SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, which were ordered to lie on the table.

Mr. FORAKER subsequently said: I ask that Senate bill 3560 be printed as it passed the House, with the House amendments.

The PRESIDING OFFICER (Mr. KEAN in the chair). In the absence of objection, it will be so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 16727) for the erection of a light-house in Boston Harbor was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land was read twice by its title, and referred to the Committee on Public Lands.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DEPEW resumed his speech. After having spoken for thirty-five minutes,

Mr. ALLISON and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] is recognized.

Mr. ALLISON. I was about to ask the Senator from New York to yield to me in order that I may make a motion to adjourn. I yield, however, to the Senator from South Carolina before making the motion.

Mr. TILLMAN. Mr. President, I desire to inquire if the Senator from New York has concluded his speech?

Mr. DEPEW. I have not concluded, but I yield to the Senator from South Carolina for to-morrow.

Mr. TILLMAN. I am very much obliged, and I shall take the floor when the Senate convenes and this bill comes up again.

[Mr. DEPEW'S speech will be published entire after it shall have been concluded.]

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 18, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 17, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

CORRECTIONS.

The SPEAKER. In the absence of objection, the Journal will be approved.

Mr. SIMS. I rose for the purpose of making a statement in reference to the Journal, before it was approved.

The SPEAKER. A correction of the Journal has priority over a correction of the RECORD.

Mr. SIMS. I do not see the gentleman from Massachusetts [Mr. CONRY] present, but I think he understood—I so understood at the time—that unanimous consent was given to him to withdraw his remarks. It appears, however, in the Journal that they were expunged on motion of the gentleman from Indiana [Mr. STEELE].

The SPEAKER. The business as it came up yesterday was the continuation of the consideration of the request of the gentleman from Indiana made some days before. So that the Journal, in stating that the action was taken on the request of the gentleman from Indiana, states the facts as they were.

Mr. COOPER of Texas. Mr. Speaker, I rise to correct the RECORD. The correction I desire to make is upon page 2273. It there appears that I moved to suspend the rules and pass House bill 17243. The RECORD shows, after stating the title or caption of the bill, that the bill provided that all after the enacting clause should be stricken out and certain language inserted. It reads:

Strike out all after the enacting clause and insert the following:

The facts are that House bill 16339 had been introduced by me and referred to the Committee on Rivers and Harbors. The committee reported House bill 17243, intending it to be a substitute for the bill introduced by me. The report of the committee so styles it "a substitute therefor." There was no striking out of all after the enacting clause, but the committee bill, 17243, was passed. I desire the RECORD to show that this bill introduced by the gentleman from Ohio [Mr. BURTON] was the bill that passed.

The statement of the RECORD is in intention correct, but literally is not correct. The House bill 17243 is a substitute for House bill 16339, as stated in the report of the chairman of the committee. But the bill which was passed was House bill 17243. My statement does not change the condition of affairs in any respect, but the RECORD, as it now appears, would show that the river and harbor bill was repealed, which, of course, is not a fact.

The SPEAKER. The Chair will ask the gentleman from Texas whether he has not got just what he wanted.

Mr. COOPER of Texas. I have got exactly what I wanted in fact; but the RECORD discloses that the bill which was passed repeals the river and harbor bill. Now, I do not know what it will show when it goes over to the Senate, but so far as the RECORD shows it discloses the fact that the river and harbor bill had been repealed by the bill that was passed.

The SPEAKER. Was this repeal, as the gentleman states, by virtue of the recommendations of the report of the committee, or any action taken on the floor of the House?

Mr. COOPER of Texas. The report of the committee is to the effect that they offer another bill as a substitute for the bill that I introduced, and the committee bill was the bill that passed.

The SPEAKER. Will the gentleman send up the report?

Mr. BURTON. If I may be allowed, the report is perfectly clear and the bill is perfectly clear. The bill recommends the adoption of a substitute. The substitute is in this language:

A bill to amend an act making appropriations for the construction, repair, and preservation of certain public works—

and so forth, referring to the river and harbor bill of June, 1902. Then it goes on to state:

Be it enacted, etc., That the paragraph in said act relating to the improvement of the mouths of the Sabine and Natchez rivers, Texas, be amended so as to read as follows.

And, apparently in an entirely gratuitous manner, there is inserted in the RECORD the words:

Strike out all after the enacting clause and insert the following:

There was no recommendation of that kind in the report, and nothing that will justify the striking out of all after the enacting clause of the river and harbor bill. It must mean to strike out all after the enacting clause of the amending bill. The report recommends the adoption of the substitute, and the substitute clearly points out what is intended.

The SPEAKER. The language of the report is—

They accordingly recommend the accompanying substitute, and when the bill is amended by the adoption of said substitute they recommend that the bill do pass.

That is exactly what was done.

Mr. BURTON. The committee refers to the amending bill, and not the original bill.

Mr. COOPER of Texas. Mr. Speaker, if the RECORD should disclose that all after the enacting clause of bill 16339 was stricken out and that House bill 17243 was inserted in lieu thereof, then the RECORD would be correct, and that was what was done.

The SPEAKER. The Chair suggests that in this case, as it seems to be somewhat complicated, the bill had better be held up, and then it can be put in some proper shape. The Chair will order the message to the Senate transmitting the bill to be held up.

Mr. COOPER of Texas. Mr. Speaker, it is immaterial to me what the RECORD discloses. It is a fact that that bill passed, and it was in order to keep the RECORD in proper shape, as suggested by the War Department, after having examined it, that I make this motion to correct the RECORD.

The SPEAKER. But the gentleman states from his place that the action taken, while it gives him what he wants, repeals the river and harbor bill.

Mr. COOPER of Texas. No, the RECORD undertakes to show that the river and harbor bill was repealed, but I am objecting to having it show a repeal of the river and harbor act. I want the RECORD to show what occurred, and it is not at my own instance that I make the suggestion now.

Mr. PAYNE. Mr. Speaker, I suggest that this matter stand over until to-morrow morning, and that in the meantime all action be stayed, and the matter referred to the Committee on Rules for a report to-morrow morning.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. COOPER of Texas. Mr. Speaker, before the gentleman moves that, the chairman of the Committee on Rivers and Harbors [Mr. BURTON] can make a perfectly clear and lucid statement of exactly what was done, and I would like the RECORD to be corrected in that shape.

Mr. PAYNE. I suggest to the gentleman that that statement can go before the Committee on Rules.

Mr. COOPER of Texas. That means delay.

Mr. PAYNE. It only means a delay of one day.

The SPEAKER. The Chair thinks that course had better be taken. The matter is in a rather complicated shape, and if there is no objection this course will be pursued, in accordance with the suggestion of the gentleman from New York.

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. LITTLEFIELD. Mr. Speaker, I notice that the gentleman from New York [Mr. SULZER] is in his seat this morning. That being the case, I think I will proceed with the question of personal privilege that I raised on yesterday morning.

In a speech made by the gentleman from New York on Friday last he continued some comments which related to a debate that occurred between him and myself on the Saturday preceding. On the Saturday preceding I had occasion to make a comment upon a paragraph included in the bill introduced by him, and in order that the matter may be fully understood, I will call attention to the fact that it was the bill H. R. 15927, introduced by the gentleman from New York on December 11, 1902.

On that Saturday I read for the purpose of comment the following paragraph from that bill—and I hold the bill now in my hand.

The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The RECORD shows on page 1903 I read as follows. And I will read it, and the House will see that the language is identical:

The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not be used against such person on the trial of any civil suit or criminal proceeding.

Whereupon I suggested that did not state a coherent proposition and it was not sensible. On the next page of the RECORD I suggested that if a certain clause had been inserted in that paragaph, which is not inserted, and was not inserted in the quotation, that clause should read as follows:

Shall not excuse such person from testifying, but such testimony if inserted in the proper place would make a coherent proposition.

The gentleman from New York on Friday took occasion to animadvert with some severity upon "the gentleman from Maine," and undertook to quote what the gentleman from Maine said on Saturday, but he interpolated this clause to which I have just called attention, that I have quoted from the RECORD, and put it into the mouth of "the gentleman from Maine"—in my judgment deliberately perverting the RECORD.

I have in my hand the minutes prepared by the gentleman from New York for the printer's use, and this portion of the RECORD that he injected into the RECORD is in his own handwriting, and I read:

Now I will read a paragraph of the bill—

That is what he said I said, and it is correct that far—

The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony—

Here comes the interpolation, perverting the RECORD, in the handwriting of the gentleman from New York—

shall not excuse such person from testifying, but such testimony—

That is the clause interpolated within the minutes—

shall not be used against such person on the trial of any criminal proceeding.

Now, the gentleman from New York in his speech on Friday undertook to quote from his speech made on the preceding Saturday; and in his own speech made the preceding Saturday—and I read from his minutes prepared for the printer, because he has taken the printed matter from the RECORD—he quoted this paragraph from his bill exactly as it read in the bill, and exactly as it read in my quotation, as follows:

The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Having the same element of incoherence and lack of sense, agreeing exactly with the paragraph in his bill and with my quotation from it in my remarks. But here are the minutes of the gentleman from New York, and he has got an ink line starting after the word "not" and running out into the margin, and then he has this clause interpolated in his own remarks in order to make them consistent with the interpolation that he put in the remarks of "the gentleman from Maine:"

Excuse such persons from testifying, but such testimony shall not.

This I read from his minutes, furnished the printer with this written interpolation, so that I can reach no other conclusion than that the perversion of the RECORD was deliberate, premeditated, and intentional.

Now, I want to go a little bit further. I find that the gentleman proceeded at some length upon the basis of the proposition made coherent and sensible by this perversion of the RECORD. He further attacks "the gentleman from Maine." These are the minutes which I hold in my hand. I did not hear this speech. I was not present in the House, but I find the gentleman from New York started out thus:

Mr. Speaker, I avail myself of this opportunity to call the attention of the gentleman from Maine [Mr. LITTLEFIELD], and incidentally the attention of the members of this House—

This is not an assertion that "the gentleman from Maine" was present and heard the speech. In his minutes I find in ink, in his handwriting, this statement:

Observing that the gentleman from Maine [Mr. LITTLEFIELD] is with us this morning, and I am glad he is here, because I want to avail myself—

I did not hear the speech. I do not know whether he said it, but I am reading from the notes of the stenographer as corrected by him. Now, just for a moment I want to call attention to this fact, and I reach another misrepresentation on this quotation in a minute, that if the proposition read by the gentleman from New York had read in his bill and in my quotation from his bill and in his own quotation from his bill as he would now have it read, in order to make this attack upon the gentleman from Maine, it would not even then be constitutional. I am going to read from a case in a moment, because the courts have held that it is not enough to say that the evidence shall not be used against a person giving it, but that the statute must go further and provide "that no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence," a clause that does not even appear in the proposition of the gentleman from New York, even as interpolated and perverted by him. I read now from the opinion of the Supreme Court of the United States in Brown *v.* Walker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. I do not understand that the gentleman is correcting the RECORD. I thought he was. I submit——

Mr. LITTLEFIELD. I am not correcting the RECORD; I am simply stating a question of privilege, and I desire to have the House hear me. I do not propose to debate it; I do not propose to discuss it, but I want to state this so that the House can understand it, so that the RECORD will simply disclose the facts involved in this controversy.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have no objection to his stating a question of privilege, but I do not think he ought to undertake to prove or sustain that question of privilege by reading a decision of the Supreme Court of the United States or of any other court.

Mr. LITTLEFIELD. Well, I will ask unanimous consent of the House that I may be authorized to read, right at this stage of this statement, the authority of the Supreme Court of the United States on this question.

The SPEAKER. The gentleman from Maine asks unanimous consent to make a statement to the House. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. In this case the court referred to the opinion in the case of Counselman against Hitchcock, construing the provision of a statute identical, substantially, in terms with that relied upon by the gentleman from New York, and the court say:

The act is supposed to have been passed in view of the opinion of this Court in Counselman *v.* Hitchcock (142 U. S., 547), to the effect that section 860 of the Revised Statutes, providing that no evidence given by a witness shall be used against him, his property or estate, in any manner, in any court of the United States, in any criminal proceeding, did not confer that complete protection to the witness which the amendment was intended to guarantee. The gist of that decision is contained in the following extract from the opinion of Mr. Justice Blatchford (pp. 564, 585), referring to section 860:

"It could not and would not prevent the use of his testimony to search out other testimony to be used in evidence against him or his property in a criminal proceeding in such court. It could not prevent the obtaining and use of witnesses and evidence which should be attributable directly to the testimony he might give under compulsion and on which he might be convicted, when otherwise, and if he had refused to answer, he could not possibly have been convicted." And again, "We are clearly of opinion that no statute which leaves the party or witness subject to prosecution, after he answered the criminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statntes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard, and is not a full substitute for that prohibition. In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute

immunity against future prosecutions for the offense to which the question relates."

Now, I wish further to call attention to another quotation, not made from the RECORD, but made by my distinguished friend from New York, and he has here in his minutes the printed extract from the New York World, in which he made a suppression. This is the statement from the New York World:

Representative LITTLEFIELD, of Maine, the author of the antitrust bill which passed the House last Saturday, went to the White House to-day.

I did go to the White House.

He asked the President to use his influence in securing the passage of the Littlefield bill by the Senate.

Mr. LITTLEFIELD never did ask such influence.

The President refused to do so.

He never refused.

He told Mr. LITTLEFIELD that his antitrust bill was of no particular value—

He never made any such statement—

was unconstitutional—

He never made any such statement, and I say here that the bill reported by the Judiciary Committee was the result of several conferences with the Attorney-General during a period of ten days or more, and the bill as reported not only was not criticised by him as unconstitutional but received his approbation as constitutional.

He said it was entirely too drastic—

He did not say that—

and that he would not indorse it.

He did not say that.

Mr. LITTLEFIELD was greatly surprised—

And here comes the erasure of three lines in the printed article. The way the article is made to read is this:

Mr. LITTLEFIELD was greatly surprised and left the White House in no good humor.

That is not true. The way the article read was:

Mr. LITTLEFIELD was greatly surprised, as the antitrust bill had previously received the indorsement of both the President and Attorney-General Knox. Mr. LITTLEFIELD left the White House in no good humor.

I want to say here, because my attention was not called to it when the gentleman on Saturday addressed the House—the suggestion that the bill now referred to was the product of an antitrust lawyer of New York—it struck me that it was hardly necessary to make any reply to that suggestion. The bill is the result of a conference, which I have just stated, with the Attorney-General of the United States, covering his points, and three men on the subcommittee, the gentleman from Indiana [Mr. OVERSTREET], the gentleman from Massachusetts [Mr. POWERS]; the two minority members were not in consultation with the Department of Justice, and there was no suggestion from any other party until it was reported to the Judiciary Committee on the part of the House. That is all I care to say on this question. So far as I am concerned, this controversy is now closed.

Mr. SULZER. Not quite, Mr. Speaker. [Laughter.] I ask unanimous consent to make a statement to the House.

The SPEAKER. The gentleman from New York asks unanimous consent to make a statement on this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, we have heard the defense of the gentleman from Maine with mingled degrees of sorrow and surprise. [Laughter.] The gentleman from Maine last fall made several speeches to his constituents in Maine in which he said he would pass his identical antitrust bill or he would know the reason why. He did not pass his antitrust bill, he did not report his antitrust bill, and I suppose this is "the reason why." [Laughter.] I presume the reason will have to be satisfactory to his constituents.

Mr. LITTLEFIELD. Mr. Speaker——

Mr. SULZER. Mr. Speaker, I decline to be interrupted; I did not interrupt the gentleman from Maine. In regard to what he has said about myself I will simply say that it is a mere quibble on words and demonstrates the constitutional inability of the gentleman from Maine to be fair, decent, or courteous. [Laughter.] He is so puffed up with his own vanity that he can not see any good in another member, and is so self-conceited that he sees no good in any bill except his own bill—and at a critical moment abandons that, and runs away—no doubt with the hope of fighting the trusts some other day. He says he was absent last Friday when I briefly replied to him, but the RECORD shows he was present in the House. So much for that. When he read the provision in my antitrust bill which he said was unconstitutional he knew that the printer, in printing the identical bill which he read to the House, had left out one line, and when you come to read the provision he has read it is apparent to any man not an idiot that it is a very simple error on the part of the Public Printer. [Laughter.] It was subsequently corrected, but the gentleman from Maine did not read that. I did read it, however. He is not fair. He quibbles and quibbles and quibbles.

In regard now to his hairsplitting faculty relating to the constitutionality of the provision in question, I do not undertake to assume that I am as great a constitutional lawyer as the gentleman from Maine, because I do not want to make myself ludicrous. I have no doubt that he believes to-day and will have no hesitancy in asserting that Daniel Webster as a constitutional lawyer in comparison with him was a mere constitutional pigmy. I do not intend to quibble about this matter; I do not intend to split hairs about it. I am willing, as an amiable, good-natured citizen, to accept the gentleman's apology. [Laughter.] He can read decisions of the courts in regard to the constitutionality of this proposition.

I do want to say, however, Mr. Speaker, that we have in this House a few good constitutional lawyers besides the gentleman from Maine. For instance, I could mention the gentleman from Iowa [Mr. HEPBURN]; and the gentleman from Iowa, a great constitutional lawyer, has said that this identical provision harped on by the gentleman from Maine is constitutional. Now, I will allow the gentleman from Iowa and all the other distinguished lawyers on his committee to debate the question with the gentleman from Maine to their heart's content. But more than that, I believe that the distinguished senior Senator from the State of Massachusetts [Mr. HOAR] has some reputation of being a constitutional lawyer, and he says also that this proposition is constitutional. But then, of course, they do not know as much about constitutional law as the gentleman from Maine. How could they? Perish the thought!

But I will say once more that the courts over and over again have held in the States where the statute is similar to this provision that it is constitutional. But the courts of the States, the statutes of the States, the great lawyers of the Senate, the great lawyers of this House all to the contrary notwithstanding, I am satisfied that history ultimately will say the gentleman from Maine is right, because if we go on as we are going on now we must concede that the gentleman from Maine is the only man in the United States who knows constitutional law, or Congress, the lawmaking body of the land, has got to go out of business. [Laughter.]

Now, Mr. Speaker, just a few words in regard to what the gentleman has said about the article I quoted from in the New York World. I quoted that word for word; and if it is not true—if the President did not tell the gentleman from Maine that his bill was unconstitutional—that is a matter between him and the correspondents of the New York World. [Laughter.] Let me say here and now that I have always found the New York World a very truthful newspaper [laughter]; and whenever its correspondents printed a statement it was generally quite true. I am sorry the gentleman from Maine has challenged the veracity of the newspaper correspondents. But they can take care of themselves. Yes, and I am sorry, too, the gentleman from Maine brought in the President's name and commented on conversations he had with the President. I never do. [Laughter.] It is hardly in good taste. But I will say this to the gentleman from Maine—that if he was so determined to report and pass his bill as he told his constituents last fall he was, he would never have consented to accept the substitute, which was as much like his original bill as the moon is like green cheese. He would have said: Before I surrender my principles on this trust question—before I go back on my promises to my constituents regarding this trust matter—I will oppose the substitute suggested by some lawyers in New York, as I have been informed. But, no; the gentleman was willing to abandon his bill and champion the unconstitutional substitute. [Laughter.]

But I am pained and surprised that he shifted the responsibility for that substitute—that "hereafter" proposition, that legislative antitrust fraud—which only relates to corporations to be organized in the future and leaves all the great trusts now organized and that are and have been preying on the people to go on and on robbing the people day in and day out forever hereafter. I was dumfounded when the gentleman from Maine made that astounding surrender. Up to that time, I admit, I had great respect for the gentleman from Maine. I thought he was honest; I thought he was earnest; I thought he was sincere on this question of the trusts. But I was mistaken. I thought after I read his speeches last fall to his constituents and to the people of the country from Maine to California that when he came back to Congress he would fearlessly insist on passing his bill or some bill like it, which would do some injury to the trusts. But I was mistaken, and when he surrendered to the trusts "that are" my faith in him was shaken—sadly and sorrowfully shaken. [Laughter.]

Now, the gentleman takes issue with the New York World;

I want to read what the World says to-day, and I want the gentleman to understand that I stand by every word in the World that I put in the RECORD formerly. [Laughter.] The World is a great independent newspaper published in my city, and its reporters are among the ablest, the most careful, and the most truthful men in the city of Washington, the gentleman from Maine to the contrary notwithstanding.

The World of this morning says:

There is no probability that it will be considered or passed.

That is, the gentleman's substitute antitrust bill now in the Senate Judiciary Committee. It is reported it will be—

Brought in partially as a rebuke to the President—

Indeed! So we see the Senators are going to "rebuke" the President just the same as the gentleman from Maine has done—but the President can stand it. And it goes on—

who [that is, the President] characterized the Hoar bill as worthless, and the Littlefield bill as unconstitutional.

Here it is repeated again, and I suppose the gentleman will rise up again and deny it. But, sir, I never said the gentleman's bill was unconstitutional. I would not have the audacity to take on my shoulders that gigantic responsibility. My remarks in regard to the gentleman's substitute bill are printed in the CONGRESSIONAL RECORD, and my reply to his remarks regarding my bill and my remarks in regard to himself are printed in the CONGRESSIONAL RECORD. And I stand by—and I want him to distinctly understand that I stand by—every word that I have said in this debate; and I stand by every word I am saying now, and I can keep this up just so long as the gentleman from Maine wants it kept up. I never run away. I do not look for trouble, but I am not afraid of the gentleman's heroic quibbles on words, words, words. The gentleman from Maine is a good deal like some other people I have had the fortune or misfortune to come in contact with during my few brief years on this mundane sphere. [Laughter.] They bark and get bitten, and then they whine. The gentleman from Maine barked. I think it sufficiently appears to-day that he got bitten and is now whining—whining against me, but not so much against me as he is whining against the fates, and not so much against the fates as he is whining here to square his conduct with his promises to his constituents. I am content. My skin is intact.

