Also, resolutions of Brotherhood of Locomotive Firemen of Greater New York, advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petition of John C. Scales, of Washington, D. C., for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, resolutions of the Board of Trade and Transportation of New York, to deepen channels and approaches of New York Bay—to the Committee on Rivers and Harbors.

Also, resolutions of the Retail Grocers Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of Woman's Christian Temperance Union of Wyoming County, N. Y., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

SENATE.

TUESDAY, *February 19, 1901.*

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

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

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 321) for the relief of legal representative of Samuel Tewksbury, deceased;

A bill (H. R. 3206) to correct the military record of Thomas Dunn;

A bill (H. R. 3599) for the relief of Lewis M. Millard;

A bill (H. R. 5324) for the relief of the employees of William M. Jacobs;

A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson;

A bill (H. R. 10700) to confirm a lease with Seneca Nation of Indians;

A bill (H. R. 11786) to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel;

A bill (H. R. 13633) to amend section 4472 of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power; and

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

COURT OF JUSTICE, PONCE, P. R.

The PRESIDENT pro tempore laid before the Senate a communication from the court of justice of the district of Ponce, transmitting a demonstrative statement of the work done by that court since August 20, 1899; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, 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. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. JENKINS, and Mr. MEYER of Louisiana managers at conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1203) granting an increase of pension to Lewis S. Horsey.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897; and

A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 365) granting a pension to Aries Butcher;

A bill (H. R. 551) granting an increase of pension to Frank F. Carnduff;

A bill (H. R. 601) granting an increase of pension to Daniel W. Shaw;

A bill (H. R. 633) granting an increase of pension to Vianna Mallard;

A bill (H. R. 1148) granting an increase of pension to Isaac D. Toll;

A bill (H. R. 1235) granting an increase of pension to Chamness S. Burks;

A bill (H. R. 1889) for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;

A bill (H. R. 2085) granting a pension to Jane A. E. Womack;

A bill (H. R. 2396) granting an increase of pension to Francis H. Pike;

A bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2595) granting an increase of pension to William C. Griffin;

A bill (H. R. 3078) granting an increase of pension to Amanda W. Clancy;

A bill (H. R. 3232) granting an increase of pension to David Flinn;

A bill (H. R. 3247) granting an increase of pension to George Mowry;

A bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar;

A bill (H. R. 3466) granting a pension to Hiram Stimple;

A bill (H. R. 3546) granting a pension to Caroline M. H. Searing;

A bill (H. R. 3871) granting a pension to William J. Worthington;

A bill (H. R. 3945) granting an increase of pension to Burdette N. Cleaveland;

A bill (H. R. 3949) granting a pension to Minnie Gray;

A bill (H. R. 4068) granting an increase of pension to Maria N. Flint;

A bill (H. R. 4078) granting an increase of pension to John D. Allen;

A bill (H. R. 4357) granting a pension to Jakobina Halbertsma;

A bill (H. R. 4672) granting a pension to James W. Boden;

A bill (H. R. 4813) granting a pension to Taylor Hux;

A bill (H. R. 4906) granting a pension to Ellen Quinn;

A bill (H. R. 4963) granting an increase of pension to Charles E. Churchill;

A bill (H. R. 5195) granting an increase of pension to Jacob W. Kouts;

A bill (H. R. 5198) granting an increase of pension to Samuel S. Stafford;

A bill (H. R. 5224) granting an increase of pension to Daniel Smith;

A bill (H. R. 5303) granting a pension to Julia A. Prouty;

A bill (H. R. 5336) granting an increase of pension to William S. Swaney;

A bill (H. R. 5441) granting an increase of pension to Hugh Thompson;

A bill (H. R. 5524) granting an increase of pension to Richard P. Mitchell;

A bill (H. R. 5599) granting an honorable discharge to James L. Proctor;

A bill (H. R. 5613) granting an increase of pension to Louis Nessell;

A bill (H. R. 5614) granting a pension to Virginia R. Friedeborn;

A bill (H. R. 5874) to pay H. P. Dyer for carrying mail;

A bill (H. R. 6145) granting a pension to Benoni A. McConnell;

A bill (H. R. 6148) granting an increase of pension to William M. Tom;

A bill (H. R. 6319) granting an increase of pension to George W. Cox, alias John Smith;

A bill (H. R. 6407) granting an increase of pension to Michael S. Brockett;

A bill (H. R. 6552) granting an increase of pension to Abram P. Pew;

A bill (H. R. 6787) granting an increase of pension to Edwin A. Wilson;

A bill (H. R. 6914) granting an increase of pension to Elliott Loomis;

A bill (H. R. 6921) granting an increase of pension to Gustav Rienecker;

A bill (H. R. 6997) granting an increase of pension to Josephine H. Whitehead;

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

A bill (H. R. 7315) granting an increase of pension to William W. King;
A bill (H. R. 7617) granting an increase of pension to Rebecca Tolson;
A bill (H. R. 7810) granting an increase of pension to Robert P. Cussin;
A bill (H. R. 7840) for the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smith Point;
A bill (H. R. 8001) granting a pension to Sampson D. Bridgman;
A bill (H. R. 8106) granting a pension to Olivia Donathy;
A bill (H. R. 8190) granting a pension to Henry Miller;
A bill (H. R. 8297) granting an increase of pension to Albert Buck;
A bill (H. R. 8525) granting an increase of pension to Maurice Fitzgerald;
A bill (H. R. 8998) granting an increase of pension to Alexander F. Hartford;
A bill (H. R. 9005) granting an increase of pension to William W. Schooley;
A bill (H. R. 9023) granting an increase of pension to Mary E. Dobyns;
A bill (H. R. 9066) granting an increase of pension to Joseph N. Loveing;
A bill (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon;
A bill (H. R. 9182) granting a pension to Eva K. Hyberg;
A bill (H. R. 9218) granting an increase of pension to George W. Hissey;
A bill (H. R. 9235) granting a pension to Peter Lundberg;
A bill (H. R. 9269) granting a pension to Olie Heaton;
A bill (H. R. 9370) granting a pension to Louis M. Starring;
A bill (H. R. 9536) granting a pension to Sarah Hastings;
A bill (H. R. 9672) granting an increase of pension to Mary J. D. McGlensey;
A bill (H. R. 9787) granting a pension to Marion M. Stone;
A bill (H. R. 9874) granting an increase of pension to Anna F. Johnson;
A bill (H. R. 9903) granting an increase of pension to Henry B. Shell;
A bill (H. R. 9914) granting a pension to Almira A. Scott;
A bill (H. R. 10021) granting an increase of pension to John R. Robinson;
A bill (H. R. 10055) granting an increase of pension to Frederick G. McDowell;
A bill (H. R. 10118) granting an increase of pension to Mary Flynn;
A bill (H. R. 10358) granting a pension to Elizabeth J. Jones;
A bill (H. R. 10480) granting an increase of pension to George P. Overton;
A bill (H. R. 10564) granting an increase of pension to James R. Husted;
A bill (H. R. 10792) granting an increase of pension to John T. Knox;
A bill (H. R. 10871) granting an increase of pension to Mary A. Brown;
A bill (H. R. 11111) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Ala.;
A bill (H. R. 11145) granting a pension to William C. Chandler;
A bill (H. R. 11158) granting a pension to Daniel Palmatary;
A bill (H. R. 11187) granting a pension to James W. Russell;
A bill (H. R. 11277) granting an increase of pension to Thomas A. Cord;
A bill (H. R. 11312) granting an increase of pension to Johnson H. Fitzpatrick;
A bill (H. R. 11335) granting an increase of pension to Silas Howard;
A bill (H. R. 11395) granting a pension to Sarah J. Binnix;
A bill (H. R. 11452) granting a pension to Nettie L. Bliss;
A bill (H. R. 11507) granting an increase of pension to Perry C. Jeffrey;
A bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny;
A bill (H. R. 11658) granting an increase of pension to Mary J. Nelson;
A bill (H. R. 11806) granting an increase of pension to Edward Hause;
A bill (H. R. 11812) granting an increase of pension to Daniel E. Turner;
A bill (H. R. 11836) granting an increase of pension to Bela Sawyer;
A bill (H. R. 12142) granting an increase of pension to William B. Wright;
A bill (H. R. 12184) granting an increase of pension to Thomas Jefferson Holmes;
A bill (H. R. 12190) granting an increase of pension to Patrick Connelly;
A bill (H. R. 12249) granting an increase of pension to Gideon Johnson;
A bill (H. R. 12250) granting an increase of pension to Patrick Brennan;
A bill (H. R. 12294) granting a pension to Lottie M. Rankins;
A bill (H. R. 12297) granting an increase of pension to Andrew J. Harbison;
A bill (H. R. 12301) granting an increase of pension to Jacob E. Swap;
A bill (H. R. 12350) granting an increase of pension to James Paul;
A bill (H. R. 12391) granting an increase of pension to James M. Campbell;
A bill (H. R. 12411) granting a pension to Catherine T. Howell;
A bill (H. R. 12433) granting an increase of pension to Ferdinand Wagner;
A bill (H. R. 12441) granting an increase of pension to Aaron R. Rohrbach;
A bill (H. R. 12444) granting an increase of pension to John D. Cohler;
A bill (H. R. 12473) granting an increase of pension to E. Bradford Gay;
A bill (H. R. 12476) granting an increase of pension to Samuel Minnich;
A bill (H. R. 12490) granting an increase of pension to Andrew J. West;
A bill (H. R. 12491) granting an increase of pension to Robert H. Metcalf;
A bill (H. R. 12516) granting an increase of pension to Edward Warner;
A bill (H. R. 12566) granting a pension to George M. Walker;
A bill (H. R. 12577) granting a pension to Sarah B. Schaeffer;
A bill (H. R. 12606) granting an increase of pension to Marcellus A. Lothrop;
A bill (H. R. 12696) granting a pension to John B. Frisbee;
A bill (H. R. 12710) granting an increase of pension to William H. Simmonds;
A bill (H. R. 12778) granting a pension to Adoniram J. Holmes;
A bill (H. R. 12826) granting an increase of pension to Charles H. Knapp;
A bill (H. R. 13120) granting an increase of pension to Albert L. Duddleson;
A bill (H. R. 13123) granting an increase of pension to Charles Hawkins;
A bill (H. R. 13133) granting a pension to Joseph V. Hoffecker;
A bill (H. R. 13193) to authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes;
A bill (H. R. 13204) granting an increase of pension to Henry H. Brown;
A bill (H. R. 13236) granting an increase of pension to James Barton;
A bill (H. R. 13237) granting a pension to Jacob Hoerr;
A bill (H. R. 13312) granting an increase of pension to Albert Foster;
A bill (H. R. 13593) granting an increase of pension to Lewis W. Phillips; and
A bill (H. R. 13731) to provide an American register for the steamer *Enterprise*.

PETITIONS.

Mr. McMILLAN presented petitions of Local Lodge No. 82, International Association of Machinists, of Detroit, Mich.; of Local Union No. 173, United Brotherhood of Carpenters and Joiners, of Munising, Mich., and of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing for the reclamation of arid Western lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. MASON presented a petition of sundry citizens of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of sundry citizens of Meadowgrove, Nebr., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 3754) granting an increase of pension to Solomon Delzell;
A bill (H. R. 6503) granting an increase of pension to William Gross;
A bill (H. R. 11618) granting an increase of pension to John Burns;

A bill (H. R. 11798) granting an increase of pension to Lealdes F. Laverty; and

A bill (H. R. 12121) granting a pension to Caroline H. Wright.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 3784) granting an increase of pension to Linsay C. Jones, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 2506) granting an increase of pension to Joseph Kemper; and

A bill (H. R. 10718) granting an increase of pension to James Gatton.

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

A bill (S. 4783) granting an increase of pension to Charles Stackhouse; and

A bill (S. 5914) granting an increase of pension to George K. Thompson.

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

A bill (H. R. 10689) granting an increase of pension to Michael Falkoner;

A bill (H. R. 11085) granting a pension to Mary M. Sprandel;

A bill (H. R. 12304) granting a pension to Mary B. Whiteley;

A bill (H. R. 12775) granting a pension to Sarah Miller;

A bill (H. R. 12883) granting an increase of pension to Condy Renalis;

A bill (H. R. 12997) granting an increase of pension to Thomas J. Young; and

A bill (H. R. 13160) granting a pension to Sarah M. Lowell.

Mr. KENNEY (for Mr. LINDSAY), from the Committee on Pensions, to whom was referred the bill (S. 5096) granting an increase of pension to Mary Moore, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 10995) granting a pension to William Mitchell; and

A bill (H. R. 12686) granting a pension to John W. Conely.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 9886) to restore certain widows to the pension roll, to report it with amendments, and to submit a report thereon.

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

Mr. GALLINGER. I move that the bill (S. 2345) to restore the pensions of widows in certain cases, being Order of Business 452 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4157) granting a pension to Catherine Conroy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12442) granting an increase of pension to Mary E. Starr, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 3233) granting an increase of pension to Nicholas B. Ireland;

A bill (H. R. 8577) granting an increase of pension to Levi C. Hare;

A bill (H. R. 9526) granting a pension to N. Marietta Chapman;

A bill (H. R. 10331) granting an increase of pension to Sylvanus A. Gifford; and

A bill (H. R. 12334) granting a pension to Marie Barton Greene.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 13049) granting a pension to Elizabeth Fury, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 2135) granting a pension to D. B. Clark; and

A bill (S. 5601) granting an increase of pension to Adelaide Worth Bagley.

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

A bill (H. R. 13118) granting a pension to Rebecca J. Gray; and

A bill (H. R. 13569) granting a pension to the minor children of Henry R. Hinkle.

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

A bill (H. R. 5639) granting a pension to Harlin Keeling; and

A bill (H. R. 13567) granting a pension to Martha M. Stephens.

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

A bill (S. 4519) granting a pension to Jane Taylor;

A bill (S. 5066) granting a pension to Catharine Moore; and

A bill (S. 493) granting a pension to Charles F. Berger.

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

A bill (S. 5213) granting an increase of pension to Cornelius Springer;

A bill (S. 5047) granting a pension to Lucinda W. Cavender;

A bill (S. 3477) granting an increase of pension to Daniel T. Rose; and

A bill (H. R. 8650) granting an increase of pension to William C. Whitney.

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

A bill (H. R. 10748) granting an increase of pension to Julius Sporleder;

A bill (H. R. 8380) granting an increase of pension to Reamus G. Morris;

A bill (H. R. 3883) granting an increase of pension to William H. Ransom;

A bill (H. R. 10046) granting a pension to Rosa Cox; and

A bill (H. R. 10382) granting an increase of pension to James Mason.

Mr. KYLE, from the Committee on Indian Affairs, reported an amendment proposing to appropriate $150 to pay James R. Goss, of Billings, Mont., for legal services rendered by him in 1898, in defending two Indian policemen and the interpreter of the Crow Agency, Mont., intended to be proposed to the general deficiency appropriation bill; and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (S. 4752) granting an increase of pension to Ven Druth Washburn, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 154) granting an increase of pension to Benjamin F. Shott;

A bill (H. R. 13447) granting an increase of pension to Benjamin Eason;

A bill (H. R. 2473) granting a pension to Mary J. Fouts;

A bill (H. R. 3820) granting an increase of pension to Edgar Hill;

A bill (H. R. 6417) granting a pension to Eliza C. Johnson;

A bill (H. R. 9584) granting an increase of pension to Samuel F. Bell;

A bill (H. R. 10978) granting an increase of pension to Augustus L. Chetlain;

A bill (H. R. 11529) granting an increase of pension to Don Farrington; and

A bill (H. R. 13214) granting an increase of pension to Jacob C. Hansel.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 18th instant, proposing to appropriate $25,200 for surveying the lands in the Pine Ridge, Standing Rock, and Lower Brule Indian reservations in South Dakota, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

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

A bill (H. R. 13088) granting an increase of pension to Peter Brunette;

A bill (H. R. 11807) granting an increase of pension to John H. Bliss; and

A bill (H. R. 12180) granting an increase of pension to Gilbert L. Pierce.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 13086) granting an increase of pension to Eunice Henry, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 5542) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha*, reported it with amendments, and submitted a report thereon.

Mr. DEPEW, from the Select Committee on International Expositions, to whom was referred the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, reported it without amendment, and submitted a reported thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw, reported it without amendment, and submitted a report thereon.

Mr. STEWART. I am directed by the Committee on Claims, to whom was referred the amendment submitted by me on the 15th instant, proposing to increase the number of associate justices of the Court of Claims and to appropriate $20,000 for the salaries of the chief justice and associate justices of that court, intended to be proposed to the sundry civil appropriation bill, to report it favorably, and to ask that it be referred to the Committee on Appropriations and printed. In the same connection, I ask that the letter from the Attorney-General on this subject be printed as a document, and referred to the Committee on Appropriations to accompany the amendment.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 4522) to correct the naval record of Alfred Burgess, reported it without amendment.

He also, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PERKINS on the 15th instant, authorizing the President of the United States to secure such concessions, lands, and rights as may be necessary to enable the United States to lay, maintain, and operate a submarine cable and connecting land lines from San Francisco, Cal., to Honolulu, Hawaiian Islands, etc., intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

THEATER LICENSES IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution regulating licenses to proprietors of theaters in the District of Columbia, and I ask for its immediate consideration.

The joint resolution (S. R. 163) regulating licenses to proprietors of theaters in the District of Columbia was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any license issued by the Commissioners of the District of Columbia to the proprietor of a theater or other public place of amusement in the District of Columbia may be terminated by the said Commissioners whenever it shall appear to them that, after due notice, the person holding such license shall have failed to comply with such regulations as may be prescribed by the said Commissioners for the public decency.

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

There being no objection, the joint resolution was considered as in Committee of the Whole.

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

HEARINGS BEFORE DISTRICT COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. McMILLAN on the 14th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on the District of Columbia be paid out of the contingent fund of the Senate, and that the said hearings be printed for the use of the Senate.

ASSISTANT CLERK OF COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. LODGE on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That in lieu of the 2 assistant clerks now allowed the Committee on Foreign Relations, each at a salary of $1,440 a year, the committee is hereby authorized to employ 1 assistant clerk, until otherwise provided, at an annual salary of $1,800, to be paid from the contingent fund of the Senate.

COMPILATION OF PURE FOOD AND DRUG LAWS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MASON on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the Committee on Manufactures is hereby directed to have prepared for its use a compilation of the pure food and drug laws of the United States and foreign countries, the clerical expenses incident to said work to be paid from the contingent fund of the Senate, not to exceed the sum of $600.

MINING LOCATIONS.

Mr. GALLINGER. Senate resolution 491, submitted by the Senator from Nevada [Mr. STEWART], was recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate. I report it back with a substitute, and ask that the substitute be now considered.

The PRESIDENT pro tempore. The resolution reported as a substitute will be read.

The SECRETARY. Strike out all after the resolving clause and insert:

That the stenographer employed to report the hearings before the Committee on Mines and Mining concerning mining locations under powers of attorney, etc., be paid out of the contingent fund of the Senate, and that the said hearings be printed for the use of the Senate.

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

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported as a substitute.

The amendment was agreed to.

The resolution as amended was agreed to.

SPECIAL PENSION LEGISLATION.

Mr. GALLINGER. Concurrent resolution No. 103, which looked to an inquiry into the matter of special pension legislation, was referred to the Committee on Pensions. The resolution has been considered, and I have been directed by that committee to report a substitute for the concurrent resolution. The substitute is simply a Senate resolution.

The PRESIDENT pro tempore. The substitute will be read:

The Secretary read as follows:

Resolved, That the Committee on Pensions is hereby authorized and directed, by a subcommittee appointed for that purpose, to carefully examine, during the recess of Congress, all general laws on the statute book granting pensions to soldiers, their survivors, and dependents; also to make inquiry and investigation into the matter of special pension legislation, and to pursue such other inquiries on the general subject as may be deemed advisable, report to be made to the Senate, by bill or otherwise, at as early a day as practicable after the assembling of the first regular session of the Fifty-seventh Congress, the expense incurred to be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. It is a Senate resolution substituted for a concurrent resolution?

Mr. GALLINGER. Yes; as a substitute. I am not quite sure about it. My colleague suggests that there may be an informality in it, and I am inclined to think there is. I will report the Senate resolution from the committee and then move the indefinite postponement of the concurrent resolution.

The PRESIDENT pro tempore. The Chair was going to suggest that the concurrent resolution be indefinitely postponed. In the opinion of the Chair the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. It was my purpose that it should be referred to that committee.

The PRESIDENT pro tempore. If there be no objection, the concurrent resolution will be indefinitely postponed, and the resolution reported as a substitute will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It is so ordered.

WATER FILTRATION.

Mr. McMILLAN, from the Committee on the District of Columbia, who was directed by resolution of the Senate of December 20, 1900, to investigate and report to the Senate at the earliest practicable date the relative merits of the mechanical and the slow sand systems of filtration for the water supply of the District of Columbia, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

GRADE OF VICE-ADMIRAL.

Mr. HALE. I report back favorably without amendment, from the Committee on Naval Affairs, the bill (S. 6000) to revive the grade of vice-admiral in the Navy. If there is no objection to it, I should like to have the bill passed now.

The PRESIDENT pro tempore. The bill will be read in full.

The Secretary read the bill.

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

Mr. PETTIGREW. I object.

Mr. BUTLER. Let the bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes on the Calendar.

Mr. HALE. It will go on the Calendar; and I give Senators notice that as soon as it is practicable I shall ask the Senate to

consider it. Of course if it is done it should be done within the next few days, in order that it may go to the House and be acted upon there and go to the President for his action. If it is delayed many days, it will fall by the wayside and nothing will be done.

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

RIVER AND HARBOR BILL.

Mr. NELSON. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments, and I submit a report thereon. I ask that the report and bill be printed and placed on the Calendar, and I give notice that at as early a day as possible I shall call up the bill for consideration.

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

On motion of Mr. NELSON, it was

Ordered, That 500 copies in addition to the usual number of the bill (H. R. 13189), known as the river and harbor bill, as reported to the Senate, be printed for the use of the Senate.

BILLS INTRODUCED.

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

A bill (S. 6002) for the relief of the trustees of the Madison Female Institute, of Richmond, Ky.;

A bill (S. 6003) for the relief of Charles H. Adams;

A bill (S. 6004) for the relief of the legal representatives of Richard M. Robinson;

A bill (S. 6005) for the relief of the Louisville and Nashville Turnpike Company; and

A bill (S. 6006) for the relief of the legal representatives of John P. Reed, deceased.

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

A bill (S. 6007) granting a pension to Frances E. Florentine;

A bill (S. 6008) granting a pension to George W. Williford; and

A bill (S. 6009) granting a pension to Richard H. Cutter (with an accompanying paper).

Mr. KYLE introduced a bill (S. 6010) granting an increase of pension to Charles W. Pawling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 6011) for the relief of the legal representatives of John McVea, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S 6012) to provide an American register for the steam yacht *May;* which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $3,420 to reimburse Sandy Wallace for extra work performed by him for the six years and three months from December 1, 1893, to March 1, 1900, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 9835) to establish a code of law for the District of Columbia; which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

Mr. PERKINS submitted an amendment proposing to appropriate $1,211.80 to pay the claims of the Pacific Coast Steamship Company and the Pacific Mail Steamship Company for services in the year 1898 of persons employed as cooks upon vessels of said companies while under charter by the United States, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment providing that the pay and allowances of all officers and enlisted men of the volunteers received into the service of the United States under the act of Congress approved April 22, 1898, and the acts supplemental thereto, shall be deemed to commence from the day on which they had their names enrolled for service in the Volunteer Army of the United States and joined for duty therein after having been called for by the governor on the authority of the President, or by the President or Secretary of War under the last proviso of section 6 of the act of Congress approved April 22, 1898, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RAWLINS submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Utah, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. BARD submitted an amendment proposing to continue the Industrial Commission until March 3, 1903, with all the powers and duties imposed upon it; for the printing of 9,000 copies of the reports and digests prepared by the Industrial Commission, together with all the evidence taken before it, and also to appropriate $135,050 to pay the expenses of that commission, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $10,000, to be expended under the direction of the Secretary of War in making a survey for a ship canal to connect the Chesapeake and Delaware bays and the city of Baltimore and the Atlantic Ocean, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $3,654.56 to pay Mary Chambers, widow of Thomas Chambers, deceased, of Mackinac, Mich., in full compensation for the additional expenses incurred by him in carrying the Canada mails, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON submitted an amendment authorizing the Secretary of War to issue to the governors of the several States and Territories such number of new magazine rifles, caliber .30 of an inch, of the latest model in use by the United States Army, together with such number of woven cartridge belts of like caliber as are now required for arming all of the regularly organized, armed, and equipped militia of each State and Territory, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

ARMY POST EXCHANGE.

Mr. GALLINGER. Mr. President, I offer an amendment intended to be proposed to the Army appropriation bill. I ask that it be read and printed and referred to the Committee on Military Affairs.

I wish to make a request of that committee in this public manner, that they will kindly refer the amendment to the War Department for the opinion of the Department as to the advisability of making it a part of the appropriation bill.

The amendment was read, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

Amendment intended to be proposed by Mr. GALLINGER to the bill (H. R. 14017) making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

After line 16, page 21, insert the following:

"Difference between the cost of the ration at 25 cents and the amount of 26½ cents, to be expended under the direction of the Secretary of War for the purpose of laying out, preparing, and cultivating gardens, and supplying seeds, roots, and plants for the same; the purchase of books, periodicals, stationery, etc., for the post-exchange library; the purchase of gymnastic appliances; prizes for athletic sports; toward the support of the regimental band; for the purchase of articles of food other than those supplied by the regular ration; and for the further improvement of the post exchange, to be equably distributed among the enlisted men, $547,500."

PAYMENT OF CERTAIN CLAIMS.

Mr. TURLEY submitted two amendments intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

THE PEOPLE OF THE PHILIPPINES.

Mr. LODGE submitted the following concurrent resolution; which, together with sundry reports from the War Department, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the article prepared by the division of insular affairs of the War Department entitled "The people of the Philippines," of which 2,000 copies shall be for the use of the House of Representatives and 1,000 copies for the use of the Senate and 2,000 copies for the use of the War Department.

PUBLICATION OF MILITARY LAWS.

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

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 2,000 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate and 1,350 copies shall be for the use of the House of Representatives.

MARY A. MORTON.

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

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 3338, granting a pension to Mary A. Morton.

TESTS OF FIREPROOFED WOOD.

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

Resolved, That the Secretary of the Navy be directed to transmit to the Senate a copy of the report in his Department of recent tests made under his direction of fireproofed wood taken from the torpedo boat *Winslow*.

PAYMENT OF CERTAIN CLAIMS.

Mr. WARREN. Mr. President, I ask at this time unanimous consent that when the Senate adjourns to-night it may meet at 10 o'clock in the morning, and after the routine business that the claims bill, being the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act, and for other purposes, may be taken up and read and proceeded with until the floor is demanded by the unfinished business.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that when the Senate shall adjourn to-day it adjourn to meet to-morrow at 10 o'clock, in order that after the routine morning business the bill known as the omnibus claims bill may be read. Is there objection?

Mr. HALE. Until 11 o'clock?

Mr. WARREN. Or until the floor is demanded by the regular order or some measure of higher privilege.

The PRESIDENT pro tempore. Until 11 o'clock. Is there objection?

Mr. PETTIGREW. Mr. President, I am going to object. I think that we work hard enough when we come here at 11 and stay until 6.

The PRESIDENT pro tempore. Objection is made.

Mr. WARREN. Then, Mr. President, I ask that on to-morrow, after the morning business shall have been completed, the bill may be taken up and read during the morning hour.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that, after the completion of the routine morning business, what is known as the omnibus claims bill may be taken up and read.

Mr. WOLCOTT. Mr. President, in view of the uncertainty of the time of the passage of the Post-Office appropriation bill now under consideration, I feel compelled to object.

The PRESIDENT pro tempore. Objection is made.

Mr. WARREN. Mr. President, if I may add a word, I wish to say that I think it now becomes patent to the Senate that if this bill is to receive consideration we shall have to invoke the aid of the committee on order of business; and therefore I pass it over to that committee, indulging the hope that they may take into consideration the necessity for the passage of the bill, or that it should be considered, and that they will fix an early time for its consideration. Of course, we have the unfinished business from day to day; and we have appropriation bills, which take up the morning hour, so that this bill can only come up under unanimous consent, unless either appropriation bills or the regular order give way for a sufficient length of time.

I want to say a word further. If the bill is to be considered at this session, it ought to be taken up soon, because it contains a great many items not in the original House bill; and if the bill should go to conference, it will be a matter of the consideration of several hundred items.

