers' Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Resolutions of John Ingham Post, No. 95, of Pawnee City, and Bennett Post, No. 62, Department of Nebraska, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Hattie M. Wolf and other citizens of Pawnee City, Nebr., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

Also, petition of retail druggists of Lincoln, Nebr., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of Abraham Lincoln Lodge, No. 445, of Columbus, Ohio, and Building Trades Council of Cincinnati, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the National Association of Railway Clerks, relating to legislation for the reclassification of the mail service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Omaha Commercial Club and Commercial Club of North Platte, Nebr., favoring provision for irrigation, surveys, etc.—to the Committee on Irrigation of Public Lands.

Also, paper to accompany House bill No. 10161, granting a pension to J. E. Latta—to the Committee on Invalid Pensions.

By Mr. CUSACK: Petition of employees of the Chicago post-office, Station U, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service—to the Committee on Reform in the Civil Service.

By Mr. DINSMORE: Papers relating to the claim of Sampson Brewer, of Pulaski County, Ark.—to the Committee on War Claims.

By Mr. ELLIOTT: Petition of D. N. Bourne and others, of Georgetown County, S. C., asking for an appropriation for the improvement of Winyah Bay and tributary rivers—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Petition of the Philadelphia Board of Trade, favoring the passage of House bill No. 10035, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of Frank D. Hammond Post, No. 141, Department of Massachusetts, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GROUT: Petitions of R. J. Haskin and 2 other citizens of West Meredith, N. Y.; C. E. Fuller and 15 others, of Conklin, N. Y.; David Nelson and 55 others, of Cabot, Vt.; H. G. Phelps and 10 others, of East Guilford, N. Y., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of Omaha Commercial Club, urging construction of irrigation works by the Government—to the Committee on Appropriations.

Also, petition of Mrs. C. E. Price and others, of Brownsville, Vt., protesting against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. O. Shields, president of the League of American Sportsmen, in favor of House bill No. 6634, for the better protection of birds—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Affidavits relating to the claim of the Presbyterian Church of Woodstock, Va.—to the Committee on War Claims.

By Mr. HITT: Petition of the First Presbyterian Church of Harrisburg, Ill., praying for more stringent legislation against the sale of liquors in the Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of G. L. Nevins Post, No. 1, of Rockford, Ill.,

Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Congregational, Baptist, and Methodist Episcopal churches of Rockton, Ill., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of citizens of Johnsburg, Ill., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. JACK: Petitions of the Lutheran Church of Apollo, Pa.; Methodist Episcopal Church, Presbyterian Church, Christian Endeavor, and Epworth League of Parkers Landing, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. KAHN: Resolutions of the San Francisco (Cal.) Labor Council, in favor of reenactment of the Chinese exclusion act and extension of same to Japanese—to the Committee on Immigration and Naturalization.

Also, resolutions of the San Francisco Chamber of Commerce, favoring the passage of House bill No. 4346, to place Lake Tahoe Forest Reservation under the control of the University of California—to the Committee on the Public Lands.

Also, resolutions of the San Francisco Chamber of Commerce, favoring the improvement of Oakland Harbor under direction of board of United States engineers appointed by the Secretary of War—to the Committee on Rivers and Harbors.

By Mr. KERR: Petition of Harmony Grange, No. 732, Patrons of Husbandry, of Ohio, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Petition of the Woman's Christian Temperance Union and Bethel Church of Rome, Kans., asking for the passage of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of employees of the Chicago (Ill.) post-office, Douglas Park Station, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service and infirmity—to the Committee on Reform in the Civil Service.

By Mr. McDOWELL: Petition of C. E. Anderson and others, of Coshocton, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of Hanover and Granville, Ohio, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. MANN: Petitions of Grand Crossing Tack Company and the Sargent Company, of Chicago, Ill., favoring appropriation for the Geological Survey and against granting the arid lands to the States—to the Committee on Appropriations.

Also, petition of the National Association of Railway Postal Clerks, relating to the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Indiana Horticultural Society, of Lafayette, Ind., favoring the passage of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Illinois Manufacturers' Association, of Chicago, Ill., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

By Mr. NEEDHAM: Resolutions of the North Presbyterian Church, Woman's Missionary Society, Pastors' Aid Society, Christian Endeavor Society, Woman's Christian Temperance Union, of the First Presbyterian Church, First Congregational Church, of Oakland, Cal., and the Methodist Episcopal Church of East Oakland, Cal., for the passage of a bill giving prohibition to our new possessions, and favoring the anti-canteen law—to the Committee on Insular Affairs.