Let the galled jade wince, my withers are unwrung.

[Laughter and applause.]

Mr. LITTLEFIELD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LITTLEFIELD. I just want to make one statement.

The SPEAKER. It will have to be by unanimous consent.

Mr. LITTLEFIELD. Well, I ask unanimous consent.

The SPEAKER. The gentleman asks unanimous consent that he may make one statement. Is there objection?

Mr. SULZER. I think we ought to let him complete his statement, Mr. Speaker.

The SPEAKER. The Chair hears no objection.

Mr. LITTLEFIELD. It is only one statement and that is this: I can not stop to go over all the misrepresentations and misstatements made by the gentleman from New York. When he says that I knew that this language which is in controversy had been omitted by the Public Printer, he states what he knows is not true. I did not know it when I made the speech on Saturday. The first moment I ever received any intimation in relation to that fact was in the area of this House this morning, when it was made to me by the gentleman from New York himself, and I never heard that he had introduced a second bill containing this correction until this morning, before the session of the House. With that I leave it.

JAMES JONES.

The SPEAKER laid before the House an amendment of the Senate to the bill (H. R. 12508) granting an increase of pension to James Jones.

Mr. SULLOWAY. I move to concur in the Senate amendment.

The motion was agreed to.

ANHEUSER-BUSCH BREWING ASSOCIATION, ST. LOUIS, MO.

The SPEAKER also laid before the House a Senate amendment to the bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.

Mr. GRAFF. I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBERT, indefinitely, on account of sickness in his family.

To Mr. MCDERMOTT, for two days, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, on motion of Mr. MERCER, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 17424) for the conveyance of public lands belonging to the United States, and the same was referred to the Committee on Interstate and Foreign Commerce.

NAVAL APPROPRIATION BILL.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 448, have had the same under consideration and hereby report the following in lieu thereof:

"*Resolved*, That it shall be in order to consider, in the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, legislation providing for increase of midshipmen, officers, and men in the line, staff corps, and Marine Corps of the Navy, and increase of limit of cost in reconstruction of Naval Academy; and it shall be in order to have a separate vote in the House, if the same be demanded, upon each of the foregoing subjects."

Mr. DALZELL. Mr. Speaker, if I can have order, I will state that the bill referred to in the resolution just read——

Mr. RICHARDSON of Tennessee. I think the gentleman ought to move the previous question, or will he give us a little time?

Mr. DALZELL. I will give the gentleman time.

Mr. RICHARDSON of Tennessee. I suggest to the gentleman to move the previous question. Then both sides will have time.

Mr. DALZELL. Then I move the previous question.

The previous question was ordered.

Mr. DALZELL. Mr. Speaker, the bill referred to in the resolution just read is the naval appropriation bill. That bill contains, as reported to the House, several items that are clearly subject to a point of order. In other words, it contains new legislation. I am willing to concede that under ordinary circumstances legislation ought not to be provided for upon a general appropriation bill, but such a rule is sometimes justified by emergencies, and in this case we think it clearly so justified. The two items referred to in the resolution are, first, the increase of the personnel of the Navy, and, secondly, the increase of the limit of cost for the construction of the Naval Academy. Very briefly I will call the attention of the House to what the Secretary of the Navy says upon those two subjects in his last report. With respect to the first he says:

The most imperative need of the Navy to-day is of additional officers. I can not overstate this need. It invites the instant attention of Congress. The administration of the Department is embarrassed almost daily by the lack of officers below command rank. This condition has been approaching for some years, and was clearly apprehended and stated by my predecessor in office. It is acute to-day, and when the ships already authorized are completed it will be desperate unless there is early action.

Now, it is in answer to that demand from the Secretary of the Navy that the first item of the resolution is inserted. With respect to the second, the Secretary calls attention to the fact that certain improvements authorized by Congress, amongst others the construction of a hospital, will have to be abandoned for the present unless the limit of cost be increased. He says, furthermore, that the entire work will have to be abandoned for the present unless the limit of cost is increased. That is owing to the increase in the cost of material and increase in the cost of labor. He also gives us notice that he will not continue the work until the matter has been submitted to and received the consideration of Congress. I will submit at length what he says on this subject:

The act for rebuilding the Naval Academy, approved June, 1900, authorized the expenditure of $8,000,000 and provided that plans, covering the entire improvements, should be adopted by the Secretary before any part of said sum should be expended.

The Secretary approved plans October 3, 1900, and allotted such sums for the several buildings and improvements contemplated as would cover $8,000,000, reserving $390,000 as a contingent fund.

The act of July, 1902, appropriating for the improvements at the Academy in accordance with these plans, authorized the building of a hospital at a cost not to exceed $100,000, and additional dredging at a cost of $200,000, and further provided that the cost of such hospital and dredging should be paid out of said $8,000,000. As in obedience to the law my predecessor had allotted the $8,000,000 prescribed as the limit of cost of the improvements at the Academy, it is impossible to execute the provisions for the erection of a hospital and for dredging without exhausting the fund reserved for contingencies, which is already sufficiently small.

Accordingly these two improvements will not be undertaken without further authority from Congress. But a still more serious question has arisen. The architect in charge of the improvements reports, after careful investigation, that the cost of labor and material to be used in the buildings and improvements not already under contract has increased more than 30 per cent since the original plans were adopted. It has therefore become impracticable to proceed further in the execution of the general plan without largely exceeding the limit of cost prescribed by Congress. No further contracts will be entered into until the subject is submitted to Congress and its will ascertained.

It is for the reasons given that the two items are inserted in this resolution. But that the House may have an opportunity to

pass upon the matter as though it were general legislation, there is a provision in the rule that when the bill comes into the House a separate vote can be had upon these items.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I will take only a moment or two. The gentleman from Pennsylvania has correctly stated the effect of this rule. It is to make in order two amendments, two provisions in the naval appropriation bill, one of them providing for an increase of midshipmen, officers and men in the line, staff corps, and Marine Corps of the Navy, and the other an increase of the limit of cost in the construction of the Naval Academy; that is, permitting that increase from $8,000,000 to $10,000,000. The objection the minority members of the Committee on Rules have to this rule is that it provides this important legislation upon a general appropriation bill, in defiance of the plain rules of this House. Your rules say we shall not legislate on a general appropriation bill. You come and by this rule you break down your own well-established rules and permit this important legislation on this general appropriation bill.

Now, Mr. Speaker, we say that it ought not to be done. The gentleman from Pennsylvania [Mr. DALZELL] says that ordinarily it ought not to be done, but he says there are reasons for it now. What are those reasons? Why, he reads from the report of the Secretary of the Navy certain recommendations in respect to these two provisions. That report of the Secretary of the Navy was presented to Congress at the beginning of this session, in the month of December, and yet we have been here through the month of December and the month of January and seventeen days of the month of February, and now, within twelve legislative days of the adjournment, the gentleman comes in and puts into a general appropriation bill these provisions.

If these provisions are necessary to the proper promotion and advancement of the Navy and its expansion, why were they not presented in a bill for that purpose by the Naval Committee two months and a half ago? The Secretary of the Navy said they were necessary then, and they are no more necessary now than they were then. For these reasons, Mr. Speaker, we think the rule is unwise and improvident. We shall not attempt to call the yeas and nays on the passage of the rule. There is this provision in the rule, and it is a saving clause. It permits the House of Representatives to vote upon these two propositions and to have a yea and nay vote thereon, if it is desirable. I am not going to express any opinion as to the desirability or nondesirability of the two provisions. I shall leave that to the minority members as well as the majority of the Committee on Naval Affairs. I am content, Mr. Speaker, with what I have said and yield five minutes of my time to the gentleman from Alabama, my colleague on the committee, Mr. UNDERWOOD.

Mr. DALZELL. Before the gentleman sits down, will he permit me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. DALZELL. Did not the gentleman in the Committee on Rules and in the House not more than a week ago vote for the rule authorizing general legislation on the sundry civil appropriation bill?

Mr. RICHARDSON of Tennessee. Yes; I think I did. But that is a wholly different proposition to that which is made here. I do not think the gentleman from Pennsylvania has any right to tell what occurred in the Committee on Rules. [Laughter.]

Mr. DALZELL. I am not. I am asking you the question. I am leaving it to you to tell. [Laughter.]

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Alabama five minutes.

Mr. UNDERWOOD. Mr. Speaker, I originally understood when I came to this House that the legislation of the House would be first considered by appropriate committees to which it was referred and then considered in an orderly way in the House of Representatives. Now, I think this rule is for the independence and rights of every member on the floor of this House. Here is a great committee, one of the greatest committees of this House, that has been in session since last November, with every one of these propositions that they now propose to put on this appropriation bill as riders laid before that committee on the 1st of December. Last fall the recommendations were made there by the Secretary of the Navy insisting on their action. They had the right and it was their duty to this House to consider these propositions and report favorably or unfavorably and place these reports on the Calendar.

The Naval Committee can not say they would not have had an opportunity to properly and orderly consider this legislation. Every committee of this House has had its day in court in this session of Congress. Some committees that have not thought they had sufficient time under the ordinary procedure on the call of the committees have been granted special days by the Committee on Rules for the consideration of legislation coming from their committees. No one can deny that if the Naval Committee, with important and proper legislation reported, if this House had been asked for a special day to consider the bills coming from that committee, that they would not have been given ample and sufficient time. But they have not done it.

Mr. FOSS. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. FOSS. Was the gentleman from Alabama, like his colleague from Tennessee [Mr. RICHARDSON], in favor of legislation on the sundry civil bill?

Mr. UNDERWOOD. I did not have the privilege of being in the Committee on Rules or in the House when the proposition was up. If that is the information the gentleman desires, he has it.

Mr. FOSS. Did the gentleman make a speech on the floor?

Mr. UNDERWOOD. I was not here. Unfortunately, I was sick at home.

Mr. FOSS. Conveniently absent.

Mr. UNDERWOOD. I deny that. If I have anything of which I can congratulate myself on since I have had a seat upon the floor, it has been that I have expressed my views on any subject before it. I was confined to my bed by sickness on that day.

But I do not believe in this class of legislation. Now, I say I do not mean to criticise the chairman of the committee, because he is personally my friend. He has worked hard, he and his committee, and it is not a personal criticism that I am making of the Naval Committee, but reaching out to all the great appropriation committees. Instead of bringing in legislation in an orderly and proper way, they save it up and launch it in an appropriation bill, and the House is then required to swallow it or not swallow it. It has got to take it as a whole, and it is bringing about a vicious class of legislation in making one set of members vote for a proposition because they have something in it. It is intended that the legislation of this House should be considered separately and each branch stand on its own merits. It is a question of continually reporting legislative matters on appropriation bills which should be orderly considered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I would like to have about two minutes more.

Mr. RICHARDSON of Tennessee. I yield two minutes more to my colleague.

Mr. UNDERWOOD. Have them considered under the five-minute rule, which gives a fair opportunity for consideration by the members of this House.

Now, I say to the membership of this House, and especially to the minority, that if you want your rights protected you have got to maintain the rules of this House. The rules of this House are intended for the protection of the minority, and when you come to the condition that you are going to allow the rules to be broken down, and especially this rule that is for the greatest protection of the minority and protection of the members of the House who are not on the great appropriation committees; when you allow them to be infringed and broken down you are trampling on your own rights and the rights of your constituencies and very much minimizing the opportunity that you have to represent your constituents here on the floor and be effective in the legislation of the country. For that reason I shall vote against this rule. I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Does the gentleman from Pennsylvania want to use a portion of his time?

Mr. DALZELL. I do not know whether I do or not.

Mr. RICHARDSON of Tennessee. Then I want to yield three minutes to the gentleman from North Carolina [Mr. KITCHIN], a member of the committee.

Mr. DALZELL. How do I understand the gentleman?

Mr. RICHARDSON of Tennessee. I want to yield three minutes to the gentleman from North Carolina. If we are to stop now, I will not take any further time.

Mr. DALZELL. I do not want to commit myself.

Mr. RICHARDSON of Tennessee. Then, if the gentleman is willing for debate to close, it can close now.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was adopted.

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 consideration of the naval appropriation bill, and pending that I will ask my colleague on the committee, the gentleman from Georgia [Mr. TATE], whether or not he desires at this time to agree upon the closing of general debate.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17288, the naval appropriation bill, and pending that motion desires to reach some decision in regard to the closing of general debate.

Mr. TATE. I suggest, Mr. Speaker, that we go on for the

present. I do not think we will take a great deal of time on this side for general debate.

The motion of Mr. FOSS was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. GILLETT of Massachusetts in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, and the Clerk will read the bill.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I do not desire to take up the attention of the committee with any long explanation of this bill. I have carefully prepared a report giving the different items in the bill, which any member can read if he cares to, and which makes, I think, a reasonable explanation of all of the important provisions. The estimates that were submitted by the Secretary of the Navy to the House and by the Speaker referred to the Committee on Naval Affairs amounted in all to $82,426,000. I am speaking in round numbers. There were added supplemental estimates to the amount of $1,126,000, and additional estimates came in after this to the amount of $1,602,000, making in all a total in the amount of estimates submitted to the committee for its consideration by the Navy Department of $85,154,809.59.

Now, the committee, after careful consideration of these estimates, having before it at different times the bureau chiefs and the Secretary of the Navy, saw fit to reduce the estimate by the amount of $6,142,089.43. So that this bill which is under consideration to-day by this committee carries in round numbers $79,048,000. This is about $200,000 more than the naval appropriation act of last year.

Now, there are a few important matters in connection with this bill to which I desire to call the attention of the committee. The most important thing, perhaps, is the provision for the increase in the personnel. Every member of this committee must realize that as we go on with the building up of our Navy and with the construction of new ships we must necessarily add to the personnel. We must have more men and more officers. We have at the present time about 26,000 enlisted men in the Navy. When our present ships now building are completed we will need 40,000 men in the Navy. It has been the policy of the committee to increase year by year the number of men so that by the time of the completion of these ships which have already been authorized we will have a personnel, so far as the men are concerned, which is adequate to thoroughly man the ships.

In this bill is a provision for the increase in the number of men by 3,000. Now, as regards the officers, there is perhaps no more important provision in this bill than the provision for the increase of officers. The Secretary of the Navy has called the attention of Congress to it in his able report. That has been alluded to in the discussion upon the question of the rule here this morning by the gentleman from Pennsylvania. The Secretary of the Navy in his report says that we have reached a critical condition and we must have more officers, not only in the line, but in the staff. In his hearing before the committee he emphasized it. He says:

> From the very moment I entered the office the most embarrassing daily question of administration has been to supply officers for the needs of the service. We have taken men from one duty and put them upon another often when we realized that we might be impairing the service by removing a man from his present situation of duty.
>
> Then it became a balance of advantages, or a balance of disadvantages, as you might term it. As I have stated, we have not officers enough at the present time to man three-quarters of our present serviceable ships. And that condition will grow worse as the new ships come into commission.

Now, in the report which I have submitted to the House, I have called particular attention to this subject. Gentlemen will find in that report a table showing our present condition. To-day we have a deficiency of 577 in the number of officers. When we have completed the ships which are now under construction, we shall need 498 more officers; and if you add to those 125 as a proper allowance for officers in transit, on shore duty, and on leave, then you will find that at the end of four years, when our ships now under construction are completed, there will be a total deficiency of 1,360 officers.

The committee every year have been calling the attention of the House to this matter. Last year we recommended a provision to increase the number of naval cadets by 500, but it went out upon a point of order here in this House. This year, however, the committee have come back with renewed vigor and desire to be all the more emphatic upon this question and say here to this Committee of the Whole, "Unless you provide for an increase in the number of officers you ought to stop the construction of ships, because you will not have men to officer those ships." What is the necessity of building up the Navy unless you propose to use your ships?

In this bill we have made provision for doubling the number of midshipmen in our Naval Academy, so that each member of Congress shall have an appointment once in two years instead of once in four years. That is one provision that we have recommended in order to meet this alarming situation.

Mr. RIXEY. Does not the gentleman think there ought to be a limitation of the time during which this provision in regard to doubling the number of cadets shall continue to operate?

Mr. FOSS. I would say to my friend that Congress will be in session in the years to come, and it can at any time cut off this provision or otherwise reduce the number of midshipmen as we may see fit. We have not fixed any limitation here. At first I thought there ought perhaps to be a limitation, say, of twelve years, but Congress can at any time make any reduction in the number that may be deemed necessary.

Mr. RIXEY. Can the gentleman tell me whether or not the Secretary of the Navy has recommended that there be such a limitation? I am under the impression that he has so recommended.

Mr. FOSS. I do not recollect that anywhere in his hearing. If the gentleman can recall any such recommendation, I shall be glad if he will refer me to it.

Mr. METCALF. Has the committee considered the question of doing away with the two years' sea cruise and commissioning midshipmen immediately upon graduation?

Mr. FOSS. No, sir.

Mr. METCALF. Does not the gentleman think that ought to be done?

Mr. FOSS. As the gentleman knows, that question was under consideration, I think, last year and two years before, and I do not know but the year before that. But there has not come to the committee any recommendation of that kind from the Department this year, and we did not give the subject any consideration. I may say, however, that I think the House is favorable to that proposition, because it has been carried through here on two occasions.

Mr. METCALF. That would place the midshipmen on the same footing as the cadets at West Point.

Mr. FOSS. In order to relieve the situation as to the deficiency in our number of officers, the committee has recommended—

> Second. The appointment of 12 ensigns from the warrant officers each calendar year, under the restrictions imposed by existing law.
>
> Third. The appointment of 30 additional lieutenant-commanders and 50 additional lieutenants (of whom not more than 25 per cent shall be appointed in each of said grades during one calendar year) and such increase in the grades of lieutenant (junior grade) and ensign as may qualify under existing law and the provisions of this act.
>
> Fourth. The appointment of 30 additional surgeons with the rank of lieutenant-commander and 120 additional passed assistant and assistant surgeons with the rank, respectively, of lieutenant and lieutenant (junior grade), of whom not more than 25 assistant surgeons shall be appointed in one year.
>
> Fifth. The appointment of 2 additional pay inspectors, 36 additional paymasters, 26 passed assistant and assistant paymasters, of whom not more than 20 assistant paymasters shall be appointed each year.
>
> Sixth. The appointment of 29 additional naval constructors and assistant naval constructors, of whom not more than 5 assistant naval constructors shall be appointed in any one year.
>
> Seventh. The appointment of 1 additional civil engineer and 12 assistant civil engineers, of whom not more than 3 assistant civil engineers shall be appointed in any one year.
>
> Eighth. The following increase of officers and men in the Marine Corps: 1 colonel, 1 lieutenant-colonel, 5 majors, 12 captains, 25 first lieutenants, 12 second lieutenants, 1 assistant adjutant and inspector with the rank of lieutenant-colonel, 2 assistant adjutants and inspectors with the rank of major, 1 assistant quartermaster with the rank of lieutenant-colonel, 5 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of lieutenant-colonel, 1 assistant paymaster with the rank of captain, 1 sergeant-major, 40 quartermaster-sergeants, 12 first sergeants, 65 sergeants, 55 corporals, 10 drummers, 10 trumpeters, and 527 privates.

These are the recommendations which are proposed by the Committee on Naval Affairs in order to meet the condition which is spoken of by the Secretary of the Navy in his report, and also referred to more emphatically in his hearing before the committee, to relieve the present dearth of officers and the prospective deficiency which will occur in the next few years unless we make some provision now.

Mr. STEELE. I should like to inquire whether the various additional officers that the gentleman has enumerated are to be appointed from the Navy, or, if not all, how many of them and from what class? Is it provided that civilians shall be appointed?

Mr. FOSS. Well, in the Marine Corps they are taken from civil life when the supply from the Academy has been exhausted.

Mr. STEELE. And the rest, the engineer officers and the pay officers, are they to come from the Navy?

Mr. FOSS. They would be taken from civil life.

Mr. HULL. Let me put one question to the gentleman from Illinois. Has he or his committee ever considered the advisability of bringing in legislation independently of the appropriation

bill? I see that this bill is full of new legislation. In other words, you concentrate all the legislation for the Navy and the Marine Corps on an appropriation bill. I should like to suggest that it is impossible for Congress to give very much consideration to it in that way, and to ask if the gentleman has not considered the advisability of doing as the other committees do—bring in these measures as independent measures, so that they may be considered without tying up the appropriation bill or being subject to a point of order?

Mr. FOSS. I would say to my friend from Iowa that the committee considered that matter, and they are of the opinion that it is better and wiser to have these matters considered by special bills, rather than upon the appropriation bill; but this year, owing to the pressure which has been upon the committee for the consideration of many matters, it was deemed advisable to ask the Committee on Rules for a rule allowing the consideration of this matter, which was so important and so pressing, and the Committee on Rules reported this morning, probably in the absence of the gentleman, and passed a rule allowing a consideration of the increase in the number of officers, in connection with this bill. But as to the general proposition which the gentleman advances, I believe that our appropriation bills should be kept as free as possible from new legislation. I think that is the opinion of the committee.