One word further. I think the bill ought to pass, and without delay, as it is one which has had very thorough and conscientious consideration by the Committee on Claims, unless, indeed, we want to take down our flag of solvency and prosperity and to put out the red flag of auction and declare we are unable to pay our debts, or, if able, we are unwilling. As the matter is now to go into the charge of the steering committee, I suggest to my friends of the Senate—the Senators who who have given such affectionate and constant attention to the Committee on Claims in appealing for a prompt consideration of their claims bills, and very properly so, in the interests of their constituents—I suggest to them that they transfer for the time being those attentions and evidences of affection to the steering committee. I feel sure that committee will enjoy it, and the Committee on Claims will, of course, for the time being, excuse any seeming neglect of attention and demonstrations of affection.

Mr. BACON. I want to ask the Senator a question before he takes his seat. I am quite familiar with the committees of this body, but I do not know of any such committee as that to which the Senator alludes as "the steering committee of the Senate."

Mr. WARREN. Perhaps I should not say "steering committee;" perhaps I should say the Appropriations Committee, which has always had charge in the last hours of Congress of legislation, and very properly so.

Mr. BACON. Is that the committee to which the Senator has been alluding as the committee on the order of business?

Mr. WARREN. It is commonly so regarded. I think it has been so recognized always.

Mr. BACON. I am glad to be informed by the Senator. I did not know that that was the committee on the order of business.

SUNDAY SESSION FOR MEMORIAL EXERCISES.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

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

Resolved, That the various memorial resolutions concerning deceased members of the House of Representatives, the consideration of which is fixed for Saturday next, be considered at a session of the Senate to be held for that purpose only on Sunday next at 1 o'clock.

Mr. CHANDLER. Mr. President, many Senators have expressed to me their approval of this resolution, but one or two have said that they were opposed to it. I am not prepared to ask action at this time, and therefore I ask that the resolution may go over until to-morrow, retaining the same position it now holds.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution may go over until to-morrow, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

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

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monrce concerning the annexation of Cuba.

Mr. HALE. I ask that the resolution may go over until to-morrow, retaining its place.

The PRESIDENT pro tempore. The Senator from Maine asks that the resolution may go over until to-morrow, retaining its place. Is there objection? The Chair hears none, and that order is made. The morning business is concluded.

HOUSE BILLS REFERRED.

The bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., was read twice by its title, and referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2430) for the relief of Jacob L. Hanger, alias William T. Graham;

A bill (H. R. 3825) to grant an honorable discharge to Frederick A. Moeller;

A bill (H. R. 4742) to amend section 1225 of the Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools;

A bill (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C.;

A bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others;

A bill (H. R. 7602) to correct the military record of Palmer G. Percey;

A bill (H. R. 8067) to incorporate the National Society of United States Daughters of 1812;

A bill (H. R. 10869) for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.;

A bill (H. R. 13635) to authorize the construction of a bridge across Little River at or near the mouth of Big Lake, State of Arkansas;

A bill (H. R. 13782) to amend section 4427, Title LII, of the Revised Statutes, relating to inspectors of hulls and boilers; and

A bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 8, 1888.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House to print the report on the cruise of the United States revenue cutter *Bear* and the overland expedition for the relief of the whalers in the Arctic Ocean.

The message further announced that the House 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. 12904) 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, 1902, and for other purposes; insists upon its disagreement to the amendments of the Senate numbered 45, 51, 52, 56, and 62, upon which the committee were unable to agree; asks a further 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 further announced that the House insists upon its amendments to the bill (S. 3288) for the relief of Daniel Coonan, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPRON, Mr. STEVENS of Minnesota, and Mr. JETT managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KNOX, Mr. FLETCHER, and Mr. FINLEY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. JENKINS, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

ORDER OF BUSINESS.

Mr. WOLCOTT. Mr. President, I desire to call the attention of the Senate to the Post-Office appropriation bill, and to say that, as it is now dragging its slow length along, it seems as if we might not be able to complete it even to-day. The Senator from Kentucky [Mr. DEBOE] gave notice some days since of his desire to address the Senate at the close of the morning hour to-day. I understand that his remarks are not lengthy; and I feel bound by that rule of courtesy which prevails here to give way to him.

The Senator from New Jersey [Mr. SEWELL] is extremely desirous of finishing the consideration of the conference report on the Military Academy appropriation bill. If it shall be deemed best at the close of the remarks of the Senator from Kentucky, I must also give way to that.

A number of Senators have asked that the Post-Office appropriation bill be delayed, in order that some uncontested measures leading to no debate may be passed. Mr. President, with a desire to extend every possible courtesy to Senators, I must, so far as I am concerned as chairman of the Committee on Post-Offices and Post-Roads, decline to yield for the consideration and passage of other bills until the Post-Office appropriation bill shall have been determined. I should be glad to yield, but there will be other occasions when Senators can have such bills passed. We are already in the midst of the discussion of the Post-Office appropriation bill, with two important amendments seesawing from hour to hour before the Senate, one upon railway mail pay and the other upon pneumatic tubes. A number of Senators desire to address themselves to the amendments; and it does not seem to be fair to the Senate or fair to the bill that other measures should be sandwiched in with those amendments.

I now give way to the Senator from Kentucky.

NICARAGUA CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 1783) to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans, on which the Senator from Kentucky [Mr. DEBOE] is entitled to the floor.

Mr. DEBOE. Mr. President, I feel very grateful to the Senator from Colorado [Mr. WOLCOTT] for giving way to me this morning, as well as to the entire Senate for its courtesy. It is probable that I shall not take up very much time of the Senate, realizing the necessity for the passage of the important legislation which is now before the Senate.

Mr. President, the question of constructing a canal across the isthmus connecting North and South America has received the attention and consideration of the leading political parties and many of the most eminent statesmen of this country as well as that of other nations, which I desire to briefly review and present my reasons in advocacy of this great enterprise.

The Republican party, assembled in national convention in the city of Philadelphia in 1900, said:

"We favor the construction, ownership, control, and protection of an isthmian canal by the Government of the United States. New markets are necessary for the increasing surplus of our farm products. Every effort should be made to open and obtain new markets, especially in the Orient, and the Administration is warmly to be commended for its efforts to commit all trading and colonizing nations to the policy of the open door in China."

The passage of the bill "to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans" means that our Government is to assume a colossal undertaking and that we are to put into effect an idea which has long been agitated by the commercial and industrial interests of the world.

The proposition to build a ship canal across Nicaragua, uniting the waters of the Atlantic and Pacific oceans, may be said to have originated with Alexander von Humboldt, the great explorer and scientist, who expressed himself most favorably as to the advantages of the Nicaragua route. Since his time various efforts have been made to undertake the work, but it was not until the Maritime Canal Company of Nicaragua obtained a concession from the government of that country that it was actually begun. The company was chartered by acts of Congress in 1889, and was organized May 4 of that year. The work of construction had already been commenced, and it continued until the summer of 1893, when it suspended for want of funds.

The length of the canal from port to port will be 169¼ miles, of which 26 miles will be excavated channel and 143¼ miles the improved navigation of rivers, lakes, and basins. The termini of the canal are San Juan del Norte or Greytown, on the Atlantic, and Brito, on the Pacific. The summit level is that of Lake Nicaragua, 110 feet above the sea. There will be only six locks, three on the Atlantic and three on the Pacific side.

On June 25, 1879, Mr. Burnside, in the Senate, introduced the following joint resolution; which was read twice, and referred to the Committee on Foreign Relations, viz:

"Whereas the people of the United States have, for upward of fifty years, adhered to the doctrine asserted by President Monroe, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future occupation by any European power;

"*Be it resolved, etc.*, That the people of the United States would not view without serious inquietude any attempt by the powers of Europe to establish, under their protection and domination, a ship canal across the Isthmus of Darien; and such action on the part of any European power could not be regarded in any other light than as the manifestation of an unfriendly disposition toward the United States."

Congress has passed various resolutions in regard to this question; and divers petitions, memorials, and resolutions from State legislatures, boards of trade, and individuals have been presented to Congress asking that action be taken in reference to this enterprise.

In the Forty-seventh Congress two bills to incorporate companies were introduced—one in the Senate and one in the House—the first reported—both for ship railways.

In the same Congress a bill was introduced in the Senate and one in the House to incorporate the Maritime Canal Company, of Nicaragua. That in the Senate was favorably reported, but not acted on. In the House a minority report was presented. A motion was made to make it a special order, but rejected after debate.

The most elaborate discussion of the whole matter occurred at the third session of the Fifty-third Congress. The Maritime Canal Company, of Nicaragua, was incorporated February 20, 1889. A very interesting amendment was extensively debated in the third session of the Fifty-fifth Congress—in truth, a revision of the whole charter.

Its charter was granted on the express condition, therein expressed, that no pecuniary liability should ever be imposed on the United States by the company. The company solemnly declared that they did not want a dollar from the United States, or any guaranty whatever. Two years thereafter it boldly asked a subsidy of $70,000,000 in aid. Failing then, it subsequently returned and asked a subsidy of $100,000,000; and afterwards made a third and even fourth attempt. The company later lost its concession from Nicaragua.

All treaties with reference to an isthmian transit have been, down to the present time, in pursuance of two purposes: First, a grant of free and uninterrupted transit of the people and also of the Government of the United States; and second, as was stated by President Buchanan, "a guaranty of the neutrality and protection of these routes, not only for the benefit of the Republics through which they pass, but, in the language of our treaty with New Granada, in order to secure themselves the tranquil and constant enjoyment of these interoceanic communications."

The first in the line was a treaty with New Granada December 12, 1846, and it was a sequel to several years' contemplation and discussion. It bound our Government to guarantee to New Granada "the perfect neutrality of the before-mentioned isthmus with a view that the free transit from one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists."

The next was the Clayton-Bulwer treaty, which provided, in the eighth article, that "the Government of the United States, having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama; and that the said canals or railways shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain propose to afford."

Then followed a treaty with Mexico, December 30, 1853, regarding the Tehuantepec route, which conceded a wide power to the United States, namely, that "the Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise, to use it when it may feel sanctioned and warranted by the public or international law."

Next was the treaty with Great Britain of 1857, which, being amended by the Senate, was rejected by Great Britain. Then a treaty with Nicaragua, concerning which President Buchanan said, in his message of April 5, 1860: "Such was believed to be the established policy of the Government at the commencement of this Administration, viz, the grant of transit in our favor and the guaranty of our protection as an equivalent."

In President Arthur's fourth annual message he states: "With the Republic of Nicaragua a treaty has been concluded which authorizes the construction, by the United States, of a canal, railway, and telegraph lines across the Nicaraguan territory," which he transmitted later to the Senate for ratification. He claimed that the negotiation of this treaty was entered upon under a conviction that it was imperatively demanded by the present and future political and material interest of the United States. But this treaty was withdrawn March 13, 1885, and we have just ratified the Hay-Pauncefote treaty, with amendments, about which we have heard so much of late, in line with the policy of this Government from the beginning as to the neutrality of such work. In general the treaties have all contemplated the construction of a canal without Government aid except in the way of protection.

But President Harrison boldly advocated, in addition, a Government guaranty. He said, in his third annual message, on this matter:

"If this work is to be promoted by the usual financial methods and without the aid of the Government, the expenditures in its interest-bearing securities and stock will probably be twice the actual cost. This will necessitate higher tolls and constitute a heavy and altogether needless burden upon our commerce and that of the world. Every dollar of the bonds and stock of the company should represent a dollar expended in the legitimate and economical prosecution of the work. This is only possible by giving to the bonds the guaranty of the United States Government. Such a guaranty would secure the ready sale at par of a 3 per cent bond from time to time as the money was needed. I do not doubt that, built upon these business methods, the canal would when fully inaugurated earn its fixed charges and operating expenses. But if the bonds are to be marketed at a heavy discount and every bond sold is to be accompanied by a gift of stock, as has come to be expected by investors in such enterprises, the traffic will be seriously burdened to pay interest and dividends. I am quite willing to recommend Government promotion in the prosecution of a work which, if no other means offered for securing its completion, is of such transcendent interest that the Government should, in my opinion, secure it by direct appropriations from its Treasury.

"A guaranty of the bonds of the canal company to an amount necessary to the completion of the canal could, I think, be so given as not to involve any serious risk of ultimate loss. The things to be carefully guarded are the completion of the work within the limits of the guaranty, the subrogation of the United States to the rights of the first-mortgage bondholders for any amounts it may have to pay, and in the meantime a control of the stock of the company as a security against mismanagement and loss. I most sincerely hope that neither party nor sectional lines will be drawn upon this great American project, so full of interest to the people and so influential in its effects upon the prestige and prosperity of our common country."

To the minds of many of our wisest and best men the establishment of a water communication between the Atlantic and Pacific coasts of the Union is a necessity; but we all know the accomplishment of which, however, within the territory of the United States is a physical impossibility. While the enterprise of our citizens has responded to the duty of creating means of speedy transit by rail between the oceans, these achievements are not sufficient to a most important requisite of national union and prosperity.

Mr. President, the advantages, in brief, of the construction of the Nicaraguan Canal are saving in distance and time, the prolongation of the life of vessels, and the increase of commerce by the facilities afforded. The importance of the great enterprise is incalculable. For all maritime purposes the States upon the Pacific are more distant from those upon the Atlantic than if separated by either ocean alone. California is nearer to Asia than to New York, and New York is nearer Europe or Africa than the extreme States on our west. We have an ocean border exceeding 10,000 miles on the Pacific. Within a generation the Western coast has developed into an empire, with a large and rapidly growing population, with vast but partially developed resourcee. At the present rate of increase the end of the century will see us a nation of perhaps over 200,000,000 inhabitants, of which the West should have a considerable larger and richer proportion than now. Forming one nation in interest and aims, the East and the West are more widely disjoined to-day for all purposes of direct economical intercourse by water and of national defense against maritime aggressions than our foreign possessions. Our attention was most forcibly directed to this fact during our war with Spain. The battle ship *Oregon* was needed in Cuban waters, and was compelled to make the great voyage of 10,000 or 12,000 miles around Cape Horn. With a constant strain of anxiety the whole nation awaited the success of her mission. We did not know but what at some point on this long journey she would come in contact with a hostile fleet and get destroyed or captured; and if we had been at war with a nation which was our equal, it is plain she could not have made the voyage without mishap.

Civil Engineer Corthell, in a lecture November 22, 1895, gave this summary: From New York to San Francisco, by the way of Cape Horn, the distance is about 15,420 miles; and by sail the time averages about one hundred and thirty days; by way of the Straits of Magellan, by steam, the time is about sixty days and the distance 13,090 miles; via Tehuantepec, by steamship, the time would be about twenty days and the distance 4,280 miles, and by the Nicaragua route the figures would require but little change.

Upon this subject the eminent engineer says: "In order to study the history and development of the new routes which shorten distances, and to appreciate their influences upon commerce, we may profitably examine carefully the results, and, it may be added, the revolution, produced by the opening of the Suez Canal, although the distances saved by it are not generally one-half of those to be saved by the Tehuantepec route. In 1870, when the Suez Canal was opened for business, the traffic passing through was less than 500,000 tons; now it is more than 8,000,000 tons. The receipts have increased from less than $1,000,000 to over $15,000,000.

There is no question but that the opening of the canal stimulated and increased commerce all over the world and developed India and Egypt. It is not an extravagant statement to say that this canal has made Great Britain supreme in the commercial countries of the Eastern world over which she has direct or indirect control. The immense preponderance of her commerce through the Suez Canal is the evidence of this statement. Comparing 1875 with 1889, British tons passing through in the first year were 1,500,000, and all other tons less than 500,000. In the latter year there were nearly 5,500,000 British tons and less than 1,500,000 other tons, the British being about 75 per cent of the total. In a direction not generally appreciated the Suez Canal has affected and does affect the United States. It maintains the equilibrium in rates between the western route to the Atlantic seaboard from China and Japan and the eastern route via transcontinental railroads of this country, compelling the latter, in order to obtain their share of the business, to continually reduce their rates. This is illustrated by the tea trade. Comparing 1885 with 1890, the total number of pounds received at New York by the two routes, Suez and the transcontinental railroads, was about the same, namely, 83,000,000 pounds, but in the former years 63,000,000 came via Suez Canal and 20,000,000 via San Francisco. In 1890 the rail cost had been sufficiently reduced to change this ratio, 39,000,000 going via Suez Canal and 44,000,000 via San Francisco. If, now, we can make a still cheaper route and still more expeditious via Tehuantepec, we may be able to still further affect this equilibrium to the general benefit of this country and, it may be said, of the world, since every cheapening of rates on any line means less cost to the consumer on all articles in competition.

Mr. Corthell states that the total freight traffic on all transcontinental lines of the United States is only 1,000,000 tons, and the through freight on all railroads, omitting the river traffic, between Northern, Eastern, and Western points and tide water on the Gulf of Mexico is 10,500,000 tons.

Mr. President, this commerce would immensely increase by having an outlet into the Pacific Ocean, and the building of the canal will necessarily create a great coastwise commerce which does not now exist and will not exist unless the canal is constructed. The ports of Galveston, Brazos, Sabine Pass, New Orleans, Mobile, Pensacola, and Tampico in Mexico, have been considerably benefited, from a commercial view, by the improvement of the Gulf of Mexico; but to add to this prodigious influence the Nicaragua Canal, these ports would soon be as tantamount in importance to our great Southern interior as Liverpool is to Great Britain.

Mr. President, it will be seen from a casual observation of the map that not only will the canal be conducive to a quicker market along our western coast, our possessions in the Far East, and in trading with the Orient, but it will also enable us to reach the entire western coast of South America and a portion of the interior of that country which we have hitherto been unable to reach, for the reason of the same impediment which thwarts us in our unceasing attempts to share in the commercial interest of the Far East as well as to unite the interests of our common country. This is a phase of the question which is somewhat different from the general purport of the construction of the canal, but it is far from inferior to any of the great purposes for which this great canal will be built. It is well known to us that the countries in South America which we could reach through the Nicaragua Canal are lands of fertile soil and inexhaustible wealth, which produce bountiful crops and have millions of acres of virgin forest, which for superiority in quality is not surpassed and doubtless unequaled elsewhere on the globe. If this canal had been built twenty-five years ago, to-day our interests, commingled with theirs, would mean wealth incalculable; besides, our Republic, always having a mutual interest in sister republics, would be closer in touch with the habits of their people, their wishes, their rights, and their supreme desires.

From the time that extraordinary conqueror, Pizarro, entered the land of the renowned Inca, devastating the country, murdering nobles and subjects and finally the ruler and his successors, this country has sought profitable commercial relations with the countries of South America. We have proclaimed to the world, through the Monroe doctrine, our attitude in relation to these republics, and each attempt by foreign powers to encroach upon the rights of either of them has caused inquietude throughout this country. But this has not obviated and will not obviate our disadvantage in a commercial sense.

Notwithstanding the inconvenience to which our trade has always been subjected with the countries of Chile, Peru, Ecuador, Colombia, and Bolivia, our trade is now very important with each of them. It is true, however, that we do not supply above from 7 to 10 per cent of the $51,000,000 imported into those countries of South America on the Pacific coast, and about the same of the $22,000,000 in the countries on the eastern or Atlantic coast, the latter being practicably as near European countries as to the United States.

We may also account for the preponderance of trade from the eastern countries of South America going to Europe instead of to this country for the very plain reason of their superior shipping lines and facilities, which it is almost an impossibility for this country to enjoy under our existing maritime laws. But not so with the western coast if we had the canal; we would then at least equal the proportion we hold already on the countries on the northern coast of South America bordering on the Caribbean Sea. Of the commerce with them we have only about 25 per cent, and our disadvantage seems to be on the increase.

In 1868 our sales to the countries south of us were 20 per cent of our total exports; in 1878, a little less than 10 per cent; in 1888, a fraction above 10 per cent; in 1898, but 7 per cent.

To British North America the United States supplies 59 per cent of the total imports for consumption; to Mexico, 49 per cent; to the Central American States, 37 per cent; to Colombia, 33 per cent; to Venezuela, 27 per cent.

As to the volume of trade, the following figures are compiled from a report lately furnished by the Bureau of Statistics:

COLOMBIA.	
Imports in 1897	$11,500,000
From Great Britain	5,900,000
From Germany	2,000,000
From the United States	3,800,000
ECUADOR.	
In 1898, imports from the United States	855,193
From Great Britain	3,060,736
From Germany	1,370,880
From France	585,536
From the United States	737,856
Or 9.15 per cent.	
CHILE.	
In 1897, imports	23,908,524
From Great Britain	10,614,755
From Germany	6,013,230
From Spain	184,428
From the United States	1,624,485
Less than 7 per cent for year ending June 30, 1899.	
COLOMBIA.	
Total imports of merchandise from United States	$3,042,094
Total exports of merchandise to United States	5,124,731
ECUADOR.	
From United States	882,591
To United States	1,054,653
PERU.	
From United States	1,325,650
To United States	1,496,978
CHILE.	
From United States	2,107,124
To United States	2,942,962

Our trade value of imports and exports with Asia, Oceania, and Africa from 1890 to 1900 is as follows:

Value of imports into the United States in its commerce with the grand divisions of the world, 1890 to 1900.

Year ending June 30—	Imports into United States from—					
	Europe.	North America.	South America.	Asia.	Oceania.	Africa.
1890	$449,987,266	$148,368,706	$90,006,144	$67,506,833	$28,356,568	$3,321,477
1891	459,305,372	163,226,079	118,736,668	72,272,222	25,621,134	4,207,146
1892	391,628,469	174,054,181	150,727,759	80,138,251	23,133,062	5,318,052
1893	458,450,093	183,732,712	102,207,815	87,624,446	25,997,378	5,857,032
1894	295,077,385	166,962,559	100,147,107	66,186,397	21,457,923	3,479,338
1895	383,645,813	133,915,682	112,167,120	77,626,364	17,450,926	5,709,169
1896	418,639,121	126,877,126	108,828,462	89,592,318	24,614,668	11,172,979
1897	430,192,205	105,924,053	107,389,405	87,294,597	24,400,439	9,529,713
1898	305,933,691	91,376,807	92,091,694	92,594,593	26,859,230	7,193,639
1899	353,884,534	112,150,911	86,587,893	107,091,214	26,997,877	10,436,060
1900	440,509,480	129,939,875	93,635,134	139,817,023	34,596,042	11,217,116

Value of exports from the United States in its commerce with the grand divisions of the world, 1890 to 1900.

Year ending June 30—	Exports from United States to—					
	Europe.	North America.	South America.	Asia.	Oceania.	Africa.
1890	$683,736,397	$94,100,410	$38,752,648	$19,696,820	$16,460,269	$4,613,702
1891	704,798,047	96,549,129	33,708,290	25,553,308	18,621,801	4,757,897
1892	850,623,150	105,566,184	33,147,614	19,590,350	15,572,767	5,061,265
1893	661,976,910	119,788,889	32,639,077	16,222,354	11,199,477	5,196,480
1894	700,870,822	119,693,212	33,212,310	20,872,761	11,914,182	4,923,859
1895	627,927,692	108,575,594	33,525,935	17,325,057	13,109,231	6,377,842
1896	673,043,753	116,567,496	36,297,671	25,630,029	17,197,229	13,870,760
1897	813,385,644	124,958,461	33,768,646	39,274,905	22,652,773	16,953,127
1898	973,806,245	139,627,841	33,821,701	44,707,791	22,003,022	17,515,730
1899	936,602,093	157,931,707	35,659,902	48,360,161	29,875,015	18,594,424
1900	1,040,167,312	187,299,318	38,945,721	64,913,984	43,390,927	19,469,109

The Nicaragua route, after years of study by eminent engineers of Italy, France, Belgium, and Germany, as well as the United States, who are all confident of the feasibility of the construction of the canal, has been decided to be the best route. The estimated cost and construction of the canal is $150,000,000. We have a right to expect, in view of the statistics given by Mr. Corthell in relation to the Suez Canal, that our commerce will increase immensely. The following table of distances is given in regard to this subject:

	Miles.
From New York to—	
San Francisco, by full-power steamships (by Straits of Magellan)	13,090
Calcutta (by Cape of Good Hope)	12,180
Hongkong	13,590
Honolulu	15,480
Manila (by Straits of Magellan)	18,980
Yokohoma (by Cape of Good Hope)	15,020
Honolulu to Hongkong	4,917
New York to—	
Greytown	2,023
Brito	2,193
San Francisco, via Nicaragua Canal, about	4,500

saving nearly two-thirds the distance; and so with all the Orient and Africa. Cape St. Rogue is the most easterly point in Brazil, South America, which is 2,656 miles east of New York; hence vessels bound from New York to the Pacific must sail east 2,656 miles before turning in the direction of the Pacific and San Francisco. Thus the saving in distance, time, fuel, labor, provisions, and wear and tear of machinery would enhance the interest of commerce to an inconceivable extent, to say nothing of the safety involved in regard to our new possessions by reason of ready intercourse and prompt action.

Henceforth it will be the declared policy, distinct and variant from the policy heretofore avowed, to furnish the means as well as the charter authority for the construction of the canal. In the report of the Committee of the Senate on the Interoceanic Canals under date May 16, 1900, it is said:

"Congress will now provide the means and the authority for constructing a ship canal in Nicaragua and Costa Rica with their consent."

Again:

"Our plainest duty after this bill becomes a law is to agree with Nicaragua and Costa Rica as to the terms on which they

will concede to the United States the right to build, own, and control a canal through their territories and to arrange with them the terms and conditions under which the canal shall be used by the contracting powers and by other nations. When these conditions are thus settled by the powers that have the first and best right to settle them, a basis will be established on which further negotiations can be conducted with all the powers as to the privileges they shall enjoy in the use of the canal."

But the treaty we have just ratified grants to us the right of ownership and consequent control. And the right certainly gives us the power, without "further negotiations" with other powers, as to privileges, and the power to make reasonable rules and regulations and impose reasonable conditions upon the use of this great passageway. And the conclusion of the committee that our assertions of right "rest broadly upon the doctrine of the freedom of the seas, which the United States have maintained always and at all places in the open ocean," is certainly erroneous. On the high seas there is no ownership or control of the waters, nor is there any place on the high seas where there is "a reasonable charge in the way of tolls upon the transit of ships to compensate for the construction and maintenance of the canal."

If the United States provides the money to build the canal, the control of it as property must be secured to us for that additional and indisputable reason. If we create this property with our money within the limits of another sovereign government, and with its consent, our ownership of the canal must be in the nature of a license or right to control such property, if we can make such a treaty with the power that owns the soil. When such a right is thus acquired, no other nation can object to our property in the canal. Whether such a treaty would in its use be oppressive to other states of this hemisphere, or of the world, as an unjust restraint of the freedom of the seas, is a question which is distinct from our property rights, and depends upon the principles of the laws of nations.

And yet, as a matter of comity, the principles avowed by the committee's report must commend itself as an enlightened standard of the action in the management of the canal, namely: "The treatment of this great question should be broader than the question of constructing, owning, and controlling the isthmian canal for profit or for commercial advantage, or even the military protection of our coasts. We have a better means than this for our coast defenses. Under all conditions we have a living chance to take care of our own country, and we may be counted upon to do this effectually. But we owe comity, good will, justice, and respect, and especially to all the American States, in the natural sense of good neighborship, as well as for the high reason of their dignity in the family of nations and their good will for the Republic."

It seems now to be settled, not only that we are to construct the canal on the principle of our control, with a general neutrality attached, but also that such canal is to pass through Nicaragua. There is no good ground of comparison with the Panama possibility, which has been hitherto abortive and is likely to continue so.

As Engineer Corthell stated, there can be no reason for a moment's hesitation. The work at Panama is not more than half finished, if it is ever to be made effective; and yet it has already cost at least $250,000,000. Doubling that, we have $500,000,000 for a work which, by all accounts, will be comparatively worthless when done, while the Nicaragua Canal does not need an expenditure of more than $150,000,000 in all.

The committee has very aptly said that the company has nothing to sell us. While it is true a new company has been organized, we have no evidence it will do any better than the old one. What superior facilities has it in hand? We are offered nothing but a speculative scheme to unload a stupendous failure upon the Government at an immense profit to the projectors.

The history and the conduct of the Nicaragua Canal Company have been ably discussed by members of this body, and I shall let it rest where they left it.

Mr. President, I believe that China will soon be opened up to civilization and the nations of the world will strive for her trade. In competing for this trade the Nicaragua Canal will be of great value to this country, for it will bring the markets of the world nearer the great coal fields and mines and farms of Pennsylvania, Ohio, West Virginia, Indiana, Kentucky, Tennessee, and Georgia, and the entire South as well as the entire North.

Since the Spanish-American war, waged in the interest of humanity, new responsibilities have come to us, which must be met in the future as they have been in the past, with courage and wisdom. It makes it almost imperative on the part of the United States to construct this canal.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL. With the permission of the Senator in charge of the Post-Office appropriation bill, I beg to call up now the conference report on the Military Academy appropriation bill, in order that we may finish it.

Mr. WOLCOTT. It is with the understanding, I trust, that there will be no extended discussion upon it.

Mr. SEWELL. The question is on agreeing to the report.

The PRESIDING OFFICER (Mr. SPOONER in the chair). The Senator from New Jersey calls up the conference report on the Military Academy appropriation bill. The report is now before the Senate. The question is on agreeing to the report.

