

BIDS FOR BATTLESHIPS.

TRUST HAS NO CHANCE.

Three New Vessels To Be Most Powerful of the Navy.

Washington, June 3.—Bids opened at the Navy Department to-day for battleships made the interesting disclosure that the so-called trust stood no chance to obtain a contract. This was contrary to the expectation that the shipbuilding combination would be able to do government work much lower than the firms which were not in the big corporation. Another significant result was that none of the bidders offered to complete the work in less than the time named in the department's specifications. It has been the practice of some builders, notably the Cramps, of Philadelphia, to offer to complete the vessels in less than the time limit. It was only six months ago that the Philadelphia firm made such a proposition. This new phase is taken as an indication of fear of labor troubles and absence of foreign complications. For the first time in many years the Cramps, of Philadelphia, and the Scotts, of San Francisco, do not appear as the successful bidders on the largest battleships. On every opening for these big vessels in the last fifteen years these two concerns have been represented, but to-day the builders of the Oregon did not appear, and the Cramps bid as if they did not want the work. One vessel will be built by the New-York Shipbuilding Company, another at Newport News and the third by the Fore River Company, of Quincy, Mass. An interesting circumstance of the bidding was that the difference between the highest and the lowest bid was only \$60,000, or less than 2 per cent of the amount involved in the transaction. The competition was so close that in the opinion of naval officials there will be little net profit to the contractors.

The vessels for which bids were opened are the Minnesota, the Vermont and the Kansas, the three 16,000-ton battleships authorized by the last Congress, each to cost not exceeding \$4,212,000. The Newport News Shipbuilding Company was the lowest bidder for one vessel, and the William Cramp & Sons Ship and Engine Building Company was the only bidder for more than one ship. Following are the bids:

Newport News Shipbuilding Company—One vessel, department's plans, to be completed in forty-two months, \$4,110,000.
William Cramp & Sons Ship and Engine Building Company—One vessel, department's plans, to be completed in forty-two months, \$4,190,000, or two vessels, department's plans, in same time, \$4,151,000 each.

Fore River Ship and Engine Building Company, Quincy, Mass.—One vessel, department's plans, to be completed in forty-two months, \$4,170,000.
Eastern Shipbuilding Company, New-London, Conn.—One vessel, forty-two months, \$4,162,000.
New-York Shipbuilding Company—One vessel, department's plans, forty-two months, \$4,162,000.

These battleships will be the most powerful vessels of the American Navy. They will have a required speed of eighteen knots, a displacement of 16,000 tons, a main battery of four 12-inch, eight 8-inch and twelve 7-inch breech loading rifles, and a secondary battery of twenty 3-inch, 14-pounder, rapid fire guns; twelve 3-pounder semi-automatic guns, six 1-pounder automatic guns, two 3-inch field pieces, two machine guns and six automatic guns. The 12-inch guns will be mounted in pairs, in two electrically controlled balanced elliptical turrets, on the centre line, one forward and one aft, each with an arc of fire of about two hundred and seventy degrees; the 8-inch guns in four electrically controlled balanced elliptical turrets, two on each beam, at each end of the superstructure; the 7-inch guns in broadside, on pedestal mounts on the gun deck behind 7-inch armor, each isolated by splinter bulkheads of nickel steel forward and aft of the main battery, with right ahead and right astern, respectively; the other 7-inch guns to have the usual broadside turrets.

Guns of the secondary battery will be mounted in commanding positions having a large arc of unobstructed fire. They will have 12-inch and 8-inch turrets. A complete belt of armor 8 feet 3 inches wide will protect the hull at the waterline, and the necessary casemate armor and protection for ammunition tubes will be provided. The protected deck will extend from stem to stern, built up of 20-pound nickel, with nickel armor plating on the flat and one hundred pounds on the slope.

Vertical twin screw four cylinder triple expansion engines will propel them, and each vessel will have two sets of turbine boilers. The total ammunition of each vessel will be 534.8 tons.

Following are the general dimensions and features of the ship: Length on load waterline, 450 feet; extreme breadth at load waterline, 76 feet 10 inches; trial displacement, 16,000 tons; mean draught, 24 feet 6 inches; gross draught, full load, about 27 feet 9 inches; total capacity, 2,290 tons.

CANAL TREATY'S CHANCE.

Belief That Better Element in Colombia Will Overcome Opposition.

Washington, June 3.—The State Department has no present intention of making any move in the matter of the Panama Canal negotiations until the Colombian Congress meets on June 20 and has given some evidence of its disposition toward the treaty. President Marroquin, it is understood, satisfied himself before calling Congress in special session that the government would be able to command a safe majority on the question of ratification. It is known that considerable opposition has been expressed in the Senate, but it is believed here that this opposition in Colombia is based on ignorance and unwarranted suspicion of the designs of the United States Government.