Mr. HULL. I am glad of it.

Mr. FOSS. Now, Mr. Chairman, there is one other matter to which I would like to call the attention of the House, and that is a matter which is perhaps of greater interest to the people at large in the consideration of this bill than anything else, and that is the naval programme.

This year the committee recommend the building of three first-class seagoing battle ships, one armored cruiser, and two training ships. The cost of these vessels when completed will amount in round numbers to about $30,000,000. This is about the same programme in size as the one which passed the House last year in the naval appropriation act. But you will recall, however, that instead of three battle ships we provided for two battle ships last year, and instead of one armored cruiser asked for this year, we provided for two.

Now, I do not know that I care to say anything further in relation to the appropriation bill at this time, but as these different provisions come up in the course of debate, I shall be pleased to give what little information I possess to the members of the committee, if called upon.

Now, Mr. Chairman, I will ask my colleague upon the committee [Mr. TATE] if he is ready to go on with the general debate.

Papers were presented by Mr. FOSS as follows:

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
OFFICE OF NAVAL INTELLIGENCE,
Washington, D. C., January 2, 1903.

DEAR SIR: Referring to your letter of December 17, 1902, requesting a statement as to foreign naval programmes, I have the honor to forward herewith the desired memorandum. In addition, I forward a printed list showing the number and displacement of vessels of different classes, built and building, for the principal naval powers, which has been corrected up to November 30, 1902.

A valuable chart showing graphically the policy of the leading naval powers of building ships in homogeneous groups or otherwise, has been sent to the Scientific American for publication and will probably reach you in due time.

Very respectfully,

C. D. SIGSBEE,
Chief Intelligence Officer.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MEMORANDUM OF INFORMATION—FOREIGN NAVAL PROGRAMMES.

OFFICE OF NAVAL INTELLIGENCE,
January 2, 1903.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs, House of Representatives:

Austria.—Three battle ships of 10,600 tons displacement each are proposed. One of these has been laid down. The budget of 1902-3 includes 2 monitors for the defense of the Danube, and 5 patrol boats.

England.—The new vessels authorized by the budget of 1902-3 are 2 battle ships, 2 armored cruisers, 2 third-class cruisers, 4 scouts, 9 destroyers, 4 torpedo boats, and 4 submarines.

France.—The new vessels authorized are 1 battle ship, 2 armored cruisers, 2 destroyers, and 16 torpedo boats. In addition, material was to be ordered for 3 battle ships to be laid down in 1903, and orders were to be placed for 13 submarines, with the understanding that they should not be begun until 1903. A change in the ministry of marine resulted in the countermanding of the order for the 3 battle ships to be laid down in 1903, and the matter is still in abeyance. Public opinion is in favor of their being reinserted in the budget.

Germany.—The new vessels authorized are 2 battle ships, 1 armored cruiser, 3 small cruisers, 1 gunboat (extra to programme), 1 division (6) of destroyers, and 1 gunboat for service in Chinese rivers.

Italy.—The Italian budget for 1902-3 provides for the laying down of 3 battle ships, 2 colliers, 2 destroyers, 1 submarine, 4 seagoing torpedo boats, and 1 repair ship.

Japan.—The programme for new construction in Japan is at present confined to cruisers and torpedo boats, to be built at home yards. A new building programme, covering the period 1904-1907, and now under consideration, provides for 4 battle ships, 2 armored cruisers, 4 protected cruisers, 15 torpedo boat destroyers, and 50 torpedo boats.

Russia.—No plan has been formed for the building of new ships beyond the carrying out of the programme of 1899. There have been laid down under this programme 7 battle ships, of which 6 have been launched. There are now building in Russian shipyards 5 protected cruisers, of which 4 have been launched.

C. D. SIGSBEE.
Chief Intelligence Officer.

Number and displacement of vessels of different classes built and building for the principal naval powers November 30, 1902.

UNITED STATES.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	10	112,329	9	131,200
Other battle ships and coast-defense iron-clads	10	41,002	2	6,428
Armored cruisers	2	17,415	8	111,800
Protected cruisers, first class (above 6,000 tons)	2	14,750	3	28,880
Protected cruisers, second class (3,000 to 6,000 tons)	12	47,100	6	18,600
Unprotected and partially protected cruisers (above 1,000 tons)	23	32,111		
Gunboats (below 1,000 tons and of or above 400 tons)	6	4,020		
Torpedo-boat destroyers	12	5,259	4	1,620
Torpedo boats, first class (above 100 tons)	25	3,913	5	1,116
Torpedo boats, second class (below 100 tons)	6	285		
Submarine boats	1	75	7	840
Total displacement	109	278,259	44	300,484
Total built and building	153—578,743 tons.			

GREAT BRITAIN.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	41	551,160	11	167,750
Other battle ships and coast-defense iron-clads	5	40,740		
Armored cruisers	17	158,300	20	205,700
Protected cruisers, first class (above 6,000 tons)	21	201,950		
Protected cruisers, second class (3,000 to 6,000 tons)	52	228,480	4	17,760
Unprotected and partially protected cruisers (above 1,000 tons)	48	105,630	2	1,140
Gunboats (below 1,000 tons and of or above 400 tons)	84	70,645		
Torpedo-boat destroyers	108	35,066	23	11,455
Torpedo boats, first class (above 100 tons)	19	2,971	9	1,746
Torpedo boats, second class (below 100 tons)	151	6,076		
Submarine boats			9	1,305
Total displacement	546	1,401,018	78	406,856
Total built and building	624—1,807,874 tons.			

FRANCE.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	20	225,667	6	87,780
Other battle ships and coast-defense iron-clads	19	87,303		
Armored cruisers	15	105,324	10	110,546
Protected cruisers, first class (above 6,000 tons)	4	31,513		
Protected cruisers, second class (3,000 to 6,000 tons)	17	68,783	1	5,595
Unprotected and partially protected cruisers (above 1,000 tons)	18	32,840		
Gunboats (below 1,000 tons and of or above 400 tons)	25	14,151		
Torpedo boat destroyers	16	4,764	18	5,388
Torpedo boats, first class (above 100 tons)	38	5,665		
Torpedo boats, second class (below 100 tons)	186	13,379	26	2,319
Submarine boats	12	1,553	22	1,704
Total displacement	370	590,942	83	213,332
Total built and building	453—804,274 tons.			

GERMANY.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	9	100,969	5	62,779
Other battle ships and coast-defense iron-clads	23	110,886		
Armored cruisers	3	28,146	2	18,238
Protected cruisers, second class (3,000 to 6,000 tons)	10	50,120	1	3,250
Unprotected and partially protected cruisers (above 1,000 tons)	30	61,250	5	13,446
Gunboats (below 1,000 tons and of or above 400 tons)	10	9,029	1	900
Torpedo-boat destroyers	35	11,815	6	2,100
Torpedo boats, first class (above 100 tons)	47	7,080		
Torpedo boats, second class (below 100 tons)	38	3,420		
Total displacement	205	382,715	20	100,713
Total built and building	225—483,428 tons.			

Number and displacement of vessels of different classes built and building for the principal naval powers November 30, 1902—Continued.

JAPAN.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	6	84,300		
Other battle ships and coast-defense iron-clads	2	9,287		
Armored cruisers	7	60,600		
Protected cruisers, second class (3,000 to 6,000 tons)	10	41,226	2	6,730
Unprotected and partially protected cruisers (above 1,000 tons)	14	25,570		
Gunboats (below 1,000 tons and of or above 400 tons)	12	6,906		
Torpedo-boat destroyers	15	4,597	4	1,500
Torpedo boats, first class (above 100 tons)	18	1,240	6	900
Torpedo boats, second class (below 100 tons)	58	4,302	10	850
Total displacement	142	238,028	22	9,980
Total built and building	164—248,008 tons.			

RUSSIA.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	11	124,231	8	105,754
Other battle ships and coast-defense iron-clads	13	72,982		
Armored cruisers	8	70,193		
Protected cruisers, first class (above 6,000 tons)	5	32,330	4	26,340
Protected cruisers, second class (3,000 to 6,000 tons)	5	18,612	5	15,200
Unprotected and partially protected cruisers (above 1,000 tons)	8	10,057		
Gunboats (below 1,000 tons and of or above 400 tons)	11	6,277		
Torpedo-boat destroyers	27	7,222	27	9,374
Torpedo boats, first class (above 100 tons)	39	4,670	10	1,500
Torpedo boats, second class (below 100 tons)	93	4,826		
Submarine boats			1	
Total displacement	220	351,400	55	158,168
Total built and building	275—509,568 tons.			

AUSTRIA.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)			2	21,200
Other battle ships and coast-defense iron-clads	9	57,430	2	16,600
Armored cruisers	2	11,520	1	7,300
Protected cruisers, second class (3,000 to 6,000 tons)	2	8,128		
Unprotected and partially protected cruisers (above 1,000 tons)	8	15,620		
Gunboats (below 1,000 tons and of or above 400 tons)	10	5,670		
Torpedo boats, first class (above 100 tons)	6	858		
Torpedo boats, second class (below 100 tons)	63	3,759		
Total displacement	100	102,985	5	45,100
Total built and building	105—148,085 tons.			

ITALY.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	9	116,596	7	88,553
Other battle ships and coast-defense iron-clads	2	19,290		
Armored cruisers	5	31,891	1	7,294
Protected cruisers, second class (3,000 to 6,000 tons)	6	20,554		
Unprotected and partially protected cruisers (above 1,000 tons)	15	30,209		
Gunboats (below 1,000 tons and of or above 400 tons)	16	12,774		
Torpedo-boat destroyers	9	2,833	2	650
Torpedo boats, first class (above 100 tons)	13	1,706	4	560
Torpedo boats, second class (below 100 tons)	124	8,140		
Submarine boats	1	105	1	
Total displacement	200	244,098	15	97,057
Total built and building	215—341,155 tons.			

N. B.—Vessels launched before 1878, unless reconstructed and rearmed, are not included in these lists. Unprotected cruisers and gunboats do not include converted merchant vessels or yachts.

Mr. FOSS. Now, Mr. Chairman, I will ask my colleague upon the committee [Mr. TATE] if he is ready to go on with the general debate?

Mr. TATE. I ask that my colleague on the committee [Mr. RIXEY] be recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6212. An act to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia; and

S. R. 159. Joint resolution granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4443. An act granting an increase of pension to Thomas Bassett;

S. 6063. An act granting an increase of pension to Orson Nickerson;

S. 6370. An act granting an increase of pension to Alice F. Smalley; and

S. 6653. An act granting a pension to Halvor Paulsen; and

S. 7207. An act granting an increase of pension to May Mosher Chase.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. CLARK of Wyoming, Mr. GAMBLE, and Mr. McLAURIN of Mississippi as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17247. An act granting a pension to Mary H. Rumple; and

H. R. 15767. An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. RIXEY. Mr. Chairman, the large amount carried by this bill, $79,000,000, does not, I think, indicate that the limit of expenditure for the naval establishment has been reached. The bill now carries about three times as great an amount as it did prior to the Spanish war, and notwithstanding the large amount it seems to me that the bills in the future will carry still larger appropriations.

This is made manifest by the fact that this bill provides for doubling the number of cadets at Annapolis, and that it provides for doubling the Medical Corps. It provides for adding 50 per cent to the Paymaster Corps, 40 per cent to the Construction Corps, and it provides for an increase of officers in the higher grades.

In addition to this, it provides for an increase in the number of men in the Navy, as well as increase in the number of men and officers in the Marine Corps.

The rapid rate at which appropriations in the Navy have increased is well illustrated by a statement given us by the Bureau of Ordnance. Admiral O'Neil, the head of that Bureau, when before that committee, stated that in 1892 and 1893 the appropriation for the Ordnance Bureau, which did not include anything for construction or repair, was $180,000; for 1893 and 1894 it was $200,000; and it remained at $200,000 until 1898 and 1899, while now the appropriation is $1,500,000.

The rapid increase in expenditures for the Navy Department is also shown by the first three statements in the report of the chairman of the Committee on Naval Affairs. Under "Pay of the

Navy," the estimates were $17,816,099, while the amount carried by this bill is $18,361,099.10. Under "Bureau of Navigation," the estimates were $1,157,125, while the amount carried in the bill is $1,575,723. Under "Bureau of Ordnance," the estimates were for $2,761,006.75, while the bill carries $3,061,006.75. In other words, the estimates made up to the 1st of December did not keep pace with the requirements for the appropriations, and the bill made up in January carries for a number of these bureaus larger appropriations than were estimated for.

It is therefore manifest that we have to meet increased expenditures for the Navy in the future. This bill provides under the head of increase in the Navy, which applies more especially to the number of ships authorized, for three battle ships, one armored cruiser, and three smaller ships. It is a fact, Mr. Chairman, that we have already completed 9 battle ships of the first class and 1 of the second class, and 2 armored cruisers. It is a striking fact that we are now building under authorizations already had as many battle ships as we have in commission. In other words, we are now building 10 battle ships, which will cost $75,000,000; we are now building 8 armored cruisers, whereas we have only 2 completed. These 8 will cost us $60,000,000, and the smaller craft now building will bring the grand total of cost up, for ships now building, to not less than $150,000,000. It is true that a portion of this money has been paid; but from the reports of the chairman of the Committee on Naval Affairs I take it that we still owe upon the authorizations for ships now building over $100,000,000.

My view of this matter is that we can well wait until December before we authorize any more great ships. Two years ago in the short session of Congress the Committee on Naval Affairs brought in its bill, recommending the building of 2 battleships and 2 armored cruisers. I opposed the provision at that time, believing that we could well wait until the incoming Congress. Upon an amendment by the Senate that provision was struck out, and the Navy Department was instructed to furnish plans to the next session of Congress for these great ships. These ships were authorized, and for a short time thereafter it seemed to be the opinion of the people in authority that we would not authorize at this session of Congress any of these great ships.

I remember when the distinguished chairman of the Committee on Naval Affairs of the House and the chairman of the Naval Affairs Committee of the Senate and the gentleman from West Virginia [Mr. DAYTON] an influential member of the majority on the House Naval Affairs Committee, all gave out interviews during the maneuvers at Newport, R. I., in which they gave it as their opinion that Congress ought only to authorize the building of these great ships once during the life of a Congress, and that during the long session. I thought, after these interviews from these distinguished gentlemen, that we would not have this proposition here during the short session. I am somewhat at a loss to understand why it should now be insisted that, notwithstanding the fact that we are building ships costing $150,000,000, and are practically already doubling the number of great ships, as well as men, we must at this time authorize the building of four battle ships, because the armored cruiser costs as much as a battle ship and is such in everything except name.

We are told, in some places, that it is because of the Venezuelan incident. Why, Mr. Chairman, Germany sent only a cruiser there. Great Britain sent only a cruiser there. Tell me that we are to be frightened by a cruiser from a foreign country going to South American countries? In my judgment we have at this time as good a Navy as any upon the face of the earth; and I believe we are building now as fast as any other country except Great Britain. We have heard, in some places, a great deal said about the naval prowess of Germany, and it seems to me an effort has been made to prejudice the people of this country against that great people. Advantage seems to have been taken of the fact that Germany is increasing her navy to make it appear that she has designs upon this country. It is a well-known fact that so far as Great Britain is concerned she is bound to us by many ties which can not well be broken, and, so far as I am able to judge, there is no greater danger from Germany or any other foreign country than there is from Great Britain.

But what is the armament of Germany? I have here a statement taken from the Philadelphia Inquirer of February 12, 1903. That paper has always been a consistent advocate of a great building programme for the Navy. This statement shows a few figures which will suffice to make the situation clear:

The German Naval Yearbook is good authority upon the question, and in its edition for 1902 it publishes some statistics which are to the point. Only battle ships and cruisers of over 5,000 tons not launched prior to 1882 are included.

By 1906 England will have 57 battle ships, 52 of them over 10,000 tons, with an aggregate displacement of 765,750 tons, and 70 large cruisers, 29 protected, with an aggregate displacement of 648,440 tons. This would make the aggregate tonnage of the battle ships and cruisers comprised in the British navy 1,414,190 tons. Now, look at the Navy of the United States:

Assuming that the programme which has been adopted is fully carried out, this country by the year 1906 will have 20 battle ships, 19 of them over 10,000 tons, which will aggregate 248,294 tons, and 16 cruisers, 13 protected, aggregating 176,155 tons. The total tonnage of the United States Navy will then be 424,449, or considerably less than one-third the tonnage of the navy of Great Britain. France with 32 battle ships and 28 cruisers, and Russia with 25 battle ships and 18 cruisers, will be ahead of us, while Germany, with 19 battle ships and 11 cruisers, will not be far behind. It must be remembered, however, that the German naval programme will not have been carried out as soon as 1906. When it shall have been executed, Germany at the present rate of progress will be ahead. At this time that country and the United States as respects their naval strength stand close together, each being materially behind Great Britain, Russia, and France.

We have now already completed 10 battle ships. We are building 10 more and 8 armored cruisers. In other words, we are building 18 great war ships, and I do not believe that there is any other nation, with the exception, possibly, of Great Britain, which has as many of such ships now building.

Something has been said about the opinion of the honorable Secretary of the Navy. The Secretary of the Navy, in regard to this building programme, when asked his opinion, stated that it was simply a question with him as to whose opinion he should adopt. He said:

Oh, of course, when I talk about my opinion it is a question of whose opinion I should take or adopt. I can not have any opinion that is worth very much. Having looked the whole question over, I think the opinion of the board is correct that we ought to duplicate the programme. There are many officers who believe that instead of building battle ships of the *Connecticut* type of 16,000 tons we should build them of 12,000 or 13,000 tons of the *Maine* type. If this committee wishes to modify it in that respect, I have no objection.

I have seen it stated if these ships are authorized it is the intention of the Department to build them upon the identical plans which were adopted two years ago. I am not in favor of continuing the building of great battle ships upon old plans. I believe there ought to be some improvement, and my judgment is that instead of adopting this provision directing the building of these ships we ought to call upon the Navy Department for plans and specifications upon which the ships can be authorized at the next session of Congress.

This bill provides for battle ships which shall be of 16,000 tons displacement. The Secretary of the Navy says that the Department is divided in its opinion as to whether we ought to build the 16,000-ton battle ships or types of the 12,000 or 13,000 ton.

I would ask, Mr. Chairman, why this great haste in the building of battle ships? We have been going on year after year authorizing the building of battle ships and making no provision for officers for these ships. It takes as long to educate an officer as it does to build a battle ship. For many years we have authorized no officers; but almost every year we are authorizing the building of great battle ships. Why is it? I do not know; but this is a significant fact, that for four great ships an appropriation of $30,000,000 is required, and that the $30,000,000 go practically to two sources—about one-half to the shipbuilders and the other half to the armor-plate manufacturers. Year after year we authorize the ships and make the great appropriations. But after these great ships are authorized there does not seem to be any very great haste in their completion.

From the report of the Chief of the Bureau of Construction and Repair I find that the battle ship *Maine* was seventeen months over her contract limit for completion. I find that the *Missouri* is already twenty months behind. I find that the *Ohio* is twenty-nine months behind the contract limit. I find that the *Virginia* is thirteen months behind. I find that the *Nebraska* is ten months, the *Georgia* twelve months, and the *New Jersey* ten months behind, and so on with other ships.

Furthermore, I find from the hearings that there is a penalty of $300 a day attached to the contract for a failure to complete within the time, but Admiral Bowles, Chief of Construction and Repair, says that this penalty has never been enforced, and yet we are year after year authorizing the building of ships. We can not delay for six months for fear, forsooth, some disaster may happen to this country! Yet after the contract is let these contractors are anywhere from ten to twenty months behind in the time for the completion of their contracts.

So long as this is the case, is there any necessity for this great and ill-considered haste in the authorization of battle ships? My own view is to wait until December and begin with the new Congress upon plans to be furnished us, and then decide what shall be the number of ships to be then authorized. I know, however, Mr. Chairman, that my protest in this respect amounts to nothing I very well remember that two years ago the distinguished gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, stated that while he would support the authorization for ships carried by that bill, in his judgment when those ships were authorized we would then have reached, in his opinion, the size of the Navy that was necessary for the needs of this country. And yet, since that time, with no justification for change of opinion, I believe that the overwhelming sentiment of this House

is not only for these ships carried in this bill, but for the continuation of this programme almost indefinitely.

My own judgment is that we have built and are building as fast as, if not faster than, the needs of the Government require. With 20 battle ships, 10 armored cruisers, and a great number of smaller fighting craft, we have already as great a navy as this country requires. To man and officer these ships it will take, including the Marine Corps, about 50,000 men.

I do not care, Mr. Chairman, to say more on this subject. I realize that my views are not in this respect in accord with the majority of this House, but being convinced that there is no more necessity for a navy of more than 50,000 men than there is for an army of more than 50,000 men, I shall vote at this time against the authorization of these great battle ships. [Applause.] Mr. Chairman, I reserve the balance of my time.

Mr. DAYTON. Mr. Chairman, in the absence of the gentleman from Illinois [Mr. FOSS], the chairman of the committee, and acting in his stead, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. ADAMS].

The CHAIRMAN. The gentleman from Illinois did not consume the whole of his time, and the Chair will recognize anyone to whom the gentleman from West Virginia [Mr. DAYTON] may assign the floor.