Mr. BUTLER. Mr. President, when the Senate adjourned yesterday afternoon the Senator from Virginia [Mr. DANIEL] had the floor and was discussing a feature of the report. I think it is hardly fair to that Senator, who is very much interested in it, to dispose of the report in his absence.

Mr. SEWELL. I understood that the Senator from Virginia was through. He has been in the Chamber this morning and knew the report was coming up this morning.

The PRESIDING OFFICER. That is a matter of which the Chair can hardly take cognizance. It is a matter of courtesy, and rests with the Senator from New Jersey.

Mr. BUTLER. I felt satisfied that the Senator from New Jersey would not call it up in the absence of the Senator from Virginia through any discourtesy, but if the report is acted on now it will deprive the Senator from Virginia of the opportunity to finish his remarks.

Mr. SEWELL. I called it up in the regular order. It was to be called up this morning. We are dealing with an appropriation bill, and it can not be put off like a private bill every day, and continuously so, as this has been. The only objection is to what the Senator from Virginia calls the harsh treatment of cadets. When the Senate deliberately adopted this amendment it was an instruction to its conferees:

Provided further, That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy.

This was discussed here for a half hour to an hour, and I accepted some amendments proposed by the Senator from Nebraska, which are included in it. Now, all that this bill does to-day on the report of the conferees is to carry out the instructions of the Senate, deliberately given to its conferees.

I wish to add that the report was changed at the suggestion and contention of the House conferees by fixing a statute to cover this subject, on the general ground that the Secretary of War might change, the Superintendent might change, there might be a change of sentiment. So it goes on to fix and establish a statute embodying what we authorized the Secretary of War to do. That is all it does. It does not enlarge the powers in any sense.

The committee of conference on the part of the House contained two members who had served on the House committee in the investigation of the Westpoint affair. The country was astonished at what was developed. The press of the country from one end to the other cried out against that condition of affairs. Everybody wanted some change, some positive enactment by which the barbarous practice of hazing should be stopped. The testimony as developed before that committee was disgraceful in the extreme. It indicated bullyism, blackguardism, and that the fourth class man was nothing but the hired servant, without pay, of the first class man. He was not alone obliged to blacken his boots and do up his tent, but he was subjected to practices which were barbarous in the extreme—standing on his head, if I may so say, in a bath tub, taking tabasco sauce, obliged to fight some great big bully of the first class four or five years older than himself.

In one case, although the committee did not, in the honor of an educational establishment of the United States, report that the young man died from the effects of his injuries, there are many people, including his family, who believe that young Booz was killed at Westpoint by the barbarism and bullyism of the first class.

If there is anything to-day that the country demands, it is a law which will prevent it, and there is no way to prevent it other than by fixing a penalty for the crime. You do it for murder. You do it for every other crime. When the young man enters Westpoint these laws are read to him for his government. There is no reason why he should violate them. If he does, it is at the penalty of being dismissed and being ineligible for any other appointment in the Army or Navy.

I submit, Mr. President, with due regard to the Senate, that the conferees of the Senate had their instructions on this question and carried them out in good faith. After the matter was discussed in this body, the Senate passed the amendment which I read, which is only enlarged upon by citing some of the crimes. I trust the Senate will agree to the report of the committee of conference.

Mr. PETTUS. Mr. President, I would not interrupt a conference report except for one thing. I agree with this report so far as concerns the question of stopping the practice of hazing at Westpoint, but in doing that the Senate is bound to adopt constitutional measures, and in this bill the provision in reference to

hazing and the other practices that are associated in the bill with it there is a plain and palpable violation of the Constitution of the United States. This bill makes hazing a crime. Undoubtedly it makes it a crime. Mr. President, it makes it an infamous crime, and it punishes it, how? By summary trial by a board of professors at Westpoint, and it punishes it as an infamous crime. It punishes it by a forfeiture of the right of a citizen of the United States to be eligible to office.

Mr. President, the Constitution of the United States says that the trial of all crimes, not only infamous crimes, but all crimes, shall be by jury, and if this bill did not violate the Constitution of the United States in a way that every man on earth, whether he be a lawyer or not, is bound to see it, I would not consume the time of the Senate on the subject. We ought not to pass a bill which we know contains an unconstitutional provision.

Mr. BUTLER. Mr. President, I do not intend to be understood as criticising the chairman of the committee for bringing in a conference report with a provision substantially the same as that passed by the Senate, if that is the case. Of course I understand that he considers that he was obeying the instructions of the Senate. It is not my purpose to criticise the chairman for his action in the matter, but it is to call attention to what the Senate and the House have done and also to the effect of the conference report.

Mr. President, Congress and nations, as well as individuals, are liable to get excited, and I feel that we are enacting extreme legislation rather under pressure and excitement and without due deliberation. There is a consideration aside from the point made by the Senator from Alabama that this legislation is unconstitutional, and in that I do not agree with him, if I may be pardoned for disagreeing with so distinguished a lawyer. It seems to me he overlooks the fact that when a cadet enters Westpoint he is in the Army as much as when he gets his commission, and the Constitution does not require that any person in the Army shall have a trial by jury. So, with all due deference to the Senator, who I see is not now in his seat, I think his point as to the unconstitutionality of the legislation is not well taken. It is the policy of the legislation to which I refer. Under certain provocation, and I admit the provocation is great, as brought out by the investigation, we are enacting most severe, and I think vicious, legislation. We are making what is generally and indefinitely called hazing an odious crime, a heinous crime, with the most severe penalties that could be inflicted for a crime of that nature.

Now, Mr. President, we are doing that without properly defining what hazing is. What is hazing? When I was a freshman at college I was hazed, and I hazed the next class that came after me. It did me no harm and probably did me some good. I am sure I have seen many a freshman enter college who needed hazing, and needed it badly; he was spoiling for it. I am satisfied that the sophomores, or the second class men, in many colleges have saved many a young man from himself—taken the conceit out of him, sobered him down, and made him a better citizen. I have now in mind the names of some parties who are useful citizens who probably would not have made as good citizens if they had not gotten the proper training through hazing at college.

Mr. President, you can not live with some men at college without hazing them. They are a nuisance to everybody else and to themselves, if they only knew it. It is a part of their necessary training; while not laid down in the curriculum, it is absolutely essential if administered in moderation and according to the aggravation.

I know that the professors of all colleges cry out against it, and say they are going to stop hazing, but my experience is that it is a thing which regulates itself largely. There are some extreme cases—and I have known of one or two—but whenever the cases become extreme they generally correct themselves, and especially when public attention is called to it. At last public opinion is the greatest conservator and manager and regulator of abuses of this kind. Under this provocation we are liable to enact, and, in my opinion, we are enacting, legislation that is uncalled for and that will probably result in much more harm than could ever come from hazing. Of course I do not want to be understood as palliating—and I do not palliate in the least—the brutal treatment that was inflicted upon certain cadets at the Military Academy any more than I would palliate brutal treatment anywhere else. I never have done that. But I want to say my experience is that hazing in moderation is not a thing to be decried and put down by severe penal legislation. It is my experience and observation that it is not an unmixed evil, to a limited extent; but however that may be, this legislation is too severe.

Now, it seems to me that this matter can be regulated by rules and regulations made by the officers of the Military Academy under general and not severe specific laws. The public attention which has been called to the hazing there will do more good than your proposed statute. The evil has been exposed and good results will follow.

While these matters are fresh in our minds and we are horrified about them we are not in as proper a frame of mind to legislate wisely about it as we would be later. I regret that such a severe statute is about to go on the statute books. I think we will find that it is a mistake. The very first time this statute is put into operation against some overzealous or thoughtless, impulsive young man, who has been convicted of a slight offense of hazing, there will go up as great a clamor for its repeal as there is now a clamor for its enactment. We should not mistake popular clamor to mean that we should go to great extremes. Whenever the public press speaks out it is in a general way for the correcting of an abuse in some wise and just way, and not for some specific drastic measure that may result in great harm. Therefore we do wrong to interpret the public expressions of horror and condemnation, which are proper, into an instruction to us to exhaust mental ingenuity in framing the most drastic statute possible for small as well as large offenses.

Mr. President, I for one would be glad to see the suggestion of the Senator from Virginia [Mr. DANIEL], made last evening, carried out—of disagreeing to the conference report and instructing the chairman to go back to the conference with this report, and make an effort yet, before it becomes a law, to modify this stringent and, in my judgment, unwise provision.

Mr. SEWELL. The Senator from North Carolina asks what is hazing. He does not define it. If he will look at the conference report he will find that each item of hazing is defined. I have it here. It has been read.

Mr. BUTLER. That had escaped my attention, I must say. I have not a copy of the conference report as it was printed.

Mr. SEWELL. I should like to have a vote on agreeing to the report.

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

Mr. HAWLEY. Mr. President, I wish to be heard on this matter for a few moments. I wish to make my record upon it.

As the character and extent of hazing at the Military Academy developed under the investigation I was sincerely pained and shocked. In short, I felt about as everybody else in the United States did whose opinion was worth having. It was mortifying to find that young men whom we regarded as gallant young fellows and were training to be soldiers, every one of whom we thought was, to use the phrase of the Army, "a soldier and a gentleman," could take one of these poor fellows, 16 years old, who came there expecting an honorable position and expecting to find friends, and instead of seeing the older ones come up and with a friendly arm over the shoulder instruct him as to his new duties in the new place, its pleasures, and its labors, invent humiliating attitudes and humiliating punishments of all sorts—punishments that lasted for hours, perhaps. It was disgraceful. I have seen limited hazing when I was in college, but I have seen nothing as cruel and nothing as humiliating as has been reported concerning Westpoint.

My first suggestion on the matter was that the offenders should be expelled and never be permitted to reenter the Academy. I thought that was enough. I feel that there is a certain degree of inquisitional cruelty in forbidding a boy ever to be a soldier again. You may keep out a Napoleon or a Bismarck, possibly, if you are as severe as that. I do not think we ought to go any further than a prohibition to reenter the Academy.

Mr. DEPEW. Mr. President, I have been reading this report of the conference committee. I certainly do not wish to criticise in any way the Committee on Military Affairs or the conference committee; but I think this is a case where, under public clamor, we have acted upon impulse rather than upon judgment.

That hazing at Westpoint, as developed in the testimony, should be prohibited the whole country agrees. But under the provisions of the conference report it seems to me that great injustice will be done to the young men in that institution. I have lived all my life within a few miles of it, and I have taken the greatest interest in the institution and the greatest pride in the young men who are graduated from there. Here are four hundred or so young students between 19 and 23 years of age, and they are gathered as they are in any college. All of us who have been to college know precisely the characteristics of the student everywhere, whether he is in a civil college or whether he is an academic one or a scientific one or a technological one or in a military school.

This provision declares that—

> Any cadet who shall act upon or be a member of any fighting or like committee, send, carry, or accept or order a challenge to fight, or be in any manner concerned or engaged in a fight preceded by a challenge, or order, or shall act as a referee, timekeeper, second, or sentinel thereat, or shall upbraid, abuse, or insult, or in any way maltreat any candidate or cadet because of his having refused to send or accept a challenge, or order to fight, shall, when found guilty, be dismissed.

That is all right.

> SEC. 5. Any cadet who shall direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him, or who shall, without lawful authority, direct or require any candidate or cadet to brace, or engage in any form of physical exercise, shall, when found guilty, be dismissed.

That is all right.

SEC. 6. No cadet dismissed under either of the two preceding sections shall be in any way reinstated or reappointed to the Academy; and no such cadet shall ever be appointed to any office in the Army, Navy, or Marine Corps.

It is possible to conceive that cases might arise where cadets in the institution might form a conspiracy against an unpopular cadet or against one who was more successful than themselves in the examinations and in promise for future life, and post him as a criminal for the rest of his days. He might come out of there before he was of age with this brand upon him, that he could never enter the service of the United States, and it would stand there with no possibility of removing it by pardon or by any process. He could not run for any civil office, for it would be impossible for him to succeed or be appointed to any office because this would be brought up for the purpose of dismissal. It would stand against him in his business and in his profession, no matter what it might be, and it is virtually consigning him to penal servitude for life for the indiscretions of youth, of which he might not be guilty, or if guilty, ought not to be punished with the extremity which is here devised. It seems to me there is a cruelty in this which is almost equivalent to the Russian method of exiling students from their colleges to Siberia, and in the mines for life, for the violation of the rules of the colleges of that great Empire.

Now, dismissal is a distinct brand upon the young man. It disgraces him with his associates. It carries with it a stain when he goes home, However, he can work off that stain and become a reputable member of the community and a good citizen of the United States, but this prevents his becoming either.

Mr. PROCTOR. Mr. President, there should be certainly ineligibility for appointment in the Army and Navy for some time, perhaps not perpetual. Unless it is so, a cadet dismissed for hazing may be appointed (and I am informed they have been appointed) in the Army so as to rank his classmates who have remained there and behaved themselves and graduated. If there was no requirement of that kind; if he did not get appointed by influence, as I am informed and am quite sure they have been, he would have a right to enlist in the Army and to be examined under the law as it stands. That is a right which belongs to him. It would require no influence, and having had the training he would be quite sure of the appointment. He might get into the Army as a lieutenant and rank all his classmates.

Mr. CHANDLER. Mr. President, I should be willing to vote for this provision of exclusion if it were limited in time—to, say, five or ten years. I recognize the force of what the Senator from Vermont has said—that there have been cases where a boy has been dismissed for hazing and under the power of Presidential appointment to the Regular Army he has been appointed in the Army ahead of his class from which he was dismissed. Now, it is a reasonable requirement that not only shall a boy convicted of hazing be kept out from his class and from the Academy, but that also for a limited period he shall be ineligible to the Army. Beyond that, Mr. President, I dislike very much to go.

Of course, if this report is adopted, the law can be altered in the next Congress and modified before it takes any effect, but I feel unwilling to see become a law upon the statute book a provision that, because a boy has been driven out of the Academy for hazing, he is prohibited from ever fighting for his country, either in the Army or in the Navy or in the Marine Corps. No such disability as that is imposed in any other way in this country, except as the result of a conviction in a civil court of law. Here is the result of a court-martial proceeding. We put this perpetual stigma upon a young man, and, as the Senator from New York [Mr. DEPEW] says, we practically exclude him from every civil office, for he never could get an appointment or an election to any civil office in the country as long as this stigma remained upon him.

I do not know whether it could be removed by a pardon or not. The lawyers in this Chamber could tell whether or not this exclusion could be removed by a pardon. I think not; but I am not certain on that point. At any rate, Mr. President, I wish that this penalty, which may be severe, could be converted into a time penalty and be made an exclusion from an appointment to the Army and Navy and Marine Corps for five or ten years, instead of being a life penalty which is going to hang over the young man to the end of his days.

Mr. ALLEN. I should like to ask the Senator if he is willing to consent to ten years?

Mr. CHANDLER. I would be personally willing to make it five or ten years.

Mr. ALLEN. A ten years' limitation.

Mr. MONEY. Solitary confinement?

Mr. CHANDLER. I mean exclusion from the Army or Navy. I think that is long enough. I would prefer five years. I think there should be some exclusion to prevent cases such as the Senator from Vermont has described.

Mr. ALLEN. Has the Senator read the report of the committee of the House which was recently sent to investigate this matter?

Mr. CHANDLER. I have not.

Mr. ALLEN. I think that report ought to be read in open Senate and go upon the record, and I ask the Clerk to read it as a part of my remarks. It is a very interesting report, and I hope it will be read distinctly.

Mr. CHANDLER. I ask the Senator, before that is read, whether he would be willing to have a limitation upon this disfranchisement?

Mr. ALLEN. I do not participate in the idea at all that this is any stain upon a man who is guilty of felony. The report shows, and shows conclusively, that these boys have been guilty of murder, not only in one instance, but in numerous other instances. The report charges that distinctly, and it is couched in much stronger language than it would be possible for me to employ.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. SPOONER. That may be true, but I wish to call the attention of the Senator to the fact that this proposition recognizes what is undoubtedly true, that there are different forms of hazing.

Mr. ALLEN. Oh, yes; there are many of them.

Mr. SPOONER. Some are annoyances which do not necessarily affect the health, but there is punishment provided for all forms of hazing.

Mr. ALLEN. There is not one of them that is not a felony.

Mr. SPOONER. There are various kinds of hazing and always have been.

Mr. ALLEN. The mildest form of hazing set forth in the report is itself a crime.

Mr. SPOONER. The Senator would not want to punish a man by eternal disfranchisement for assault and battery?

Mr. ALLEN. But if there were forty or fifty successive assaults committed I would disfranchise him.

Mr. SPOONER. That is not this case. My point is that there are different degrees of hazing here, but that this penalty applies to all of them.

Mr. ALLEN. That is right.

Mr. CHANDLER. Will the Senator allow me to say a word before he proceeds?

Mr. ALLEN. Certainly.

Mr. CHANDLER. The clause adopted by the Senate was a ten-line clause on page 2 of the original bill. It made a cadet found guilty of participating in hazing and dismissed ineligible for appointment as an officer in either the Army or Navy. The Senate amendment did that. But the committee of conference, as they probably had a right to do, for they confined themselves to the subject-matter of the original amendment, substituted 12 sections, a very careful definition of hazing, a very careful method for investigation and for punishment. It is well drawn; it is very strict and strong. I see no objection to it, and think it ought to be retained.

But I do think the Senator from Nebraska ought to be willing to see the report recommitted and this exclusion from the privilege of the cadet ever fighting for his country removed from the bill by a time limitation.

Mr. ALLEN. What part does the Senator want to have omitted?

Mr. CHANDLER. I will send to the Senator the conference report. In section 6, on page 2, I simply want a provision for five years or for ten years inserted, which the conference committee can insert in ten minutes after they meet.

Mr. KENNEY. May I ask the Senator a question?

Mr. CHANDLER. I certainly hope the Senator will not insist upon having that report read, because we all agree that there is a call for legislation, and here it is very elaborately put into this conference report. Now, let us hold on to it, but let us amend it in this one particular. I hope the Senator will not insist upon having the report read. We all agree about the evil.

Mr. ALLEN. Let the Clerk retain the report at the desk for the present. I wish to call attention to several points. I will first yield to the Senator from Delaware.

Mr. KENNEY. I desire to ask the Senator from New Hampshire, if this should be made a ten-year limit would it not in fact preclude a student who might be dismissed from the Academy at any age above 18 from entering the Marine Corps? I understand that by the law, or it certainly is the rule of the Department, no cadet will be examined whose age is over 27. So in that view of the case ten years would be too long, and it would practically preclude the cadet from entering the service at all.

Mr. ALLEN. That might be true. I presume that to be true.

My honorable friend the Senator from Virginia [Mr. DANIEL] yesterday said he knew of no such word as hazing in connection with these sportive transactions, as they are called.

Mr. DANIEL. I did not say so.

Mr. ALLEN. I call his attention to the fact that the word is well defined in the Standard Dictionary, and it goes to the extent of embracing criminal conduct.

Now, Mr. President, I am in sympathy with much that my distinguished friend from Virginia said last night. This body is composed of men, old men and men in middle life, and perhaps there is not a Senator present who does not recollect very distinctly many instances of boyish sport and who does not have a feeling rather inclined to excuse than to punish. I know I feel it myself. I realize that we are mortal, boys, men, and women, and that mistakes are inseparable from human existence. No man ever lived who was perfect; no man ever will live who will be perfect.

Yet, Mr. President, there is a line of demarcation that is to be drawn between sports and criminality. The rule of law is that a child under 7 years of age is conclusively presumed to be incapable of committing crime. Between the age of 7 and 14 the presumption is that he can not commit crime, and yet that presumption may be overcome by proof. But when he passes the line at the age of 14 the presumption of his criminal capacity attaches as fully as it does to a man of 50, 75, or 80 years of age. These boys are 16 to 18 years of age, as I understand it. They are supposed to be among the most intelligent boys of the communities in which they were born and reared. They are supposed to have had unusual opportunities for intellectual, moral, and physical education. A boy 15 or 16 years of age not in the Army who would commit a crime would be subject to indictment, to trial, to conviction, and sentenced for the crime as much as a man of mature years. Why should a different rule be applied to what is supposed to be a higher order of intellectuality among these young men selected to represent the Government of the United States in the Academy at Westpoint?

The Senator from Virginia says that this is a great legislative bill, and we ought not to put a stain upon these young men. Why should not a stain be put upon these young men if a stain is put upon young men in civil life under like circumstances? I do not want to put a stain upon anybody. My nature is not to be harsh; it is to be generous and indulgent. Yet, Mr. President, the law and order of the country demand the enforcement of rules against this system of brutality.

Nothing is made by undertaking to modify a law by arbitrary rules. General Grant never said a wiser thing in his life than when he said that the best way to repeal a bad law is to enforce it. If there is a bad law in existence, it should be repealed. If there is a lack of sufficient legislation to prevent this system of brutality in the highest military school in the United States, then we ought to have legislation that will be effectual in that respect.

My honorable friend from Virginia said or assumed last night in his remarks that these offenses were not malum in se. They are. The report shows conclusively that they are. I not only want to make them malum in se, but malum prohibitum, and attach reasonably severe penalties to their commission.

Mr. DANIEL. If it will not interrupt my friend——

Mr. ALLEN. Not at all.

Mr. DANIEL. I said offenses which were not malum in se might be punished under this bill by lifetime disfranchisement.

Mr. ALLEN. I beg the Senator's pardon; it is not disfranchisement.

Mr. DANIEL. It is the penalty of taking away from a citizen the right to hold a military office.

Mr. ALLEN. That is not a franchise; it is a privilege.

Mr. DANIEL. It is disfranchisement to that extent. That is what I want to say.

Mr. ALLEN. With due deference to my honorable friend, it is not disfranchisement.

Mr. DANIEL. It is in that sense.

Mr. ALLEN. You do not disfranchise a man when you take away from him the right to hold office. That is a privilege.

Mr. DANIEL. Well, the right to hold office is a franchise.

Mr. ALLEN. Not at all.

Mr. DANIEL. The question is as to this method of punishment.

Mr. SPOONER. It is a lifelong disqualification.

Mr. DANIEL. Yes; it is a lifelong disqualification for something which might be a mere prank, which might not be malum in se. If the act were malum in se, I would punish it properly; but some proper discipline is all that is necessary for a prank which does not involve brutality.

Mr. ALLEN. But it does involve brutality.

Mr. DANIEL. I will give my friend a sample of one of the pranks, as they are spoken of in this report. The Senator may consider it malum in se, but it ought not to be punished with disfranchisement. For instance—if I am not interrupting the Senator——

Mr. ALLEN. Not at all.

Mr. DANIEL. I find the following in the report:

The evidence shows that it has been the rule not to haze cadets while reading the Bible or at the Young Men's Christian Association. The president of the Young Men's Christian Association for the academic year 1899-1900 was Harry Mitchel, and it appears that he was sometimes called "Saintly Harry," "Saintly Mitchel," and "Prayer Meeting Mitchel." While this could not be approved, it appeared that he was highly respected, and that those appellations were not used as terms of reproach.

That might be considered hazing by some; I do not know. There is no legal definition of hazing, unless it is to be found in the fifth and sixth sections of this conference report. That might be carried so far as to be very annoying, and one would be very apt to knock a fellow over who repeated that too much.

Mr. ALLEN. I am not speaking of these little things.

Mr. DANIEL. But the bill does. I will give the Senator the result—what the punishment might be under this bill:

SEC. 5. Any cadet who shal direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him, or who shall, without lawful authority, direct or require any candidate or cadet to brace, or engage in any form of physical exercise, shall, when found guilty, be dismissed.

If one cadet invites another to eat anything in a little frolicsome, tricky way, if it is done with the purpose of annoying the other; or if he creeps up behind him and tickles his ear with a straw for the purpose of annoying him, he is to be disfranchised for life. I suppose the next thing will be that he will be put upon the block and executed.

Mr. ALLEN. No; that would be carrying it to an extreme.

Mr. DANIEL. We can not get hold of these little affairs of life. It is beneath the dignity of Congress or of any lawmaking power to go into the nursery and attempt to correct every little irregularity which happens. If the Senate were judged in that way as to annoyances of one member by another, we should have to have a new lot of Senators sent here. You can not take hold of these things by law; it is impossible; they must be left to regulations and to the good sense of intelligent beings in managing affairs. Where brutal things occur, such as the Senator refers to, I do not object to seeing such offenses properly penalized.

Mr. ALLEN. How are you going to do that?

Mr. DANIEL. The punishment here prescribed is too severe for anything that has occurred.

Mr. ALLEN. You must penalize by a statute.

Mr. DANIEL. But I do not want to penalize these little things.

Mr. ALLEN. The little things are the significant ones.

Mr. DANIEL. They are the things that are defined as hazing in this bill.

Mr. ALLEN. They are minor things, compared to others stated in this report.

Mr. DANIEL. The cadets are to be disfranchised for them; they are to carry the penalty of lifelong disqualification to hold a commission in the Army or the Navy of the United States.

Mr. ALLEN. The great bulk—90 per cent—of the charges against these young men are crimes, as shown by this report.

Mr. CHANDLER. Will the Senator from Nebraska allow me to call the attention of the Senator from Virginia to this proposition, that undoubtedly, under section 5, if a cadet was a temperance cadet, and a cadet who was not a teetotaler should invite the temperance cadet to drink for the purpose of annoying him, he would be guilty of hazing and subject to dismissal under this statute.

Mr. ALLEN. I do not know that any instance of that kind has occurred.

Mr. CHANDLER. But the point is that this is a very severe law which is proposed.

Mr. ALLEN. That is a supposititious case, as was the case mentioned by the Senator from Virginia.

Mr. CHANDLER. This is the statute that it is recommended for the Senate to adopt as the law in this country.

Mr. ALLEN. But the instances to which the Senator refers——

Mr. CHANDLER. They are in the proposed statute.

Mr. ALLEN. The instances the Senator from New Hampshire refers to are not instances of fact that have occurred in the history of the institution. They are instances which have not taken place so far as this report shows; but this report is replete with instances of criminality from the first to the concluding page.

Mr. DEPEW. I should like to ask the Senator from Nebraska a question, if he will yield to me for that purpose.

Mr. ALLEN. I will.

Mr. DEPEW. Was the Senator from Nebraska never initiated in a Greek letter society when he was a member of a college?

Mr. ALLEN. I never was a member of a college.

Mr. DEPEW. Ah!

Mr. ALLEN. My education began in a log schoolhouse and ended in a sod schoolhouse. So I can not sympathize with the Senator. But let us take this report. I will not consume unnecessary time in the reading of the report, but the committee say:

The committee substantially confined its inquiries to the time since June, 1897, when the present senior or first class entered the Academy. During all of this period new cadets have been placed in barracks in June and have remained there until July, when they have gone into camp and remained there until late in August, when they returned to barracks.

While in barracks before going into camp they have been denominated by the upper class men as "beasts" and their quarters called "beast barracks."

After the new cadets have moved from barracks to camp they have been styled "plebians" or "plebes," and this has continued until received into full fellowship at the end of the first year. While the fourth class men have been in barracks before camp they have been instructed by the upper class men officially in charge of them that they must always obey all orders given them by upper class men. The upper class men at the Academy are all substantially on a social equality, but a great gulf divides them from the fourth class.

The upper class men have gradually evolved an entire code of unwritten laws governing their relations with fourth class men, as well as the whole course of conduct which should be pursued by the latter. Under this code no friendships are formed between the upper class men and the lower class men; they have no social intercourse or relations. Except where the parties have been acquainted before entering the Academy, the upper class man treats the fourth class man as an unknown, a stranger, and an inferior. The fourth class man has no right to speak socially to the upper class man, and when he speaks to him on business he addresses him as "mister" or "sir." No fourth class man should gaze, stare, or even look squarely at an upper class man, but drop the eyes when in one's presence, and failure to do so is a punishable offense.

What does the Senator from Virginia think of that sentence?

Mr. DANIEL. I do not think there is anything criminal in that.

Mr. ALLEN. The report proceeds:

It is the duty of a fourth class man when in the presence of an upper class man to stand at attention, as if in the presence of a superior officer. A fourth class man should be sober and dignified, as becomes one in training for the grave duties of an Army officer, and he must at all times abstain from laughing or smiling, upon the one hand, or looking sullen, upon the other.

Mr. DANIEL. Is there anything criminal in that?

Mr. ALLEN. It ought to be criminal. The report proceeds:

The record shows that where a cadet has looked sullen upon being hazed he has been called out, and if he smiled he has been punished.

The fourth class man must obey all orders of an upper class man and pay him the same respect due from an upper class man to the officers of the Academy. After the fourth class men go into camp each is assigned, by lot or otherwise, to some upper class man as special-duty man, and as such must discharge the duties of a body and tent servant. He must sweep his superior's tent, put up and make down his bed, adjust the flaps of his tent, carry water; clean braces, brasses, breastplate, and other trimmings, guns, bayonets, and swords; clean and care for his clothes, taking out dirty collars and cuffs and putting in clean ones; take dirty clothes to the laundry and bring clean ones back, make out hop cards, copy reports, and discharge other similar duties.