By Mr. NORTON of Ohio: Papers to accompany House bill No. 7790, to correct the military record of Ernest Brauning—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10421, granting a pension to Elizabeth Young—to the Committee on Invalid Pensions.

By Mr. PEARE: Petition of Catharine Keller, of Frederick County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of William Tavenner, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. SHAFROTH: Resolutions of the National Building Trades' Council, in relation to the care and disposition of the public lands—to the Committee on the Public Lands.

By Mr. SHOWALTER: Petition of Hooker Post, Department of Pennsylvania, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SUTHERLAND: Petitions of Champion Post, No. 301, Champion, Nebr., and Lyon Post, No. 11, of Grand Island, Nebr.,

Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldier's Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of Charles E. Reed, of Arapahoe, Nebr., against the passage of House bill No. 10275, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill No. 9042, granting an honorable discharge to Peter Green—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, Presbyterian Woman's Missionary Society, First Congregational Church, and First Baptist Church, all of Hastings, Nebr., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of 90 church members of Hansen, Nebr., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. TURNER: Papers to accompany House bill No. 3735, to increase the pension of Mrs. Annie B. Sharrard—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of L. S. Payne Post, No. 281; C. P. Sprout Post, No. 76, and S. C. Hays Post, No. 258, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Oatka Falls Grange, No. 349, and Oakfield Grange, No. 813, Patrons of Husbandry, of New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Oakfield Grange, No. 813, Patrons of Husbandry, New York, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

By Mr. WANGER: Petition of the Woman's Christian Temperance Union of Bucks County and Radnor Methodist Episcopal Church, of Bryn Mawr, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Ten petitions of J. N. Stacy, of Lewiston, and other citizens of Nez Perce County, Idaho, for the passage of a free-homestead bill—to the Committee on the Public Lands.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill for the relief of John Sheppard—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to remove the charge of desertion from the record of Hugh Ferrell—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion now standing against Milton P. Young—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 6403, for the relief of Alice Bezman—to the Committee on Pensions.

By Mr. ZIEGLER: Papers to accompany House bill No. 10831, to correct the military record of Lewis Wollett, alias John Wolf—to the Committee on Military Affairs.

SENATE.

SATURDAY, April 21, 1900.

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

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

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

YAKIMA INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, and accompanying papers, relative to the examination by Mr. E. C. Barnard, of the Geological Survey, of the disputed western boundary line of the Yakima Indian Reservation, in the State of Washington; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

IRRIGATION OF PIMA RESERVATION, ARIZ.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th instant, a report from the Director of the Geological Survey relative to the proposed plans for irrigation upon the Pima Indian Reservation, in Arizona; which was read.

The PRESIDENT pro tempore. The Chair would like information as to what committee this communication shall be sent.

Mr. PLATT of Connecticut. The reply, I think, ought to be sent to the Committee on Indian Affairs; but I desire to say that the documents which are transmitted are already in the possession of that committee. The object of the resolution was to ascertain certain facts which do not appear by those documents, and I do not think the resolution has been fully answered by any means.

The PRESIDENT pro tempore. The communication, with the accompanying papers, will be printed and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills:

A bill (S. 3465) to provide an American register for the steamship *Garonne*;

A bill (S. 3924) to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.; and

A bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8366) to amend section 953 of the Revised Statutes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. KAHN, and Mr. TERRY managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 1905) granting an increase of pension to Lillian Capron, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 1906) granting an increase of pension to Agnes K. Capron, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. HALE presented the petition of Charles F. Scamman, of Deering, Me., praying that an appropriation be made for the construction of a new fireproof Patent Office building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of South Deer Isle, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and also in our new island possessions; which was referred to the Committee on Military Affairs.

Mr. BAKER presented a petition of the Woman's Christian Temperance Union of Rome, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. BURROWS presented a memorial of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City, Mich., and a memorial of the Central Trades Council and Cigar Makers' International Union of Traverse City, Mich., remonstrating against the passage of the so-called desert-land bill; which were referred to the Committee on Public Lands.

He also presented the petition of Frank D. Alexander and 73 other citizens of Lenawee County, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Central Labor Council of Traverse City, Mich., remonstrating against the enactment of legislation to increase the revenue tax on butterine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. T. McGurrin, of Grand Rapids, Mich., praying for the enactment of legislation providing