Mr. ADAMS. Mr. Chairman, as one of the Regents of the Smithsonian Institution, representing this House on the board of that institution, I take this, the first, opportunity to reply to some remarks made during the consideration of the sundry civil bill by the distinguished gentleman from Massachusetts [Mr. GILLETT] relating to that institution, its management, and the various scientific bureaus under its control.

The gentleman prefaced his remarks with a confession that he was a novice on that committee, and he undertook, as he said, simply to give the impressions which he had gained during the first year of his service. Had the gentleman used his "new broom" to stir up a little dust which may have accumulated on the machinery of the Smithsonian Institute, I should have been in hearty sympathy with him; for I am frank to confess that under the management of the amiable gentleman, as he described the distinguished secretary who presides over that institution, I think, and confess as a member of the board, that there is some ground for criticism. But the gentleman left the dust still settled in the various cracks and crevices, and attacked the institution as a whole, together with the object and utility of the various bureaus under its jurisdiction. I am somewhat surprised at such criticism coming from a gentleman who is an accomplished graduate of two of New England's most distinguished colleges—surprised that he should have seen fit to criticise the "uselessness" of science, and take the position that the institution should neither be encouraged nor supported by the Government's supervision or appropriations for that purpose.

The gentleman said:

> There is another whole series of expenditures which attracted my attention in the appropriations for the Geological Survey and the Smithsonian Museum. I confess it does not seem to me that such expenditures are warranted for scientific researches which do not promise any direct material advantage.

Mr. Chairman, it was my great privilege to be a member of the Geological Survey for five years. I was there a long time ago—over thirty years—when the preliminary explorations and surveys were opening up the great Territories then of Idaho, Montana, Wyoming, Utah, New Mexico, and Colorado.

Sir, there never was money expended by the United States that ever brought back such material returns as the money that was expended in that survey. It directed attention to and opened up the agricultural lands and the mining regions—pointed them out to those who were about to take their course westward and settle. Those territories have now become great and flourishing States, guided and directed to a great extent by the reports that were furnished by that "useless" geological survey. Why, Mr. Chairman, the results are simply colossal. It is not necessary for me to dwell upon them when I am addressing Representatives sitting here from the very States whose settlement, when they were but Territories, was guided under the exploration and practical information of this survey.

I am afraid to turn to the exploration of the Yellowstone Park, which has preserved those great physical wonders to our country, because the practical gentleman from Massachusetts would have no sympathy with the pleasure and the instruction obtained for our people by preserving the wonders and the fast dying out species of game in that park. I will ask him to turn his view from the curling columns of steam of the geysers in a southerly direction, where he will encounter the smoke rising from the smokestacks of the Colorado Coal and Fuel Company, and I will say to him that when I was a member of the survey in that section the preliminary geological reports on the coal and iron fields of that section were made by this "useless" survey. To-day Pueblo is to the far West what Birmingham is to the South and Pittsburg to the East. There are great iron works there, which are supplying for that section railroad rails and machinery, the cost of which, if the expense of transportation were added to the cost of manufacture in the far East, would be practically prohibitory.

Surely, Mr. Chairman, the money expended in geological survey has been of practical use, and has brought back a return that mounts into the millions, and is beyond human computation.

In regard to the Museum itself, the gentleman says that it would be of great interest to all, that it should be maintained and handsomely housed, but he does not see why $175,000 should annually be expended for its support. Why, Mr. Chairman, if I thought for a moment that the great National Museum was simply a place of amusement for the people who come to Washington, I would not only be unwilling to serve on the Board of Regents, but I would oppose the appropriation of a single dollar for that institution. It costs $170,000 a year because the great collections that have been gathered there from all over the country at vast expense to the Government would be useless to science and scientific students if they were not properly arranged and classified and put in such order that those who seek information, not amusement, could have free access to them and find them properly arranged.

I am glad to say that the Board of Regents have submitted, and it will be put on the appropriation bill in the Senate, and will come to the House, an appropriation of $1,500,000 or $3,000,000 for a new building. I shall ask the earnest support of my colleagues for that appropriation, because these specimens that have been gathered at such great expense are now actually going to decay for the want of proper space and proper care and a building of sufficient size which should be waterproof, something the present building is not, in order that they may be properly protected.

The gentleman objects to the appropriation of $40,000 a year for the Bureau of Ethnology. This is a branch under the Geological Survey. It is purely historical and genealogical, I admit, in its character. It may not bring any practical returns, but it has to do with a question that interests all the men on this earth far more than science, far more than practical utility. That is the question of how we come to be here, where we came from, and what is the history, from an ethnological standpoint, of our country, who were the American Indians, what relation they have to Holy Scripture, what relation they have to the history of man in general. The sum asked is not a large sum. The research is purely scientific, I will admit, but it is not a work which could be expected to be carried on by private enterprise. It interests and benefits all the people of the country. It strikes me that it is a proper function of government, and one that should be carried on.

The gentleman criticises the item of $10,000 annually for the Paleontological Bureau. That is a practical branch of geology. Geological formation can not be interpreted, nor can its history be written, except through a study of the fossils. The practical side to this is that when great engineering problems come to be carried out, when tunnels are to be built and shafts are to be sunk, a knowledge of the nature of the soil and of the rock is absolutely essential. It has a practical side which is worth the money over and over again.

The gentleman criticises the appropriation of $15,000 for astrophysical research. Mr. Chairman, so much has come of practical utility from what was originally abstract study of science that nobody can pronounce what is useless or what will be useful. I am afraid the gentleman from Massachusetts [Mr. GILLETT], if he had seen the great Franklin breasting the thunderstorm and flying his kite in the noise and roar thereof, and amid the shooting lightning, might have thought he was toying with a useless science. Yet I doubt not that when the gentleman from Massachusetts prepared his remarks he did it with the aid of the electric light, which would not have been at his command had it not been for that abstract study of science by Franklin.

The one branch of science about which we probably know less than any other is the relation of the sun to the earth. We have now great atmospheric disturbances. We have hurricanes that sweep the country, entailing great loss of life and terrible loss of property. We can not understand their origin or know whither they will take their course. So also with respect to the effect of the heat coming from the sun and the analysis of its rays. What may come from that in time no man can tell. It is a proper function of government, in my judgment, to carry on those researches. We are now using electricity for heat and other practical purposes. Who knows but some inventor may discover how to gather and concentrate the heat from the sun? Then we will have no trouble from grasping corporations or striking miners, because the supply will be unlimited and within the reach of all.

Now, Mr. Chairman, I have endeavored to call the attention of the House to the great work that is carried on by the Smithsonian Institution. It was endowed, I am almost ashamed to say, not

by an American, but by a lover of science who was an Englishman, a man who left his large fortune to this country for the diffusion and spread of knowledge among mankind. The Board of Regents is trying to carry out that object in its literal and interpreted sense. We are also trying to conduct, both scientifically and practically, the various Government bureaus which have been put under our charge.

I am frank to say there has not been that energy in the Board of Regents which is desirable, but there is a movement now on foot which shows activity. In fact, it is so active that some of us were almost frightened when at the end of the annual meeting we adjourned to meet again—something which has not happened in the six years during which I have had the honor to serve on the Board of Regents. We think that the great collections in that institution must be housed in a fine, large building and we feel they must be arranged and classified and properly taken care of by eminent curators. We feel that the various bureaus in the Geological Survey, in conjunction with the main one, should be carried on to a useful conclusion, and we ask that the House give that support to the institution in the future which it has always done in the past.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARDNER of New Jersey having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7043) to establish a light-house depot for the second light-house district, Boston Harbor, Mass.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. GILLETT of Massachusetts. Mr. Chairman, I fear this onslaught upon me by the gentleman from Pennsylvania in this crowded House will blast my reputation if I do not give a word of reply.

I can not expect to attain the eminence in all the branches of science which distinguishes him, and yet I do not wish to admit that I have that hostility to scientific attainment and improvement which his remarks would indicate.

When I spoke the other day I appreciated the fact that I probably should draw criticism upon my remarks from some of these branches of the Government that were reaching, as I suggested, into the Treasury, but I did not think at the time that I was touching my friend from Pennsylvania.

As he was extolling the usefulness of the Geological Survey it occurred to me that probably his first assistance from the National Government—and I must admit that all he has received from the Government he has more than repaid by his services—was as a member of the Geological Survey. And while I thought that I could, with impunity, criticise paleontology and ethnology and the Smithsonian Institution without touching the personality of any member of this House, I find I was mistaken; and it is really inconvenient that we should have in the House a member who is so distinguished in all scientific lines as our friend from Pennsylvania, so that I can not criticise any of these bureaus without having it appear to be a personal attack upon him and have it resented.

I knew the gentleman was distinguished as a diplomatist. I knew that he was distinguished in international law, but it did not occur to me at the time I spoke that he, like Edmund Burke, had made all knowledge his province, and that he was as familiar and intimate with paleontology as with international law and diplomatic usages. I am very glad to welcome and recognize his lofty attainments in these unusual pursuits. And yet I do not wish him to impute to me, from his superior standing ground, hostility to them. I did not attack science. I do not at all deny the utility of science. The gentleman illustrates it. But I simply think that it is not a part of the business of the Government to spend its money in advancing science unless it has some practical, material benefit.

The gentleman intimates that the great discoveries and development of our Western States come from geological researches. I do not agree with him upon that. I think the coal fields of Colorado would have been discovered without any geological survey. I do not think our gold mines or our silver mines or our lead mines have come from scientific research. It is the inherent, selfish, insatiable energy of the American people to make discoveries which will better themselves that have developed our country. It has not generally been the scientists who have made the money. As far as I know, my friend from Pennsylvania has never coined his scientific attainments into wealth. Nor is it the scientists, as a rule, who make the discoveries of mines and coal fields which materially benefit the country. It is the hard-working men who are out on the pioneer line making discoveries for themselves. And therefore I think we should trust them for the development of the country and that that is the way in which it will be best developed.

I do not believe paleontology and ethnology, which my friend so eloquently and enthusiastically describes—although I admire the intellect which is able to find pleasure in those studies—are so materially advantageous to the country that we ought to appropriate for them from the public Treasury. At the same time I do heartily agree with the desirability of them, and I recognize what my friend so well and eloquently expressed, the value of them to the world. I have no doubt he finds them of great value himself. I have no doubt that in the long evenings, when we perhaps suppose that he is getting relaxation from the intricate problems of international law which absorb his time, that he is really in his room communing with ichthyosauria and megatheriums, and going back to his younger scientific days, where his imagination revels, and where he finds that real intellectual pleasure which his nature craves and the fruits of which we all enjoy.

Mr. ADAMS. Mr. Chairman, as the gentleman and I are together about three evenings a week, we spend our time very profitably together.

Mr. MANN. Profitably to which one? [Laughter.]

Mr. GILLETT of Massachusetts. It occurs to me, Mr. Chairman, that perhaps I have occasionally misjudged my friend, and when I have sometimes seen him here with the dreamy, sentimental look in his eyes, which I perhaps thought were turned upon the gallery and found their inspiration there, I was mistaken, and that really he was in a reverie, and had returned in fancy to his favorite realms of the Eocene and Silurian ages, and was indulging himself in that intellectual enjoyment which is so very much to his credit, and which I have no doubt strengthens his action and influence on this floor.

Now, I shall endeavor in future to give him full credit for these pursuits. I trust that science will still to high intellects give relaxation and pleasure, and I have no doubt but that in that way the world will be advanced. I do not decry it. I do not wish it should be diminished. I recognize the enthusiasm of scientists as inspiring perhaps the highest intellectual effort which we have and I would be the last one to criticise it. The only criticism I made the other day and the only one which I wish to stand by now is not that it is not most creditable to the persons who engage in it, not that it is not most useful to civilization and humanity, but that it is not one of the practical purposes for which the United States of America was organized and to which our Treasury should be devoted. [Applause.]

Mr. FOSS. Mr. Chairman, I do not know of anyone who desires to speak on this side of the Chamber. I ask my colleague on the committee if he desires to speak.

[Mr. VANDIVER addressed the committee. See Appendix.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire at this time to submit some remarks, not upon the pending bill, but upon another question of much public interest. The question that I shall discuss for a while is that of the ownership of the Isle of Pines. This is a matter of concern to quite a number of citizens of the United States who have, since the ratification of the treaty with Spain, gone forward with the idea that that island belonged, under the treaty, to the United States. They have made investments to a considerable sum in the lands of that island and are entitled, as they think, and as I shall contend, to the protection of our Government, which they are not now receiving.

At the outset of what I shall say, Mr. Chairman, I want to disclaim here and now any partisanship or any intention to present this question from the standpoint of politics. It is a question which belongs to us as American citizens, and not as members of any political organization. The contention I make is that that island, under the treaty of Spain, belongs to the United States. The people who have gone there and invested their means—citizens of the United States—were warranted in the opinion that the territory belonged to our Government, and that they would be protected in all their rights as citizens of this Government in investing their money in that island. They have not been protected. They are not now being protected in their property and in their rights as citizens of the United States in that territory, which, I say, belongs to us. On the other hand, Cuba is exercising sovereignty over that island and is oppressing American citizens, who

are lawfully there, by severe exactions, as I shall show. Before I proceed further, I desire, Mr. Chairman, to have read, in my time, three petitions or memorials, signed by several hundred citizens of the United States now in that island.

The Clerk proceeded to read the following:

A MEMORIAL OF AMERICAN CITIZENS OF THE UNITED STATES RESIDING ON THE ISLE OF PINES.

SIR: Your memorialists, numbering 300 American citizens, residing on the Isle of Pines, and who own more than one-half of the island, make the following prayer: First, relief from the present government of the Isle of Pines, and, second, that the island be retained as a part of the territory of the United States.

In respect to the first, it may be said that there is no government on the Isle of Pines. There is an alcalde and seven policemen and a clerk to a judge, whose office is in Habana Province, Cuba. The official actions of all these are governed by officers residing on the island of Cuba. As a matter of fact, there is no need of the presence of the alcalde and the policemen and clerk on the island, for the reason that the moral influence of the Americans is dominant and quite sufficient to maintain order. The clerk referred to has no jurisdiction nor powers which will enable him to transact any business of consequence to the residents of the island.

Almost the entire business that would come before a governmental officer has been the conveyance of land, the payment of taxes, and such acknowledgments as might be taken before a notary public. Yet whenever this business had to be attended to it was necessary to travel to the province of Habana, which required several days and entailed considerable expense, a hardship which many Americans have found it hard to bear. But this hardship is less burdensome and less objectionable than the greed shown by Cuban officials in the exaction of unreasonable fees for the performance of the simplest official acts. The experience of one of our American colonists, Mr. S. H. Pearcy, vice-president of the Isle of Pines Improvement Company, fully illustrates this. He had purchased a tract of land and was compelled to go to Bijucal, Cuba, where the records of the Isle of Pines are kept, to have the conveyance of the property made.

Owing to the procrastination of the Cuban officials he was unable to have the necessary papers executed for nearly four months, during which time he made ten trips from the Isle of Pines to Bijucal, which cost him about $300. In addition to this vexatious delay and unnecessary expense, he was compelled to pay the Cuban notary $500 for drawing the deed. Under the law no one but a notary can draw a deed in Cuba. He was then compelled to pay $1,160 to the recorder for recording the papers. Then he was forced to pay 1 per cent on all amounts of money stated in the papers, the purchase price of the property, all mortgages, etc., and then taxes amounting to $1,310.92. The total cost of obtaining a simple conveyance of this one piece of property was nearly $4,000. Under a rational and just system of government on the island nothing like this would be possible. Besides, the fees and taxes collected under an American government would be applied to improvements on the island. As it is now, Americans owning property on the island are taxed without representation, and money exacted from them is used in no way for their benefit.

It certainly could not have been contemplated by the United States Government, when the instruction was given to General Wood, dated May 16, 1902, to continue "the present government of the Isle of Pines as a de facto government," that it should continue any longer than was necessary for the Department of State to take up the matter and formulate a new and better government for the island.

The War Department relinquished control of the Isle of Pines when the island of Cuba was turned over to the Cuban Government, although it is respectfully submitted that this was not at all necessary, for the law officer of the War Department had explicitly recommended that an "arrangement should be made to station troops on said island before withdrawal from Cuba" (see telegram of Acting Secretary of War to Root, Secretary of War, Habana, Cuba, April 26, 1902). But the War Department did relinquish control of the Isle of Pines without stationing troops there in pursuance of the advice given by the law officer of that Department. It was believed that the State Department would immediately take up the administration of government on the island, which, however, it failed to do, and the island has been left without government and the prey of Cuban officials since May 20, 1902.

Prior to that time the government of the island was essentially under the administration of the War Department as represented in Governor-General Wood. This was the government that must have been referred to as the "present government" in the order of transfer which should be continued as a de facto government on the island. Had that government been continued as the de facto government, your memorialists would have no cause of complaint. But it was not. Instead, an entirely new government was instituted, provided for in the constitution of Cuba, notwithstanding the fact that article 6 of the Platt amendment in terms omits the Isle of Pines from the "proposed constitutional boundaries of Cuba." Thus the scope and meaning of the order of transfer are disregarded and the act of Congress violated. Why this anomalous and remarkable condition of things has been allowed to continue month after month in the face of appeals and prayers and protests, made in writing to the United States Government by 300 American citizens, who are entitled to the protection of their Government, is inexplicable. How much longer will this condition be allowed to continue?

It is difficult to understand how, under the cession of the island to the United States by Spain, and in the light of the Platt amendment omitting the island from the proposed constitutional boundaries of Cuba, any declaration of transfer could be held legal which turned over the island, even temporarily, to the Cuban Government. This would be essentially a repeal of the act of Congress and an abrogation of the terms of the treaty by an administrative officer. No power, save the Congress itself, could do this legally. Yet the order of the Secretary of War accomplished this very thing. In effect, it placed the Isle of Pines, which had been omitted by an act of Congress from the proposed constitutional boundaries of Cuba, within those boundaries, and it is there now. It is not only there by virtue of the declaration of transfer, but by express language of the Cuban constitution, Chapter VII, thereby violating the act of Congress approved March 2, 1901.

About May 1, 1902, Mr. J. C. Tichner and Mr. S. H. Pearcy, and others, had an interview with General Wood in Habana, in which the latter stated emphatically that it would not do to turn the Isle of Pines over to the Cuban Government, for the reason that it would be a violation of the Platt amendment, as well as be doing violence to the rights of the Americans on the island. He further stated that it was his intention to send a small military force over to the island to administer affairs there until something else was done to give the island a suitable form of government. The assurances given by General Wood were communicated to the Americans on the island, and great rejoicing followed. This rejoicing was turned into sorrow and depression by what actually occurred.

In respect to the second prayer, your memorialists beg to say that in locating on the Isle of Pines they relied upon the terms of the treaty of Paris affecting this island, to wit: "Spain relinquishes all claim of sovereignty over and title to Cuba * * * and * * * cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies." They relied not alone upon their own interpretation of the treaty, but also upon the interpretation of it given out by the War Department. August 10, 1899, George Bridges wrote to that Department as follows:

"I am seeking information respecting the Isle of Pines. Does it come in as Porto Rico, or under same conditions as Cuba? I expect to go there in November, and for this information I would thank you in advance."

The War Department replied, under date of August 14, 1899, as follows:

"Referring to your communication of August 10 instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that this island was ceded by Spain to the United States, and is, therefore, a part of our territory, although it is attached at present to the division of Cuba for governmental purposes. A copy of 'The Isle of Pines' is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.

"Very respectfully,

"JOHN J. PERSHING,
"*Assistant Adjutant-General.*"

This was accepted as sufficient. The island had been ceded by Spain to the United States. The War Department, which had administrative control of the island, had declared that it was a "part of our territory." Relying upon this statement, your memorialists, numbering over 300, emigrated to the Isle of Pines, purchased land, and immediately began improvements on the same, precisely as they would have done had they removed to any other territory belonging to the United States. They sought the genial climate, the rich soil, the fine timber, and the other advantages offered on the island. Under the circumstances they assuredly had a right to go there as American citizens, and they also had a right, as they now have, to expect full protection of life, liberty, and property under the flag of their country. These people are bona fide citizens of the United States. They have no purpose of expatriating themselves, and they now appeal to their own Government not to become a party to any act or treaty that will force expatriation upon them.

American citizens have acquired most of the land on the island. There are not to exceed twenty natives who are landed proprietors on the island. More of the island is owned by nonresident Spaniards and Cubans than by native residents. The public land does not exceed 20,000 acres. Hence the larger part of the island belongs to citizens of the United States, who purchased it from private individuals, and have made and are making substantial improvements upon it. Consequently the turning over of the island to Cuba would not only be giving that Government the control of the island, but would be placing under its absolute control a colony of 300 citizens of the United States, together with all of their interests, who are thus forced out of their own country, driven from under their own flag, deprived of the value of their property without hope of compensation, and many of them reduced to want and misery. Can the United States Government afford to do this?

Your memorialists have reason to rely upon statements current in Cuba that in the event of the Isle of Pines being turned over to the Cuban Government a part of the island will be used for prison purposes and a part for the colonization of lepers. Under such conditions Americans could not remain on the island. They would therefore be forced to part with their holdings at any price and leave the island. But whether the Cuban Government should use the island in the way indicated or not, it is not unreasonable to conclude that the administrative conditions would doubtless be such as to drive out self-respecting and independent Americans.

In this connection your memorialists would respectfully call attention to the following statement of facts:

First. There are over 300 American citizens domiciled on the Isle of Pines. They are bona fide American citizens who located on the island for the purpose of making permanent homes.