In view of the fact that my voice is not very strong to-day, I should like to have the Secretary read the remainder of this report.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

It is but justice to say that while under the cadet code a special-duty man is bound to do all these things, many of the upper class men fail to require that they all be performed; but, so far as your committee have discovered, all upper class men have required the performance of some of them. This special duty continues during camp. The upper class men, profiting no doubt by what they have learned from their predecessors and the aid of their own fertile ingenuity, have resorted to more than one hundred distinct methods of annoying and harassing fourth class men. Your committee will not attempt to name or describe them all, but will name a number, describing them briefly when the name itself does not sufficiently do so. They are divided into three general classes:

First. Things done professedly for the good of fourth class men or of the service.

Second. Things done to punish fourth class men for violations of the upper class code.

Third. Things done apparently without purpose, except to annoy, or for the mere amusement of upper class men.

Chief among the first of these classes is—

Bracing.—This consists in requiring the fourth class man to throw his shoulders back until the blades meet, draw his chin in, to a wholly unnatural degree, draw his abdomen up, and so walk that his toes touch the ground before his heels. It is claimed this is done to give a military carriage; but it has the contrary effect. It is such an exaggeration of the attitude of a soldier and is so irksome that when relieved from constraint the inevitable tendency is to more than normal relaxation and a slouchy carriage. The upper class men have required the fourth class men to brace at all times on the company streets, in camp, and frequently on other occasions, and this has on more than one occasion resulted in the victim fainting. Some doubt is cast upon the absolute belief upon the part of cadets that bracing is necessary to a good military bearing and that it is their duty to practice it to attain that end, as they never brace an upper class man, no matter how slouchy he may be. Bracing is prohibited at the Academy and has been frequently severely punished, but has been constantly and defiantly persisted in up to the time of the hearing by your committee.

Under the like claim as to their motives the upper class men have deprived fourth class men of the privileges accorded them by the authorities, such as having Saturday afternoon leave, and have ordered fourth-class men to abstain from reading and letter writing except on Sunday.

The following are some of the second class of annoyances which have been imposed on fourth class men:

Eagling.—This consists in the fourth class man standing on his toes with his arms extended, dropping down to a sitting posture, rising part way, waving his arms like wings, again depressing his body to a sitting posture, rising in like manner, and continuing this during the period or for the number of times required. A fourth class man has frequently been required to eagle 100 and 200 times, and in some cases 300 to 400 times, and in at least one case above 600 times.

Wooden willying.—This consists in a fourth class man taking the regulation gun and drawing it up to the position of "fire;" then dropping it to the position of "ready," and continuing this to the period or number of times required. This has frequently been required 100 to 200 times.

Doing footballs.—This consists in laying on the back and, without bending the knees, drawing the legs up until they are at right angles with the body and then dropping them to the earth, continuing this for such period or number of times as may be required. A lower class man has frequently been required to do this from 75 to 100 times.

Choo-chooing.—This consists in laying on the back and working both legs and arms in imitation of the motion of the wheels of a locomotive.

Dipping.—This consists in placing one's body face down, with his hands and toes on the ground, or with the toes on the ground and the hands on a bucket, box, or the like, holding the body as straight as possible, and raising and lowering it by the use of the arms alone.

Taking plebe's rest.—This consists in standing on the toe of one foot, say the left, and raising the right leg up, resting the right elbow on the knee and the the chin in the right hand.

Stretching.—This consists in hanging by the hands from a bar or rail on the canvas shelf in the tent, known as the stretcher, with the legs bent at the knees, so as to be sure and have no support from below. A fourth class man is frequently required to hang this way until he drops from exhaustion.

Holding out gun.—This consists in holding out both arms in front and at right angles with the body and supporting upon the hands a regulation gun.

Swimming to Newburg.—This consists in lying face down and working the hands and feet as if swimming.

Sitting on bayonet.—This consists in assuming, while on one's feet, a sitting posture, with the bayonet standing, point up, under him, so that if through weariness he allows his body to sink down he will be punctured with the bayonet.

Holding out Indian clubs.

Holding out dumb-bells.

Holding out the cleaning box.

Sweating.—This consists in putting a fourth class man in a tent with sides and back down and making him put on his rain coat, and frequently wrap himself in the bedclothing, and remain there any time required up to about half an hour. This is done in July and August, and has more than once resulted in the fourth class man fainting.

Soirees.—It has been a common practice to call several fourth class men into a tent at one time, between supper and tattoo, and put them through numerous forms of exercising, usually making them eagle, wooden willie, do footballs, and hang on the stretcher. These meetings have been known as soirees.

Requiring the taking of hot sauce.—For a long time there has been kept at the Academy, in connection with the mess, what is known as tropical sauce, which is similar to tabasco sauce. It is commonly known at the Academy as hell sauce. Sometimes it is spoken of as pepper sauce in the evidence, but it is much stronger than ordinary pepper sauce. It contains a large amount of oil of capsicum, and is intended for use in soup and other foods, and by reason of its highly irritant character is not fit for use by itself when undiluted. It has with great frequency been administered as a punishment to fourth class men at mess both while in camp and in barracks, and at some times at places other than the mess, in doses usually from two to five drops, but quite often in doses of fifteen drops, and in some cases between one and two teaspoonfuls.

Eating quinine.—Cadets have been required to chew up as high as four quinine pills at a time, and, after thoroughly masticating, swallow them.

The following are some of the third class of annoyances which have been imposed:

Qualifying.—This consists in requiring a fourth class man to eat, at one sitting, an extraordinary amount of some otherwise unobjectionable article, such as molasses, prunes, peach pie, or cabbage. In qualifying on molasses a cadet must usually eat at one time a soup plate full. In qualifying on prunes he has been made to eat as high as 130. A number of cadets have become nauseated by this process.

Feet inspection.—This consists in going to a fourth class man's bed with a candle and pulling the covers off his feet and inspecting them, and while doing so, intentionally, but apparently by accident, dropping hot grease from the candle on the bare feet.

Dragging a man out of bed.—This is usually done by taking hold of the bed and dragging it and its occupant into the company street; but it has been done by taking the victim by the heels and dragging him out.

Throwing sentinel in the ditch while on duty.

Sliding on soaped floor.—This is done in the bathroom, and the fourth class man is made, while naked, to slide over the floor after it has been soaped.

Standing on head in bath tub filled with water.—In this the fourth class man is usually required, while standing as indicated, to recite something, and, as a result, the water runs into his nose and mouth and strangles him.

Standing on head in tent between tattoo and taps.—Whenever an upper class man puts his foot into a fourth class man's tent between tattoo and taps the lower class man must at once stand on his head; and some upper class men require fourth class men, while in this position, to recite something and make a left hand salute with the right foot. Of late, to avoid being caught, it has been the practice of the upper class men from in or across the company street to say, "My foot is in your tent," and thereupon the fourth class man must act as if the foot were in fact there.

Standing orders.—When these orders are given, a fourth class man is required to stand up the entire day except while at mess and sink.

Pillow fights.—These, harmless in themselves, are a serious wrong, because the upper class men order the fourth class men to engage in them at night, and then the latter are charged with demerits for making a disturbance in camp and thus lose standing in their class.

Cold baths in the company street.—A fourth class man is required to entirely strip himself and run down the company street while parties on the sides throw cold water on him. The indecency of this performance needs no comment.

Many of the things done by the upper class men are boyish pranks and are known as "funny formations," but even these are frequently conducted in such a way as to outrage the noblest feelings of the heart.

Philip H. Sheridan, jr., was compelled to ride a broomstick up and down the company street, saying, "Turn, boys, turn: we are going back," in mockery of his illustrious father's achievement at Winchester.

Your committee feel that a sufficient number of the methods used to harass and annoy have been named and explained to enable the House to understand their general nature. As this system grew and became more and more oppressive it became necessary to have some effective means to coerce obedience to these unlawful behests of upper class men, and to meet this demand a system of fighting has gradually grown up which is a shocking in its character. Each of the upper classes has a regular fighting committee, and whenever it is reported, for example, to the president of the third class that some fourth class man has refused to obey any of the unlawful and illegal orders of an upper class man, or has in some other important respect violated the upper class code, all of which, it must be borne in mind, is in direct conflict with the regulations and rules of the Academy, the president calls his fighting committee together, and, if it thinks the charge true, it orders the fourth class man called out and names the man who is to whip him.

There is usually an appearance of fairness about this in that an effort is made to have the combatants as nearly the same weight, height, and length of arm as possible, and the upper class man selected can not weigh above 10 pounds more than the lower class man and must not greatly exceed him in height or length of arm. There is no fairness in it in fact, however, as most of these fights take place while in camp and when the fourth class man has been in camp but a few days and during that time has been drilling for hours a day with a regulation gun and is usually so exhausted as to be weaker than when he came to the Academy. The evidence shows that many of the lower class men leave their first camp thinner and lighter than they entered. On

the other hand, the upper class man is hardened by more than a year's careful athletic training.

While upper class cadets insist that these fights are fair, they substantially all agree that the object of these fights is to punish the lower class man, and the upper class man who is to fight is selected with the intention and purpose of having him whip the fourth class man. A conclusive proof of the unfairness and inequality of these fights is found in the fact that so far as appears in more than forty conducted since June, 1897, the fourth class men have won four and two have been declared draws. It is perhaps fair to say that the fact that upper class men win an overwhelming majority of these fights may not be due wholly to superior strength or talent, but in part to the fact that the upper class men have greater familiarity with what is expected in such a contest, have more class and personal pride, and fight with more vigor and tenacity.

Some of the witnesses testified that if a fourth class man has conscientious convictions against fighting he is not bound to fight if he, in general, lives up to the like high ideal. This is largely theoretical, however, as the evidence shows no case of a fourth class man asking to be excused on this ground. There is also testimony that in one case after a fourth class man had fought more than once a chivalric upper class man announced that he had fought enough and if there were to be any more fights he would take the lower class man's place. Unless excused because of his conscientious convictions, or because some upper class man has thus volunteered to fight his battles for him, a fourth class man is not at liberty to decline a challenge to fight sent by an upper class fighting committee, but must accept or be cut by the entire school, both the upper class men and his own. When the time for the fight arrives the parties retire to the appointed place, which, while in camp, is usually Fort Putnam, Fort Clinton, or Battery Knox, but at all other times at some room in the barracks or gymnasium. Each combatant is accompanied by two seconds from his own class, supplied with towels, sponges, and the like. At the fights, aside from the principals and their seconds, are the referee, timekeeper, and sentinels—usually four. All of these except the fourth class man and his two seconds are upper class men.

We do not find, however, that there has ever been any unfairness upon the part of the referee as against the fourth class man in his rulings. The sentinels are so posted as to preclude all possibility of anyone catching the parties in the act of fighting. When the fight takes place out of doors, a ring about 24 feet in diameter is marked off, but in barracks and in the gymnasium the ring is usually, of necessity, smaller. Each of the combatants strips off everything but a pair of trunks and a pair of rubber-soled shoes, and the fight commences with bare fists, and is conducted substantially according to Marquis of Queensbury rules, with two-minute rounds and one-minute rests. In one respect the fight is governed by Westpoint, as distinguished from Marquis of Queensbury, rules. A fight to a finish has a more vicious meaning here than elsewhere. Theoretically, when a man is clearly whipped his seconds may throw up the fight. The record shows, however, but one instance of this being attempted, and in that the principal was the upper class man in the fight and refused to abide by his seconds' advice. To show his grit and courage the defeated party, although helpless so far as fighting is concerned, must nominally go on so long as by any possibility he can come back to the ring, even though he is incapable of doing anything but take punishment. Many of the witnesses say that he must fight until knocked insensible; others say that of course he would be excused when physically incapable of coming up again.

The character of the fights thus indulged, not occasionally, but more than forty times since June, 1897, is illustrated by the fact that there is evidence that in almost all instances the defeated party has had to go to the hospital, and in about half the cases the successful one has likewise gone.

The system is very well illustrated by the history of the Keller-Booz fight, hereafter fully described. This system of fighting has been the chief instrumentality for the maintenance of the authority of upper class men over fourth class men. Presumably the fourth class men would refuse to be hazed beyond endurance but for the fact that their alternative is to submit to fight, with every prospect of defeat, or to be cut by all the cadets at the Academy.

In the opinion of this committee when this system of fighting has been destroyed the worst forms of hazing must die with it. Such fights as these are felonies in many of the States. They have gone on for years at Westpoint, and no one has been punished during the period covered by the investigations by your committee, and the time has now arrived when Congress must decide whether the fights, substantially everywhere else treated as high crimes, shall continue to go on at the military reservation at Westpoint.

The PRESIDING OFFICER. Does the Senator desire the further reading of the report?

Mr. ALLEN. Let the remainder of it be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The remainder of the report is as follows:

It is, of course, impossible to determine with mathematical accuracy just what has been the effect of this long course of cruel and annoying treatment upon fourth class men. We do know that several, notably Cadets MacArthur, Breth, and Burton, were hazed into convulsions; that many more, including Cadets Hascall, Kensel, McGinnis, and Pegram, were hazed until they fainted. Cadet Van Natta and perhaps others, have been hazed until sick. Cadets Booz and Breth were both treated with great severity and were never well after they left the Academy, and each died in his young manhood before the graduation of his class; but we can not affirmatively find that their death was caused by their treatment.

The foregoing description of the system of hazings and customary treatment of new cadets at the Academy will aid in the understanding of the history of the late Oscar L. Booz, his conduct and treatment at the Academy, the manner in which the grave newspaper charge came to be made that his death resulted from hazing whilst a cadet, and the extent to which there is foundation for such charge.

Oscar L. Booz, of Bristol, Pa., nominated as alternate, satisfactorily passed the preliminary physical and mental examinations for admission to the Academy at Fort McHenry, Md., in March, 1898, and (the person nominated for cadet having failed in such examinations) was admitted to the Academy June 20, 1898, aged 18 years 11 months.

He had been graduated from the Bristol Public High School in 1896, was a student in Rittenhouse Academy, a private school in Philadelphia, during the succeeding academic year, and took the special course preparatory to admission to the United States Military Academy at St. Luke's Academy, Bustleton, Philadelphia, Pa., during the fall, winter, and part of spring of 1897-98, receiving the customary certificate or diploma for completing the course. In all this school experience his course was steadily progressive, and he showed uniform and marked proficiency in all branches studied, which included those he took up after returning to barracks at the Military Academy.

His physical condition before entering the Academy was supposedly good, although he was not looked upon as particularly robust or much given to athletics. A preliminary to his nomination as alternate cadet was an examination in the summer of 1897 by Dr. Martin, who reported:

"He is organically sound, but * * * his chest muscles are not as well developed as could be desired, owing largely to little or no physical training. His expansion is fair, but can be improved by exercise. I have told him this, and recommended a systematic course to be pursued, and no doubt by spring he will be in good condition and in a way to pass a physical examination."

Just what course in athletics was taken at St. Luke's the principal could not state, nor did he know that Booz needed special training.

From April 23 to May 14, 1898, he was under treatment of Dr. Martin for acute pharyngitis, and, although supposedly cured at the last date, he did not return to St. Luke's for a final two weeks' review of studies, writing that he felt that rest would be more beneficial to him.

His moral character was excellent. Of gentle manner, he was unfailing in fidelity to truth and duty. Of sincere piety, he was free from cant and was joyous in making those about him happy, and a secret inquiry to discover his real character, among those unbiased in affection, fully corroborated the testimony of the witnesses summoned by the burgess of Bristol.

His first experience at the Academy was entirely agreeable, the words and tone of the letters he wrote friends voicing content and his demeanor attracting the notice of his fellow-classman, A. R. Burnam, jr., who testified of him:

"He struck me as being a very pleasant sort of fellow, and I asked him to be my tentmate in camp. (We thought there would be two in a tent, but Albert was assigned to the same tent.) He was considered witty. They had a good deal of fun out of him on account of his name."

His treatment, save, perhaps, in the demands upon him to swallow tabasco sauce, which will be later noticed, was about the same as that of most cadets until several days or a couple of weeks after getting in camp on returning from supper, when a third class man told him to leave the ranks and he made no attempt to do so. His conduct was strictly correct under the regulations lawfully established, but under the lawless class despotism in vogue it was offensive, evidencing impertinence, and the word was passed of his need of discipline and watch kept that a reasonable excuse might be furnished to administer chastisement. Many orders, doubtless, were given and not obeyed, but his conduct, being strictly correct, did not furnish the desired plausible pretext for a challenge to fight until the opportunity came late in July, when he was a night sentinel on post No. 5.

The orders for guard in camp are that sentinels will divide their posts into four equal parts. During the day they will walk the two middle parts, and between retreat and reveille their entire posts, except as otherwise prescribed in special orders for particular posts, and the special order for No. 5 was to walk that portion of the post in rear of the near-by company tents from tattoo until taps.

The corporal of this guard was not familiar with these orders, and on stationing Booz gave him the instruction appropriate before taps, and he proceeded to walk accordingly. This being observed by a third class man, the latter, without authority, proceeded to tell him to walk the entire post; others also demanded this course, and one says he kindly advised him, but he insisted in following the corporal's instructions. It was variously reported that he "mumbled something;" that he made various rejoinders, but there is no positive evidence of any response. He evidently believed the advice and command of the cadets were like the lawless ones he had oft before received, and paced the post his directing officer had indicated.

The corporal of the guard being called, and not knowing what the post really was, got the copy of orders, learned that the demand to walk the entire post was proper, instructed Booz accordingly, and the latter proceeded to comply with the new and correct instructions.

The following day the "contumacy," "impertinence," or whatever the act of disregarding the directions of third class men was appropriately termed, was reported to the fighting committee of that class, with the alleged rejoinders and their insolence in words and manner, as no one could testify yet, as "it was said," etc., and (possibly after the mockery of a pretended hearing) he was called out and ordered to weigh and select his seconds. The third class men who had kindly sought to make him understand his post had in the meantime sought him, explained the serious offense of a guard not walking post, read the appropriate article of war, with its penalty of death or such other penalty as the court-martial might impose, and expressed the conviction that Booz would be reported, court-martialed, and shot, making "his eyes bulge pretty much; it sort of takes the wind of fourth class men to tell them the war regulations." This cadet also testifies he knew that Booz was not a sound man physically, but did not know that he was called out, and if he had known it would not have allowed the fight to occur at that time, although in the interview, for effect, he told him that if he (Booz) was of his size he would call him out and thrash him.

Owing to Booz being on guard July 30, the fight did not come off until August 6, Saturday being the only day when he could leave camp. His opponent was 2 pounds lighter, with the like trifling shorter height and reach, but was superior in every other respect, having had a year's training in the Academy gymnasium and being in fine health, with seconds used to such encounters, and the referee, timekeeper, and sentinels all being upper class men, who, with every disposition to be just, felt the "plebe" was a sinner in need of punishment. He knew from the start he had no chance of winning, yet went to the scene of combat with apparent confidence and forced the fighting in the first round, landing once or oftener, but ineffectively, until a blow in one of his eyes brought blood and demoralized him, and in his mortification he wept.

In the second round he soon received a blow which his opponent at first described to a fellow-cadet as on the solar plexis, which sent him to the ground, and after some inconclusive efforts he declared he could fight no more, and was counted out. He was treated with entire deference by all the parties to the contest during its continuance and at its conclusion, and returned to camp crestfallen and with bleeding nose, one black eye, the other eye with a cut under it, a couple of loosened teeth, and a bruise on his body near the heart. His opponent sought him and advised him that if he was seriously hurt he go to the hospital, giving in this action the best testimony of respect.

But the same veracious though invisible and undiscoverable witnesses who had heard him reply insolently to the commands to walk post properly saw him return to camp smiling and heard him boast of the easy trick whereby he had avoided severe punishment in the fight, and the anger of upper class men was aroused and his action in the fight was branded as lacking in spirit and disgraceful in an embryo soldier. That he had ever before been in a fight or had any knowledge of the duty under the cadet code of fighting to complete exhaustion has not been shown and is not believed, for while upper class participants in the fight say he must have known the code, his seconds did not know it at the time and supposed he did all that honor demanded until they learned differently from upper class men on return to camp, one of them then becoming so incensed that he visited his principal, whom he had left with friendly respect a couple of hours before, and told him he was a disgrace to his class.

Some time after returning from the fight Booz was summoned to the near-by tent of Cadet Caples, who had reported him for not taking proper position as sentinel at command "posts" on being relieved at 6.50 a. m. August 3, and to which report an explanation had been sent the commandant of cadets that the report was a mistake, that he had faced properly and that the

new sentinel faced the wrong way. Caples testified that he explained to Booz, whose nose was still bleeding, the serious offense in the estimation of the corps of making a false explanation, which he claims Booz acknowledged his to be. He denied threatening to scar Booze for life, as the latter wrote home had been done by the cadet reporting him, but it is evident his talk was severe and intended to terrify, and that no vigorous rejoinder was made. The corps ethics regarded as unjustifiable an explanation possibly true inherently, or believed so to be, but which could not be substantiated, and Booz may have confessed his inability to prove his contention, but no fair admission of falsehood was made by him, and he was evidently sincere in his contention. The commandant of cadets apparently took this view, for, while declining to accept the explanation, he made no charge of bad faith against Booz. This incident was later supposed by some to have been the cause, or one of the causes, of the fight, but it is clearly of later date than the calling out.

A considerable number of cadets took up the charge of failure to make an honorable fight and showered him with insulting comments, one of them declaring he would have kicked him (Booz) in the face if present when he failed to continue fighting, and several declaring he would always be in disfavor in the corps and in the Army, if he got there; and the following day he wrote home announcing the fight and its results, saying, "the fellows here are brutes, and they have evil in their minds," and asking his father to grant him permission to resign. During the remainder of his stay at the Academy an insulting remark would be dropped from time to time in his hearing to annoy him or provoke a fight, although most of the cadets knew or cared nothing of his affair, and the more dignified of those who knew and disapproved his part quietly ignored him, while his tent and room mate and other near friends remained steadfast in kind regard.

Before leaving Bristol the Sunday school of which he was a member gave him a reception and a handsome copy of the Holy Bible, and on entering the Academy he united with the Y. M. C. A. and was a regular attendant at its meetings and a church communicant. He read his Bible regularly without hindrance, although occasionally the remark was made outside the tent that that was a pretty slick way to deadbeat, the innuendo being that the reading was for protection from annoyance by third class men, who refrained from their operations upon fourth class men while the latter were at devotions, reading the Scriptures, or performing any act of religion. He told his sister that a cadet had asked him to produce the Bible, and she inferred it was to deprive him of it, but the inference was without warrant.

The president of the Y. M. C. A., in a letter to Rev. Alexander Allison, D. D., who preached Booz's funeral sermon, said a cadet had seen Booz reading a novel held within the Bible, to deceive; but the cadet who made the statement testified he was not justified in making the charge and it was unwarranted by the facts.

It has not been possible to definitely learn exactly when the taking of tabasco sauce was first required of Booz, but it was probably near the middle of July, in small doses, the quantity being later enlarged, especially after he got into disfavor. His tent mate, Burnam, was amazed at the quantity he said he was taking, and at the order to finish a bottle before breaking camp (a period of about two weeks), but he did not know if the order was seriously given, insisted upon, or fully complied with. Booz complained that it was ruining his stomach, and in answer to an inquiry from his father and brother replied that "he was forced to take it—had to swallow it or strangle."

It has been inferred and charged that the force referred to was physical, but the evidence and fair inferences are all to the contrary, and the statement that it had to be swallowed or the victim be strangled is explained by the testimony of his tent mate, Albert; that he (Albert) and two others were told to stand up with mouths open, and that then a few drops of the sauce was squirted in, and nothing would be more natural than to swallow as the only relief from strangling in the sensation of pain following. Had physical force been used at any time in administering the irritant it would not only have been in conflict with the cadet code, but would surely have been mentioned by Booz to Burnam, if not to his father or brother. The force used was of a kind which could only be realized by him who underwent the torment.

The effect upon the throat tissues and digestive organs of the frequent swallowing of tabasco sauce, raw and in immoderate quantities, has never been observed and is therefore unknown, and the medical and surgical experts whose testimony was taken could only theorize that it was probably injurious. There is no testimony that Booz or any other unwilling taker of the sauce complained at, or at any period within weeks of, the taking of inability to swallow food.

The return to barracks and of the second class from furlough at the end of August marked a change of table companions in the mess hall, and Booz never after mentioned tabasco sauce to any cadet friend, and was probably thenceforth exempt from this form of torment, and sufficiently so from all other forms that, if health had permitted, he would have been able to pursue his studies, which then began, with ardor and success; yet the reverse was the case.

His roommate says of him after return to barracks:

"He studied very little; complained every night, almost. He would say he got dizzy, and complained of his eyes."

First Lieutenant Jervey, instructor of modern languages, testified:

"Booz's face was colorless—ghostly. He was in my section four weeks. His marks were quite high the first week, but steadily declined thereafter."

First Lieutenant Coe, instructor of mathematics, testified:

"Booz looked to me that he might have something the matter with him constitutionally. He had a very pasty complexion. * * * His physical appearance led me to suppose that he probably was physically unwell, and that probably had a great deal to do with his mental condition. * * * His marks for the first three weeks brought him next to the lowest in the class. * * * He could not have passed the January examination."

His father having consented, Booz resigned the cadetship because of trouble with his eyes, and was granted leave of absence October 5, 1898, when the resignation was accepted, to take effect October 31, 1898.

October 19, 1898, he consulted Dr. Wallace, a Philadelphia physician who makes a specialty of the eye, complaining of trouble with the eyes and headache, and receiving treatment for a couple of weeks. December 23, 1898, he returned to Dr. Wallace and took a week or ten days' further treatment. The trouble with his eyes the doctor regarded as insufficient, in a young man of his age, to produce all the symptoms he complained of. The eyes were weak, due to a very exhausted condition—some profound depression of the system, the doctor supposed, without being able to decide whether it was the "inducing premonitions of tuberculosis" or caused by cruel treatment, but with a belief that severe treatment was much more likely the cause, and that physical injury, severe training, athletic exercises, drills, or studies would account for the trouble. Glasses and tonics were prescribed, and the patient was regarded as having been restored to health at the termination of the treatment.

Except as the foregoing may have extended into 1899, Booz does not appear to have had any medical treatment in that year. March 21 he wrote, describing the trouble with his eyes, especially since he had been home from West-point, that he had to wear glasses, and saying:

"I complained a little about my eyes when I was at St. Luke's, but thought it a trivial matter."

January 5, 7, 8, 9, 12, 15, and 21, 1900, he was treated by Dr. Martin for a catarrhal condition of the throat, and May 17, 21, 30, and June 2 and 11 for possible tubercular pharyngitis. He then got treatment from Dr. Weaver and later consulted Dr. Groom, who sent him to Dr. J. Solin-Cohen, the eminent throat specialist, on August 2.

The latter diagnosed the case as tubercular laryngitis, and told the patient's sister the fatal nature of the disease, but treated the case until in November, when the patient failed in strength, and after treatment by Drs. Abbott and Weaver, respectively, he died at his home, in Bristol, December 3. Enunciation during the last few days was well-nigh impossible, but on the day before dying, being at times delirious, he exclaimed: "Have the tent ready; the inspector is coming;" and again, "They ought to have my throat."

The members of Booz's family entertained the conviction that the administration of tabasco directly occasioned the fatal disease of the throat, and based it largely upon the erroneous supposition that that disease developed very soon after returning from the Academy, and that some of the physicians named were consulted soon after the treatment by Dr. Wallace, instead of after the lapse of a full year, as shown by the evidence. They stated their belief to friends, and the story, with great embellishment, got into print and received highly sensational treatment.

December 1, 1900, the football team of the Military and Naval academies played their annual match at Philadelphia, and the newspapers of about that day, in the account of Booz's alleged maltreatment at the Military Academy, stated that, after being beaten, a fiery liquid had been poured down his throat and that a red-hot iron had been thrust down his throat. The Superintendent and other officers and the cadets were naturally indignant, and it was incorrectly assumed by most of them that the statements in their worst form were from Booz and the publications procured by him or his family, and in this belief, and with the feeling it engendered, the investigation into his career at the Academy was conducted by those who had been his fellow-cadets. The statements of the Superintendent were garbled and distorted in publication, so that needless passion was thrown about what should have had the calmest survey. The bereaved family never assailed the Academy, its Superintendent, or the body of the corps of cadets, or sought or intentionally originated or contributed to the sensational controversy.

It is purely speculative as to when the tubercular bacilli infected Booz, Dr. Solis-Cohen saying it is possible, but highly improbable, that he had his fatal disease on entering the Academy. The consensus of medical opinion is that a weakened and depressed system makes infection possible where otherwise the disease would be successfully resisted, and this weakness and depression existed for weeks after return from the Academy. Whether injuries in the fight, disturbance of the stomach, irritation of the throat, mortification of feelings, and other super-added ordeals to the severe but proper duties of a cadet created the depression in Booz, and without these unlawful exactions he could have studied and gained in strength and vigor, are also problems beyond human knowledge to determine.