Congressman Malcom, of Colorado, who has just arrived here on leave of absence, brings assurances that the best element in Colombia is coming around in favor of the treaty, and he is satisfied that the influence of this element, in the midst of an educational campaign which has already been begun, will be sufficient to overcome the opposition.

MR. CHOATE IN WASHINGTON.

Has a Conference with Alaskan Boundary Commission Counsel.

Washington, June 3.—Ambassador Choate, who has just returned from Europe, was at the State Department to-day. After paying his respects to Secretary Hay he went to the office of John W. Watson, of counsel for the United States before the Alaskan Boundary Commission. The conference lasted several hours, the subjects under discussion being the attacks of the commission, and the arrangements and rules for its meeting in London, which will probably take place in September.

THE KEARSARGE OFF FOR KIEL.

The United States battleship Kearsarge passed Sandy Hook about 1 p. m. yesterday on her way to Kiel, Germany, where she is to be the temporary flagship of Rear Admiral Cort during the regatta week celebration at that port.

AMBASSADOR MEYER COMING HOME.

[BY TELEGRAPH TO THE TRIBUNE.]
Hamilton, Mass., June 3.—A letter was received here to-day from United States Ambassador George Von L. Meyer, announcing that he and his wife will sail from Italy for this country July 8. He will remain in the United States six weeks, and will pass most of the time in this town.



Never was a time when so much attractive elegance went into Cluett-Peabody negligé shirts as now. Ask your dealer.
Cluett Shirts, \$1.50 up
Monarch Shirts, \$1.00 up
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MACHEN'S COAL CONTRACT

HELD NOT TO BE ILLEGAL.

Attorney General Knox's Opinion Rendered to Mr. Payne.

Washington, June 3.—Postmaster General Payne to-day made public the decision of Attorney General Knox on which Mr. Payne based his award of the coal contract of the department to Machen Brothers, of this city, of which firm August W. Machen, then general superintendent of the free delivery service, is a member. The award was made to that firm as the lowest bidder for the coal famine last winter, and newspaper publications at the time charged that the award to a firm of which a department official was a member was a violation of law. The decision is dated January 15. The Attorney General says:

The Postmaster General.
Sir: I have the honor to acknowledge the receipt of your letter of the 8th inst., in which you ask my opinion as to whether you can award a contract for the purchase of coal for the use of your department under the following circumstances:

On December 30, 1902, sealed proposals were invited for furnishing the Postoffice Department with bituminous coal for the remainder of the fiscal year ending June 30, 1903. An advertisement was placed in three Washington papers, and a type-written copy thereof was sent to about twenty-two coal dealers. Four bids were submitted in response thereto, the lowest being that of Machen Brothers, who propose to furnish 2,000 tons (the amount probably needed by the department for the balance of the present fiscal year) for \$75, which is \$245 a ton cheaper than the next lowest bid. You state that the proposal is properly executed, and that no question has arisen in this respect. The fact is presented, however, that the firm of Machen Brothers is composed of William A. Machen and August W. Machen, the latter being superintendent of free delivery in the Postoffice Department.

The question thus submitted involves a construction of the following sections of the revised statutes:
"Section 412—No person employed in the Postoffice Department shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor, or person offering to become a contractor, in any business before the department, and any person so interested shall be immediately dismissed from office, and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt, for the use of the Postoffice Department."

"Section 1783—No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm, and every such officer, agent, or member, or person, so interested, who so acts, shall be imprisoned not more than two years, and fined not more than \$2,000 nor less than \$500."

In my judgment, Section 412 does not forbid you from awarding the contract to the firm of Machen Brothers. If the contract was one "for carrying the mail," it would clearly be within the general prohibition which forbids any employee of the Postoffice Department from having any interest in such a contract. Congress did not see fit, however, to apply such general prohibition to every kind of a contract, but limited its inhibition to the special kind of contract above referred to. It did, however, prohibit any employee from acting "as agent, with or without compensation, for any contractor, or person offering to become a contractor, in any business before the department."

The statute is in derogation of the common right, and is quasi-penal in character. It provides for the immediate dismissal of any postoffice employee who does act as such agent, and subjects him to a heavy penalty. It must therefore be strictly construed. Under such construction a partner cannot be held to be an "agent" for he is a principal. Machen in making a joint bid for a contract, the act is essentially the act of principals. Without deciding that a partner could not act as the "agent" within the meaning of the act of Congress, for the firm of which he is a member in the transaction of business before your department, I am of the opinion that the mere joining with his partner as principals in a bid for a contract does not make him such "agent," and Section 412 does not apply.