Second. They own in fee simple more than one-half of the island. On their holdings they have made large and valuable improvements in the way of building residences, barns, hotels, bath houses, electric and ice plants, and the setting out of hundreds of acres of orange trees procured in the United States.

Third. There is one colony of Americans who own 14,000 acres of as fine land as there is on the island. This land has been divided into farms on which are located families from Ohio, Indiana, New York, Illinois, and other States. They have built homes and are making all the improvements necessary for successful farming and fruit growing.

The Isle of Pines Company, composed of people from New York, New Jersey, Tennessee, and other States, own 200,000 acres of land, on which they have made extensive improvements, costing not less than $75,000. The investments of this company in land and improvements amount already to over $1,000,000. The company has recently erected a hotel, the furnishings of which alone cost $13,000. It purchased one estate for which $80,000 was paid.

The Fruit Culture Company has invested $175,000 in land and improvements, and more than 100 people are interested. These people represent 11 States of this Union.

The San José Company, in which 90 people are interested, has made investments amounting to over $1,000,000. The people in this company represent 7 States.

The Iowa colony comprises 40 families, or about 150 people, all from the State of Iowa, who have purchased 20,000 acres of land, on which they are making substantial improvements. They have laid out a town and have a post-office which was established by General Wood.

Fourth. There are 190 individuals, not connected in any way with companies or colonies, who have purchased small tracts of land and are making home improvements thereon. One of these individuals is Mr. Thomas Keenan, of Pittsburg, Pa., who has invested in land, on which he has erected a fine residence, an ice plant, and bath houses and other improvements, at an actual outlay of over $50,000.

Fifth. The value of the Isle of Pines to the United States is not fully appreciated by the United States Government. Its land is fertile, and the climate of the island is most salubrious. The water for drinking purposes is abundant and of the purest quality possible. There never has been an epidemic on the island of any kind. Even when yellow fever raged in Cuba, there was not a single case of that disease on the Isle of Pines. The Cubans who were able to do so fled to the Isle of Pines to escape the ravages of yellow fever. Its value as a winter resort for Americans is inestimable. Those who are most familiar with the island and its waters are firmly of the belief that, with comparatively small expenditure of money, one of the finest harbors in the world could be assured. This would enable the United States to have a coaling and naval station on their own island that would meet all the needs of the United States in that part of the West Indies.

We have the honor to be, your most obedient servants,

S. H. PEARCY,
J. H. H. RANDALL,
T. J. KEENAN.

COLUMBIA, ISLE OF PINES, *October 15, 1902.*

We, the subscribers, citizens of the United States, property owners and residents of the Isle of Pines, respectfully show:

First. That the Isle of Pines is, and has been since the ratification of the treaty of Paris between the United States and Spain, territory belonging to the United States. By the language of the treaty "Spain relinquishes all claim of sovereignty over and title to Cuba * * * and * * * cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies." In an official letter from the War Department, dated August 14, 1899, it was stated, in reply to an inquiry as to the status of the Isle of Pines, that "this island was ceded by Spain to the United States and is, therefore, a part of our territory, although it is attached at present to the division of Cuba for governmental purposes * * * and * * * the disposition of public lands must await the action of Congress."

Second. That no sovereignty, jurisdiction, and control over the Isle of Pines can be lawfully or rightfully exercised except by the United States.

Third. That such sovereignty, jurisdiction, and control over the Isle of Pines were exercised by the United States up to May 20, 1902, by the military governor of Cuba, under the direction of the President of the United States in his capacity as Commander in Chief of the Army of the United States.

Fourth. That on May 16, 1902, the said military governor of Cuba was directed by the Secretary of War, in contemplation of the approaching establishment of the Republic of Cuba, on May 20, 1902, with sovereignty over the Island of Cuba, to continue "the present government of the Isle of Pines as a de facto government."

Fifth. That, disregarding such directions, the said military governor failed to take any steps to continue the then existing government, but did, on May 20, 1902, turn over to the authority of the Republic of Cuba, as on that day established, full control over the Isle of Pines.

Sixth. That since May 20, 1902, the Government of the Republic of Cuba has continued to exercise all the functions of the government of the Isle of Pines.

Seventh. That the exercise of such functions of government by the Republic of Cuba is without warrant under the constitution of that Republic, by which instrument the Isle of Pines is expressly excluded from the constitutional limits of the Republic.

Eighth. That in the exercise of the authority thus usurped the Cuban Government has levied and collected and continues to levy and collect oppressive taxes in the Isle of Pines, the proceeds of which are remitted to and expended in the island of Cuba.

Ninth. That no provision is made by the usurping government for the adequate administration of justice in the Isle of Pines, and that such government as is there maintained is inefficient, inadequate, and unreliable.

Wherefore the subscribers, who, relying on the statement and the official assurance that the island is territory of the United States, have settled in the Isle of Pines and who have invested large sums of money there in the purchase and improvement of real properties, now claim from the Government of the United States the protection due to American citizens on American territory, and respectfully pray:

First. That it be publicly declared, by proper authority, that the Isle of Pines is territory of the United States, and that as such it can not be ceded to any other sovereignty except by the Congress of the United States.

Second. That steps be taken immediately to establish a government in the Isle of Pines under the authority of the United States.

Third. That pending the establishment of such government the Republic of Cuba and all persons acting or claiming to act under its authority be restrained from levying and collecting duties, imposts, and taxes of any kind, and from exercising any of the rights and functions of government, except so far as may be necessary to keep the peace, within the island.

Fourth. That on relinquishing control of the island the Cuban Government be required to account to the United States for all duties, imposts, and taxes of all kinds levied and collected in the Isle of Pines or from residents thereof since May 20, 1902, and that the net product of such taxes be turned over to such government as may be established in the island under the authority of the United States.

And your petitioners will ever pray.

PETITION OF CERTAIN RESIDENTS AND PROPERTY OWNERS OF THE ISLE OF PINES PRAYING THAT IT BE PUBLICLY DECLARED, BY THE PROPER AUTHORITY, THAT THE ISLE OF PINES IS TERRITORY OF THE UNITED STATES, ETC.; AND THAT STEPS BE TAKEN IMMEDIATELY TO ESTABLISH A GOVERNMENT IN THE ISLE OF PINES UNDER THE AUTHORITY OF THE UNITED STATES.

January 27, 1903.—Referred to the Committee on Relations with Cuba and ordered to be printed.

We, the subscribers, citizens of the United States, property owners and residents of the Isle of Pines, respectfully show:

First. That the Isle of Pines is and has been, since the ratification of the treaty of Paris between the United States and Spain, territory belonging to the United States. By the language of the treaty "Spain relinquishes all claim of sovereignty over and title to Cuba * * * and * * * cedes to the United States the islands of Porto Rico and other islands now under Spanish sovereignty in the West Indies." In an official letter from the War Department, dated August 14, 1899, it was stated, in reply to an inquiry as to the status of the Isle of Pines, that "this island was ceded by Spain to the United States and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes * * * and * * * the disposition of public lands must await the action of Congress."

Second. That no sovereignty, jurisdiction, and control over the Isle of Pines can be lawfully or rightfully exercised except by the United States.

Third. That such sovereignty, jurisdiction, and control over the Isle of Pines were exercised by the United States up to May 20, 1902, by the military governor of Cuba, under the direction of the President of the United States, in his capacity of Commander in Chief of the Army of the United States.

Fourth. That on May 16, 1902, the said military governor of Cuba was directed by the Secretary of War, in contemplation of the approaching establishment of the Republic of Cuba, on May 20, 1902, with sovereignty over the island of Cuba, to continue "the present government of the Isle of Pines as a de-facto government."

Fifth. That, disregarding such direction, the said military governor failed to take any steps to continue the then existing government, but did, on May 20, 1902, turn over to the authority of the Republic of Cuba, as on that day established, full control over the Isle of Pines.

Sixth. That since May 20, 1902, the Government of the Republic of Cuba has continued to exercise all the functions of government in the Isle of Pines.

Seventh. That the exercise of such functions of government by the Republic of Cuba is without warrant under the constitution of that Republic, by which instrument the Isle of Pines is expressly excluded from the constitutional limits of the Republic.

Eighth. That in the exercise of the authority thus usurped the Cuban Government has levied and collected, and continues to levy and collect, oppressive taxes in the Isle of Pines, the proceeds of which are remitted to and expended in the island of Cuba.

Ninth. That no provision is made by the usurping Government for the adequate administration of justice in the Isle of Pines, and that such government as is there maintained is inefficient, inadequate, and unreliable.

Wherefore, the subscribers who, relying on the statement and the official assurance that the island is territory of the United States, have settled in the Isle of Pines, and who have invested large sums of money there in the purchase and improvement of real properties, now claim from the Government of the United States the protection due to American citizens on American territory and respectfully pray:

First. That it be publicly declared by the proper authority that the Isle of Pines is territory of the United States, and that as such it can not be ceded to any other sovereignty except by the Congress of the United States.

Second. That steps be taken immediately to establish a government in the Isle of Pines, under the authority of the United States.

Third. That pending the establishment of such government, the Republic of Cuba, and all persons acting or claiming to act under its authority, be restrained from levying and collecting duties, imposts, and taxes of any kind, and from exercising any of the rights and functions of government, except so far as may be necessary to keep the peace within the island.

Fourth. That on relinquishing control of the island the Cuban Government be required to account to the United States for all duties, imposts, and taxes of all kinds levied and collected in the Isle of Pines, or from residents thereof, since May 20, 1902, and that the net product of such taxes be turned over to such government as may be established in the island under the authority of the United States.

And your petitioners will ever pray.

ISLE OF PINE CO.,
By S. H. PEARCY, *Vice-President.*
S. H. PEARCY.
THE ALMACIGAS SPRINGS LAND CO.,
By C. M. JOHNSON, *Secretary.*
C. M. JOHNSON.
THE SANTA FE LAND CO.,
By R. T. WALL, *President.*
ROBERT T. WALL.
E. J. PEARCY.
W. E. YOCUM.

During the reading of the foregoing the following occurred:

Mr. RICHARDSON of Tennessee. That memorial is quite long, and I will ask——

Mr. DALZELL. To whom is the first memorial addressed?

Mr. RICHARDSON of Tennessee. It was not addressed to anyone.

Mr. DALZELL. It begins with the word "Sir."

Mr. RICHARDSON of Tennessee. I have a copy of it here. It is intended to be addressed to Congress, and has been presented to Congress. I ask permission that, without further reading of the three petitions or memorials, they may be inserted in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the memorials may be printed as a part of his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RICHARDSON of Tennessee. I want to comment somewhat, Mr. Chairman, upon some of the statements in these memorials. First, I desire to call attention to article 2 of the treaty of peace between the United States and Spain concluded at Paris on December 10, 1898. Article 2 of that treaty is as follows:

ART. 2. Spain cedes to the United States the island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies.

Of course it goes without saying, Mr. Chairman, that the Isle of Pines was one of the islands in the West Indies, and at that time under the sovereignty of Spain, and by the express letter of this treaty it was ceded to the United States.

On the 14th day of August, 1899, one of the persons now interested in this property in the Isle of Pines desired a further assurance from our authorities as to the title to this island, and at that time he addressed a communication to the War Department. This was Mr. George Bridges, and the memorial sets out these facts. Mr. Bridges said:

I am seeking information respecting the Isle of Pines. Does it come in as Porto Rico or under the same conditions as Cuba? I expect to go there in November, and for this information I would thank you in advance.

This was addressed, as I understand it, to the Secretary of War. The War Department replied under date of August 14, 1899, as follows:

Referring to your communication of August 10 instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that this island was ceded by Spain to the United States and is, therefore, a part of our territory, although it is attached at present to the Division of Cuba for governmental purposes. A copy of The Isle of Pines is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.

Very respectfully,
JOHN J. PERSHING,
Assistant Adjutant-General.

This petitioner states that he accepted this assurance as sufficient, and he went forward believing that the Isle of Pines was a part of the territory of the United States and invested his money. Not only that, but over 300 other memorialists, citizens, as they stated in those memorials, have done the same thing.

To show you that the Government treated this island as not belonging to Cuba, when Congress passed the Army bill in February, 1901, near the close of the last Congress, there was attached to the Army bill what is known as the Platt amendment. Item 6 of the Platt amendment provides that the Isle of Pines shall be omitted from the constitutional boundaries of Cuba, and so forth, the title being left for future adjustment. So that not only the

treaty, not only the Secretary of War, but the Congress by positive enactment in the Platt amendment excepted the Isle of Pines from the constitutional boundaries of the island of Cuba.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. Yes.

Mr. STEPHENS of Texas. Has the United States Government ever in any way disclaimed ownership of the Isle of Pines? And if so, when?

Mr. RICHARDSON of Tennessee. The Government of the United States has never disclaimed ownership. On the other hand, it has all along asserted ownership, and I was coming to that. The military governor of Cuba, General Wood, had military control of the Isle of Pines, and when he retired in May he had a provision made with respect to the Isle of Pines. I have it here. The sovereignty, jurisdiction, and control over the island was exercised by the United States through General Wood up to May 20, 1902, when the military government of the United States terminated in Cuba.

On the 16th of May, 1902, four days before the termination of this military government, the military governor of Cuba was directed by the Secretary of War, in contemplation of the then early approaching establishment of the Republic of Cuba, to continue the present government in the Isle of Pines as a de facto government. The order was that the present government of Cuba—on the 16th of May, 1902, which was the military government of General Wood—should be continued in the Isle of Pines as the de facto government. No other government could be referred to as the present government except that of General Wood.

Now, as a matter of fact, this de facto government has not been so continued. On the other hand, the authorities in Cuba are today exercising sovereignty, jurisdiction, and control over this island and over the American citizens who have gone there under the assurances which I have briefly adverted to and which gave them the right to go there and make their investments and their homes.

The first memorial which I have set out here mentions a very interesting fact to which I wish to call attention. A prominent holder of the property in that island is a citizen of my own State, S. H. Pearcy. I give his name that it may be known to whom I refer. He is a reliable and responsible man. In taking a deed to property in the Isle of Pines only recently he was compelled to submit to what I consider the grossest extortion. I call attention to the charges he was required to pay in taking this deed. In the first place, he was compelled to make ten trips from the Isle of Pines to Cuba, some 90 or 100 miles. He was then compelled to go to a notary public in Cuba and pay $300 for the mere drawing of the deed. He was then forced to submit to a charge of over $1,160 for the recording of the deed, and then to a tax of $1,310.92 for the benefit of the Cuban Government.

Not one dollar of it went into the treasury of the Isle of Pines, for it has no treasury. Not a cent of it was applied to the benefit or uses of the people resident in the Isle of Pines. Every dollar of it went into the treasury of the present Government of Cuba. Mr. Chairman, notwithstanding the reservations to which I have referred, the express language of the treaty with Spain, notwithstanding the provision in the Platt amendment, notwithstanding the order of the military governor of the 16th of May, 1902, before he turned over the Government of Cuba to the people of Cuba, Cuba has assumed to exercise sovereignty or jurisdiction and control over the island, and is now exercising such jurisdiction and control.

In fact, by the constitution of that island, the Isle of Pines is declared to be included in the province of Habana. Chapter 7 of their constitution says the third circuit "will be composed of the ayuntamientos of Guines, La Catalina, Madruga, Melena del Sur, Nueva Paz, San Nicolas, Guara, Bejucal, Batabano, Quivican, Isle of Pines, San Antonio de las Vegas, San Felipe, and La Salud." And this plainly in violation of the statute of the United States, as I have already quoted. Since May 28, 1902, the Isle of Pines has been treated as within the constitutional boundaries of Cuba; indeed, as an integral part of that island. Now, I have mentioned the fact which led up to it, and it seems to me it makes a very interesting chapter for our country.

Mr. STEELE. Will the gentleman permit an interruption?

Mr. RICHARDSON of Tennessee. Yes.

Mr. STEELE. Has it been so treated by the United States?

Mr. RICHARDSON of Tennessee. No; the United States has taken no action so far as I know. With a view to ascertaining what all the facts in the case are, a resolution has been prepared, and I believe it has passed the Senate, calling on the President to give us all the facts and information in respect to the matter. I am not seeking to interfere at all in the case, or to prejudge the question, but am seeking simply to express my view as to the conditions in the island, and to say that with the information we have the title to the island is in the United States. I have myself introduced a similar resolution in the House to-day calling on the President for the information. In addition thereto I have presented another resolution, which I will read:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Isle of Pines is, and has been since the ratification of the treaty of Paris between the United States and Spain, territory belonging to the United States, and can not as such be ceded to any other sovereignty or government, except by the Congress of the United States.

2. Resolved, That no sovereignty, jurisdiction, or control over the Isle of Pines can be lawfully or rightfully exercised except by the United States.

This resolution and the other one to which I have referred as having been introduced by myself were referred to the Committee on Insular Affairs. I hope they will be considered at an early day and that a report will be made to Congress. Under the rules of the House it may be, unless some special power is invoked, that the resolutions, if reported, will not be considered. How that is I shall not attempt to say, but I believed that it was necessary and proper that the attention of the House, of Congress, and the country should be called to the conditions now obtaining in the Isle of Pines.

I close by saying now what I said in the beginning, that I do not do this in any partisan sense. I do not seek to have the matter prejudged in any way; but simply desire to put before the country the conditions prevailing in the island and to ask that relief be given to over 300 American citizens who have gone there under full guaranty of protection, etc., as I believe, from the Government of the United States. These 300 citizens come from scores of States. I know a number from my own State. The memorial that I shall print in the RECORD sets out that 40 families or more have gone from the State of Iowa and have made investments there. I know from what the memorial sets out and from conversations with the distinguished gentleman on the other side from the Pittsburg district that citizens of Pennsylvania residing within his district have made investments in this island. All I wish to do is to call attention to the matter, and I would be delighted if the Committee on Insular Affairs will take up and consider the resolutions I have presented so that the House may pass them, and that we may declare that in our judgment under the treaty and under the acts of Congress this island belongs to the United States.

Mr. STEELE. I would like to ask the gentleman a question. I agree with the gentleman thoroughly that we ought to have the information asked for in the first resolution, but as long as we are asking for that information, does the gentleman not think that it would be well to withhold the second resolution until that information has been presented, instead of passing judgment and declaring a positive fact? We are asking for information which might change our minds when it is given.

Mr. RICHARDSON of Tennessee. Certainly, I agree with the gentleman that that is right. I would not ask the committee or Congress to act upon the second resolution until we have the information, but I have introduced both in order that we might get the information, and when we get it have the second resolution before the committee so that they may act upon it.

Mr. BOUTELL. Does the gentleman understand that there are any civil or military officers of the Cuban Republic exercising authority there?

Mr. RICHARDSON of Tennessee. This memorial sets out that there is an alcalde there, with a few lieutenants or officers under him, but if the gentleman had given attention he would have seen what they say upon that question.

Mr. BOUTELL. I listened to the reading of the memorial.

Mr. RICHARDSON of Tennessee. It will be printed in the RECORD, and the gentleman will see that they say that there is some form of administration there, but it is very imperfect, very unsatisfactory, highly tyrannical.

Mr. BOUTELL. And it would appear to be in contravention of the terms of the treaty.

Mr. RICHARDSON of Tennessee. Clearly in contravention of the terms of the treaty and the order of the military governor, General Wood, when he turned over the island of Cuba to the Cuban authorities.

Mr. BOUTELL. Do you understand that either judicial writs or law are used against our citizens in the Isle of Pines?

Mr. RICHARDSON of Tennessee. It is understood it is a military law. I know it is not law and order, though I do not want to comment upon that improperly.

Mr. ESCH. Have you any information of the collection of taxes on the Isle of Pines, and, if collected, if they are paid, into what treasury they are being paid?

Mr. RICHARDSON of Tennessee. I have already said that that money is paid into the treasury of Cuba. One of these memorials insists that the Government of Cuba should be required to account to the United States for every dollar of tax collected in this way since the 30th of May, 1902.

Mr. ESCH. And that notwithstanding the treaty of Paris?

Mr. RICHARDSON of Tennessee. Notwithstanding the treaty

of Paris, notwithstanding the Platt amendment, and notwithstanding the orders of the War Department. I will ask to print all three of the petitions, though they cover the same ground.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print certain matters to which he has referred in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I do not know of anyone on this side of the Chamber who desires time in general debate. I will ask my colleague on the other side whether that side of the Chamber is through?

Mr. TATE. We do not care for any further time.

Mr. FOSS. Well, Mr. Chairman, I will ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigations; cost of special instruction, at home or abroad, in maintenance of students and attachés and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses, $600,000.

Mr. HEPBURN. Mr. Chairman, I would like to ask the chairman of the committee in charge of this bill the meaning of the word "interest," in line 16, page 2? What interest does the Navy Department pay?

Mr. FOSS. The explanation of that is in the hearings of last year. I will have to get the hearings of last year to give the gentleman an explanation of the matter. It has been in the bill for a number of years.

Mr. HEPBURN. Does that refer to interest due on deposits of enlisted men?

Mr. FOSS. I understand it does.

Mr. HEPBURN. That is satisfactory.

The Clerk read as follows:

Gunnery exercises: Prizes for excellence in gunnery exercises and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges: for hiring established ranges, and for transportation to and from ranges, to be immediately available, $120,000.

Mr. RIXEY. Mr. Chairman, I move to strike out of that paragraph the words "one hundred and twenty thousand" and insert "sixty thousand."