And the like commentary must be made respecting the case of John Edward Breth, who entered the Academy in June, 1897, was found deficient in mathematics January 25, 1898, and died in October, 1899, of typhoid pneumonia. It is clear that no Academy incident could have caused this fatal disease, but it is supposed by the family and their physician that a nervous twitching was brought on by the severe hazings to which Breth was subjected and that his strength was sapped and he could not so well resist the disease or be controlled by the remedies administered. The photograph of this young man shows an exceptionally fine, pleasing, and intelligent countenance, and the impression on the beholder and the tenor of his former life are not in harmony with the testimony of his alleged awkwardness and dullness, and suggest the thought that severe and lawless exactions denied him his rightful opportunity and can not leave agreeable reflections to his cruel tormentors, the chiefs of whom were long since dismissed for dishonesty.

But while we can not fix upon hazing the responsibility for these two deaths, the possibility that it hastened them and the blot it throws on the otherwise fair and glorious fame of the Academy, its conflict with proper training and discipline, and unfitness in this new century, urge the adoption of the reasonable, yet we believe effective, measures for its eradication and the promotion of discipline at the Academy hereafter proposed by this committee.

It has been charged that Booz was persecuted because of his religion, and it was also charged by Mr. Albert that he was driven out of the Academy because he was a Hebrew. Fully realizing that there should be no room in the Academy for racial or religious ostracism, your committee made some special inquiry on the subject, and finds that on the whole a man's religious opinions are highly respected there.

Cadet Meyer once called Cadet Albert "a damned Jew," but this was an isolated case, and Mr. Meyer claims to have done so because he thought Mr. Albert was attempting to conceal his race. Ex-Cadet Albert testified that Cadet Jordan also called him "a damned Jew" while he was at the Academy. The conduct of these cadets was reprehensible, but in view of the fact that there was no evidence of like conduct by others, and nothing to indicate that Meyer or Jordan were ever guilty of similar behavior at any other times, your committee feels convinced that Hebrews are usually treated with respect, and this conviction is strengthened from the fact that there are two Hebrews now at the Academy, both of whom testify that they have never been subjected to any maltreatment whatever on account of their race or religion.

The evidence shows that it has been the rule not to haze cadets while reading the Bible or at the Y. M. C. A. The president of the Y. M. C. A. for the academic year 1899-1900 was Harry Mitchel, and it appears that he was sometimes called "Saintly Harry," "Saintly Mitchel," and "Prayer-Meeting Mitchel." While this could not be approved, it appeared that he was highly respected, and that those appellations were not used as terms of reproach.

Your committee is pleased to report that the cadets, as a class, have not been guilty of assailing men because of their race or religion.

Your committee having thus briefly told the nature of the treatment of fourth class men as gathered from about 5,000 pages of typewritten record, next call attention to the means employed by the authorities to suppress the evil, the difficulties met with, and the need for legislation from Congress.

At the outbreak of the Spanish war Lieutenant-Colonel Hein was commandant of cadets, and he was during the war also Acting Superintendent. In September, 1898, Colonel Mills was appointed Superintendent and Lieutenant-Colonel Hein was retained as commandant of cadets. Both these officers have diligently sought to suppress the more serious forms of hazing, and have had a considerable measure of success, but many causes have contributed to defeat their efforts. The fourth class men refuse to tell the authorities anything about the abuse imposed upon them, first, because it is considered dishonorable to do so, and, second, because they believe they would be called out or otherwise seriously punished if they did. Hazing sometimes takes place in barracks and in daytime, but it usually takes place in an unlighted tent at night, between supper and tattoo, and this, of course, increases the difficulty of discovering and punishing the offenders. In this connection it is well to call attention to another cruelty of the system as it has been practiced. As the worst hazing is usually conducted in the dark, the tormentor, by his choice of time and place, has deprived himself of all ability to tell when his victim is exhausted.

Notwithstanding these and other difficulties, which will be referred to later, the Superintendent diligently continued his efforts against hazing and

to convince the cadet corps of its cowardly and degrading character. Cadet Phillip S. Smith was, in August, 1898, convicted by general court-martial of harassing and annoying fourth class men, and was sentenced to suspension without pay for one year. The day he returned, August 29, 1899, he required Cadet U. S. Grant, jr., to stand on his head and recite a humiliating verse, and upon the recommendation of the Superintendent he was, with the approval of the Secretary of War, dismissed from the Academy. In August, 1900, Cadet William F. Harrell was detected compelling Cadet Hunter to stand on his head in a bath tub full of water, as heretofore explained, and was, under recommendation of the Superintendent, with the approval of the Secretary of War, dismissed from the Academy.

A great number of severe punishments less than expulsion have from time to time been meted out to offenders, and, finally, in September, 1898, the upper classes adopted resolutions pledging themselves to cease exercising fourth class men. The cadets are not all in accord as to just what this meant, but it is generally agreed that it included eagling, wooden-willying, doing footballs, choo-chooing, dipping, stretching, and the like; and it is equally agreed that it did not include bracing, dosing with hell sauce, qualifying, requiring service of special-duty men, or fighting.

Your committee ought, in fairness, to say that these resolutions have been kept by the upper class men in good faith, according to their several constructions of them, and as a result the camp of 1900 was the best in years and the most free from odious forms of hazing; but as about twenty challenge fights have taken place since the adoption of these resolutions it can not be claimed that an ideal condition was attained thereby.

There are 71 United States Army officers at the Academy, including the Superintendent—10 tactical officers and about 60 instructors—making about 1 officer to every 6 cadets. This would appear to be a sufficient number of officers to enforce discipline, but unfortunately in practice no one but the Superintendent and tactical officers is charged with any duties in relation to discipline. Section 163 of the regulations, as established by the War Department, provides that each of the academic officers who knows of any violation of discipline shall report it. This regulation has become obsolete; but it was always so construed as to be of no value. Under the construction given it, if an academic officer saw a cadet in such condition as to clearly indicate he had been in a fight it was not his duty to report it. If he saw a fight, he should so report; but if he saw the parties returning from the field of battle, bearing every evidence that they had been in a fight, he should not report it.

This refined distinction applied to all the offenses, and was based on the thought that reports of offenses should not be made on suspicion, but on knowledge, ignoring the fact that evidences of breaches of discipline could be reported as distinct from charges. The result is that 11 persons are solely charged with maintaining discipline, in a reservation of more than 2,000 acres and more than 2 miles long, over about 450 cadets.

By the first and second sections of a bill introduced and reported herewith this fault is thought to be in a measure cured by requiring every officer at the Academy to report every matter coming to his attention tending to indicate a breach of discipline, and requiring the Superintendent to investigate all matters so reported.

This will not alone be sufficient to furnish adequate surveillance. The Academy has two mess halls, and there is only one Army officer present to watch the two, with between 400 and 500 cadets. In camp there is no adequate provision for surveillance by Army officers, and it is almost wholly under the care of cadet officers and sentinels.

Complaint has been made before your committee that cadet officers are unfair in reporting fourth class men for demerits. It is not claimed that this unfairness consists in so reporting fourth class men when not guilty; but it has been claimed that cadet officers are inclined to more rigidly report odious fourth class men than others, and a few of the upper class men, when upon the witness stand, have avowed that they would do this. The majority, however, deny that they would be guilty of any such injustice. Your committee feel that if Army officers were more directly in charge of the cadets and brought into more close contact with them the danger of fourth class men being thus unjustly reported for demerits would be reduced. Aside from this, however, your committee are convinced that the presence of more Army officers in the camp at all hours of the day and night is absolutely essential to the thorough maintenance of discipline.

Your committee also believe that if more Army officers were in and about the camp it would lead to more intimate association and higher mutual respect and regard, and thus enable the officers more effectually to impress upon the cadets the degrading character of the offenses sought to be suppressed and the better purposes to which cadets should devote themselves.

Again, the close association of selected and experienced Army officers with the cadets would greatly aid in the education of the latter and the improvement of their military character, instilling in their minds a high conception of the soldier's duty. At the close of academic studies in June the professors and instructors have leave of absence until the resumption of such studies in the following September, and so it is that throughout the camp and during the time when the most difficulty is experienced in maintaining discipline the reservation is almost entirely stripped of officers.

This should be remedied either by shortening the leave of the professors and instructors and requiring that only a part have leave at a time or by the assignment of such other Army officers to the Academy during that period as will effectually administer proper discipline.

In the tenth section of the bill reported herewith the Secretary of War is directed to meet this need. Under the present regulations one guilty of fighting or hazing may be dismissed or otherwise less severely punished. Your committee believe, and have so provided in the third and fourth sections of the proposed bill, that challenge fighting and the more serious forms of hazing should be punished by dismissal, and that the Superintendent, charged by the first section with suppressing these evils, should have the power to take final action upon the findings of courts-martial and courts of inquiry adjudging a cadet guilty thereof. Not long since a cadet was dismissed from the Academy and was shortly thereafter appointed to the Marine Corps, and now outranks all his former classmates. To avoid the repetition of such things, and to further punish the more serious offenses just referred to, the fifth section of the proposed bill prohibits all such appointments.

The ingenuity of cadets in inventing new forms of hazing is so great that it is impossible to name and describe them all in a statute, and for this reason the sixth section of the proposed bill directs all forms not specifically described to be suppressed under regulations lawfully made. Prior to June, 1879, regulations of the Academy required cadets to answer all questions touching breaches of discipline, but at that time an amendment to paragraph 125 exempted a cadet from answering questions if the answer would criminate him. Your committee thinks this amendment was intended to be literally construed; that it was intended only to exempt the cadet where his answers would subject him to the criminal law in the ordinary course of its administration, and not when his answers would simply subject him to discipline while at the Academy. Doubtless in the administration of such discipline one should be protected against the use of his answers in a criminal proceeding against him, and we think this was the intention of the amendment in question. Its construction by the cadets has been wholly different from this. They have always construed it to mean that no cadet need answer any question if the answer would tend to subject him to discipline.

To illustrate the working of this regulation: About 18 cadets know of each fight—the members of the fighting committee which orders it, numbering about 6, the 2 principal combatants, 4 seconds, the referee, the timekeeper, and usually 4 sentinels. With this system of sentinels it is impossible to ever catch the parties in the act of fighting, and under the construction of the regulation in question every one of the 18 persons who knows anything about it is exempt from testifying. In this situation it is not to be wondered at that fighting has not been suppressed. The present Superintendent made application to the War Department to amend the regulation so as to require all questions to be answered, but the Department refused to do so, and we think rightly, because it had no power to protect the cadet from the subsequent use of his own evidence against him in a criminal proceeding.

Later the regulation on this subject was so amended as to make the Superintendent the judge of whether answering a question would tend to criminate the cadet, but while this made the Superintendent the judge, he was in duty bound to decide correctly and excuse every cadet from answering criminating questions. Congress has the power the War Department lacks to at once compel every cadet to answer all questions as to breaches of discipline, and at the same time protect him against his evidence being used against him in a subsequent criminal proceeding, and thus defend all his constitutional and other rights, and the seventh section of the proposed bill, in the judgment of your committee, will accomplish this.

The present Superintendent at one time, being unable with the means at hand to discover the perpetrators of certain offenses, attempted to convene a court of inquiry to aid him in doing so, but the War Department held such proceeding was unauthorized.

The ninth section of the proposed bill provides such authority, with ample safeguards for the protection of the rights of all.

Regulations of the Academy have in the past been made by the War Department, upon the proposal of the Superintendent. The academic board has not been consulted. The Superintendent and commandant of cadets and other tactical officers are usually only at the Academy for a short time. On the other hand, the academic board is composed of persons permanently located there. The tactical department is constantly changing; the academic board is substantially continuous. While fully indorsing the changes made while the Academy has been under Colonel Mills and Lieutenant-Colonel Hein, your committee thinks that the regulations have been so frequently tampered with and changed by newcomers as to make them voluminous and lacking in homogeneous character. Your committee feel that the academic board, continuous in character and always interested in and familiar with its needs, should be consulted and given part in this work, and the eleventh section of the proposed bill so provides.

The regulations of the Academy have been adopted at so many different times and have been so frequently changed that they are now very numerous, complex, and lacking in harmony and simplicity. To the end that they may be more thoroughly learned, understood, and obeyed, they should be thoroughly revised and simplified.

The night the taking of the testimony closed at Westpoint a paper was presented to your committee by the Superintendent, Colonel Mills, and the presidents of the four classes, as follows:

WESTPOINT, N. Y., *January 19, 1901.*

SIR: Having become cognizant of the manner in which the system of hazing as practiced at the Military Academy is regarded by the people of the United States, we, the cadets of the United States Military Academy, while maintaining that we have pursued our system from the best motives, yet realizing that the deliberate judgment of the people should, in a country like ours, be above all other considerations, do now reaffirm our former action abolishing the exercising of the fourth class men, and do further agree to discontinue hazing—the requiring of fourth class men to eat anything against their desire and the practice of "calling out" fourth class men by class action—and that we will not devise other similar practices to replace those abandoned.

Respectfully submitted.

For the first class, W. REESE BETTISON, *President Class 1901.*

For the second class, B. O. MAHAFFEY, *President Class 1902.*

For the third class, QUINN GRAY, *President Class 1903.*

For the fourth class, JOSEPH A. ATKINS, *Representing Class 1904.*

THE SUPERINTENDENT OF THE UNITED STATES MILITARY ACADEMY.

It is the belief of the committee that the present cadets will live up to those resolutions, as, upon the whole, they are a truthful set of young men. It should be observed, though, that there is no express promise to cease bracing; and upon some other subjects the resolutions are ambiguous. Trusting and believing that these resolutions will be kept, your committee thinks the bill introduced herewith should be passed to cover matters not contained in the resolutions and to avoid the revival of practices abolished thereby.

Your committee were, upon the whole, favorably impressed with the general bearing of the cadets and their manner and conduct, and were particularly so impressed as to the fourth class men, finding in their demeanor and conduct evidence of the improvement wrought by the partial abolition of hazing during the present academic year.

Your committee, however, were astonished to find that something at the Academy has benumbed the consciences of most of these otherwise creditable young men as to the treatment due from the strong and experienced to the weak, the embarrassed, and the inexperienced. Before concluding, your committee ought to say that while substantially all fourth class men have been hazed to some degree and substantially all upper class men have in some measure engaged in the practice of hazing, a few fourth class men have wholly escaped and a few upper class men have entirely abstained from hazing, and we find a very large number of the upper class men have always been opposed to the more serious and brutal forms.

The War Department furnished your committee a complete transcript of the evidence taken before the court of inquiry which lately investigated affairs at the Military Academy, and the officers of both the Department and of the Academy have at all times courteously aided this committee in every way in its efforts to discover the truth. The committee saw fit to adopt the testimony taken before the court of inquiry, so far as it extended, as part of its own evidence, and has utilized it in all respects as if taken before the committee, and has been greatly aided thereby.

The committee returns herewith, as an appendix to this report, the record of all the evidence taken by it, including the evidence taken before the court of inquiry before referred to.

It is the sense of your committee that the passage of the following bill would greatly tend to the maintenance of discipline, and that its passage is necessary for that purpose; and it therefore respectfully recommends that it do pass.

"SECTION 1. That the Superintendent of the United States Military Academy at Westpoint, in the State of New York, shall suppress all challenge fighting and every form of hazing at the Academy, and shall, whenever advised of any facts tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the Academy, or its rules, at

once investigate the same in person or cause to be convened a court of inquiry to do so, as hereinafter provided.

"SEC. 2. That it shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the Academy, to promptly report to the Superintendent any fact which comes to his attention tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the Academy, or its rules.

"SEC. 3. That any cadet who shall act upon or be a member of any fighting or like committee, send, carry, or accept or order a challenge to fight, or be in any manner concerned or engaged in a fight preceded by a challenge, or order, or shall act as a referee, timekeeper, second, or sentinel thereat, or shall upbraid, abuse, or insult, or in any way maltreat any candidate or cadet because of his having refused to send or accept a challenge, or order to fight, shall be dismissed by the Superintendent.

"SEC. 4. That any cadet who shall direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him, or who shall, without lawful authority, direct or require any candidate or cadet to brace, or engage in any form of physical exercise, shall be dismissed by the Superintendent.

"SEC. 5. No cadet dismissed under either of the two preceding sections shall be in any way reinstated or reappointed to the Academy; and no such cadet shall ever be appointed to any office in the Army, Navy, or Marine Corps.

"SEC. 6. All forms of hazing not herein expressly provided for shall be suppressed, under such regulations as shall now exist or may hereafter be lawfully established for the Academy.

"SEC. 7. Every cadet shall at all times be required to answer all questions pertaining to infractions of the laws of the United States, the regulations of the Academy, or its rules, put to him by any court-martial, court of inquiry, or any officer of the Academy; and upon his refusal so to do he shall be dismissed by the Superintendent. But his evidence shall not be considered as against him in passing upon his guilt or innocence of any such infractions, nor shall it be used against him in any criminal proceeding or civil action for damages.

"SEC. 8. When the Superintendent knows or has reason to believe that any cadet is subject to the punishment prescribed in sections 3, 4, or 7 hereof, he is authorized to and shall at once convene a court-martial composed of not less than three commissioned officers to try such cadet. The finding of such court-martial, when approved by the Superintendent, shall be final, and any cadet found guilty by it under any one of the said sections shall be dismissed, as in such section provided.

"SEC. 9. Whenever the Superintendent shall report to the Secretary of War that he has reason to believe that there have been infractions by one or more cadets of the laws of the United States, the regulations of the Academy, or its rules, and that he has been unable to ascertain the perpetrator or perpetrators thereof, or to obtain sufficient evidence to warrant action, the Secretary of War shall at once convene a court of inquiry to inquire into such supposed infractions, with directions, without unnecessary delay, to report the evidence taken by them and their findings and recommendations, all of which shall when returned be transmitted to the Superintendent, who shall therepon enforce the laws, regulations, and rules against all persons so reported to have violated them: *Provided*, That when evidence shall be adduced before such court of inquiry tending to show any infraction by a given cadet of the laws of the United States, the regulations of the Academy, or its rules, said cadet shall be at once notified and shall be entitled to be at all times present while the inquiry is going on as against him, and to have witnesses called in his behalf and to otherwise defend himself.

"SEC. 10. It shall be the duty of the Secretary of War to assign to the Academy a sufficient number of officers of the Army to at all times strictly enforce the laws of the United States, the regulations of the Academy and its rules, and to furnish such instruction and surveillance as may be necessary to insure that end; and he shall make such regulations as are necessary to produce such direct contact between the officers and cadets as will result in a thorough enforcement of this act.

"SEC. 11. Regulations of the Academy, not inconsistent with the laws of the United States, shall be made by the Secretary of War. The Superintendent may from time to time propose any change in or amendment to such regulations; but before doing so shall convene the academic board, which shall vote upon the advisability of the proposed change or amendment, and its vote shall be forwarded to the Secretary of War by the Superintendent with his proposal. The academic board may from time to time propose any change or amendment to the regulations; but such proposal shall be made through the Superintendent and shall be accompanied with his recommendation.

"Nothing in this act shall deprive the Superintendent of the authority to make internal rules for the government of the Academy not inconsistent with the laws of the United States or the regulations of the Academy."

CHAS. DICK.
IRVING P. WANGER.
WALTER I. SMITH.
EDMUND H. DRIGGS.
B. T. CLAYTON.

Mr. ALLEN. Mr. President, the report goes on to recite the brutality of the Keller-Booz fight, which resulted in the death of Booz. The evidence shows and the report shows that this young man, who met his death in one of these brutal contests, was a young man of unusually amiable and pleasant disposition. In fact, his associates testified very highly in his behalf. He was a young man of spendid character, of splendid education, well up in his classes. He was a model young man. The evidence shows that there was some slight defect originally in his chest development, but under the care of Dr. Martin he was rapidly overcoming that difficulty. If Senators will turn to the evidence, consisting of nineteen hundred odd pages, and will turn to the balance of the report and will read it, they will see that the circumstances under which this young man was called out, as they call it, the circumstances of the fight, the circumstances of the brutality used at that time, find no parallel in prize fighting, find no parallel in bear baiting, find no parallel, in my judgment, in bull fighting.

Now, if the Senate of the United States, legislating for a nation of 76,000,000 people and for the control of the great Academy where the military officers of the United States are being educated and have been educated, see fit in a spirit of levity to put the seal of approval upon this conduct by refusing adequate legislation, I will be content with that and be content with putting myself upon record against it.

I want to repeat, Mr. President, in as strong language as I am capable of using, what I said before; and I regret that I do not possess the power of expression of some gentlemen. I have the utmost consideration for the follies of youth. We know that our boys are full of pranks; that they are full of life and energy. We know they commit excesses; we know they do wrong, and we reach out in the kindness of our heart to bring them back by kind means; and I thank God we usually reclaim them.

But when a boy is so far advanced that the Government takes him under its wing, clothes him, educates him, cares for him, with a view of eventually making him, perhaps, the commander in chief of its Army (and some of these young gentlemen will live to command an army of a million or more of men), then, Mr. President, it becomes the part of humanity for this Government to put its hands upon all who violate the law; and if these young gentlemen in the Academy of the United States can not restrain themselves from the commission of felonies—from the commission of high crimes, as this report calls them; and they are high crimes and felonies—cast them out among the common fellows of the world, and replace them with gentlemen.

It is no part of a gentleman to engage in a useless, brutal contest. There are times in the lives of all men, possibly, when they must resort to physical force in defense of person, in defense of honor, in defense of wife, child, property, servant—in carrying the flag of their nation in its wars—but there is no other time in this life of ours when physical force is to be justified. Three or four years and one of these young brutes—and they speak of their juniors there as brutes; that is the name they give their fourth class men, brutes——

Mr. MONEY. I thought they called them plebes.

Mr. ALLEN. No; the second class men are plebes. The fourth class men are brutes. Look at the report and read it. In a few years one of these young brutes will become a commander of perhaps fifty, sixty, or a hundred men. He will have under his command youths coming from the farms and the workshops of this country; boys 15, 16, 18, 20 years of age, strong Americans, whose duty it will be, possibly, to vindicate the honor and integrity of this nation in action. They are under his command as private soldiers. Would he hesitate to inflict upon them the severest possible punishment under the rules and regulations of the Army for lighter offenses than he himself was guilty of when a student at college?

I want no man reared in that way to command my son or any relative of mine, or any boy over whom I can exercise any control; and if this thing is continued and winked at and permitted, I declare here in this high presence that during my life I will discourage enlistments in the Army of the United States. Mr. President, that is all I desire to say.

Mr. SPOONER. Mr. President, this matter places the Senate in rather a peculiar position. The conferees did their duty in insisting, if there was any controversy about it, that this provision should be retained in the bill, for the reason that the Senate incorporated it in the bill, and to send it back to the conference committee is to send it back to eliminate from it a provision incorporated by the Senate. I shall vote to do that thing, although it is extraordinary.

Mr. ALLEN. I do not understand the Senator from Wisconsin.

Mr. SPOONER. I shall vote to reject the report because it contains this provision, in the hope that the conferees of both Houses will eliminate or qualify it. We are all agreed, I think, that the practice of hazing——

Mr. MORGAN. I should like to suggest to the Senator from Wisconsin that that can not be done under the parliamentary law unless we send it back with instructions to eliminate, for it is a change of attitude on the part of the Senate on the subject. We have voted for it.

Mr. SPOONER. That may be. There has been a very grave question—this was a full and free conference—whether it is competent for either House to instruct the conferees at such a conference. My own impression has been that parliamentary law is against it. We may recommit it, and I suppose this discussion will make it very clear to the conferees of both Houses that it is recommitted because of this special objection to it.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I do.

Mr. TELLER. Will the Senator allow me to suggest to him that it has passed beyond the province of the conference committee or of the Senate, according to the rules?

Mr. DANIEL. They have recommended a substitute for the amendment of the Senate.

Mr. CHANDLER. Will the Senator from Colorado allow me. I think he is mistaken about the facts. Here was a short ten-line section. To be sure it contained this provision as to ineligibility, but when the conference committee wrote in ten sections of a law

against hazing, it is certainly competent to reject the report and have the other clause apply.

Mr. TELLER. I understand we have accepted the report as to that.

Mr. DANIEL. No.

Mr. LODGE. No.

Mr. CHANDLER. No.

Mr. TELLER. We have not?

Mr. CHANDLER. We have not accepted the report as to anything.

Mr. TELLER. I understood we had as to that particular phase.

Mr. SPOONER. No. I think we all agree that the practice of hazing should be suppressed at Westpoint. Hazing has prevailed at the different colleges of the United States for a great many years.

Mr. BUTLER. And it always will.

Mr. SPOONER. I experienced some of it when I was a freshman in college. I recollect that a few years ago at one of the very high-class colleges of this country the son of a distinguished gentleman, whom I will not name, a young man of fine intellect and highly nervous organization, was almost ruined by the hazing process. This report shows that it has been carried to an extent at the Westpoint Academy that is degrading and brutal and in many respects going not only up to, but beyond the danger line; and the fact that it has been organized as it has been, permitted to exist at Westpoint as it has been, is in my opinion no credit to the administration of Westpoint, and that ought somewhat to be taken into account here.

But, Mr. President, it has always been the custom in enacting laws and imposing penalties to discriminate somewhat as to the matter of punishment between different grades of the same general offense and also between different offenses. We punish murder in one way. We punish manslaughter in another. We punish various assaults, lesser kindred offenses, of which a man can be convicted under an indictment for the higher offense, by different penalties.

Mr. ALLEN. May I have the attention of the Senator for a moment?

Mr. SPOONER. In a moment, as soon as I finish the sentence. One vice of this proposition is that it makes no distinction whatever; but whatever the form of hazing, whether detrimental to the health of the cadet, dangerous to him, or simply annoying to him——

Mr. ALLEN. Or humiliating.

Mr. SPOONER. Or humiliating to him, this extreme penalty is provided.

Mr. ALLEN. I was going to make this suggestion, if the Senator will permit me. I recognize the propriety of graded punishments, and I was going to make this suggestion, if it is acceptable to the committee, and I trust it will be, that the young man shall be disqualified not less than five years or for life, according to the offense committed.

Mr. SPOONER. Some of the forms of hazing involve cowardice, absolute cowardice, upon the part of the men who promote it and execute it.

Mr. ALLEN. That is right.

Mr. TILLMAN. Does it not involve cowardice on the part of the man required to submit to it?

Mr. SPOONER. It is one man against a whole regiment.

Mr. TILLMAN. The Senator would not submit to it if there were a thousand regiments.

Mr. SPOONER. The Senator would submit to it only because he was obliged to.

Mr. TILLMAN. Does not that make a brute of the man who uses force or a regiment of men against one man? Does it not involve cowardice on the part of those?

Mr. SPOONER. I stated that it did.

Mr. TILLMAN. And the man who submits is a slave, a dog.

Mr. SPOONER. Suppose he can not help himself?

Mr. TILLMAN. He can help himself.

Mr. SPOONER. Suppose a mob, a hundred men, took the Senator from South Carolina and tied him to a tree, would he be a coward?

Mr. TILLMAN. When you come to physical force, that is one thing. The Senator would shoot. There are firearms in this country. I say the school at Westpoint has been degraded in the eyes of the world by the exposure we have had; and the officers in charge are responsible.

Mr. SPOONER. I have not controverted that; I have asserted it; but I am not willing to admit that every young man who has submitted to hazing at Westpoint has shown himself to be a coward.

Mr. TILLMAN. There are some forms there——

Mr. SPOONER. There are some forms that might be so organized as to render it impossible for him to resist. There are a thousand ways in which a great body of students can compel, not at the point of the bayonet, either, a young man to submit. But I was saying that they have carried this beyond all that is decent, and that the men who have participated as the aggressive forces in some forms of this hazing ought to be dismissed and ought to be, perhaps, kept out of the Army.

Mr. DANIEL. They have been.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I do.

Mr. TILLMAN. The Senator was particularizing there about the grades of the crime.

Mr. SPOONER. I did not get a chance to particularize.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. SPOONER. Go on.

Mr. TILLMAN. He seems always——

Mr. SPOONER. No; I beg your pardon. Go on.

Mr. TILLMAN. I was going to call his attention to the fact that he can not draw a parallel between the punishment proposed here and the punishment in an ordinary court which tries felonies or misdemeanors. There the culprit is sent to jail or fined. Here the only punishment involved is dismissal.

Mr. SPOONER. That does not answer my proposition at all. I think if a young man invited or requested a cadet to eat or drink something which he did not want to eat or drink, which would annoy him——

Mr. TILLMAN. Well, they do that very same thing. I have had a boy tell me that they made him eat shoe blacking.

The PRESIDING OFFICER. The Chair will suggest to Senators that under the rule permission must be obtained through the Chair to interrupt a Senator who is entitled to the floor. The Senator from Wisconsin is entitled to the floor.

Mr. TILLMAN. If the Senator from Wisconsin objects, or requires or even asks that I shall address the Chair all the time, I shall be glad to do so.

Mr. SPOONER. I yield.