Referring to R. S. 1783, you do not state in your letter the exact nature of Mr. Machen's duties, except that he is general superintendent of the free delivery system. I assume, for the purposes of this opinion, that he has no official relation with the purchase of coal for the use of the department, and if this be the fact, Section 1783 is inapplicable, for Mr. Machen as such superintendent does not "act as an officer or agent of the United States" with reference to such purchase of coal.

The general question as to the right of executive officers to contract as principals with the government was discussed by Attorney General Williams in an opinion (4 Op. U. S. 453), in which, after referring to Sections 1781 and 1782, he says: "But there is not in the statutes any general prohibition which prevents executive officers from contracting directly with the government, as principals, in matters entirely separate from their official duties, and in no way connected with the performance of their duties as officers of the government; nor are they forbidden to be connected with such contracts, when they are procured by acquiring an interest in them. And here there is a marked difference made in the legislation of Congress between the members of the body and the executive officers of the government. Both classes are under the prohibition of laws above cited. But in the act of 1895 (28 Statutes, 481; Rev. Statutes, 3762), which strictly prohibits all interest in and all connection with principals with government contracts, members of Congress and delegates only are mentioned as coming within the intention." From this statement it is clear that it has not been the purpose of Congress to prohibit executive officers in general from being as principals, connected with government contracts, nor except above pointed out, from acquiring interests in them. There is not in the statutes any such prohibition applying to United States pension agents.

While I am, for the reasons stated, of the opinion that you are not forbidden by any statute from awarding the contract to the firm of Machen Brothers, I must not be understood as advising you that you are under any legal obligation to do so. I know of no law which requires you to award a contract of this character to the lowest bidder. The acceptance of any bid is a matter of administrative judgment and discretion, and you are at liberty, for any reason that in your judgment is to the public interest, to disregard any bid. The matter is one of administrative judgment and discretion, and as such I am without any authority or obligation to express any opinion with reference to it. Respectfully,
P. C. KNOX,
Attorney General.

MACHEN'S CASE NOT TAKEN UP.

It Is Likely to Come Before the Grand Jury To-day.

Washington, June 3.—It was expected that the case of ex-Superintendent Machen would be taken up by the United States Grand Jury to-day, but the jury met and adjourned until to-morrow without considering it. While the officials of the District Attorney's office are reticent concerning the case, it appears likely that it will be brought before the grand jury to-morrow. Assistant District Attorney Taggart is preparing the evidence, and no action will be taken until he is ready to proceed. Postmaster General Payne expressed surprise at the failure to present Machen's case to-day, but indicated his belief that there would be no delay on the part of the grand jury when the matter comes before it.

Mr. Payne said that the reply of Fourth Assistant Postmaster General Bristol to the Tulloch charges would not be made public until the report on the investigation of the Washington Postoffice is submitted. This report, he said, would show the condition of the Washington Postoffice to-day, as well as the condition which prevailed at the time complained of by Tulloch.

ARMY AND NAVY ORDERS.

Washington, June 2.—The following army and navy orders have been issued:

ARMY.

Captain EDWARD A. SHUTTLEWORTH, 27th Infantry, detailed to fill vacancy in quartermaster's department; report to commanding general, Fort Belvoir, Mo.

Second Lieutenant JAMES A. ROANE, 21st Infantry, and First Lieutenant DAVID MCCOACH, artillery corps, have been accepted for the good of the service.

The following transfers are made in the artillery corps: Captain BERTY P. BISHOP, to 41st Company; Captain EDWARD L. LONDON, from 41st Company to assigned unit.

Major ARTHUR MURRAY, artillery corps, detailed member of staff of engineers, Vice Major Sedgwick Pratt, artillery corps.

Contract Surgeon GEORGE F. JUEMENNANN, to Fort Columbia.

Second Lieutenant JAMES A. HIGGINS, 30th Infantry, from signal corps to his regiment.

NAVY.

Commander G. B. HARNER, detached as naval attaché at Paris and St. Petersburg; home.

Lieutenant Commander R. C. SMITH, detached as naval attaché, to Paris and St. Petersburg as naval attaché.

Lieutenant L. F. JAMES, detached the Wasp; to Asiatic Station.

Lieutenant M. L. BRISTOL, detached general board, to Naval War College.

Ensign Z. E. BRIGGS, detached the Essex; home.