Mr. Chairman, the amount carried in the bill for the past year was $12,000, and this increase of 1,000 per cent strikes me as more than necessary. The only reason given to the committee for this increase was in a paper filed before that committee and the testimony of Captain Cowles, who was the acting chief of the Bureau of Navigation. This paper stated, among other things:

There are now practically no ranges owned by the Navy. The few that in the past have been improvised, and with insufficient money, disappeared. At any rate, we have now adopted "Army firing regulations," and we must provide places to carry out the "firing."

Again:

It is proposed to build permanent ranges for firing up to a thousand yards, and to purchase the necessary land at places marked with (A): Pensacola, Fla.; (A) Yorktown, Va.; (A) Great Salt Pond, Block Island; Frenchmans Bay, Me. (coaling station); New London, Conn.; training station, Newport, R. I.; Naval Academy; (A) Puget Sound; (A) Santa Rosa Island, Cal., near Santa Barbara.

This provision as now before the committee does not include the purchase of land. In the hearings it was stated that no part of it was to be used for the purchase of land. Under these circumstances, as no part of this money is to be used for securing permanent ranges and ownership of the land, I think an increase of 500 per cent in one year is sufficient, and for that reason I have offered the amendment to reduce the amount.

Mr. FOSS. Mr. Chairman, in truth this is a large increase. I know that the committee at first thought it would be wise to adopt the suggestion made by the gentleman in his amendment—to cut it down to $60,000. But the Secretary of the Navy came before us and showed, we thought conclusively, that this was perhaps in many respects one of the most important items in the bill. In his hearing before the committee he says upon this subject:

I do not know of anybody who has expressed it better than the President has when he says that the only shots that count are those that hit.

At the present time we are having in the Navy a great deal of target practice, and the present administration is emphasizing that particularly. Further in the Secretary's hearings, he says:

Every nation in the world is training its men to shoot these guns quickly and straight. There is no way that we can multiply our offensive power so cheaply as by making our gun fire effective. We want to offer prizes to the men every month, and we want to build targets on the land—ranges, rather—where they can practice with rifles and pistols, because if they become good marksmen with the rifles the tendency is to become good marksmen with the guns.

We wish to spend this money for the two purposes that I have named. The President is very anxious about this, and he inquired of me why we stopped paying prizes to the men. We stopped that because our money gave out; and I would suggest, if you make this appropriation, that you make it immediately available, as otherwise we can not begin to pay the prizes until the 1st of July.

Mr. DAYTON. Can you spend the whole of this money in inaugurating this system carefully and painstakingly this year?

Secretary MOODY. I think so, because we want to buy some land and build some ranges. It will be in an unfrequented place, and the land will be very cheap. I think we can use this amount in the coming year and do it without any waste. I would like to add to my testimony, with your permission, this, which is prepared by one of our young and ambitious officers, with regard to target practice. It contains a good deal of information, and I do not believe any harm would come from publishing it all.

I would say to gentlemen of the committee that we regard this as very important. We have not in the past paid as much attention to target practice as we ought to have paid, and the result is that our Navy is not up to the point it ought to be. Foreign navies are paying a good deal more attention to this matter than ever before, and more than we have been paying ourselves, and on this account and on account of the strong emphasis which has been given to it by the Secretary of the Navy and the President in his desire to keep up an efficient navy in every respect, I ask that this provision stand in the bill as reported by the committee.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the President, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 14, 1903:

H. R. 2422. An act for the relief of Edward S. Crill;

H. R. 12064. An act for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

H. R. 14512. An act to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884; and

H. R. 16334. An act fixing terms of United States courts in Colorado, and for other purposes.

On February 17, 1903:

H. R. 10678. An act for the relief of the Florida Brewing Company.

NAVAL APPROPRIATION BILL.

The committee resumed it session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. HEPBURN. Mr. Chairman, it seems to me that instead of diminishing this appropriation wisdom would require that it should be increased. The very object of having a navy is to have an effective navy that can use their guns, and use them effectively. Evidently we have not reached that point yet. I want to call attention to something I find in the hearings before the committee. The report of the inspector of target practice is by no means encouraging.

The forward turret of the *Kearsarge*, in charge of Lieut. J. M. Poyer, of the United States Navy, did some extraordinarily good shooting, 11 shots and 7 hits. But the remainder of the firing was far under the average that should have been made. Such a result as the *Alabama*, 53 shots and 15 hits; the *Kearsarge*, 49 shots and 13 hits; the *Massachusetts*, 50 shots and 3 hits.

Now, in my judgment, without knowing very much about the matter, that is a disgraceful record. It is one that the Navy ought to be ashamed of if they are responsible for it. If Congress, by niggardly appropriation is responsible for it, refusing to give the proper funds to make these experiments in gunnery, then it is another thing, and the Navy and the personnel of the Navy should be relieved from the disgraceful exhibition here recorded.

I would a great deal rather see the sum doubled than cut in two. Just think of it, suppose by this procedure, this expenditure, we can double the efficiency of the Navy in making hits. Think what the result would be. It would make each one of our battle ships that cost $6,000,000 the equal of two. By doubling the power of a gun's crew and the crew of a vessel, it would be tantamount to saving $6,000,000 of the cost of two ships. Isn't it wisdom to do that rather than haggle over an appropriation of $120,000, which is far too small—by one-half? [Applause.]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I wish to call the attention of the gentleman from Iowa to the fact that this item is not the main provision that furnishes the target practice

for the Navy. Last year there was an appropriation of $800,000 in another part of the bill, and, as I recollect it, Admiral O'Neil stated that one-half of that $800,000 was used in target practice.

On page 10 of the bill we are now discussing there is an item for other matters mentioned "and for target practice" of $1,500,000 instead of the $800,000 of last year. As I understand it, one-half of this $1,500,000 will probably be used for target practice. If that be true, then in another paragraph of this bill than the one now under discussion there is practically an appropriation of $750,000 for target practice. This particular item now under discussion is for—

Prizes for excellence in gunnery exercise and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges; for hiring established ranges, and for transportation to and from ranges, to be immediately available, $120,000.

It does not include any other expense of target practice whatever. It does not include the cost of the powder and the ball, it includes nothing of that character. It seems to me that the increase of this item from $12,000, when we expended $400,000 in target practice, to $60,000 for the ensuing year, will be amply sufficient to enable them to expend the $750,000 provided as I have indicated elsewhere for target practice.

So, recognizing the desire of everyone that there shall be satisfactory practice and improvement in target shooting, it seems the service would not be endangered or injured by striking this appropriation down from $120,000 to $60,000, which will then leave it five times as much as it was last year.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia [Mr. RIXEY].

The question was taken and the amendment was lost.

Mr. CANNON. Mr. Chairman, I would be glad to call the attention of the gentleman from Illinois in charge of the bill to two clauses in this paragraph. Gentlemen understand that under the rules of the House—which are wise when you get down to the reason of them—that while the naval appropriation bill goes to the naval committee, all the deficiency items go to the Appropriation Committee. Now, the difference between the two is that this bill provides for the service of the naval establishment for the coming fiscal year, commencing on the 1st of July, whereas a deficiency bill is a bill to provide money for the service in this year where the appropriations are short.

Now, this item in this bill, on page 5, closes with "to be immediately available, $120,000." Just before that, in line 22, on page 4, under the head of "recruiting," says "to be immediately available, $88,571." Now, I hold in my hand a deficiency estimate for $80,000 for a recruiting item. The Committee on Appropriations has considered that item and, in the preparation of its bill, has inserted it. I have another instance in mind, for barracks and quarters in the Philippine Islands. The Secretary of War submits a deficiency item of $250,000; that is for the current year.

We have considered it, and in the preparation of our bill, almost ready to report to the House, that is to be one of the items. It is also in by a Senate amendment now in conference; they put the item on the Army bill for next year, so that you see the tendency is to put the items in the current year upon bills for the coming year, and it breeds confusion. The respective committees, the Committee on Naval Affairs, the Committee on Military Affairs, the Committee on Indian Affairs, did they put items in their bills for the current year and we put them on the deficiency bill we should not know where we are at. It breeds confusion and duplication of appropriations. Both of these items are, in my judgment, eminently proper.

I do not know whether there is too much money appropriated for the coming fiscal year for recruiting, or whether the amount ought to be decreased if the words "to be immediately available" are stricken out. I am not speaking about that; but if the House and the Senate are to be enabled to keep any track of appropriations, and to avoid duplications, the rules will have to be complied with. Hence I ask my colleague whether he will not consent to strike out in the two places where they occur the words "to be immediately available." Let me add that this bill will not pass until about the 4th of March; and the deficiency bill will pass at about the same time.

Mr. FOSS. I am thoroughly in sympathy with the suggestion of my colleague. The words "to be immediately available" are undoubtedly subject to a point of order, and on general principles ought not to appear in the regular appropriation bill. They did not appear in the first draft of the bill, but the Secretary of the Navy sent us a letter requesting that these words be inserted. He said that we had reached almost the limit in the number of enlisted men and that we would probably reach it fully by the 1st of March; and he desired these words to be put in so that the recruiting of the additional 3,000 men provided for in the bill might go on.

But if, as my colleague says, this matter has been taken care of in the deficiency bill, I am perfectly willing to let the words go out. Let me add that I am always willing to join with my colleague in the matter of seeing to it that we keep these appropriation bills free from any and all of these objections. I am willing even to go further and seek to have the appropriations made from year to year in these appropriation bills so reasonable that there will be no necessity for deficiencies whatever.

The tendency on the part of all Departments is perhaps to ask more than they can actually get along with; and I think it would be wise if we could make our appropriations sufficiently liberal in our regular bills and cut down deficiencies. This would, in my judgment, tend to advance the economical administration of the public service.

But as far as this particular matter is concerned, as my colleague has said that it is taken care of in the deficiency bill, I move to strike out in line 22, page 4, and also in line 12, page 5, the words "to be immediately available."

The proposed amendment of Mr. FOSS was read by the Clerk.

Mr. VANDIVER. If these words be stricken out, what becomes of the necessity for the appropriation? Does it need to be just as large?

Mr. FOSS. These amendments were sent to the committee before the request was made that the money be immediately available, and in view of that fact I should think the amount ought to stand.

The question being taken, the amendment of Mr. FOSS was agreed to.

The Clerk read as follows:

Athletic exercises and sports: Prizes to enlisted men for excellence in athletic exercises on national holidays and at other times; for hiring grounds, and for transportation to and from place of sports of men taking part in the sports, $5,000.

Mr. WILLIAM W. KITCHIN. I raise a point of order on the paragraph just read. My point is that there is no law authorizing this appropriation.

The CHAIRMAN. Can the gentleman from Illinois [Mr. FOSS] refer the Chair to any law under which this appropriation is made?

Mr. FOSS. I will say that this is an entirely new provision, and is, in my judgment, subject to a point of order. The gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] is, of course, familiar with the statement of the Secretary of the Navy, and he knows the necessity for the appropriation.

The CHAIRMAN. Does the Chair understand the gentleman from North Carolina to make the point of order?

Mr. WILLIAM W. KITCHIN. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Naval training station, Great Lakes: For the purchase of a site for a naval training station and toward the erection of the necessary buildings thereon, $250,000: *Provided*, That said site shall be upon the shore of Lake Michigan below latitude 43° 40′, at a point to be selected, with the approval of the Secretary of the Navy, by the board of naval officers appointed by the Secretary of the Navy for that purpose in pursuance of the authority conferred by the act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, approved July 1, 1902.

Mr. GROSVENOR. I raise a point of order against this paragraph.

Mr. FITZGERALD. I make the same point of order.

Mr. GROSVENOR. This is a proposition which was left out of the order as adopted by the Committee on Rules. It was inserted in the original resolution, but was stricken out on an amendment in the committee.

Mr. DAYTON. Before the Chair passes on the point of order I should like to be heard for a moment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. DAYTON. I submit to the Chair that this provision is not subject to a point of order for two reasons: First, for the general reason that these training stations are a part and parcel of the naval establishment, just as much so as a dry dock or a shipyard.

I submit to the Chair that this question was decided adversely, and for a long time it was held, for instance, that to provide for the erection of a dry dock was not in order as a provision for the naval establishment. But finally the better reasoning prevailed, and it was decided that a provision for any or all things necessary to the naval establishment was not subject to a point of order, but was a proper thing to be provided for in an appropriation bill.

The CHAIRMAN. Will the gentleman state to the Chair where an appropriation for dry docks has been held to be in order?

Mr. DAYTON. In the first place, Mr. Chairman, the provision in the bill for dry docks at Algiers was rejected on the point of order. That was in the Fifty-second Congress, first session. In the second session of the Fifty-fourth Congress an amendment for the construction of a dry dock at Boston went out on a point of order, and in the first session of the Fifty-fourth Congress an

amendment for a new dock at League Island went out on a point of order.

In the second session of the Fifty-fifth Congress the point of order was raised against a paragraph providing for a dry dock at Algiers. The Chair overruled the point of order on the ground that the appropriation had been authorized by previous law and would be a part of the naval establishment. Then in the Fifty-fifth Congress, in the second session, a paragraph appointing a board of naval officers in connection with the dry dock at Galveston was passed upon.

Now, I submit, Mr. Chairman, that it was finally determined that anything pertaining to the naval establishment as a whole was not subject to a point of order. The second reason why I insist that this point of order should not be sustained is that this training station has been already authorized by law, and I call the attention of the Chair to the fact that in the last appropriation bill, when it was considered by the House, substantially this section was incorporated in it:

Naval training station, Great Lakes: The Secretary of the Navy is hereby directed to appoint a board composed of naval officers, whose duty it shall be to select on the Great Lakes a suitable site for an additional naval training station, and, having selected such site, if upon private lands, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased and acquired, and of their proceedings and actions to make full and detailed report to the Secretary, who shall transmit such report with his recommendations thereon to Congress for its action; and to defray the expenses of said board the sum of $5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

I want to be frank with the Chair and state that a point of order was made in the House against that provision in the appropriation bill of last year, and that point of order was sustained because it provided for the selection of a site and the establishment of a training school on the Great Lakes. But when the bill went over to the Senate that provision was incorporated in it, and when it came back and finally passed it became a part and parcel of the law carried by that bill.

Mr. VANDIVER. I would ask the gentleman if that site has been selected in accordance with that provision?

Mr. DAYTON. That site has been selected within a radius as shown by the report of the Secretary of the Navy, but for the benefit of the Government the board has not made known its selection, simply because it will be to the interest of the Government not to do so. The site can be procured for a lower price than it could be if it were known where it is to be. I insist this language could not be stronger, or that the parliamentary situation could not be plainer. It went out on a point of order on the last appropriation bill because it substantially established a training station on the Great Lakes. In the Senate it went into the bill and it became a law by the last appropriation bill. This is simply carrying out the appropriation necessary to make good the legislation of last year.

Mr. GROSVENOR. Mr. Chairman, suppose we stop at the point where we are, what would we have? We would have a commission and we would have a report from that commission. How would you obtain the land? Why, to my mind this is not a debatable question, and the Committee on Naval Affairs seems to have so understood it, for they sent to the Committee on Rules a proposition for authority to make this valid in this bill.

There were four propositions sent to the Committee on Rules. First, as to the personnel of the Navy, additional midshipmen, etc., and, second, this very proposition; and, third, another, and, fourth, another. The order as it came back, and as it has been enacted by the House, left in two of them and struck out two of them. That request came to the Committee on Rules by order of the Committee on Naval Affairs. They seem to have put a correct construction upon their own powers at the time. Now, it has never been held in any instance that the power to appropriate money to build a dry dock carried with it authority to purchase a site.

Mr. DAYTON. Will the gentleman allow me to interrupt him just for a moment?

Mr. GROSVENOR. Well, I am in the middle of a proposition. Take the Algiers case. That is not a permanent stone dock, that requires the purchase of land, but a floating dock, and that is the distinction borne all the way through in this legislation.

Mr. DAYTON. I want to call the gentleman's attention to the fact, and ask him the single question as a conclusion to be drawn on the other side. The committee asking for the rule might very well insist that the only reason for doing it was to avoid all question on the proposition.

Mr. GROSVENOR. Oh, they might.

Mr. DAYTON. Wait a moment. And is it not also a legitimate conclusion that when the Committee on Rules excluded it they did so because they did not deem it necessary to have any rule upon the subject?

Mr. GROSVENOR. Mr. Chairman, I do not propose to give away the secrets of the committee, but I think it would be a most absurd act on the part of the Committee on Rules to exclude a matter of this character because the authority was already there. Rather they would give the authority.

I myself had very serious doubts personally whether there was not already sufficient authority without the action of the Committee on Rules to enable this Committee on Naval Affairs to bring in the proposition for the personnel of the Navy and the Marine Corps, because that relates to the organization and the filling up of the corps of officers of the naval establishment. But not since I have been a member of this House has there ever been authority conferred to buy land and erect buildings upon the purchased land under the authority given to maintain a navy or an army. My friend the chairman of the Military Committee [Mr. HULL] suggests that you can not build an army post. You may organize as many troops as you please and you may locate them wherever you please. You may send them to the Philippines or to Chickamauga Park, but you can not buy land and build houses upon that land, for that is certainly and clearly new legislation.

Mr. DAYTON. Will the gentleman pardon me for one moment?

Mr. GROSVENOR. Certainly.

Mr. DAYTON. I want to call the gentleman's attention to the fact that as to our naval establishment we constantly add by the purchase of land.

Mr. GROSVENOR. Of course you do.

Mr. DAYTON. We have done so in the case of Bremerton, Washington, New York, and all the stations.

Mr. GROSVENOR. We buy land adjoining the property to extend the station already located, but will the gentleman point out the time and place where a new Army post was established on an appropriation bill in the House and land purchased and location brought about by legislation? And the same is true of a naval station.

Mr. DAYTON. I am not able to point out an instance of an Army post, but we purchased land at Algiers and established, as he says, a floating dry dock.

Mr. GROSVENOR. But no point of order was made.

Mr. DAYTON. We did that upon a simple report of a board of officers appointed under a similar authority to this, and not so strong as this.

Mr. GROSVENOR. Well, the gentleman has got into my speech. I simply state that in the case of Algiers, that he has cited as an authority, no point of order was made, and I state that upon the authority of a member of the Committee on Naval Affairs.

Mr. DAYTON. I have just cited the provision where the point of order was urged, and it was finally held that by reason of the report of this committee it was authorized by law, and the land was authorized.

Mr. GROSVENOR. And at the same time the gentleman has cited four other cases where the same proposition has been distinctly overruled.

Mr. DAYTON. No, no.

Mr. HEPBURN. Mr. Chairman, I am afraid that the gentleman on my right here [Mr. GROSVENOR], as a member of the Committee on Rules, was influenced somewhat in his action by his desire to have this station located on Lake Erie. I think that if the provision had been for the location at some point south of the forty-third parallel of latitude on Lake Erie there would not have been any difficulty about it, but it is a little too far west, and that is the reason why I want this provision to stay in this bill.

Now, Mr. Chairman, it is not every amendment to an appropriation bill that is subject to this point of order. Amendments may be made. Our rules provide the character of amendments that may be made and when they may be made. No amendment, I take it, is subject to this point of order if the amendment proposed is in continuation of appropriations for a public work or object already in progress. Now, that is this case exactly. This is a continuation of an appropriation. An appropriation was made a year ago in part, and this is a continuation of it, as I learn from the gentleman.

Mr. DAYTON. Five thousand dollars.

Mr. HEPBURN. Five thousand dollars. Here we have the continuation of an appropriation and for a public work. Is this in progress? If the selection of a site is a necessary antecedent to the building of a work, then this is in progress. Now, the proper commission has been appointed to make a selection, and we are informed by the gentleman who just spoke upon this question that it has accomplished that work, made the selection, but for certain reasons has not disclosed it. Therefore I think that the gentleman from West Virginia is clearly right in his contention that it is not subject to the point of order.

Mr. GROSVENOR. Mr. Chairman, we all of us have standards of comparison and judgment. My friend from Iowa has one. He believes all men are selfish and sordid. His standard of comparison is his own conduct, and he measures others by

himself. He does not believe that any public man is ever sincere or logical or honest in the advocacy of a position, and always looks around to see what selfish and personal motive actuates him. It is because the gentleman himself has no other standard of morality and judgment than that. [Laughter.]

Mr. HEPBURN. If the gentleman will permit me, he is in error. I draw the line at Ohio people. [Laughter.]

Mr. GROSVENOR. Now, let me point out what is true, and he will remember it. It has not been but three years ago that there came an appropriation for a million dollars to carry on an investigation of the Nicaragua Canal. Now, the gentleman started, as I recollect, with about the same amount of selfishness that he does now. He denies it now. He did not then. He was then a pro bono publico advocate at that time. That was not a provision to carry on an existing work, although there had been more than a million dollars expended, and a report from a committee had been made establishing the Nicaragua route; but because we had not begun to dig in the ground it was held in this House that the amendment was not in order; that it was not a going work, not a work proceeding.

Now, the gentleman comes and says that because some commission now sitting, an appropriation for which was made, and there is no doubt about the appropriation being made, that therefore because the appropriation was made and because the committee has agreed on a report that it will not let anybody know—the gentleman seems to know; he seems to understand it—that therefore it is a going work, a work in progress, a work that has proceeded.

Well, suppose it is. I just make the supposition that it is a proceeding work. After giving jurisdiction and making an appropriation of enough money to buy a site, where? Where will it be bought; at what place will it be located? That is the test that is applied, a perfect test, the work done up to this time. The investigation has brought out the opinion from somebody that after a while there ought to be something done at some time or place, if you please. The next question is the right legislation looking to the carrying out of the proposition.