Mr. TILLMAN. I know the rule requires it, but I have never seen the rule invoked here by the regular Presiding Officer. It is only when men get in the chair who do not usually preside that we are called on to get permission.

Mr. SPOONER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I thought the Senator had yielded, and therefore we were having a good-natured colloquy trying to get at the facts in this case and to evolve such a condition of mind on the part of the Senate as to determine what is best to be done. The Senate wants to stop hazing. As I said, the only form of punishment that we propose is dismissal. You are not going to say that a court-martial shall have the right to put any of the brutes, as you say—I say they are brutes; they are dogs; they are dogs above who fight little dogs below, and make dogs of the whole business——

Mr. SPOONER. Dogs are brutes.

Mr. TILLMAN. I know they are. I say you can not provide, you would not be willing to provide, that a court-martial should send any of these brutes to prison. Therefore your only remedy is to dismiss. Now, when a boy has gone through this school and got to the upper class, where he is allowed to haze the under class, he is supposed to be a gentleman. He is going to be turned loose and is to have control of a company, or be in a company and have absolute control as the commanding officer of privates, helpless under the Articles of War, who dare not resist or do anything. How are we going to stop this thing unless we take it by the throat and choke it to death? We had better go too far than not far enough.

Mr. SPOONER. When you go too far you defeat ordinarily the purpose of a law and its execution. If you provide a punishment——

Mr. TILLMAN. Will the Senator permit me?

Mr. SPOONER. I permit the Senator, of course.

Mr. TILLMAN. Is it going too far to say that such a man, having shown himself a brute, shall never, as an officer of the United States, command other men?

Mr. SPOONER. If a man has shown himself a brute——

Mr. TILLMAN. If he is a brute once, he is a brute forever.

Mr. SPOONER. Not necessarily. If a man has shown himself to be a brute, an irreclaimable brute, or a coward by nature——

Mr. ALLEN. Or by habit.

Mr. TILLMAN. And by instruction.

Mr. SPOONER. Evidenced by his performance at Westpoint, it may be well enough to prohibit his entering the Army, at any rate for some years.

Mr. TILLMAN. We have enough gentlemen in the United States to furnish all the officers we need without taking any of this class.

Mr. SPOONER. Will the Senator from South Carolina yield to me for one minute? [Laughter.]

Mr. TILLMAN. I beg the Senator's pardon, and the Chair's, too.

Mr. SPOONER. But if we provide a penalty entirely disproportionate to the offense, you will find very few officers willing to enforce it by conviction.

There are different phases of hazing, differing in every aspect of the case. There are phases of hazing, to which the Senator from Nebraska has called attention, for which a man ought not to be forgiven. There are many phases of hazing detailed in the report for which a man ought not to be forever disqualified. If a young man were asked to smoke a pipe who had not been accustomed to it, in the notion that it would annoy him or make him sick for a little while perhaps, that is offensive, but it ought not to be punished by eternal disqualification from serving in the Army of the United States. This is the proposed statute:

Any cadet who shall direct—

That is one thing—

invite—

Which implies that the person invited may decline to accept the invitation—

or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him * * * shall be dismissed.

Even if he simply invites him to do it.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Wait a moment. He shall be dismissed, and in addition he shall, under this proposed statute, if it shall become a law, be forever disqualified for appointment as an officer in the Army or the Navy of the United States.

Mr. TILLMAN. Mr. President, with the permission of the Senator from Wisconsin, if he will allow an interruption——

Mr. SPOONER. I am accustomed to it.

Mr. TILLMAN. It is very evident that we have the consensus of feeling of the committee which framed this report. It combines, I understand, a provision in the Senate bill and one that was in the House, not offered in the House, because the report of the committee of investigation, I believe, reached the House after the bill had come across, and therefore the result of the investigation had not been before the House; but they recommended in their report, I believe, provisions which are here incorporated. Therefore we have the consensus of feeling of the two committees. They found a difficult situation. They found that the officers in charge of discipline at Westpoint had been conniving at or openly permitting all this deviltry, this brutality, this cowardly cruelty and savagery.

If public opinion in the Army is of such a low type that it is not ready to take this matter in hand, what is to be done except for Congress to take such steps, through legislation, as will bring these officers face to face with the statute? These gentlemen, possibly, have gone into it in too great detail. I think they might have left out something; but you, as a lawyer, know how easy it is to get around a statute unless it is very broad and covers a good deal of ground.

Mr. SPOONER. Will the Senator yield to me again?

Mr. TILLMAN. Certainly; with pleasure.

Mr. SPOONER. This is beyond pardon. You may convict a man in the courts of the country of murder, and he may be pardoned; but this is beyond the reach of pardon, even. The cadet is dismissed, and the law says that he shall be disqualified as long as he lives from appointment as an officer of the Army or Navy. It is irrevocable except by action of Congress.

And see what it involves. Suppose for one of the more trifling forms of hazing, which does not involve the health of a cadet or his life, a cadet be dismissed. Under the proposed law he may still enter the Army. He may be a high-spirited, brave lad, who loves the life of the soldier. He may be full of the military spirit, and, smarting under the stain put upon him here—which, so far as the dismissal is concerned, he has brought upon himself—he may seek to wipe it off in the Army. He can do it. He can enlist and become a private soldier. He may go again and again as a private soldier or a noncommissioned officer into battle. He may display again and again, Mr. President, extraordinary personal gallantry and intrepidity. He may go amid a shower of bullets to rescue from impending death the very man whom he hazed at Westpoint and for the hazing of whom he was dismissed; but the door to promotion is forever barred. For this one offense he never, never can redeem himself.

Mr. ALLEN. That is only a fiction.

Mr. SPOONER. Only what?

Mr. ALLEN. Only a fiction.

Mr. SPOONER. It is not only a fiction.

Mr. ALLEN. It is not a possibility.

Mr. SPOONER. It is a possibility. For a high-spirited young man to be dismissed from the Army is a stain.

Mr. ALLEN. He is not high-spirited if he does this.

Mr. SPOONER. I am talking about different forms of hazing. I remember, Mr. President, when I was a student in college, one night within a week after I entered the college my room was filled with students, all with large pipes and all smoking. They came to haze me. They came to smoke me out. They filled the room with smoke so that you could not see their faces. They thought it would make me sick; that was all. But I was a graduate in that business myself. Some of those men fought before many years in many a battle. Some of them died in battle, brave men, high-spirited men. They were having a frolic at my expense.

I am speaking of the different phases of hazing, in order to illustrate my proposition that we are asked to pass a law here which makes no discrimination whatever, so far as punishment is concerned, between offenses involving cowardice and brutality and those involving mere pranks or frolicsomeness. I agree that all of it should be prevented, because if you permit it to exist at all it is liable, when young fellows are congregated and a spirit of fun seizes them, that they will carry it too far. I am in favor of stopping it all.

But you do not, Mr. President, make an efficient law if you provide a penalty which, for some of these offenses, shocks the common sense of fairness of every decent man; and that is what this does.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The Senator is so eloquent when he gets aroused, he can so appeal to the sentiments and to the hearts of people, that I am at a great disadvantage in dealing with him.

Mr. SPOONER. You are not required to deal with me.

Mr. TILLMAN. Well, but you force me. You just get up and bamboozle us so that I am compelled to call attention to the process of bamboozle.

Mr. SPOONER. I yield, Mr. President.

Mr. TILLMAN. Now, Mr. President, the picture which was drawn by the Senator——

Mr. SPOONER. Is the Senator hazing me?

Mr. TILLMAN. Not at all; I am resisting hazing. You are hazing me. You are subjecting me to the malice aforethought of your eloquence or logic, or rather your sophistry.

The Senator drew a very vivid pitcure a moment ago, which appealed to everybody's heart here, about the boy who had been dismissed because he had been guilty of breaking the law of Congress. The Senator knows that any boy who is fit to get into Westpoint, if he is confronted with a statute like this when he goes there, will never indulge in any of those things which will subject him to the danger of dismissal under conditions which would bar him forever from getting to be an officer of the Army. You have to have a punishment for crime. You provide that murder shall subject a man to the penalty of death. That does not make people stop committing murder, but you do not want to lessen the punishment because the terror of it does not prevent it.

These boys, as I said, could be kept within decent bounds of discipline and hazing of the kind which you speak of, which is permissible and which would work no harm or injury and need not be punished so severely; but it seems that the opinion of those in charge of the Academy has not been of a kind that would produce the discipline necessary there to stop it, and Congress has been forced, after the most disgraceful exposure of the system there that has ever been brought to my knowledge in regard to a public institution in this country, to take the matter up.

Now, what are we going to do? You are not willing to put in a provision here that a boy convicted of hazing shall be punished according to the grade of hazing and shall be subject to imprisonment and fined like you would punish any other crime. You are only going to dismiss him, and if he runs the risk of dismissal by hazing in any form that Congress has said should not be done, then he ought to go, because he will have worked his own ruin, so far as becoming an officer, for being foolish enough to disobey the law.

Mr. SPOONER. Mr. President, the Senator admits all I said and all I claim when he asserts that there are phases of hazing which need not be so severely punished. My objection to this provision is that it punishes all forms of hazing with the same severity. And my objection to it is not with reference to the cadets; it is because I am not willing to vote as a Senator of the United States for such a piece of legislation, legislation which fails to discriminate between the heinous offense and the lighter offense.

Mr. ALLEN. Will the Senator permit me to ask him what kind of a statute he is willing to vote for?

Mr. SPOONER. I will vote for this statute with an amendment which will put an end to hazing at Westpoint.

Mr. ALLEN. By what method?

Mr. SPOONER. Which will dismiss from Westpoint a cadet found guilty of hazing.

Mr. ALLEN. For what length of time?

Mr. SPOONER. Which will dismiss him and provide that he shall not reenter Westpoint. I have no objection to that.

Mr. ALLEN. Dismiss him for all time?

Mr. SPOONER. Dismiss him from Westpoint. I would not dismiss him for all time, because it is only within certain ages that he is eligible to Westpoint.

Mr. ALLEN. But you would permit him, then, to enter the Navy if he desired to do so?

Mr. SPOONER. That would depend upon the character of the offense.

Mr. ALLEN. Then I understand the Senator and I do not disagree substantially.

Mr. SPOONER. No; I am not quarreling with the Senator from Nebraska.

Mr. ALLEN. I say I do not think we disagree as to what the law should be.

Mr. SPOONER. If the Senator will permit me, there are some forms of hazing where, if found to have existed, and the finding approved by the President in connection with the dismissal, the sentence might by authority of Congress involve a disqualification to enter the Army either in a year or within a term of years.

Mr. ALLEN. Congress can always relieve a disqualified person.

Mr. SPOONER. Ah, that is not it. I want to put an end to hazing. It is fair to say to these young men at Westpoint that they have as a body pledged themselves to hereafter abstain from it.

Mr. ALLEN. Oh——

Mr. SPOONER. I think the law should be passed. I admit that.

Mr. ALLEN. That is a deathbed repentance.

Mr. SPOONER. A deathbed repentance is better than no repentance at all.

Mr. ALLEN. I think not. I think it is one of the greatest forms of cowardice.

Mr. MONEY. But they do not change their opinions.

Mr. SPOONER. They say they have not changed their opinions.

Mr. TILLMAN. They do not change their customs, either.

Mr. SPOONER. I am in favor of the proposed statute. I am only objecting to two things in the bill. One of them I have discussed as far as I desire, and here is the other.

Mr. MONEY. Before the Senator proceeds will he allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. I will allow everybody to interrupt me.

Mr. MONEY. Thanks; but I do not feel complimented.

Mr. SPOONER. I particularly at this time would rather allow the Senator from Mississippi.

Mr. MONEY. I was about to ask the Senator, being a distinguished lawyer and very capable in framing statutes, whether he would be willing to submit in writing what he proposes? I have been very much struck by his argument, and if that can be done, and he can find language that will make the distinction, I think I will support the provision. The committee do not seem to have attempted that.

Mr. SPOONER. I have no doubt it can be done.

Now, Mr. President, there is another phase of this bill as it comes to us from the conference committee to which I desire to call attention for one moment, and I shall have finished. I am very sorry to have taken the time I have, and I would not have done so but for the interruption. Here is section 8. I ask the attention of Senators to it because I am not absolutely satisfied as to the construction which should be placed upon it.

> Every cadet shall at all times be required to answer all questions pertaining to infractions of the laws of the United States, the regulations of the Academy or its rules, put to him by any court-martial, court of inquiry, or any officer of the Academy.

Does that mean that where a cadet is on trial before a court-martial upon charges of hazing he shall answer questions as to his own guilt?

Mr. MONEY. It excludes him in the last part of the section.

Mr. SPOONER. No; it does not.

Mr. MONEY. Read it.

Mr. SPOONER. It does not exclude him, but rather draws him in:

> But his evidence shall not be considered as against him in passing upon his guilt or innocence of any such infractions.

Mr. DANIEL. He has got to answer.

Mr. SPOONER. Yes.

> Nor shall it be used against him in any criminal proceeding or civil action for damages.

If that is the proper construction of the statute, we have one case, and I think one only, in our jurisprudence, civil and military, in which a defendant can be required to testify to his own guilt.

Mr. ALLEN. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. ALLEN. I think I will agree with the Senator that that section would be unconstitutional. I have no doubt of it.

Mr. SPOONER. I am very glad to have that reenforcement. I only intended to call the attention of the Senate and of the conferees to it. As to courts of inquiry and as to men not accused it might be different, although you could not very well bring a man who was thought to be guilty of a crime before a grand jury to testify and then on his testimony indict him. It is on the theory that he should not, when he was arraigned upon the indictment for trial, be required to take the witness stand and repeat the testimony he had given before the grand jury.

Mr. ALLEN. I think that section ought to go out of the bill.

Mr. SPOONER. Part of the section ought to remain, but so far as it could be construed to require the defendant before a court-martial to testify it certainly is objectionable.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I wish to suggest to the Senator that I suppose that provision is intended to compel the hazed boy who feels reluctant to give any testimony to testify against those who are guilty.

Mr. SPOONER. Ah, but it says "every cadet."

Mr. TELLER. Yes; it does say that, I know.

Mr. SPOONER. Then it is not limited, evidently, to the hazed boy, because he is innocent.

Mr. TELLER. It covers them all; but I presume that was the idea, because the boys declined to give testimony.

Mr. SPOONER. The Senator does not like the provision?

Mr. TELLER. I will get to it in a minute.

Mr. SPOONER. Certainly; I yield the floor.

Mr. TELLER. I fell into an error about the parliamentary situation, because I was not aware that our amendment had been accepted with an amendment. So my suggestion falls. The whole question is undoubtedly open. That is my present notion about it.

Mr. MORGAN. I wish to ask the Senator from Colorado a question. The Senator from Colorado says that he misapprehended the parliamentary situation and that the matter now, as he understands it, is entirely open for the action of the Senate. That means, of course, I suppose, that all of the amendments to the amendments of the Senate——

Mr. TELLER. I suppose so.

Mr. MORGAN. Called here sections 2, 3, 4, and 5, etc., are now open for the action of the Senate, as much so as if the bill was pending before us——

Mr. CULLOM. Oh, no.

Mr. MORGAN. For the reason that this matter has not been acted upon by the Senate in any way. That is the correct situation.

Mr. CULLOM. The conference report will have to be rejected or adopted.

Mr. MORGAN. If the Senator will allow me, the question is how far the Senate can now go in accepting or rejecting this amendment to the amendment of the Senate, which has not heretofore been acted upon by the Senate at all.

Mr. TELLER. That is what I wanted to address myself to.

Mr. MORGAN. Very well.

Mr. TELLER. The House accepted our amendment with an amendment, and the House has accepted, as I understand, the conference report.

Mr. SEWELL. That is not the case.

Mr. LODGE. Not yet.

Mr. TELLER. It does not make any difference, in a parliamentary view, whether it has accepted it or not.

Mr. SEWELL. The conferees on both sides have signed the report.

Mr. TELLER. But the House has not accepted the report?

Mr. SEWELL. Not as yet.

Mr. TELLER. It does not make any difference. What I want to get at is, first, the parliamentary question. I understand it is open, so that we may accept the conference report or we may reject it, and when the report goes back and the conference committee meet the whole question is open to them to consider, if we reject the report here.

Mr. SEWELL. But, Mr. President, what will the conference do? We were instructed to do the very thing that we did do.

Mr. TELLER. I will get to that.

Mr. SEWELL. It was done after debate, and it was strengthened after a debate in which none of the Senators who have taken part this morning took any part at all.

Mr. TELLER. If the Senate conferees had stood by the action of the Senate, it would have been all right; the position of the Senator would have been all right. On the contrary, they allowed the House——

Mr. SEWELL. I will state that we did stand by the action of the Senate.

Mr. TELLER. I understand that you did not. You agreed to an amendment.

Mr. SEWELL. Which more fully carried out the desire of the Senate.

Mr. ALLEN. Yes; and which omits entirely the paragraph of the bill as it passed the Senate. There is not a word of that paragraph in the report.

Mr. TELLER. Are you sure about that?

Mr. ALLEN. I am sure about it. The whole paragraph which was passed by the Senate is omitted in this report.

Mr. SEWELL. The Senator is mistaken.

Mr. ALLEN. Let us get the original bill.

Mr. TELLER. This is what the report says:

That the House recede from its disagreement to the amendment of the Senate numbered 1—

That is the one we are talking about—

and agree to the same with an amendment as follows.

Now, it seems that the House conferees having agreed with an amendment, if we do not accept that amendment, the whole matter is open to the House, and the House can not be bound by having accepted it.

Mr. JONES of Arkansas. Read on a line or two further.

Mr. TELLER (reading):

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of said amendment beginning with "*Provided further*," in line 10, page 1, of the amendments, and at the end of the bill add the following:

That seems to leave the whole matter open.

Mr. JONES of Arkansas. You are right; I thought they had struck it all out.

Mr. ALLEN. I wish to call the attention of the Senate to the fact, and I want to repeat it, that that language shows that every line and syllable of the Senate amendment has been eliminated by the conferees and new matter brought here in its place.

Mr. TELLER. That is the amendment.

Mr. SEWELL. Will the Senator from Colorado allow me to say——

Mr. TELLER. Certainly.

Mr. SEWELL. That every item of it is mixed up in these other different sections and made stronger.

Mr. ALLEN. I do not think it could be made stronger. It seems to me there is so much——

Mr. SEWELL. It was left to the Secretary of War to frame the regulations which would be carried out at Westpoint. It gave him all the authority that the bill does now, but here it goes more into detail.

Mr. ALLEN. Therein lies——

Mr. SEWELL. It still leaves it that no cadet can be dismissed without a trial, and that there shall be at least five officers on the board, but it provides really in detail what the Senate covered in its amendment, giving the Secretary of War the authority to make rules and regulations.

Mr. ALLEN. And therein, with the Senator's permission, lies the fault of the amendment as it comes back in this shape. There are so many boards and so many officers and so many things to be done and so many details to be carried out that in the midst of all these things the culprit escapes; he is gone through the foolishness of the law itself.

Mr. SEWELL. Let me say to the Senator from Nebraska that the House conferees convinced those of the Senate that there might be another Secretary of War who was not in sympathy with the act of Congress, and that there might be a Superintendent, as there has been for years. Hazing grew up from year to year to the present time, until it got to be such an enormity that everybody recognizes it must be stopped. They considered that it was best, after the investigation, to make a report and include all the items, to enact a law instead of giving the Secretary of War the authority to make regulations.

Mr. ALLEN. Will the Senator permit me to read from the bill as it passed the Senate the additional proviso on page 2?

Provided further, That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy, and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy.

That is the way it passed the Senate.

Mr. TELLER. Mr. President, if I can get the floor long enough to make the suggestion I want to make——

The PRESIDING OFFICER. The Senator from Colorado is entitled to the floor.

Mr. TELLER. And if I may be allowed to proceed in order, what I rose to say more particularly than anything else was that I had fallen into an error as to the parliamentary situation, and that the whole thing is open for the action of the conference, subject to any direction that we may see fit to give.

Now, the Senator from Wisconsin [Mr. SPOONER] made a statement a moment ago which indicated that he thinks we are powerless to give instructions to a conference committee. I want to say to the Senator that if he will look up the question he will find that the Senate of the United States and all other parliamentary bodies of modern times have been giving instructions, and we have done it on more than one occasion.

Mr. LODGE. I will say to the Senator, if he will allow me to interrupt him, that I had occasion to look that up not long ago. He states it absolutely correctly. It was decided here by Vice-President Hamlin that the Senate had the right to instruct on a point in dispute, and it was afterwards held by Senator Edmunds in the chair the same way.

Mr. TELLER. I remember very well that that has been held; and therefore we are at liberty now to instruct the conferees as to what we want done.

Mr. BUTLER. I will say to the Senator that the Senate has several times in the last few years instructed conference committees.

Mr. TELLER. Yes; and I think we should dislike to say that we had not the power to instruct a conference committee to do what we want to do.

Now, if we are dissatisfied with what we did in the Senate and the House is dissatisfied with it, which they seem to have been by accepting it only with an amendment, we can retire from it unquestionably. If we want to do so, we can instruct our committee to retire from it. The punishment is practically the same in both except that the report here adds:

No cadet dismissed under authority of the two preceding sections shall be in any way reinstated or reappointed to the Academy—

That was ours—

and no such cadet shall ever be appointed to any office in the Army, Navy—

That was ours, and it is now here—

in the Army, Navy, or Marine Corps.

If we choose, we can confine this punishment undoubtedly to a dismissal from the Academy, which I understand some Senators want to do.

Mr. SPOONER. And the prohibition of reentering it.

Mr. TELLER. And the prohibition of reentering the Academy. We can drop off, if we see fit, so much of it as excludes them from the Army and Navy and Marine Corps. I believe that is in our power.

Mr. BUTLER. If the Senator will pardon me, I will say we can either do that or we can reach the same result in another way—by giving the President the pardoning power if the provision should remain as it is.

Mr. TELLER. We can not amend it, but we can instruct our conferees how we want it amended, and if we can not get it amended the whole matter can fall.

Mr. President, I want to say just a few words about this hazing business. I think the chapter read from the report of the committee is exceedingly disheartening and unpleasant. We establish at a great expense a place to educate officers of the United States Army. We suppose that they will be gentlemen in the proper sense of the term and not savages. There has a system grown up there of hazing which has been unlike that of any other institution in this country. In some degree I think likely in every college there is something of the hazing spirit, but how different from this! In the colleges of the country I know of no institution where there is brutality. Sometimes there is a good deal of levity and a good deal of fun connected with it.

The junior Senator from New York [Mr. DEPEW] inquired of the Senator from Nebraska [Mr. ALLEN] if he had ever been admitted to a Greek letter society. Mr. President, there is no parallel between the performance of a Greek letter society or any other college society that anybody knows anything of and this performance at Westpoint. The Greek letter society subject enters of his own accord, of his own desire. He wants to get in. He regards it as a great thing to get in. So with all college societies, where they practice some of these absurdities in the way of what you might call disciplining a candidate. But here you have the sentiment inculcated in the upper class that the lower class is of a lower order, and indignities are put upon the new men coming in by the older ones.

Every college that I know anything about always has some traditions as to what the upper class may demand of the lower or, rather, generally what the lower class must not do. I do not know how it is now at Yale since they pulled down the fence; but, I believe, at one time the under class could not sit on the fence until they had been there so long; they could not wear a silk hat until they had been so long in the college, and could not carry a cane, and all those little things that amount to nothing at all. But there is no indignity practiced. There is no brutality that I know of in any of these colleges, except occasionally it has gone beyond that, and all the college authorities everywhere are suppressing it to all possible limits so far as they can.

I do not believe myself that the indulgence of such a code as we have been told they have at Westpoint ought to be tolerated for a single moment. The boy who goes into the lower class is socially, as a rule, the equal of the young man in the upper class. The truth may be told when I say that the young men who enter the

Academy at Westpoint by the grace of a member of Congress, and now of a Senator, are not always the picked people of the community they represent. In any war that will call any considerable number of American citizens into the Army, every officer from the Commanding General down will find men as privates who are his equals socially, intellectually, and morally. So to attempt to assume that the upper class have rights by which they can make, practically, servants and slaves of the lower class is so absurd, so un-American, that it ought to be suppressed with a very strong hand. If there is no other way to suppress it except to say that a man shall be forever excluded from the Army, I would exclude him from the Army. It is possible, though, that that would not be necessary in order to suppress it.

In the second place, Mr. President, it does not make the right kind of a man of the boy who submits to this hazing. I would not call the boy a coward, and yet I must say I do not understand how any young man who has any physical force in him ever does submit without resistance. I would not be surprised at any time that a young man who has the ordinary vigor and force and independence would make the result of such an attempt very severe on the upper class, if he has the physical power to do it.

Mr. TILLMAN. Mr. President——

Mr. TELLER. I think, Mr. President, that this has a tendency to degrade the lower class, to degrade the upper class, and to unfit them all for the command of American soldiers. I think probably there can be found some other way to stop it; but if there can be no other I would be willing to submit to the severe test here of turning them out of the Academy and forever prohibiting them from going into the Army or Navy under any conditions or circumstances. Now I will hear what the Senator from South Carolina wants to say.

Mr. TILLMAN. Mr. President, does the Senator not think that those practices are directly in the line of making bullies out the upper class men?

Mr. TELLER. That is what I stated.

Mr. TILLMAN. I know; but is not a bully a synonymous term for a coward?

Mr. TELLER. Well, I have seen bullies who were not cowards.

Mr. TILLMAN. I do not think I ever have. I have seen brave men who would fight, but who were not bullies. I never saw a bully who would undertake to hector and domineer and try to run over weaker men who was not a coward at heart and who was not afraid to face the music.

Mr. TELLER. I will admit that it is not the attribute of a high-toned gentleman to be a bully, but I have seen men of great physical courage who were bullies. I have seen them bully men, and I have sometimes seen them get what I thought they deserved—that is, summary punishment at the hands of those who were bullied, sometimes accompanied by a pistol shot and death.

We do not want to put the young men who go to Westpoint to that test. We do not want to say that they shall enter into a pommeling contest with somebody else who insults them. What we want to do is to say that if a first class man insults a second class man, he shall be punished. They are not the bosses: they are not the officers. Just think of it. They demand obedience from their associates because they managed to get into the Academy one or two or three years earlier than their juniors, and they act as if they were the officers in charge.

Mr. President, the American people are outraged by the performance at Westpoint. We have got to stop it, or eventually we shall have to dismantle and destroy that institution.

Mr. LODGE. Mr. President, we sent over from the Senate to the House an amendment to the Military Academy appropriation bill, providing for the abolition of hazing and fixing a penalty therefor. I was out of the city when the bill passed. The penalty seemed to me extreme; but the penalty was modified in the case of the amendment we sent over by leaving a wide discretion to the Secretary of War and to the authorities of the Academy. We now get back from the committee of conference an entire penal code in the place of the very simple amendment which the Senate adopted. The only thing that remains the same is the penalty of dismissal from the service and subsequent disqualification for service in the Army.

That technically it was within the power of the conference committee to enlarge and change the amendment we added I am not disposed to dispute; but I do think, Mr. President, that when a conference committee takes a simple amendment, such as we put on the bill—an amendment in which the severity of the punishment was mitigated by the latitude allowed to the officers in charge and to the Secretary of War—and brings back a minute penal code like this, it seems to me that we have the right to investigate pretty carefully legislation of such a character.

I look in the ninth section of the report, and I find there this new legislation:

> The finding of such court-martial, when approved by the Secretary of War, shall be final.

I turn to the General Statutes, and I find that courts-martial of cadets are to be held under the same regulations as those of officers of the Army; and the statutes provide that in time of peace no sentence of a court-martial directing the dismissal of an officer shall be carried into execution until it shall have been confirmed by the President.

Mr. SEWELL. But will the Senator allow me to say a cadet is not an officer? It has always been held that a cadet is on a different basis.

Mr. LODGE. If the Senator had done me the honor to listen to me, he would have heard me say that the statute provides that the rules for courts-martial in the case of cadets shall be the same as in the case of the officers of the Army. I turn, therefore, to the statute as to officers of the Army to find what rules govern the courts-martial of cadets, and I find the rule to be that their findings shall not be final until confirmed by the President.

Mr. SEWELL. I want to say to the Senator from Massachusetts that the practice with the cadets is entirely different. The Secretary of War dismisses cadets.

Mr. LODGE. Without any appeal to the President?

Mr. SEWELL. The President does not appear in the dismissal.

Mr. LODGE. At the same time there is a right to appeal, and it can not be taken away under these statutes unless they have been changed. This bill proposes to make the action of the Secretary of War final.

Moreover, Mr. President, while I think we are all agreed that hazing at Westpoint ought to be stopped, and stopped entirely, and that brutality of any kind ought to be stopped, and stopped entirely, we do not want to enact brutality into law by way of stopping it. Senators denounce these cadets who have been engaged in hazing, call them "dogs" and "brutes," and hold up the picture of the harmless victim who is so oppressed, as if there was an eternal brute there in the Academy eternally persecuting an eternal victim. Why, Mr. President, the hazed of one year is the hazer of the next.