Ensign J. B. GILMER, detached the Alert; home.

Midshipman W. R. RAUDENBUSH, the Essex; Surgeon G. PICKRELL, detached Naval Academy; to Texas.

Surgeon H. E. JAMES, detached the Texas; to Naval Academy.

D. J. SULLY GOES ABROAD.

Daniel J. Sully, the cotton operator, sailed yesterday on the White Star liner Oceanic for Liverpool. Mr. Sully was asked about the story that he had given \$25,000 to be distributed among his associates in the office of the F. W. Cluett and Company, of South Water-st. Providence, of which he is the head. He confirmed the report, but would give no details. He said he would be gone for two months and would take a complete rest.

MOODY TO LEAVE THE CABINET.

Will Not Remain After Roosevelt's Present Term Ends.

RUMOR MEETS DENIALS.

Report That Erie Had Been Secured by Gould-Harriman Interests.

Washington, June 3.—It was announced authoritatively to-night that Secretary Moody of the navy would not remain in the Cabinet longer than the present term of President Roosevelt. Mr. Moody expects to resume the practice of law.

NO FREE TRANSFERS YET.

Interurban May Have Dropped Blume Case as a Poor One.

Streetcar passengers' hopes of an immediate extension of the Interurban Street Railway Company's transfer system all over the city, hopes which Tuesday's withdrawal by the company of its appeal from Justice Worcester's decision in the case of Paul Blume against the company had caused suddenly to revive, fell to zero yesterday when the company's refusal to give him free transfers over its lines, there was no faintest hint apparent of the company's intention to extend its transfer system to the various intersections as yet uncovered by its transfer system. Mr. Blume had received \$220, \$20 of which was for costs, for refusals on the part of the company to give transfers at the intersection of One-hundred-and-twenty-fifth-st. and Eighth-ave., Twenty-third-st. and Broadway, and Twenty-third-st. and Third-ave; yet in an itinerary made yesterday afternoon not only were transfers refused to a Tribune reporter at the intersections named, but also at numerous other junctions where under Justice Worcester's decision transfer tickets should have been granted. These were at Sixth-ave. and Forty-second-st., Sixth-ave. and Twenty-third-st., One-hundred-and-twenty-fifth-st. and Lexington-ave., One-hundred-and-twenty-fifth-st. and Madison-ave., One-hundred-and-twenty-fifth-st. and Second-ave., at the junction of Eighth, Fourteenth, Seventeenth, Eighteenth, Thirty-fourth, Fifty-ninth, and Forty-second-st., and at the intersection of Eighth-ave. and Third-ave. In addition, One-hundred-and-twenty-fifth-st. down Amsterdam-ave. and all junctions on the Boulevard line with the exception of One-hundred-and-twenty-fifth-st. going downtown.

Under the precedent established on Tuesday, however, any passenger to whom is denied a transfer at the intersection of the law is entitled to \$25 damages and costs for each offense.

The withdrawal of the company's appeal the preceding day found ample reflection yesterday in the passengers' demands for transfers at the disconnected points. Throughout the day, from the hour when the early morning passenger had realized, as he fondly imagined, the significance of the precedent, the conductors were furnished with requests for transfers. In every instance they had to perform to answer that they had received no orders from the company, and in some cases, as the humor took them, had to pay a fresh fare on entering the fresh car.

It was rumored that the company had consented to judgment in the actions on appeal, because it did not deem them good cases to take to the Court of Appeals. An official of the company was quoted as saying that, while these cases showed a violation of the letter of the law, they did not embrace all the ground that the company desired should be considered on appeal.

CLEVELAND JOINS IN PROTEST.

Philadelphia, June 3.—At a mass meeting to-night in the Academy of Music, to protest against the Jewish massacres at Kishineff, the following letter from ex-President Cleveland was read:

"The object of your meeting is one which naturally serves to arouse the sensibilities of every right feeling man, and I do not wonder that our fellow citizens of Philadelphia, as well as of other cities, should unite in expressing their deep horror at the cruelties which have recently been called to the attention of the world. It is the duty of every citizen to express his sentiment in favor of preventing such cruelties in future, and at the same time of forwarding relief to those who have so brutally been made to suffer."

MUTUAL SURETY COMPANY.

A new surety company is being incorporated by the retail liquor dealers in this city, and rapid progress is being made in the enterprise. Prominent liquor dealers are taking an active interest in the plan. It is not the purpose to have the control of the company in the hands of a few wealthy liquor dealers, but to limit the holdings of the stock. It has been decided that no man shall hold more than five shares of stock at \$100 a share. There will be a law department to take care of all excise charges.

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