Mr. HEPBURN. Mr. Chairman, I have something of sympathy for the lapse of memory of my friend, and yet I do not propose to hold him responsible. I recognize the fact that I myself am getting old and that senility is to be my fate after awhile. [Laughter.] Therefore I am not disposed to be harsh; but I will take the liberty to remind the gentleman that I took the position on the question he cites that I take now. I want to ask him if it is not true that when we came to divide upon that question of whether the Chair ought to be overruled or should be sustained or not, the gentleman from Ohio voted by my side and stated that the Chair was wrong?

Mr. GROSVENOR. I did not.

Mr. HEPBURN. I think the gentleman is mistaken.

Mr. GROSVENOR. I did not. I opposed the proposition from the start. [Laughter.] Now, then, we have got senility on him. [Laughter.]

Mr. HEPBURN. Wait a moment. There is not any question in this in my own mind, but I am reminded by the gentleman, and my own recollection is reenforced by the fact that one of my neighbors suggested to me this very proposition that I put to the gentleman.

Now, Mr. Chairman, in all seriousness, is this a work begun, is it an object for which an appropriation has been made, and is this an appropriation, a continuing one, for an object? If it is, then in my judgment the gentleman's contention is an error.

Mr. FITZGERALD. Mr. Chairman, the language contained in the appropriation act of last year can not be tortured into an authorization of a purchase for this site. It merely provides for a commission to investigate the establishment of a naval training station on the Great Lakes. In the last session of Congress, with Mr. SHERMAN, of New York, in the chair, it was held that an amendment to erect barracks for enlisted men at a navy-yard was subject to a point of order. The point was raised by the chairman of the committee. Here was a public work, here was something necessary for the comfort and the convenience of the enlisted men of the service, the Government owned the ground upon which the building was to be erected, and yet the Chair held that it was subject to the point of order. There is no authority, no provision of law, authorizing the acquisition of a site upon the Great Lakes for a naval training station. This is new legislation, pure and simple. The decision I refer to was made in the last session upon the naval appropriation bill.

Mr. OLMSTED. Mr. Chairman, this case reminds me somewhat of the old story of the Government agent sent to the Far West for the purpose of establishing a sawmill to saw lumber for use at some Army stations there. They heard from him regularly; that he had selected a site, and was building a mill, and he drew funds for that purpose. Finally the reports stopped, and they sent another agent to make an investigation. He reported that he found a dam by a mill site, but no mill by a dam site. [Laughter.]

As I understand the situation Congress has authorized a committee to select and report upon a site, but it has not purchased any site. This case is one degree removed from the one I have cited. The committee has not even reported its selection of a site. Therefore it seems to me there is no Government work in progress. Congress has not yet by legislation determined whether it will buy a site when the committee determines where one ought to be, and therefore there is no existing legislation to which this appropriation can apply or attach.

Mr. CRUMPACKER. Mr. Chairman, the rules prohibit legislation upon appropriation bills, but such bills may contain appropriations for public works in progress. An appropriation bill may contain an appropriation for enterprises and improvements that have already been authorized by law. I take the position that the paragraph contained in the naval appropriation bill last year authorized this appropriation.

The commission provided for in that bill was not simply authorized to investigate and report its opinion upon the advisability of locating a naval training station on the Lakes, but it was appointed and imperatively required to investigate the situation and select a site for the station, and the conclusive inference from that law is that Congress had already settled the question—that a naval training station should be established on the Great Lakes.

Mr. GROSVENOR. Will the gentleman permit me a question at that point?

Mr. CRUMPACKER. I will.

Mr. GROSVENOR. Suppose the commission had reported against the establishment of it?

Mr. CRUMPACKER. The Commission had no such power. Congress gave the Commission no such discretion. Congress declared, almost as strong as it is possible for language to declare, that a naval training station should be established on the Great Lakes. That is the irresistible inference and implication from the language of the provision, and the only question confided to the Commission was the question of location. The Commission has now reported. Congress has committed itself by the legislation last year to the location of a naval training station somewhere upon the Great Lakes, and the Commission was only to select the particular place.

Mr. SHATTUC. Will the gentleman permit me a question?

Mr. CRUMPACKER. Yes.

Mr. SHATTUC. I have the naval bill here and I do not see any mention of the location. Will the gentleman tell me where it is?

Mr. CRUMPACKER. The provision in the bill of last year authorizes the appointment of this board and charged it with the duty of selecting a site on the Great Lakes suitable for a naval training station, and having selected the site, if upon private land, to estimate its value. Now, the Commission appointed under the authority of that law made a preliminary report that, in their judgment, the station should be located upon the shores of Lake Michigan, below the parallel of 43° 30′.

Mr. SHATTUC. But it does not locate it.

Mr. GROSVENOR. Has the gentleman any report like that?

Mr. CRUMPACKER. I have: the report of the commission.

Mr. GROSVENOR. Where did it come from?

Mr. CRUMPACKER. It was reported to the Senate by the Secretary of the Navy and printed as a Senate document. The commission reported that it would not be advisable nor in accordance with business propriety to locate specifically and publicly the training station because of the liability of the owners of the property to extort from the Government a higher price than it might otherwise be compelled to pay, and therefore they recommend an appropriation of $250,000 and that they be authorized to negotiate for the site.

That is the situation. The law practically declares it to be the purpose of Congress to locate the station, and provision was made for the appointment of the commission to make the location. That commission has acted, has made its report; and if there is not authority of law for this appropriation I should like to know what is necessary to create such authority.

Mr. OLMSTED. I understood the gentleman from West Virginia [Mr. DAYTON] to say that the committee had reported a site.

Mr. CRUMPACKER. The committee has reported; I have their report here.

Mr. DAYTON. They have not reported a site.

Mr. CRUMPACKER. I mean to say that the committee has made a preliminary report fixing the general territory where the site ought to be established; but they say, as a matter of public policy, it is not advisable to announce a particular location. They indicate in a general way the available or eligible territory for the location of the establishment and ask an appropriation of $250,000 to enable them to proceed in a businesslike way to negotiate for the land within the most eligible and available section.

Mr. OLMSTED. I seem to have misunderstood the gentleman from West Virginia. As he was some distance from me, I did not hear him distinctly.

Mr. CRUMPACKER. Let me submit this question, Mr. Chairman: Suppose that this provision had been embodied in an independent law—a law by itself—would any member of the House question the authority of the Naval Appropriations Committee to report an appropriation for this object? Would such a report be questioned on the ground that it was not authorized by law? And yet that case is identical with the one before us. The provision made in this instance, although embodied in an appropriation bill, has as much force as if it had been enacted independently of an appropriation bill. I submit, Mr. Chairman, that there is authority for the provision.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. No amendment is in order. A point of order is pending.

Mr. GAINES of Tennessee. Well, I wish to be heard for a moment. This seems to be an item making a large appropriation, and I want to know the reason for it. I have just returned from lunch, and from what I have heard since my return I supposed the item was being discussed on its merits.

The CHAIRMAN. The Chair will state that there is a point of order pending. If the gentleman wishes to enlighten the Chair on the point of order, the Chair will be glad to hear him.

Mr. GAINES of Tennessee. I am not quite positive that I can do so. It would be a hard undertaking, I know. But I should like to make an inquiry of the gentleman on the other side [Mr. CRUMPACKER], who has just addressed the committee, and I could not hear a word he said.

The CHAIRMAN. It might be difficult for the gentleman to enlighten the Chair if he does not know what the point of order is.

Mr. GAINES of Tennessee. The Chair did not state it, so that I am, I admit, somewhat in ignorance as to it. Still, Mr. Chairman, I should like to ask the gentleman who has just taken his seat [Mr. CRUMPACKER] why, if we are to have this naval station, it should be located on the lakes? Why not over on the Mississippi River?

Mr. CRUMPACKER. I can not discuss the merits of the proposition while the point of order is pending.

Mr. GAINES of Tennessee. I know that this inquiry has not much to do with the point of order, still I should like to have that information.

The CHAIRMAN. That matter can come up later.

Mr. GAINES of Tennessee. All right.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in reply to the argument of the gentleman from Indiana [Mr. CRUMPACKER] I wish to call attention to the exact language of the last act in regard to this naval training station. I agree with the gentleman from New York [Mr. FITZGERALD] that there is nothing in this language that can be properly construed to authorize the creation of a naval training station. The language merely authorizes an investigation and a report; and it specifically states that upon the reception of that report the action of Congress is to be taken, or words to that effect. I will read the language:

> The Secretary of the Navy is hereby directed to appoint a board composed of naval officers, whose duty it shall be to select on the Great Lakes a suitable site for an additional naval training station—

They are to select that site—

> And having selected such site, if upon private land, to estimate its value and ascertain, as nearly as practicable, the cost for which it can be purchased or acquired; and of their proceedings and actions to make full and detailed report to the Secretary, who shall transmit such report, with his recommendations thereon, to Congress for its action.

For what action of Congress? Why, sir, it seems to me the only construction that can be placed upon this is that when the report has been transmitted to Congress it shall then be for Congress to say—after having the recommendation of this board, with a description of the land, the price, and all the information that the board can lay before Congress—whether it will proceed to erect a naval training station there. What other action can be intended?

If Congress last year had intended to say that we shall have a training station at the Great Lakes, it would not have used any doubtful language. It would have positively declared its purpose to have this naval training station. But as Congress left the matter in this condition, with a naval board empowered to select a site, ascertain its price, and report all its proceedings to Congress with recommendations for the action of Congress, no other action, in my judgment, could have been intended than that Congress should then say, after getting this information, whether it would proceed further in the matter or not. In that view, Mr. Chairman, Congress heretofore not having taken action, it seems to me there is no law which authorizes this appropriation.

Mr. LESSLER. I should like to call the attention of the gentleman from North Carolina to Appendix A of this report, in which Secretary Moody says:

> SIR: A board, consisting of yourself, as senior member, and Civil Engineer Harry H. Rousseau, United States Navy, as member and recorder, is hereby appointed to examine the District of the Lakes for the purpose of fixing upon a site for a naval training station at a convenient point on the shores of those lakes.

Evidently the Secretary of the Navy does not agree with the gentleman's interpretation of the law.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, there is certainly nothing in that which contradicts the position I take. That board was to be selected for that purpose and the report was to be made for the action of Congress, and Congress has never yet acted upon it, and until Congress does act upon that report there will be no law, in my judgment, to authorize the appropriation.

The CHAIRMAN (Mr. GILLETT of Massachusetts). It seems very clear to the Chair that if it were not for the legislation of last year this section would be subject to a point of order. The decisions are quite uniform on that subject. Take, for instance, the decisions with reference to dry docks, and even the Algiers case, cited by the gentleman from West Virginia [Mr. DAYTON]. The first time in that case the point of order was sustained. It was only afterwards overruled when some appropriation had already been made for purchase of land; so that it seems clear to the Chair that without the legislation of last year this point of order must be sustained.

The question then arises, Does the legislation of last year bring it within the rule, and is this a continuation of a work now in progress? The legislation of last year provided that a board should select a site, estimate its value, and report to Congress. It does not follow from this that Congress would appropriate for that site or would approve the action of the board, and this section in question provides not for the purchase of a selected or specific site, but for a site still to be selected. A work would not be considered begun, in the ordinary use of language, simply by an appropriation for a board which was to select a site and make a report which might or might not be acted upon favorably by Congress, so that, it would seem to the Chair, if there were no authority pertinent, that the legislation of last year would not be sufficient ground for this appropriation.

But there is extensive authority in the same line. The decision cited by the gentleman from Ohio [Mr. GROSVENOR] as to the Nicaraguan Canal is very closely in point, and sustains the point of order. There was a decision last year in reference to an appropriation for a survey of a dam and site. The appropriation for the survey was held not to be the commencement of a work. The Chair also has before him a decision by Mr. Speaker Carlisle, which holds that the purchase of land for a building is not such a commencement of the work as to authorize an appropriation for that building. He says:

> The Chair has before him the act approved March 3, 1875, which authorized the purchase of a site for this building, but it confers on the Secretary of the Treasury no authority whatever to contract for the erection of a public building, and the Chair is therefore bound to rule the amendment out of order.

That is certainly a much stronger case than the one in question. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

> Purchase and manufacture of smokeless powder, $500,000.

Mr. RIXEY. Mr. Chairman, I offer an amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

> Amend by adding after line 13 as an independent paragraph:
> "To enlarge smokeless-powder factory at Indian Head, Md., $55,000."

Mr. RIXEY. Mr. Chairman, I wish to read somewhat from the hearings before the Committee on Naval Affairs. Admiral O'Neil testified we purchase about 8,000 pounds of smokeless powder a day and make 2,000 pounds. He stated that it cost us to manufacture powder 40 cents a pound and to buy it 80 cents a pound. In reply to a question asked him by Mr. Roberts—

> Can you tell us what the cost would be if we were to include those things?

referring to interest on plants, etc., he said:

> I suppose it would be about 10 cents more per pound. We have done that. We have figured the exact cost of the investment and everything else, and even then it is a great deal cheaper than you can buy it. Of course you can not expect to buy things without profit. People will not make them, and besides, powder making is a very hazardous business.

To the question by myself—

> If you were to enlarge your plant, how much of an appropriation would be necessary?

he replied:

> Fifty-five thousand dollars would enable us to increase the output to 5,000 pounds a day, and I should be glad if you would vote us that amount.

Mr. Chairman, increasing the output to 5,000 pounds a day would give us an additional manufacture of 3,000 pounds a day. At a saving of 40 cents a pound, that would make a saving to the Government of the United States of $400,000 in one year. It

does seem to me that when we can invest $55,000 and save for the Government $400,000, it ought to be done. As shown, this recommendation has the approval of the admiral who has charge of the Ordnance Bureau.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

Navy-yard, Washington, D. C.: For 1 chemist, at $2,500; 2 foremen of gun factory, at $2,200 each; 1 ordnance engineer and computing draftsman for gun factory, $3,000; 1 chief clerk, at $1,600; 1 clerk, at $1,400; 1 clerk, at $1,200; 1 clerk, at $1,100; 3 writers, at $1,017.25 each; 1 draftsman, at $1,800; 3 draftsmen, at $1,081 each; 1 assistant draftsman, at $772; 2 copyists, at $720 each; 1 telegraph operator and copyist, at $1,000; in all, $26,506.75.

Mr. CANNON. Mr. Chairman, I want to ask the gentleman in charge of the bill in reference to what is provided for on line 10, namely, 1 ordnance engineer and computing draftsman for gun factory. Is this a new officer? It is new in the bill.

Mr. FOSS. It is a new man.

Mr. CANNON. Has he never been employed?

Mr. FOSS. Never been employed.

Mr. CANNON. Who has been doing that work heretofore?

Mr. FOSS. I can not answer the gentleman just who has been doing it, but somebody down there. I desire, however, to call his attention to the letter, which appears in the hearings, of Admiral O'Neil. He says that the necessity for a permanent civilian employee of superior attainments in the Bureau of Ordnance at the naval gun factory is very pressing; that this Bureau is charged with the duty of designing guns, mounts, and turret fixtures, with all of their intricate details, and upon the successful operation of which the Navy depends. And the Secretary of the Navy also, in his hearing, on page 34, speaks of this, and it came to us in the regular estimates sent here by the Secretary of the Navy.

Mr. DAYTON. I should like to answer the gentleman's question further.

Mr. CANNON. All right.

Mr. DAYTON. I think by reading a line or two further down you will find that that this duty has been performed by officers who have been detailed to that work. Under the present Administration the demand for officers has been so great that most of them have been sent to sea. Here was an instance where the work could be done by a civilian instead of a naval officer, and the services of a naval officer could be utilized elsewhere at sea. He says:

All such work must originate at the Bureau and be perfected at the Naval Gun Factory, and for its performance the Bureau has been dependent upon the services of such officers of the Navy as it could procure by detail from time to time.

Now he asks for a civilian employee and states the necessity for it to be the fact that it is important, and that he has no man to perform it except a naval officer to be detailed there.

Mr. CANNON. Now, in perfect good faith, is it not probable that there is an officer detailed that either has not the health or the ability to do the work, and that this is to employ somebody to do the work, in the shape of a clerk? I am not now throwing out any insinuation against the officer. That does happen sometimes.

Mr. DAYTON. I do not believe the gentleman's presumption is exactly right. I think that this work is of such importance and of such intricate detail that it requires an officer who has all his faculties and is in perfect good health. That gun factory is a pretty busy place, and I think it has been dependent upon the detail of one of our best ordnance officer experts, but that it can be very well supplied by a civilian who can take his place and enable the naval officer to go elsewhere.

Mr. CANNON. It is a pretty large salary to pay a draftsman, for that is what he is.

Mr. DAYTON. He is not a draftsman alone.

Mr. FOSS. Ordnance engineer and draftsman.

Mr. DAYTON. He is an ordnance engineer.

Mr. CANNON. Yes, that is what it says.

Mr. DAYTON. He says this:

These employees should be graduates of technical schools, and should possess a thorough knowledge of calculating strains and stresses in ordnance construction and fixing the proper dimensions of parts of guns, gun carriages, projectiles, etc.; calculations in exterior and interior ballistics; mechanical drawing and designing; practical application of the science of electricity and optics; architecture of shop building; installation, testing, and superintending the operation of steam and electrically operated machinery to meet given conditions, etc., and a good general knowledge of modern ordnance.

Mr. CANNON. Is the selection of this man under the civil-service rules?

Mr. LESSLER. Yes. The Admiral says that on page 21:

Mr. ROBERTS. Would you secure these additional employees through the Civil Service Commission?

Admiral O'NEIL. Yes, sir. We would have to have an examination for them, and have them compete for the places. There are two, one for the navy-yard and one for the Bureau of Ordnance. The fact is that to-day we can not get naval officers to do these things; everybody is at sea. I can not get enough officers to do the routine work of my Bureau.

Mr. CANNON. Three thousand dollars is a pretty high salary to pay for a man that would compete to be selected by the Commission.

The Clerk read as follows:

Coal and transportation: Purchase of coal for steamers' and ships' use and other equipment purposes, including expenses of transportation, storage, and handling the same, $2,500,000.

Mr. GAINES of Tennessee. I should like to ask the gentleman reporting this bill from whom and where, and if possible, at what price is this coal bought? Here is a good deal of money for coal—about two and a half million dollars.

Mr. FOSS. The Navy Department pay $2.50 a ton. Where it is bought and when it is bought and how it is bought I have not the information to state.

Mr. GAINES of Tennessee. From whom was coal bought at that price?

Mr. FOSS. I do not know.

Mr. GAINES of Tennessee. Where?

Mr. LESSLER. We made contracts last year.

Mr. GAINES of Tennessee. Will the gentleman from New York tell me from whom it was bought?

Mr. FOSS. I am not familiar as to whether it was long ton or short ton, or any of the details as to the buying of coal, but I presume the gentleman from Tennessee can find all that information if he will send a note to the Navy Department or go down to the Department himself and investigate.

Mr. GAINES of Tennessee. The gentleman should know, it seems to me. Will the gentleman from New York [Mr. LESSLER] tell me, as he has just stated that the Government bought coal at $2.50 a ton?

Mr. LESSLER. They made contracts last year. Now, with whom I do not know, and without an examination of the hearings I could not answer.

Mr. GAINES of Tennessee. Mr. Chairman, I am glad I made this inquiry. I see we are about to appropriate $2,500,000 for coal, and I am gratified at the information furnished by the gentleman from Illinois [Mr. FOSS] that we have bought our coal for $2.50 a ton.

Mr. LESSLER. The gentleman will find that information as to the price of coal on page 29 of the hearings given to Admiral Bradford.

The Department is now paying $2.50 a ton, f. o. b. at Norfolk, for Pocahontas coal, and $2.43 a ton, f. o. b. at Baltimore, for Georges Creek coal.

Mr. GAINES of Tennessee. Two dollars and a half a ton? From whom does he say this coal was bought?

Mr. LESSLER. "These contracts were with the best coal companies in the United States," this report says, but Admiral Bradford does not give any name.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I am very glad I made the inquiry, because it satisfies me the Government has not been held up by any parties in the purchase of coal for our Navy as the American people have been held up this winter by the coal combines and the railroads and the various other cormorants and scoundrels—I started to say thieves, and I will without making any apology, because the man who held up his neighbor and allowed his neighbor and his children to freeze is not as good as the man who is put in the penitentiary for an offense. I wish we could in this bill bar every one of them from selling an ounce of coal to the Government.

I said a few days ago, in reply to an inquiry made by the gentleman from Pennsylvania [Mr. PALMER], that in the State of Pennsylvania there were six railroads in a "coal combine," combined to control the output of coal, combined to control the wages of the men employed in digging it, combined in the hauling of it, combined on the question of freights, and combined against the people—from the time of digging it from the bowels of the earth until sold in the East at Boston, where the people have been suffering, and sold in New York, where also they have been suffering. The gentleman from Pennsylvania said he did not know of any combination in that State.

Now, I cite the gentleman to page 865 of the CONGRESSIONAL RECORD of January 16, 1903, where a Congressional committee that had investigated that question in 1893 found that six great railroads operating in Pennsylvania controlled the output of the coal in the State of Pennsylvania, controlled the mines, controlled the men that worked them, owned the coal, controlled the coal and the hauling of it, and were in a combination for the purpose of putting up coal, and are doing so now. I give that statement from the CONGRESSIONAL RECORD at this place.