Let us be just to these boys. It is easy enough to denounce them in this violent way, but let us at least be fair to them. If we want to stop their hazing and brutality, do not let us inflict a punishment upon them which really, in my judgment, comes fairly within the meaning of the article of the Constitution as cruel and unusual.

It is not alone the hazing and brutality that is punished by the law which is proposed in the conference report, but if one boy at the Academy strikes another boy, and he accepts a challenge to fight, the court-martial that tries him is bound to dismiss him from the service and send him along his road in life with a stigma on him that he can never bear arms for his country as an officer of the Army or the Navy or the Marine Corps. If a boy play a trick which can be held to annoy or harass a companion, he is to be branded by the court-martial with this indelible stigma and sent out into the world prohibited from ever having a military or a naval commission under the United States when, perhaps, his country is at war.

That is not stopping hazing, Mr. President; that is punishing a boy because he is a boy, and it is putting him at the mercy of any mean-spirited boy who happens to be there, who will take advantage of those narrow clauses to punish a fellow-cadet.

Mr. President, that is most dangerous legislation, in my opinion. I think in our efforts to put down what are called "brutes" and "dogs" and to stop hazing and brutality, which we all desire to stop, we are running risks, in legislation like this, of putting a premium on having a cadet who is a prig, who is a talebearer, and who finds in the law the means to take revenge on his fellows.

We should be very careful how we indulge in such legislation as this. It is legislation, not to stop hazing, not to stop brutality, but it is another thing; it is to try and make a code for boyish offenses here in the Senate, as the Senator from Virginia [Mr. DANIEL] well said. I think for the Senate of the United States to undertake to legislate about boyish pranks by a cadet and make a list of them, as if they were felonies, is unworthy and undignified in the Congress of the United States.

We can stop hazing at Westpoint, and I believe it is stopped now; we can stop brutality there, and I believe it is stopped now by the publicity of the recent investigation, and it will be made impossible in the future by sound legislation. But that is very different, Mr. President, from what is proposed here. The boys who amount to anything, the boys who have got any red blood in their veins, are going to play pranks; they are going to fight with each other occasionally, and they are going to indulge in boyish tricks. You are proposing to pass a law here which puts them at the mercy of any talebearer, any jealous, any envious, any mean soul who wants to drag them before a court-martial, and you take from your court-martial by this penal code any possibility of discretion.

Mr. President, in trying to stop brutality and hazing and wrongs that we all want to get rid of, do not let us build up a law that will give rise to far greater wrongs, to wrongs of a much meaner kind than boys fighting among themselves, that will give

rise to the basest intriguing and plots. Let us stop the brutality. Do not let us enact into law such details as we have got here.

I only want to say one word more. I confess, Mr. President, that I for one resent very greatly as an American these wholesale attacks upon the Military Academy at Westpoint. I do not suppose the boys in that Academy are any more perfect or any gentler or any better than other boys of the same age, nor do I think they are any worse. I think this wholesale denunciation of Westpoint because there has been hazing there for many years is something that we ought not to engage in.

We owe a great deal to the graduates of Westpoint. When Senators talk about "brutes" and "dogs," I can not forget that from that Academy on the Northern side came Grant, Sherman, Sheridan, Thomas, and McClellan, and on the Southern side Robert E. Lee, Stonewall Jackson, and the two Johnstons. Those men probably had their boyish pranks; they had their hazings and their "straights" like other boys. The Westpoint Military Academy has turned out fine, manly, honorable, patriotic American soldiers. If hazing has become an evil there, it has been exposed, and we ought to put it down, and we will put it down, but do not put it down by a code which threatens to be more cruel, more unjust, and which would breed meaner vices than hazing itself. [Applause in the galleries.]

INDIAN APPROPRIATION BILL.

Mr. THURSTON. I ask the Chair to lay before the Senate the message which has come from the House of Representatives regarding the Indian appropriation bill.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 12904) 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, 1902, and for other purposes, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THURSTON. I am directed by the conference committee on the bill to submit the conference report which I send to the desk.

The PRESIDING OFFICER. The Senator from Nebraska submits a conference report, which, in the absence of objection, will be read.

Mr. PETTIGREW. Can the report not be printed as a document and in the RECORD, so that we can see it to-morrow morning, and then take it up?

Mr. THURSTON. If there is any objection to acting on the report at the present time, I ask that it may be printed in the RECORD, and I give notice that I shall call it up in the morning.

Mr. HALE. I suggest to the Senator that we are now considering a conference report and acting upon it, and pending that it is hardly the thing to put in another conference report and ask action upon it.

Mr. THURSTON. I only present the report for the purpose of having it laid before the Senate with a view to accepting the suggestion that it be printed as a document and printed in the RECORD, and then go over until to-morrow.

Mr. HALE. There is no objection to that.

Mr. THURSTON. I ask that that action may be taken.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) 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, 1902, 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 5, 8, 10, 12, 16, 17, 18, 24, 29, 34, 41, 43, 49, 53, 64, 71, 73, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 9, 14, 15, 19, 22, 28, 30, 31, 32, 35, 36, 37, 38, 42, 44, 46, 47, 48, 54, 55, 57, 60, 61, 63, 67, 68, 70, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96, and agree to the same.

That the Senate recede from its amendment numbered 1, and agree to the same with an amendment as follows: In lieu of the words "fifty-two," in the Senate amendment, insert "forty-nine;" and the House agree to the same.

That the Senate recede from its amendment numbered 11, and agree to the same with an amendment as follows: In lieu of the words "eighty-one thousand five," in the Senate amendment, insert "seventy-seven thousand six;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all of said Senate amendment, and after the word "each," in line 19, page 6, of the bill, insert the following: "; to enable the Secretary of the Interior to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, the propriety of commuting their annuities, and to investigate and report upon the character of reservations, the area used by the Indians and the areas needed for their use, whether the reservation is composed of mineral or agricultural lands, and whether the reservation or any part thereof is better fitted for the purposes of forestry than for agriculture, and how the same shall be administered, and the area of mineral land, $5,000 in all;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out all that portion of said amendment down to and including the word "and," in line 3; so that the amendment will read: ", subject only to such examination as to qualification as the Secretary of the Interior may prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all of that portion of said amendment after the word "ninety-four," in line 7 of the amendment, and insert a period (.) after the word "four;" and the Senate agree to the same.

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: Strike out all of said Senate amendment and in lieu thereof insert the following:

"That the Secretary of the Interior is hereby authorized and directed to examine the accounts of Indian traders with the Osage Indians at the Osage Agency, and to determine the sums equitably due to such traders from such Indians, and to adjust their accounts upon the basis of a fair profit upon the goods which have been sold by such traders to such Indians; and when the amounts due as aforesaid shall have been determined and adjusted, the Secretary of the Interior is hereby authorized to pay, by a disbursing officer selected by the Secretary for that purpose, to the Osage Indians per capita the amount which has been collected as rent of pasture lands, and any accumulated interest other than their regular annuities which has not been heretofore paid to them: *Provided*, That when it shall appear to such disbursing officer that any such Indian, either as an individual or as the head of a family, is indebted to a trader or traders at such agency, as the same shall have been determined and adjusted, in an amount equal to or exceeding said per capita payment, such disbursing officer shall pay the per capita share due to said Indian as an individual or the head of a family to such trader or traders in discharge of or to be applied upon such indebtedness to such trader or traders. If such Indian as an individual or head of a family shall be indebted to more than one of such traders, such payment of his per capita share shall be paid to the traders in proportion to the amount of the respective sums due them as determined and adjusted. If the per capita share of any such Indian as an individual or head of a family shall exceed his indebtedness to said trader or traders, then payment shall be made as aforesaid to such trader or traders of the amount due as aforesaid, and the balance of such per capita payment shall be paid to said Indian: *And provided further*, That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian or head of a family to an amount greater than 60 per cent of the next quarterly annuity to which such individual Indian or head of a family will be entitled, and if such traders shall give credit to any individual Indian or head of a family upon such reservation in excess of the amount herein allowed, no portion of the indebtedness thus created shall be collectible, and the same shall be void and the licenses of such traders shall be revoked. Should the amount of the per capita payment herein authorized and directed be insufficient to fully cancel and discharge the debts found to be due from such Indians to such traders as herein provided, the Secretary of the Interior is hereby authorized and directed to make further per capita payments to said Indians whenever and as often as future pasture moneys and accumulations of interest other than regular annuities shall amount to the sum of $100,000, the same to be paid and applied in the manner hereinbefore provided: *And provided further*, That on and after July 1, 1901, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians: *And provided further*, That the Secretary of the Interior is hereby directed to report to the next session of Congress showing the amounts due by such Indians to such traders as determined and adjusted, as herein provided, and also any payments that may have been made to said Indians or to said trader or traders."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of that portion of said amendment after the word "above," in line 6 of said amendment, and after said word "above" insert a period (.); and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of that portion of said amendment after the word "described," in line 7 of said amendment, and after the word "described" insert a period (.); and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all that portion of said amendment after the word "further," in line 7 of said amendment, and after the word "further" insert the following: ", That the agreement entered into between the Seneca Nation of Indians in council assembled and J. W. Peglow, of Silver Creek, N. Y., on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: After the word "Utah," in line 2 of said amendment, insert: "if in the opinion of the Secretary of the Interior the same is necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: At the beginning of line 9 of said amendment, strike out the word "two" and insert the word "three." In said line 9 of said amendment, strike out the word "four" and insert "six." After the word "thousand," in line 14 of said amendment, strike out the words "two hundred." In line 6 of said amendment, strike out the word "seven" and insert "ten;" and in said line 6 strike out the word "five" and insert "four." Strike out all of lines 15 and 16, after the word "annum." At the end of line 14 insert ", to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the beginning of said amendment strike out the word "That" and insert "To enable." After the word "Interior," in line 1 of said amendment, strike out all down to and including the word "inspector," on line 2. At the end of the amendment insert, after the word "Territory," ", $5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: After the word "available," in line 14 of said amendment, insert: "*Provided*, That the Secretary of the Interior is authorized to sell and dispose of the timber on said reservation at such prices and under such regulations as he may prescribe, the proceeds thereof to be disposed of under the provisions of existing law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 58, and agree to the same with an amendment as follows: After the word "judgment," in line 7 of said amendment, strike out all down to and including the word "prescribe," in line 13, and in lieu thereof insert: "*Provided*, That out of the amount so appropriated for the payment of said judgment there be first retained and paid by the proper officers to the attorneys engaged in the prosecution of the claim resulting in said judgment such sum or sums as shall have heretofore been ascertained and approved by the Commissioner of Indian Affairs and the Secretary of the Interior as payable in accordance with contracts with the said Indians heretofore approved by said Commissioner of Indian Affairs and the Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: After the word "to," in line 1 of said amendment, strike out all down to and including the word "representatives" in line 2 and in lieu thereof insert the following: "those persons named in the will of Albert Pike as legatees of the Choctaw fee, or the legal representatives, in the manner and in the proportions and interests specified in said will." In line 6 of said amendment strike out the words "heirs or their legal representatives" and insert the word "parties;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the words "one hundred and seventy" in said Senate amendment insert "two hundred and twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the word "ten" in said Senate amendment insert "sixty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 69, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment insert: "water rent, $1,250;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out from said amendment the words "seventy-four" and insert "seventy-eight;" and the Senate agree to the same.

As to amendments numbered 45, 51, 52, 56, and 62, the conferees are unable to agree.

JOHN M. THURSTON,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate resumed the consideration of 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. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902.

Mr. McCUMBER. Mr. President, I should like to ask a question of the Senator in charge of this bill. I observe nothing whatever in the bill that deals with the offenses which already have been committed. We deal very harshly with every character of offense that may be committed at the Military Academy in the future. We put murder and jocular remarks exactly upon the same basis and give them the same character of punishment. We take a bully, who has mauled into insensibility some man who was unable to cope with him, where we have such proof before this Senate and before the committee, and yet nothing whatever is to be done with him.

We have this anomalous specimen of justice in this bill: The persons who were guilty, either directly or indirectly, of the murder of the young man Booz, from Pennsylvania, as I understand this bill, may become commanding officers in our Army; but the man who in the future makes what might be called an offensive remark, an insulting remark, as it is called in the bill, to another person is subject to discharge and forever prohibited from entering the Army of the United States in any other capacity than that of a mere private soldier. I do not think the bill ought to be retroactive, and yet, at the same time, I do think that when it has been established that any person has been guilty of the offenses which have been described in the report of the committee, which has been read here to-day, no such person is fit to be a commanding officer in the Army of the United States, where he would have private soldiers under his control. It seems to me that where it has been shown that persons are unfit to hold these positions the bill should deal with those individuals.

I certainly have a sympathetic strain for the sentiments which have been uttered by the Senator from Wisconsin [Mr. SPOONER] and the Senator from Massachusetts [Mr. LODGE], but it grieves me to feel that under this bill, and in the face of the facts which have been demonstrated here, we are to place in our Army men of such character, men who have been guilty of the offenses which are described in the report of the investigating committee.

It has been stated by the Senator from Colorado [Mr. TELLER] that he had seen bullies who were not also cowards. That depends entirely upon what the Senator understands by the word "bully" and what he understands by the word "cowardice." I have never been able to see that character of individual myself. I always supposed that bravery had something of morality about it. I never felt that a man because he knew he was physically strong enough to chastise another and was not afraid to go and do it, relying upon his own strength, was a brave man. It seems to me that bravery is to be determined by the individual who is willing to meet death when it is certain, or one who knows that he will be worsted in a battle and yet will not flinch from the fray. That is my idea of a brave man.

Mr. WOLCOTT. I suggest to the Senator from North Dakota that if he would like the most illustrious example in history of a bully who was brave, I would cite him to the autobiography of Benvenuto Cellini, who was the most distinguished bully of history and as brave a man as ever lived.

Mr. McCUMBER. I am not acquainted with the person of whom the Senator speaks. [Laughter.] I, however, would want to have all the facts and circumstances surrounding the occurrence to give justification to the Senator's remarks.

Mr. TILLMAN. Will the Senator from North Dakota [Mr. McCUMBER] allow me to ask the Senator from Colorado [Mr. WOLCOTT] to put on record this man? I did not catch his name, and I do not think anybody else did. We want the truth of history preserved. [Laughter.]

Mr. WOLCOTT. I am not surprised that the Senator from South Carolina [Mr. TILLMAN] has not heard of Benvenuto Cellini, and I will direct the Senator to a full account of him after the adjournment. [Laughter.]

Mr. McCUMBER. The Senator from Colorado also expressed the belief that some time it would happen that one of these lower class men would kill or very seriously injure one of the upper class men. From what information I can get from their manner of diversion at the Military Academy, they let physically strong men of the lower class wonderfully alone. I have not heard of a single instance in which they have brought up one of the stronger, or one of the healthier, or one of the best men of the lower class. He generally escapes any punishment or any invitation to a physical battle. They generally select one—and I might say they always select one—whom they know will be overmatched, or they will have a man in their own ranks who will be able to chastise him.

There is another feature of this bill, a constitutional feature, that is worthy of consideration. I call attention to section 8, which provides:

> Every cadet shall at all times be required to answer all questions pertaining to infractions of the laws of the United States, the regulations of the Academy or its rules, put to him by any court-martial, court of inquiry, or any officer of the Academy; and upon his refusal so to do he shall be dismissed. But his evidence shall not be considered as against him in passing upon his guilt or innocence of any such infractions, nor shall it be used against him in any criminal proceeding or civil action for damages.

The Senator from Wisconsin [Mr. SPOONER] referred to this section, but did not give his own opinion concerning it. I want to ask the Senator from Wisconsin if he does not consider that section absolutely unconstitutional from beginning to end? Let us suppose, for instance, that one of these cadets who has himself been guilty of taking part in hazing, and he is asked by a committee or by a court-martial certain questions which would reflect upon him and he refuses to answer, I want to ask the Senator from Wisconsin if there is any power in the United States to compel that man to answer?

Mr. SPOONER. Mr. President, in answer to the Senator's interrogatory I will say I brought the matter to the attention of the Senate, but I did not express my opinion about it because I had not command of an adequate vocabulary. I insisted that a man who was being tried by a court-martial upon charges punishable by dismissal or disqualification could not be compelled, under the Constitution, to testify against himself.

Mr. McCUMBER. Possibly I did not understand the Senator, but it seems to me that the provision at the end of the section does not protect the party in the least.

Mr. SPOONER. I agree with the Senator.

Mr. McCUMBER. Because, while he may not be compelled to answer anything directly bearing upon his guilt, neither can he be compelled to give any testimony which would assist a person in arriving at any facts outside of his mere statement which would tend to incriminate him. So it seems to me that in order to give this section the best possible effect it should be so amended that it would apply simply to the hazed and not to the individual who is guilty of the offense.

Mr. SPOONER. The Senator might say further—I do not desire to take the time of the Senator—that the result of that proposition would be this: If a man is on trial before a court-martial on a charge of hazing, he is obliged to answer any question that is put to him, and although it is provided that his own testimony shall not be taken into account, it would be, because you can not control by law the operation of the human mind. They could ask him to point out under oath the witnesses whom the Government should call in order to convict him. If he declined to answer all those questions as to the men who participated with him, he would be liable to dismissal.

Mr. McCUMBER. The Senator agrees with me that no answer to such a question could be enforced?

Mr. SPOONER. It could not.

Mr. McCUMBER. That is all I wish to say.

Mr. WOLCOTT. Mr. President, I cordially agree with the

remarks made last evening by the Senator from Virginia [Mr. DANIEL] and with what has been said by the Senator from Wisconsin [Mr. SPOONER] and the Senator from Massachusetts [Mr. LODGE] on the provisions that are contained in this conference report as it comes back from the House.

It seems to me we have gone into a very childish piece of business and that we have enacted a series of trifling provisions that would certainly make milksops and prigs out of our students at Westpoint, and not only make them unfitted for soldiers, but unfitted for the ordinary duties of citizenship.

Mr. President, our joints are stiff and our bones are old, and we conceive cruel that which with boys is but the simple play of everyday life; and with the exception of an occasional unpremeditated act of violence these things which we call hazing are not half so rough as you see any day in a good, husky game of football between students of rival colleges. Boys are boys, and boys, to our minds, are cruel; but that is boyhood. My colleague referred to the things that are called hazing in institutions of learning, and he understood that they extended—for instance, in Yale University—only to forbidding men from sitting upon a fence until they had been there a certain time, or from wearing silk hats until they had been there a certain number of terms. Mr. President, there has not been a term in old Yale, from its foundation till to-day, in which that was not the afternoon dress parade, and the real frolicsome spirit of the college included what under these provisions would disfranchise a man forever from holding office under his country and his country's flag.

Mr. TELLER. May I interrupt my colleague for a moment?

Mr. WOLCOTT. Certainly.

Mr. TELLER. The things I referred to were similar to the code like they have at Westpoint, as to what shall happen when a boy meets another. I know hazing has always been practiced to a limited extent.

Mr. WOLCOTT. To a limited extent, and more limited, I hope, year after year. See what these two solemn bodies, the House of Representatives and the Senate, are enacting. That any cadet who shall upbraid a cadet, when found guilty, shall be dismissed. Any cadet who shall direct a cadet to eat or drink anything for the purpose of annoying him shall be forever disbarred from holding office in the Army or Navy of the country; and any cadet who shall direct another cadet to engage in any form of physical exercise shall, when discovered and convicted, be forever disfranchised in his country's military service.

I go back many years, but I think the same practices exist in colleges now that did exist in my day. They are not premeditatedly cruel, but they seem cruel to us when exposed with all the rigor and pedantry of a Congressional committee. I remember once in my freshman days when one of my classmen was caught by the sophomores and had his hair cut off on one side of his head. It was intended to be gentle, but it was pretty hard and bloody, because he fought. I remember that a night or two afterwards the members of the freshman class found one of the perpetrators and took him to the most remote cemetery that could be found and tied him to the most lonely monument in it, in the depth of winter, and returned and informed his classmates where he could be found. The man hazed reached good condition and position in life. Of the men who did the hazing, some did well in after life; some went from bad to worse, and perhaps even found the Senate of the United States. [Laughter.] But all these restrictions upon boyhood frolics demean the Senate and demean the Academy.

There is another point which has not yet been touched upon. The rules as to what you call hazing should be different in Westpoint and Annapolis from the other educational institutions of our country. What is known as hazing in Westpoint commenced in 1866 and 1867. It was because there entered the Academy a number of bumptious young men who knew it all; and Westpoint, like every first-class institution of boys, is the best democracy on earth. Men with a pull and with political influence or with wealth went there, and they knew it all, and their classmates brought them to the level of manhood of every other boy, poor or rich or weak or having influence. Men of tender or shrinking nature belong in educational institutions, perhaps in college professorships, but they do not have part or lot or proper place in an institution that is to breed fighters and stoics and men who are to go out and fight the battles of their country and preserve their repose, preserve endurance against danger and fatigue and hardship. It is natural among these lads that they should put every one of their number through an iron test, and if he endure it he is fit to stay, and if he flinch he is fit to go.

I say, Mr. President, that while we denounce this and get up schoolboy definitions as to what constitutes hazing, we are endeavoring to make milksops and prigs out of our coming soldiers. For the last thirty-five years every Westpoint cadet has been a hazed man and in his turn a hazer, and for the last thirty-five years we have developed as splendid a lot of fighting material as the world has ever seen. They fought Indians in the West. They fought the battles of their country. They are stronger and not weaker because they stood these tests of endurance. While in this instance there seems to have been, unpremeditatedly, cruelty practiced toward a man, we are not justified in treating them like a lot of school children and bringing them up to be weak and enervated soldiers.

Mr. HALE. Mr. President, I do not suppose that the course of the debate has been such as to induce the Senate to accept this report. There is but one thing that ought to be done, and that is to reject it and send it back to the conference committee for its proper limited action. All the defects, all the amazing follies of the different provisions that have been incorporated in this bill by the conference report, result from the conference having exceeded its powers.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. I think the Senator will find nothing in the conference report which was not in the bill as it passed, and was therefore properly before the conference.

Mr. HALE. To which bill does the Senator refer?

Mr. LODGE. There was nothing on this subject in the House bill as it came to us.

Mr. HALE. To what bill does the Senator from Wyoming refer?

Mr. WARREN. The Military Academy bill.

Mr. HALE. The Military Academy bill?

Mr. WARREN. Yes, sir.

Mr. HALE. The Senator is thinking of what is called the Dick bill. But I am coming to this. The House sent over a bill, which we find before us, and in the consideration of that bill—the Westpoint Military Academy bill—dealing with the annual appropriation for that institution, which was then under fire and being scanned closely by the country and by a committee, the House, in the exercise of its discretion as a body representing one branch of the Congress, did not see fit to take up the subject, but it cast it aside and sent us an ordinary appropriation bill. When it came to the Senate the Senate openly, in the eye of everybody, representing the entire body, put on a very limited provision—no body of law, no enactment of penalties, no strict, drastic, Draconian code, but a provision for supervision saying, in terms:

> That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing.

All very proper, all extremely fitting to be done—declaring that rules should be made by the Superintendent, subject to the approval of the Secretary, for putting down hazing.

Mr. DANIEL. Mr. President——

Mr. HALE. I wish the Senator would not interrupt me.

The PRESIDING OFFICER. The Senator from Maine declines to yield.

Mr. DANIEL. I will not——

Mr. HALE. I will yield to the Senator from Virginia.

Mr. DANIEL. Would not the bill be in first-rate shape if it stopped right after the word "hazing" and left it to the rules and regulations of the Academy?

Mr. HALE. I am not moving an amendment. I can not do that. I am showing what the Senate did. Then it provided:

> And any cadet found guilty of participating in, or encouraging or countenancing, such practice shall be summarily expelled from the Academy.

I think that was going pretty far, but the Senate had a right to do that. It was in order to do it. It was done openly—in open Senate—in the exercise of the right which the Senate has to mature and perfect House bills.

When that was done, and when the two Houses acted, the House doing nothing, the Senate doing only what I have described here, it passed from the domain of publicity into the hands of three conferees of the House and three conferees of the Senate, at which conference there were no public hearings. That is the rule with conference reports. It has to be. You never could get them through if you open the subject to hearings. What does the conference report do? Does it in any way limit itself to the action of either House? It takes that little provision of the Senate and it incorporates in the bill, as if the conference committee was a legislative body, an entire penal code covering this subject, to the extent of the most elaborate and crushing penalties, as has been brought out here by other Senators—what neither House attempted to do.

Mr. SEWELL. The conferees have not increased the punishment. The Senator failed to read that section through.

Mr. HALE. I have just read it through.

Mr. SEWELL. I beg your pardon. You read but a portion of it.

Mr. HALE. I will read it.

> And any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy, and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy.

I intended to read that. That is provided in terms.

Mr. SEWELL. The conferees have not increased the punishment.

Mr. HALE. But they have gone on and enacted a complete code of all of the things that shall lead up to that extreme punishment. They have elaborated and have selected all the things—the little slights, the small offenses, the peccadillos, the things that accompany boys' life and men's life—and made them all subject to this extreme penalty, and have not left it optional with the Secretary of War in making the regulations, as the Senate left it.

Mr. ALLEN. Does not the Senator think that that is a proper subject for legislation?

Mr. HALE. I think it is a proper subject for the Houses. I do not think it is a proper subject, as I have had occasion to say before when the Army bill was up, for legislation by a conference committee.

Mr. ALLEN. Let me call the attention of the Senator to this fact. Almost every State in the Union has a statute by which it is provided that if a person uses any language calculated to provoke assault he shall be guilty of a crime and be punished.

Mr. HALE. It is a small crime and a small punishment.

Mr. ALLEN. Should not the same rule apply to the military service?

Mr. HALE. Those things are treated very lightly in the statutes of the States.

Mr. SPOONER. They are misdemeanors.

Mr. HALE. They are misdemeanors and not felonies, and are not punished severely.

Mr. ALLEN. Does the Senator from Maine justify hazing?

Mr. HALE. I have not in any way referred to whether I justify it or not.

Mr. ALLEN. The Senator's whole argument is in that direction.

Mr. HALE. Of course I do not justify hazing. I fully sympathize with the view that out of this we have made a most tremendous matter, as though there were no such set of malefactors on the face of the globe as the students at Westpoint.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I must. I did not suppose the Senator would let me proceed very far before interrupting me.

Mr. TILLMAN. I will let the Senator get through.

Mr. HALE. I leave that to the discretion of the Senator.

Mr. TILLMAN. If I am going to be met with any such sneer as that, I do not want the floor.

Mr. HALE. I will listen to the Senator if he has a question to ask.

Mr. TILLMAN. I wish to ask the Senator, in dealing with this question, to be fair. He is fair usually. But it seems to me he is making a special plea here and trying to bring the conference committee into a condition of criminality, which I do not think is just. The Senator must recall, if he will turn his mind in that direction, that the House Committee on Military Affairs, or a subcommittee of it, had been at Westpoint during the consideration of this very bill in the House, investigating these peccadillos—if you choose to minimize them or belittle them in that way—and that the committee returned and presented its report after the bill making appropriations for the Academy came to us. The men who have investigated this matter at first hand, who have been on the ground and who know more about it than anybody else, have had no opportunity to be heard until the conference report was to be dealt with.

Mr. HALE. The Senate itself might have put on this body of law, if it chose to, in open Senate. I should not have thought it was moderate and measured legislation, but I could not have objected to it on the ground that it had not the right to do it. What I object to is that it is all left, this elaborate code, this piling up of offenses, making them subject to the final penalty, not to the House, not to the Senate, which had this matter after the committee reported it, but to the committee of conference, and they have put in the remarkable provision I have read here.

I do not like the spirit that animates section 11 of the amendment:

It shall be the duty of the Secretary of War to assign to the Academy a sufficient number of officers of the Army to at all times strictly enforce the laws of the United States.

It is a proclamation that Westpoint, with officers, superintendents, assistant superintendents, executive officers, professors, students, tutors, pupils, or cadets, is not competent to evoke good conduct and good order and decent, kindly, gentle behavior and that bravery which should characterize the young man, whether a military student or in any college. Let me read it again:

It shall be the duty of the Secretary of War—

Not in his discretion—

to assign to the Academy a sufficient number of officers of the Army to at all times strictly enforce the laws of the United States.

I have that faith in the Army to believe that the Secretary of War would find it extremely difficult to get men to accept that duty of espionage, for that is what it is; that a young lieutenant should be ordered to proceed to Westpoint to spy out the defects and infirmities, and to see to it that the law that is made for them is enforced.

Enforce the laws of the United States, the regulations of the Academy and its rules—

They can not run themselves—

and to furnish—

Listen, Senators—

and to furnish such instruction—

And what—

and surveillance as may be necessary to insure that end.

Language can not describe a system of harking and waiting and watching and spying stronger than this; and one of the provisions which the committee of conference have adopted is that the Secretary of War shall do this:

And he shall make such regulations as are necessary to produce such direct contact between the officers and cadets as will result in a thorough enforcement of this act.