I will read from the RECORD as cited:

We have further here quotations from the report of the Congressional committee made to Congress in 1893, in which the statement appears:

"The committee, after a careful investigation, has come to the conclusion that the railroad companies engaged in mining and transporting coal are practically in a combination to control the output and fix the prices which the public pays for this important and necessary article of consumption. The combination is not confined to the Philadelphia and Reading and the Lehigh Valley, but embraces all the railroads connecting the anthracite region with tide water. There is substantially no competition existing between these companies. The only limitation to their demands is the indisposition on the part of the public to buy their product at an exorbitant price."

That was in reference to the conditions nine years ago. Now Mr. Shearn goes on to ask (1908):

"Now what is the situation? The same situation precisely, except that it is more aggravated. They have attempted to get around the law by this subterfuge. They have bought the control of the stock of the Central Railroad of New Jersey. The Reading Company now owns a majority of the stock of the Central Railroad of New Jersey. The officials of the Central Railroad of New Jersey resigned. All of its directors resigned; but we find now in that new order of things the president of the Reading is the president of the Central. The offices are in the same building. The directors are the same men. They are engaged in the same line of business, but there is no more competition between them; and they have accomplished by virtue of the buying up of the stock of the Central the same thing that Chancellor McGill denounced and that the Congressional committee found resulted in a combination in restraint of trade in 1893."

The Attorney-General of the United States knows this, and yet he fails to crush this trust under the antitrust act of 1890.

Now, I am very glad, I really rejoice, Mr. Chairman, that the Government of the United States, upon the statement of the gentleman from Illinois [Mr. FOSS], has escaped these cormorants thus far. I am glad that there is somewhere, somehow, some individual, even if it is Uncle Sam, who has escaped the clutches and the greed of the coal barons and coal kings of this country. I hope this may be true during the next year, but I doubt it. I shall wait and watch.

I am very sorry that the gentleman could not tell me from what coal company we have been buying this coal at $2.50 a ton. At one time we had to burn wood to warm this House, and the Post-Office Department came very near having to stop the furnaces in the Post-Office because coal could not be had, not at $2.50 a ton, but could not get it at $12 or $15 a ton—any price. For the Government to have escaped this one time in its life from being skinned by the trusts, by these coal barons and coal kings, is a thing that we ought to congratulate ourselves upon, and I am especially delighted that we have brought this information to light.

Taking the duty off coal a few weeks ago has reduced, I am told, the price of coal. The very fact of foreign coal coming here helped to do this, and the actual coming here of fleet after fleet of foreign coal from foreign countries has aided in relieving the people somewhat. Greater would have been the relief had the antitrust laws of Pennsylvania and of the United States been enforced. But they were not.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17288, the naval appropriation bill, and had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I submit the report of the conferees on House bill 16567, making appropriations for the Army, with the statement, to be printed in the RECORD.

The SPEAKER. This will be done in accordance with the rules.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, 33, 43, 44, 45, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 42, 47, 48, 49, 50, 51, 52, and 53, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "appointed" and insert in lieu thereof the word "enlisted;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 6 and 7 of said amendment strike out the following: "as military attachés at the United States embassies and legations abroad; and;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20 and agree to the same with amendments as follows: After the word "war" in line 5 of said amendment insert the following: "for more than one year;" and beginning with the word "and" in line 11 of said amendment strike out down to and including the word "honor" in line 19; and after the word "officer" in line 20 of said amendment insert the following: "whose service on the active list does not exceed twenty years, and shall not apply to any officer," and strike out the proviso at the end of said amendment; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the words "deposit" in line 2 of said amendment strike out the words "money upon the same terms as enlisted men" and insert in lieu thereof the following: "of their pay," and at the end of said amendment insert the following proviso:

"*Provided further*, That said deposits of any one officer shall never exceed in the aggregate $5,000 at any one time;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of said amendment insert the following psoviso:

"*Provided*, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June 30, 1904, and their places be filled by detail from the line of the Army: *Provided further*, That any vacancy now existing or which may occur between now and June 30, 1904, shall be filled by detail from the line of the Army;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out lines 1 to 11, inclusive, of said amendment, and at the end of said amendment insert the following: "*Provided further*, That not more than $40,000 of the above appropriation shall be expended at any one post or station;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the word inserted by said amendment and insert in lieu thereof the word "fifteen;" and, after the word "million," in line 20, page 29 of the bill, insert the words "five hundred thousand;" and the Senate agree to the same.

J. A. T. HULL,
A. B. CAPRON,
Managers on the part of the House.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the disagreeing vote of the two Houses on the bill making appropriations for the Army for the fiscal year ending June 30, 1904, make the following statement:

Amendments Nos. 1 and 2 refer to the chief of staff, and are necessary by the bill for the reorganization of the Army.

Amendment No. 3 refers to the purchase of the manuscript of Francis B. Heitman, a complete register of the United States Army from its organization to the present time, embracing both regular and volunteer soldiers.

Amendment No. 4 applies only to the purchase of newspapers by the military information division and is in line with the legislation enacted by the House.

Amendment No. 5 makes the same provision for equipment of the Signal Corps, now applying to other officers, to waive advertisement for small purchases.

Amendment No. 6 simply corrects a mistake.

Amendments Nos. 7 and 8 simply change the language without changing the intent.

Amendments Nos. 10, 11, 12, and 13 simply refer to the chief of staff, and are made necessary by the legislation passed creating a general staff corps.

Amendments Nos. 14, 15, 16, 17, and 18 refer to the Signal Corps.

Amendment No. 21 extends the provision as to double service for war service to those that served in China now accorded to those who served in Porto Rico, Cuba, and Philippine Islands.

Amendment No. 22 refers to soldiers' deposits and is simply a verbal change.

Amendment No. 24 gives mileage to contract surgeons same as other officers.

Amendment No. 25 simply makes a verbal change.

Amendment No. 26 increases pay of the computer for the Artillery Board $500 per annum.

Amendment No. 29 refers to the abolition of the Porto Rico Regiment.

Amendment No. 31 is simply a verbal change.

Amendment No. 32 places in the discretion of the Secretary of War where ice to enlisted men should be furnished.

Amendment No. 34 refers to office furniture, etc., for the use of officers' schools at the several military posts.

Amendment No. 35 makes provision for the sale of horses owned by officers to the Government when the officer is ordered to duty beyond the seas.

Amendment No. 36 makes immediately available $2,000,000 out of the appropriation for barracks and quarters.

Amendment No. 37 makes immediately available the appropriation for the purchase of additional ground in Omaha.

Amendment No. 39 increases the appropriation for barracks and quarters in the Philippine Islands $250,000.

Amendment No. 40 makes the amount immediately available.

Amendment No. 42 increases the amount for clothing and garrison equipage $750,000.

Amendment No. 47 refers to the jurisdiction of the Chief of Engineers.

Amendment No. 48 relates to furnishing national trophy and medals for the Regular Army and the National Guard for expert rifle shooting, and also an appropriation of $2,000,000 for the militia of the States.

Amendment No. 49 refers to purchases by the Ordnance Department, and requires them to be reported to the Secretary of War.

Amendments Nos. 50, 51, 52, and 53 relate to change in the law governing the detail of officers for the Ordnance Department.

In all the foregoing amendments the House recedes from its disagreements.

Amendment No. 27 relates to injuries at Fort H. G. Wright, N. Y.

Amendment No. 28 relates to damages at Fort Preble, Me., and other places.

Amendment No. 33 increases the appropriation for regular supplies of the Quartermaster's Department $500,000.

Amendment No. 43 relates to the purchase and preservation of the battlefield at Balls Bluff.

Amendments Nos. 44, 45, and 46 relate to the payment of medical expenses of soldiers on furlough after the 21st of April, 1898.

All of which amendments the Senate recedes.

Amendment No. 9 relates to master electricians, and the House recedes from its disagreement and agrees to the same with the amendment striking out the word "appointed" and inserting the word "enlisted."

Amendment No. 19 relates to the detail of retired officers as military attachés and for service in connection with the organized militia of the States and Territories. The House recedes from its disagreements and agrees to the amendment with an amendment striking out all relating to the service of retired officers at embassies and legations abroad, and confining their services to this country with the organized militia of the States and Territories upon request of the governors.

Amendment No. 20 relates to the advancement of certain officers of the Army to an additional grade. The House recedes from its disagreement and agrees to the same with an amendment, and if adopted as agreed to in conference will read as follows:

"And any officer of the Army now on the active list below the grade of major-general who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war for more than one year before April 9, 1865, may when retired be retired by the President, by and with the advice and consent of the Senate, with the rank and retired pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August 1898, but shall not apply to any officer whose service on the active list does not exceed twenty years, and shall not apply to any officer who has been placed on the retired list by virtue of any act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement."

Amendment No. 23 extends the provision for deposit with the Government to officers of the Army, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment limiting the right of deposit from pay of officers, and limiting the aggregate amount at any one time to $5,000.

Amendment No. 30 makes provision for the continuance of the Porto Rican Regiment of Infantry, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment providing that all volunteer officers now in the regiment shall be mustered out on the 30th of June, 1904, so as to extend the present organization another year.

Amendment No. 38 appropriates money to purchase heavy furniture for permanent officers' quarters, for the payment of special assessment against the military reservation at Indianapolis, Ind., and an appropriation for the continuance of the construction and maintenance of post exchanges. The House recedes from its disagreement and agrees to the amendment with an amendment eliminating all appropriations for heavy furniture and for the payment of a special assessment at Indianapolis, Ind., and with an additional proviso limiting the appropriation for post exchanges to $40,000 for one post or station.

Amendment No. 41: The Senate amendment appropriated $16,000,000 for the transportation of the Army and supplies, and the conferees agreed to $15,500,000.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Conferees on the part of the House.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16915. An act authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

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. 6212. An act to compensate the Old Point Comfort Improvements Company for the demolition and removal of Hygeia Hotel property from the Government reservation at Old Point, Virginia—to the Committee on Claims; and

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands, with Senate amendments—to the Committee on Insular Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 14164. An act for the relief of Charles. W. Carr;

H. R. 15757. An act granting a pension to Frances C. Broggan;

H. R. 6332. An act granting a pension to Michael Conlon;

H. R. 14845. An act granting a pension to Margaret Snyder;

H. R. 15400. An act granting an increase of pension to Enos Turner;

H. R. 7792. An act for the relief of the legal representatives of John L. Young;

H. R. 13307. An act for the relief of Valdemar Poulsen;

H. R. 7642. An act providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;

H. R. 12411. An act granting an increase of pension to Joseph Bart;

H. R. 10355. An act granting an increase of pension to William W. Smithson; and

H. R. 9107. An act granting a pension to Austin A. Vore.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the Indian appropriation bill and ask for a conference thereon with the Senate.

The SPEAKER. The gentleman from New York, the chairman of the Committee on Indian Affairs, asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

REPRINT OF A BILL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 4564) to provide for ocean mail service between the United States and foreign ports, and the common defense; to promote commerce, and to encourage the deep-sea fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the reprint of the bill H. R. 4564. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO PRINT.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent for leave to print in connection with the bill H. R. 17, the trust bill, for twenty-four hours.

The SPEAKER. The gentleman from Massachusetts asks leave for twenty-four hours to print remarks on the trust bill. Is there objection? [After a pause.] The Chair hears none.

ELISE SIGEL.

Mr. APLIN. Mr. Speaker, I present the conference report and statement on the bill (H. R. 15659) granting a pension to Elise Sigel, to be printed under the rule.

The SPEAKER. This will be done in accordance with the rule.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

H. H. APLIN,
E. S. HOLLIDAY,
J. A. NORTON,
Managers on the part of the House.

J. H. GALLINGER,
A. G. FOSTER,
GEO. TURNER,
Managers on the part of the Senate.

STATEMENT.

This bill passed the House at $100 per month, and was amended in the Senate to $75 per month. The Senate has receded from its amendment, and the result of the adoption of this report by the House will be to restore the rate of pension to Elise Sigel, widow of Gen. Franz Sigel, to $100 per month, the same as it originally passed the House.

H. H. APLIN,
E. S. HOLLIDAY,
J. A. NORTON,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

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 Acting Secretary of the Treasury, transmitting a communication from the Secretary of State in relation to the participation of the United States in the International Railway Congress—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation for the Marine Corps—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6847) to increase the number of light-house districts, reported the same without amendment, accompanied by a report (No. 3786); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6867) to authorize the building of dams and other improvements in the Columbia River, in the State of Washington, reported the same without amendment, accompanied by a report (No. 3799); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras, reported the same with amendment, accompanied by a report (No. 3800); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7298) to fix the rank of certain officers in the Army, reported the same without amendment, accompanied by a report (No. 3802); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17426) to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River in

the State of Pennsylvania, reported the same with amendment, accompanied by a report (No. 3803); 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. HOPKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17284) to provide an American register for the British ship *Pyrenees*, reported the same without amendment, accompanied by a report (No. 3784); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 39) to correct the military record of William B. Thompson, reported the same without amendment, accompanied by a report (No. 3787); which said bill and report were referred to the Private Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9230) to authorize Malcolm S. Potter to raise and remove certain sunken vessels, boats, floats, or other structures from Lake Champlain, reported the same with amendment, accompanied by a report (No. 3788); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6881) for the relief of James L. Elmer, reported the same without amendment, accompanied by a report (No. 3797); which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States, reported the same without amendment, accompanied by a report (No. 3798); which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6666) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired), reported the same without amendment, accompanied by a report (No. 3801); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3612) to remove the charge of desertion from the military record of Charles J. Clark, reported the same adversely, accompanied by a report (No. 3789); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 28) for the correction of the military record of John R. Leonard, reported the same adversely, accompanied by a report (No. 3790); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 26) to correct the military record of Perry J. Knoles, reported the same adversely, accompanied by a report (No. 3791); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 1354) to correct the military record of William J. McGhee, reported the same adversely, accompanied by a report (No. 3792); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 690) to correct the military record of Talton T. Davis, reported the same adversely, accompanied by a report (No. 3793); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 14240) granting an honorable discharge to John P. Miller, reported the same adversely, accompanied by a report (No. 3794); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 12125) to correct the military record of Perry Childs, late of Company I, Fifty-seventh Pennsylvania Volunteers, reported the same adversely, accompanied by a report (No. 3795); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 5292) to remove the charge of desertion from the record of Conrad Springer, reported the same adversely, accompanied by a report (No. 3796); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Public Buildings and Grounds was discharged from the consideration of the bill (H. R. 17424) for the conveyance of public lands belonging to the United States, and the same was referred to the Committee on Interstate and Foreign Commerce.

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. HITT: A bill (H. R. 17446) authorizing the Secretary of State to cause the destruction of invoices filed in consular offices for more than five years—to the Committee on Foreign Affairs.

By Mr. FLYNN: A bill (H. R. 17447) authorizing the Asher Bridge Company to build, maintain, and operate a wagon bridge across the South Canadian River—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Tennessee: A concurrent resolution (H. C. Res. 89) declaring the Isle of Pines to be territory belonging to the United States—to the Committee on Insular Affairs.

By Mr. ROBERTS: A resolution (H. Res. 452) directing the Clerk of the House to supply the Public Printer with the copy of the Digested Summary and Alphabetical List of Private Claims—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. R. 453) to consider—in the bill (H. R. 17288) making appropriations for the naval service—legislation providing for increase of midshipmen, officers, and men in the line, staff, corps, and Marine Corps, and increase of limit of cost in reconstruction of Naval Academy, etc.—to the Committee on Rules.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 454) requesting information from the President relative to the government of the Isle of Pines—to the Committee on Insular Affairs.

By Mr. BULL: A resolution (H. Res. 455) to appoint W. S. Sims a special employee—to the Committee on Accounts.

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. GIBSON: A bill (H. R. 17448) granting a pension to James Donahoo—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 17449) for the relief of Thomas M. Lippitt—to the Committee on Naval Affairs.

By Mr. LONG: A bill (H. R. 17450) granting an increase of pension to R. F. Nugent—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 17451) for the relief of Copiah County, Miss.—to the Committee on Claims.

By Mr. PRINCE: A bill (H. R. 17452) for the relief of Lawson M. Fuller—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17453) for the relief of Anna Wendell Miller—to the Committee on Private Land Claims.

By Mr. YOUNG: A bill (H. R. 17454) granting a pension to Theophilus Snyder—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. ADAMS: Petition of Naval Command, No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, Pa., favoring the passage of a bill to equalize the allowance and pay of the chaplains in the Army and Navy—to the Committee on Naval Affairs.

By Mr. ELLIOTT: Petition of the Columbia (S. C.) Chamber of Commerce, for the improvement of the Santee Canal—to the Committee on Rivers and Harbors.

Also, petition of S. B. Gordon and others, for the improvement of Lenuds Lake—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of M. Bernstein Lodge, No. 203, of Glens Falls, N. Y., favoring certain modifications of the immigration law—to the Committee on Immigration and Naturalization.

By Mr. FLOOD: Petition of retail druggists of Staunton and Basic City, Va., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FOERDERER: Petition of Naval Command, No. 1,

Camp No. 91, Spanish-American War Veterans, of Philadelphia, Pa., favoring the passage of a bill equalizing the allowance and pay of the chaplains in the Army and Navy—to the Committee on Naval Affairs.

By Mr. GIBSON: Petition of James Donohoo for restoration of his name to the pension roll—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petitions of Peter Egli, Henry W. A. Wimberg, and others, favoring House bill 178—to the Committee on Ways and Means.

By Mr. SCARBOROUGH: Petition of the Chamber of Commerce of Columbia, S. C., for survey of water route for river navigation from the inland to Charleston, S. C., by way of the Santee and Cooper rivers—to the Committee on Rivers and Harbors.

By Mr. HENRY C. SMITH: Papers to accompany House bill for the relief of Anna Wendell Miller—to the Committee on Private Land Claims.

By Mr. SPERRY: Resolutions of Typographical Union No. 47, of New Haven, Conn., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. STEWART of New York: Petition of Cigar Makers' Union No. 112, of Oneonta, N. Y., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the Maritime Association of the Port of New York, asking that sail vessels be exempted from the compulsory employment of State pilots under the safeguards required in respect to steam vessels—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sunday-school board of the Reformed Church of Philadelphia, Pa., in favor of the post-check currency bills—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Brotherhood of Railroad Trainmen of Pennsylvania, urging the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Grand Council, Royal Arcanum, of Pennsylvania, favoring an amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mount Moriah Lodge, No. 319, Brotherhood of Locomotive Firemen, Philadelphia, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *February 18, 1903.*

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

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

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. The Chair hears none.

POTOMAC RIVER FLATS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting the final report of the supreme court of the District of Columbia under section 4 of the act of August 5, 1886, entitled "An act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia," together with a letter sent to the Secretary of the Treasury suggesting the form of a proposed appropriation for the payment of amounts found due the defendants by the court; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, inclosing a copy of Senate Document No. 414, Fifty-seventh Congress, first session, containing a list of claims certified by the accounting officers of the Treasury Department in favor of certain insurance companies of New York, for which no provision for payment has been made; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 16734) to provide an American register for the steamer *Beaumont;* in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented the memorial of Mary L. Page, of Olympia, Wash., and the memorial of Benjamin Currey and sundry other citizens of Olympia, Wash., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. BEVERIDGE presented a petition of Local Division No. 186, Amalgamated Association of Street Railway Employees, of Anderson, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. GAMBLE presented the petition of Rev. H. H. Hewitt, of Elkton, S. Dak., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which was referred to the Committee on Military Affairs.

He also presented the petition of H. C. Sessions & Son, of Sioux Falls, S. Dak., praying for the adoption of certain amendments to the Post-Office appropriation bill relative to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented memorials of Charles Lerchen, of Denver, Colo.; of the Humane Society of Denver, Colo., and of the American Society for the Prevention of Cruelty to Animals, of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. BATE presented the petition of Anna H. Allen, of Davidson County, Tenn., praying that she be reimbursed for certain property used and occupied by the Army during the war of the rebellion; which was referred to the Committee on Claims.

Mr. CARMACK presented a petition of sundry citizens of Kenton, Tenn., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of W. H. Paige & Co. and 10 other citizens of Terre Haute, Ind., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 218, International Association of Machinists, of South Bend, Ind., and a petition of Local Division No. 186, Amalgamated Association of Street Railway Employees, of Anderson, Ind., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the American Chemical Company, of Indianapolis, Ind., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented a petition of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, Ind., praying for the enactment of legislation relative to the running of engines on railway trains; which was referred to the Committee on Railroads.

He also presented petitions of J. Crouch & Son, of Lafayette; of J. Shannon Nave, of Attica; of Hanley & Weaver, of Winamac, and of H. & H. Wolf, of Wabash, all in the State of Indiana, praying for the enactment of legislation to regulate the importation of breeding animals; which were ordered to lie on the table.

He also presented a petition of the Franklin County Bar Association, of Columbus, Ohio, praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was ordered to lie on the table.

He also presented the petition of J. P. Goodhart & Co., of Cincinnati, Ohio, praying for the enactment of legislation providing for the issuance and circulation of national-bank notes; which was ordered to lie on the table.

He also presented a memorial of the health committee of the Woman's Municipal League, of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $12.50 to pay the estate of Solomon Hirsch, deceased, late United States minister to Turkey, for contingent expenses, foreign missions; $63.65 for salaries of diplomatic officers while receiving instructions and in