I do not know what that means. I know that it can not mean anything pleasing, anything satisfactory, that a band of commissioned officers of the United States shall be sent to our only military institution dealing with the Army for the purpose of insuring and exacting such contact between the officers and the cadets as will result in the enforcement of the law.

Mr. SPOONER. It is the direct contact that a policeman would have with a man.

Mr. HALE. It may be contact by the shoulder, by the neck, by the handcuff; but whatever it is I do not know.

No, Mr. President, all this is needless. I think we have all of us been alarmed and shocked by what has occurred at Westpoint. It is such a wrong to the sense of the country and has so aroused the indignation of Congress that a stop is to be put to it. But we do not need such an offensive code, of which I read only one section, in order to give us peace and good order and good, brave, manly conduct on the part of the students at Westpoint. We owe something to them. They commit their lives to the service of the country. They are the selected men who, when the time comes, in peril and war, move gladly to the front and take upon themselves the dangers and responsibilities of arduous campaigns; and we ought not to do anything that shall strike at the proper spirit of that institution. We can disavow any complicity or sympathy with hazing and can treat it properly. I, with other Senators, have no doubt that it will be done, but I do not go into that question.

When the Army bill was up I made the same point that I make now—that the conferees have exceeded their general discretion; I do not say simply technically, but they have taken upon themselves the enacting of a body of law that neither House had done. I made that point on the provisions of the Army bill relating to the Quartermaster's Department and the Commissary Department, and we were beaten. The Senate said they would accept the report whether or no, and we were voted down. Now the War Department is knocking at the doors of the Military Affairs Committee for legislation that shall change those very provisions and put them in the way that some of us contended they should have been put.

We can not be too jealous in watching conferees. After the experience of the committee the other day I should have thought the committee in charge of the Senator from New Jersey, who is a thoroughly practical man, a good legislator, who knows what he is about when he undertakes to do things, when the proposition was made to dump the Dick law right bodily into this bill, in conference committee would have said, "We can not submit to that. The Senate will never consent to it. That is not the way we legislate," because if we do hereafter the Senate will scrutinize every conference report and see that it does not amplify all legislation put on by both Houses; and to that I object.

Mr. CHANDLER. Mr. President, I do not think the conference committee ought to think that there is any desire on the part of Senators unduly to criticise the members of the committee for what they have done. The subject-matter was within their jurisdiction, and they have only done what I am sorry to say conference committees are very much getting in the habit of doing. I have endeavored to urge a different course and to induce the Senate at some time, somewhere, on some bill so to speak as to put an end to legislation by conference committees. When I spoke before on this bill I did not know what the exact fact was. We now know what it is. The Senate put eight lines concerning hazing into the House bill, which had nothing in it about hazing, and when this report comes back from the conference committee here are ten sections of more than ten lines each; in other words, an elaborate code. I wondered where the conferees found it, but at last it was discovered. It is the report of the House committee, and here is the testimony upon which they founded their report. In order to know whether that bill of ten

sections, which they drew up, is wise or not there ought to be an opportunity to study and examine this testimony. No Senator has studied it or examined it.

We knew in a general way what the facts were, and we were willing this clause should be put in which the Senate put in; but we did not suppose that the conferees would adopt bodily the law drafted by the House committee and put it in the bill in the conference report. Perhaps it would be legitimate for us to inquire whether this bill has had any consideration in the House of Representatives. Perhaps the Senator from Maine knows. Perhaps the Senator from New Jersey knows whether this bill, reported to the House by the committee with all this elaborate backing, has had any consideration whatever in the House of Representatives. The House of Representatives is entitled to examine it section by section, clause by clause, to find out what it is. Has any opportunity been given to the House of Representatives? No, Mr. President. Has any opportunity been given to the Senate? No, Mr. President. We did not know it until we scrutinized this report.

The conference report came in yesterday afternoon, and the Senator from New Jersey had some expectation—and a reasonable expectation if conference reports are kept down where they belong—that in ten minutes that report would have been agreed to. I am not certain that it did not come pretty near being adopted sub silentio without anybody's attention being called to the fact that this whole House bill had been adopted bodily by the conferees and brought in here as a specimen of the kind of legislation which, under the rules and practices of the Senate and House of Representatives, is allowable to conference committees.

I think that this time the Senate ought to deal with the question of practice. We were not allowed to reject the conference report on the Army bill, because it was said the great interests of the country required that there should be no delay of action, and so we adopted a conference report there where the conferees had exceeded their powers. There is no haste now, and the Senate can get on the right track and speak for once its meaning as to what it intends the rule shall be which governs conference committees.

Mr. President, I believe in suitable enactments against hazing. I believe there exists an evil which ought to be corrected, but not by enacting such a severe punishment for all these little petty offenses which are defined in this bill, which by statutory enactment are made hazing, and which subject the persons committing the offenses to dismissal from the Academy. I am willing to see an intelligible provision of law reported by the conference committee. I am willing that cadets guilty of hazing, when found guilty by court-martial, shall be dismissed from the Academy. I am willing that for the period of five years they shall be ineligible for appointment to the Army or the Navy or the Marine Corps, but I am not willing to see such a harsh and cruel enactment put upon us without more time for deliberation, without any time whatever for Congress, dealing with legislation as it ought to deal with legislation, to examine the provisions which are proposed by committees for its acceptance.

Mr. MONEY. Mr. President, I have not studied the phraseology of the amendments brought in by the conference committee, but I want to talk a little bit about the principle of hazing, which was the cause of this conference report.

It may be that the amendments are so inartistically drawn that a great many wrongs and hardships would be suffered by the cadets, who are well-meaning enough, but have an overflow of youthful high spirits, animal life, incident to their age and probably somewhat to their surroundings. I am willing that that phraseology shall be corrected so as to meet the views of gentlemen who are punctilious upon points of this sort, and I do not care to have the Senate hurried in the consideration of this question, which is so much deprecated by the Senator from New Hampshire. I am willing to take all the time that the subject may demand.

But there is a mistake here if it is supposed that a popular clamor is behind the conference report. It is a deep-seated, a righteous, and a just indignation that pervades the whole country against the brutality which the committee of Congress has discovered to have existed for some time at Westpoint. That is the trouble. I entirely disagree with those gentlemen who think a man is a milksop unless he has been hazed, and that the way to make gentlemen and officers is for us to have bullies. I do not believe in anything of that sort.

Now, I do not object to rough play. I have been hazed, too, in a certain way, just as the Senator from Wisconsin [Mr. SPOONER] says he was, except that, not being a smoker, I jumped out of the window and lost my coat tail, which was pulled off in the endeavor to hold me in the room. I do not object to that. I do not object to people fighting. When a man insults me I want to hit him, and if a boy is insulted by another I want him to strike back. I do not think the instructors at Westpoint or of any other good and well-regulated college would ever interfere with two boys or two young men who, in a moment of passion or in any other way, have insulted one the other and fight. I believe it is the proper return for an insult, for an insult goes deeper than an injury.

But here is not the practice of a man fighting another because he has been insulted or injured, but a combination of men of a class go and put into the most degrading and humiliating attitudes and conditions a young boy fresh from home, who has not got the bustle and who is somewhat abashed by his very presence in the institution of which he has heard and dreamed perhaps so much. A young man comes there who is immature. He has not developed in the art of the pugilist. He has never dreamed of such a thing as the solar plexus. He can not stand up against a trained pugilist of four years. I do not believe the pugilist is a very high type of manhood in this country, and I do not believe a pugilist is a man who ought to be an officer in the Army of the United States.

On the contrary, that is not what I call courage at all. The courage, the fighting qualities, which some gentlemen seem to think can be developed by this brutality at Westpoint is simply cultivating a physical obstinacy, a physical indifference to hurt and to danger, but it is not courage in any other sense of the word. I recollect reading that at the storming of Waterloo, when three different regiments had been hurled back beaten, broken, and confused from the French line, the Duke of Wellington rode up to a regiment standing fresh and prim, and said to a youth of 20, who had bought his commission the week before, a young sprig of nobility who never had seen a gun fired in his life except in an open field shooting quail or something of that sort: "Colonel, take that battery." The young man's face blanched. An old veteran who was on the staff of the Duke said: "Colonel, are you afraid?" The young man said: "I can appreciate the danger, sir, and I feel it; but I will take the battery." He did take it. As the Duke rode away he said: "That is the sort of men I want to lead the regiments of Great Britain—men who understand and feel and appreciate danger, but whose moral courage, whose honor, would make them die in an effort to achieve a victory rather than retreat or shrink from any danger."

That is the sort of men I want to see in command of the troops of the United States, and not the pugilist, not the brawn and muscle without the brain or the honor to conceive what honor is; not mere brawn and muscle that can get the better of weaker men in the prize ring. I would abolish from that institution every single one of the Marquis of Queensberry's rules, or any other man's rules, unless you let me regulate the rules myself; and I would like to take two of those first class men, I believe it is, and let them get in the ring and let them fight with brass knuckles to a finish and a policeman club the other fellow when he gets through. That is the way to treat that character of gentlemen whom we are educating by charity at Westpoint.

Now, I do not want to disparage Westpoint. There is no man who admires the output of Westpoint more than I do. I understand the high character and the esprit de corps of the Army of the United States. It is worthy of a great people, and we want to maintain it at its great standard, but we can not maintain it if such brutal and cowardly practices shall be permitted to prevail at Westpoint.

As I said, I have not worked over the report, but the only criticism that appears to me is that something has not been said about the commandant and officers, the instructors at Westpoint, who either know very little of what is going on under their noses or they connive and wink at these practices, for which they should, every one of them, be discharged from that institution and from the Army.

Are we so poor off in material that we can not get gentlemen by instinct, gentlemen who will not oppress any man? For it is not a brave man who hunts out the weak man to insult and fight and to do those things which degrade him in his own esteem.

I not only do not believe in the hazer, but I have very little to do with the man who is hazed. I do not care how good he is, every time he suffers an indignity which he does not resent with effect, that much he has been lowered in his own self-respect and that much less has he been made incapable of becoming an officer and a gentleman.

Now, I do not believe the committee have gone too far in their intent. Whatever may be the phraseology of the bill, it can be corrected, and if the Senate desires that it shall be done let the committee go back and have another conference and bring in another report, and let the phraseology be made suitable. I would agree with the distinguished Senator from Wisconsin that many things could be very well left out.

But I am speaking now not of individual fighting or individual aggression of one man upon another, but I am speaking of these combinations, these mobs, that organize to go and maltreat and humiliate and degrade the young man whose atrocious crime is that he got into the sacred precinct of Westpoint a little later than the other. If that can not be, and we can not get officers there who will see that the laws are carried out, then let every

man go there with a revolver in his pocket and shoot the first man who dares to affront him. One did try that, and I have had the interest to follow up that young man from that day to this, and I find he has made a very brilliant and a very successful officer. As to the man whom he shot, I do not know what became of him. I have not had the curiosity to follow up his career.

Now, I believe this committee has done what it thought was best. Its intent was all right. If anybody can correct the language in these amendments so as to exclude the minor offenses, the little misdemeanors, the offense of one man against another man, let that be done; but put down the combinations to overawe, to maltreat, to degrade, to humiliate the younger boy who comes in.

I want to know what the women of the country feel—the mothers of the boys, some of whom have been done to death in the frolicsome humors of these young gentry. What astonished me above everything else when I heard the report read there—I never heard of such a thing before—was the poverty of the wit, the absurdity of the humor, the weakness of the invention, with what poor, trifling, contemptible, silly things these young gentlemen can amuse themselves; how glad they are, and what hilarity it provokes because a man is nauseated by something they give him; how funny that is.

I wish they could know something of the general contempt that is felt in every honorable mind in this country by such pranks as have been played there by these young men about to receive commissions and to outrank the volunteers who for three years have maintained the honor and glory of the flag whenever they have been called to meet a foe. The men who have learned the art of war in its only school, in the camp and on the battlefield, are to come in as second and third lieutenants of these fledglings at the Academy who have distinguished themselves only by their cowardice and their brutality.

Mr. President, I know there has been good material at Westpoint. It would be a curious thing if in selecting from the whole of the Congressional districts in this Union you could not find plenty of representatives not only of pluck and true manhood, but of gentility, men who were gentlemen without any training, because they do not need it, and who can be officers because they have got the intelligence to study and to become officers. I am sorry for the man who enters Westpoint to be made a gentleman of. If he is not a gentleman before he goes there, you can not make him one. He will be a scrub just as long as he lives, though he becomes at last a commander in chief of the Army of the United States.

I know the value of Westpoint, but at the same time I feel that the American people could get along if there were no such institution. In the recent war and in all the wars in which we have been engaged the volunteer stood forth as the exemplar of the gallantry and the courage of the American people and not the regular. I am not disparaging the regular. He did his duty; there is no doubt about that.

Mr. LINDSAY. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Mississippi yield to the Senator from Kentucky?

Mr. MONEY. Certainly.

Mr. LINDSAY. I saw it stated somewhere the other day that the present first class which has so distinguished itself was about to be graduated six weeks or two months in advance of the usual time.

Mr. MONEY. It was graduated yesterday.

Mr. LINDSAY. Was it? I only asked whether that was true.

Mr. MONEY. That class was graduated yesterday. I think that class is composed of young men who are going to do their duty and who respect themselves, and I have no doubt they were not concerned in these playful effusions of Westpoint youthful exuberance and animal life. There is no doubt about that; but it is to weed out the offenders, to make the institution go to the very highest standard that this committee propose to accomplish, and they ought to be seconded in their efforts by every gentleman here who likes to see the Army of the United States all that we hope to have it all the time, and not be retarded in their efforts to do a good thing.

Mr. President, I am sorry that the committee has not seen fit to bring in something with reference to the instructors and the officers who command this institution. They may be all officers and gentlemen; and I understand some of them are distinguished in their profession, but it shows a woeful lack of attention in the affairs committed to their hands, as I look upon it, and such collusion with the offenders as entitles them to the same kind of treatment that you propose for these cadets.

Mr. KYLE. Will the Senator allow me in this connection to ask if hazing is not prohibited in all the collegiate institutions of our country?

Mr. MONEY. I do not know about that.

Mr. KYLE. I think it is; and who are the parties who have that matter in charge but the professors, the instructors? Those are the men who are to exercise the system of espionage, etc., that is to be practiced to prevent it. It seems to me that the same thing might obtain in the institution at Westpoint, and that the instructors are responsible for the continuance of this custom.

Mr. MONEY. I think so, to a great extent; but we are responsible in the first instance. We must make the law. I know how a great instructor can give color to a whole school, and I know also that in some institutions it is the boys themselves who give character to an institution, and not the professors. It is sometimes one way and sometimes the other. But we have a certain responsibility in the matter, and that is to see that this abominable practice is stamped out—absolutely stamped out—if we have to extirpate the men from the institution who have been guilty of it like the blackleg or the Texas fever in cattle. It has got to be prohibited.

And all this sympathy that has been wasted upon these bullies of the institution when they shall be dismissed from the Army and go into private life is entirely aside. They will take care of themselves. They will drop gradually down, down, until they get to the stratum of society to which they legitimately belong, and nobody need feel any uneasiness about them. As to their ever getting back into the Army, God forbid! If they have gone out for such a reason, they should stay out for such a reason. I do not believe that a young man at Westpoint who deliberately maltreats another because he is weaker than he is, or in concert or company with a number of other bulldozers of the same ilk, will ever be anything but a hazer and tyrant to the men he commands in the field; and nobody but a private soldier can ever tell how a tyrannical and punctilious officer can make uncomfortable and miserable the lives of the men who serve under him.

I had a letter not long since from a man in the Philippines. Somehow or other he had got hold of the few remarks I had made in the Senate on this question some weeks ago, and he said: "I want to say to you"—he signed his company, but failed to give his name—"that I have been living in hell for months on account of one lieutenant in this company who belongs to the class of men that you say do the hazing at Westpoint." I want to say that I never had as many letters in my life as I have received from every part of this country concerning the few remarks I had the honor to submit to the Senate on the Army bill on this subject. I have had letters from women, the wives of officers who see soldiers in their everyday life; and when I speak of women, what must the mother think whose son has been humiliated, and what must the mother think who sent the hazer there, the pride of her heart, and found out at last that her son in the Academy was a bully and a coward. What mortification, what regret, and what shame! Do these young gentlemen ever think of the torture they are inflicting upon their families at home? Do they think of nothing except what are called the pranks of the young men, these mobs, these men who combine to oppress and to maltreat and to humiliate their fellows who are simply too weak to defend themselves?

Mr. ALLEN. Like the whitecaps.

Mr. MONEY. They will not compare at all with the whitecaps. There is no comparison between these boys and anybody else in civilization that I know of. It is the more abhorrent when you consider that each one of these young men is of charity stock, that he has been sent there by selection by somebody, sometimes by competitive examination, sometimes by natural selection, sometimes as a reward for political service done; but still he has been sent there, and he gets paid for his education and his clothing in order that the United States Army may be properly officered. If this is the first manifestation of his ability, let him be eliminated from the balance of the corps, and we will have at least enough left of those who can come from civil life to supply the Army with officers.

I hope the Senator from Wisconsin, with whom I agree very much all the way through, will put himself to work to write an amendment that will leave out these minor offenses, for which the punishment seems to be a little too severe, but leave in it enough to stigmatize this thing and to forever exclude from service under the United States in the Army and Navy or the Marine Corps men who have been guilty of these practices, as shown by the hearings read here and by the report of the committee of investigation in the other House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

Mr. SEWELL. I think it is due to the conferees and due to our further action in connection with dealing with the House that we should have a yea-and-nay vote on the subject.

Mr. DANIEL. Mr. President, I desire to make a few remarks on this conference report.

It is an old maxim of jurisprudence that hard cases make bad laws. I believe that the pending legislation is an additional illustration of that maxim. There have been several hard cases at

Westpoint. Hence the proposed bad law. But it is not true, if I have correctly read the report, that anyone has been "done to death" at Westpoint.

The Senator from Mississippi [Mr. MONEY] who has just taken his seat used very severe language with reference to proceedings at Westpoint, and wound up by charging that some cadets there had been "done to death." There were two young men who died after they left the Academy at Westpoint, and who probably left it on account of rough treatment, but one of them died of tuberculosis and the other of pneumonia, as they might have done in the course of nature had everything gone well at the Academy. The committee which has examined into affairs at Westpoint declares that it can not affirmatively find that their death was caused by their treatment. There are also six or eight other cases in which the treatment of cadets by other cadets is specifically stated; but discipline has been applied in those cases, and Westpoint Academy is not the seat of that general lawlessness and cruelty which might be inferred from some remarks which have been made on this floor.

There are 450 cadets at Westpoint. Who are they? They are American boys who are picked out from the mass of American boys on account of some peculiar excellence or merit. I doubt if you could find a population in any town, township, district, hamlet, or anywhere in this country in which there were 450 young males in which the disorders were not infinitely greater, the assaults and batteries and offenses against good order and social discipline infinitely worse than anything exhibited at Westpoint.

It is a reproach deep upon our civilization to characterize this institution or these boys who have gone forth from the best American homes and who represent, if any boys can represent, the good elements of American society, as pervaded with or lost to a brutal spirit. When men get to be 50 or 60 years of age and have calmed down into a somewhat contemplative view of life, they may become mentally and physically out of sympathy with the young hot-blooded generation that is two generations behind them.

Amongst these young men are some who have had very small advantages in life, but who have shown some element of strong character or intelligence in them. When they go to Westpoint they get their first experience of what they consider the great world. They are thrown with boys from all parts of the country. They are in the springtime of the passions and of imagination and of hopes and fears. It is the romantic time of life with them, when life is exuberant, overflowing, excessive, and when their exercises at Westpoint are designed to and do stimulate their physical as well as their intellectual growth. That there should be excesses there, that there should be errors there, that there should be offenses there, is a matter of course. There never was a college or a school on earth in which they did not exist.

Now, Mr. President, let us remember one other fact. We have turned the blazing searchlight of the intelligence of this whole country into a focus upon Westpoint. All the irregularities and ill doings of years have been brought to the surface. They have been published far and wide in the newspapers. Instead of thinking of the 425 boys at Westpoint who have walked in a straight line and have done nothing that admits of censure, we have characterized too much the institution and the managers of it and every one associated with it by the standard of the few whose names have come to the surface as the objects of universal disapproval. The 25 ramblers and stragglers from the right road have fixed attention.

Now, Mr. President, we want wise and just legislation on this subject. What we need to do is to approach it in a temperate and moderate spirit, setting down naught in malice, but endeavoring to weigh the facts as honorable and enlightened judges should weigh them. If the history of the world is told in story that all intelligent men should recognize as axiomatic in its lesson, it is that harsh, cruel, inordinate, or incommensurate punishments never succeed in reforming the things that they are aimed at, and do more harm than good.

The statute books of all past centuries are loaded down with fiery objurgations and with the extreme penalties that severe morality or spasmodic passion has imposed upon those regarded as penal; and there is not a judge who sits upon the bench in Christendom, who is informed with the enlightened spirit of this age, nor a college professor, nor a practical man, who has learned his lesson from the hard knocks of life, who will not accept it as a truth, illustrated by all human experience, that inordinate and cruel punishment always misses its mark and creates more evil than it cures.

Mr. President, it immediately creates sympathy with the person punished, the one of all others who should be left with the hostility of public opinion upon him. Instead of segregating and isolating him from the ranks of his fellows as one who has not acted rightly, the moment that you put upon him the badge and stigma of an extreme malediction he jumps up as a mock hero and gets the very sympathy from which you were endeavoring to alienate him; and he and all his fellows will combine and conspire against, ridicule, and hold up to contempt the people who have visited such a process upon him. In other words, Mr. President, it is the common sense and good temper of cool and well-balanced minds that can regulate young men, and not passionate speeches, and not severe denunciations against them and their class.

Now, as to this bill, the trouble we are in, Mr. President, as it seems to me, results from an attempt to ingraft general legislation upon an appropriation bill. I was wholly unaware that any such proposition as this was in this appropriation bill. It came here, where it had no appropriate place or function, at a moment when, I suppose, I was engaged in a committee or in some other work appropriate to my duties, for I have never, unless briefly, been out of the Capitol during this session, and it has gone by unnoticed by many.

When we discover it and our attention is brought to it, a full Draconian code has been ingrafted upon it by a conference committee. Both the committee that had charge of the bill and the conference committee, too, as I conceive, have gone out of the regular line of parliamentary proceeding and involved us in a difficulty from which we are trying to extricate ourselves.

I am not attempting to visit any kind of censure upon any gentleman; neither have I taken up these provisions in any spirit of harsh criticism; but I am looking simply at the thing itself, and at the ill practice, too often tolerated, which has generated it into this measure.

How out of it? This measure is still in conference. The conference committee has suggested, as a substitute for a short provision of general legislation in the statute, a bill which had been drafted containing minute provisions on the subject. If the conferees could reassemble again, I would beg leave to submit to their better judgment and reflection that the addition of a single line to the amendment of the Senate, after line 14, on page 2, and the striking out of the disfranchising clause that follows, which disqualifies persons dismissed from Westpoint from ever holding a position in the military or naval service, and the matter would be left where it had best be left under present conditions.

The proviso which begins on page 2 reads:

Provided further, That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing.

I would add to that—

And any cadet found by a court-martial guilty of hazing another with cruelty shall be dismissed from the Academy.

Mr. President, that seems to me to be enough, and if the officers, who are appointed and paid and given most eligible situations at Westpoint, shall do their duty, I have no doubt that we shall have left our statutes in the most salutary form in which we can put them.

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

Mr. DANIEL. With pleasure.

Mr. ALLEN. Who is to determine whether or not the hazing is cruel?

Mr. DANIEL. The court-martial.

Mr. ALLEN. What constitutes cruelty in one man's mind might not constitute cruelty in the mind of another.

Mr. DANIEL. It is the function of the court-martial to find out what it is.

Mr. ALLEN. So that whether an act is to be punishable by expulsion or dismissal depends upon the caprice of the court-martial?

Mr. DANIEL. Not at all. I do not think courts-martial are subject to caprice. That is the same tribunal that is provided for in the amendment proposed by the committee.

Mr. ALLEN. Why not go further and specify certain offenses as cruel and certain offenses as not cruel?

Mr. DANIEL. Officers of the Army who have intelligence enough to sit upon courts-martial can do that better than the Senate of the United States in the closing hours of the session in an offhand debate upon a question that has suddenly come up. It is better to leave it in that form than to attempt to classify and enumerate all the little irregularities which may occur at a school.

Mr. President, let us see how the Military Academy is getting on. One would suppose, after hearing many of the speeches that have been made here, that there was some one here and some one at Westpoint who was defending brutality, defending cruelty, defending the hard things that have been done sometimes, but infrequently.

Mr. ALLEN. They are continually done at Westpoint; they are general; they are daily, and the punishment has wholly failed to suppress them.

Mr. DANIEL. I do not think the punishment has wholly failed and I do not think it is wholly failing. I believe they are making substantial and good progress. Nothing could more completely throw the whole thing awry than to embody in a bill of Congress this abnormal, Middle Age legislation, which if anybody were to

read without perceiving where it came from, he might suppose we were living back in the fourth or fifth century.

Mr. ALLEN. It is to cover Middle Age conduct.

Mr. DANIEL. Yes; and it is to cover everyday conduct. The peccadillo of teasing a cadet is to be punished by this bill in the same way that an assault with malice would be punished, or as some abnormal brutality that would shock the sensibilities of decent mankind would be punished. The mere frolicsome invitation to eat is made a disqualification for a lifetime.

Mr. ALLEN. Has the Senator read the testimony contained in the report of the House investigating committee?

Mr. DANIEL. I have read it all.

Mr. ALLEN. I hold in my hand evidence of the facts which I have stated.

Mr. DANIEL. I hold it, too.

Mr. ALLEN. I hold in my hand evidence that Booz came to his death by being compelled to drink hot sauces.

Mr. DANIEL. I hold the evidence in my hand, with the opinion of the gentlemen who took it, who have been making no apology for anything about it.

Mr. ALLEN. I hold the evidence in my hand.

Mr. DANIEL. And I hold their judgment on the evidence.

Mr. ALLEN. I hold the evidence and the report both.

Mr. DANIEL. I am not defending the extreme case to which the Senator has referred.

Mr. ALLEN. There [exhibiting] is the testimony of the sister of Cadet Booz; the testimony of his doctor, describing his being unconscious and going out of his mind, and his death on account of the brutalities practiced upon him.

Mr. DANIEL. I have read it all; and the judgment of the investigators, according to the report which the Senator has on his desk, is that the young man died of tuberculosis some time after he left Westpoint, and that they can not say that the death was caused by any maltreatment there. But if he had been cruelly murdered at Westpoint, that would not be the only place where murder has occurred. I would not disfranchise a whole community for its peccadillos because one man has committed murder.

Mr. ALLEN. Would the Senator repeal a statute against murder because a murder had occurred?

Mr. DANIEL. I am not repealing any statute; certainly not.

Mr. ALLEN. Would the Senator refrain from passing a statute to prevent murder because it would not restrain people from committing murder?

Mr. DANIEL. Why does the Senator ask me such questions?

Mr. ALLEN. Simply because the Senator seems to want to take off all penalties.

Mr. DANIEL. It only seems so to those who do not hear what I say.

Mr. ALLEN. I have been listening to the Senator.

Mr. DANIEL. If you will allow me to speak a little while——

Mr. ALLEN. I will.

Mr. DANIEL. I say I would visit punishment upon the guilty man; but because he has been guilty I would not utter a statutory anathema against all the cadets at Westpoint who should at any time simply tease another cadet without doing any harm to him. Does the Senator understand that?

Mr. ALLEN. I understand that.

Mr. DANIEL. That is what I am saying.

Mr. ALLEN. If the Senator will permit me a word, I do not understand that we are dealing with mere matters of teasing. That would not come within the purview of this statute.

Mr. DANIEL. I understand that it does. Section 5 says so.

Mr. ALLEN. That is not my understanding.

Mr. DANIEL. Of course, there is no accounting for the difference between understandings; but here is the language of the proposed statute, and it will speak for itself. It has been several times read, and so I did not care to read what has been so ofted repeated, but I will read it once more:

SEC. 5. Any cadet who shall direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him—

This is punished by dismissal and lifetime disfranchisement to hold a commission.

Because one man or a set of men last year or the year before at Westpoint maltreated a cadet in a brutal way, and should be punished, as we all agree, the Senate is asked to say that hereafter any other cadet who shall request a candidate or cadet to eat or drink anything for the purpose of annoying him shall be punished in exactly the same way as the man who had done a thing that all disapprove of, and which we punish.

Mr. ALLEN. The penalty only applies where this is done for the purpose of punishing.

Mr. DANIEL. Yes; either for the purpose of punishing or annoying him or harassing him. They are all put on the same footing.

Mr. ALLEN. They all ought to be punished.

Mr. DANIEL. Well, I do not say they should not; but I do say that the boy who does a thing of that sort in fun ought not to be punished like the brutal boy who does another thing with intent to injure, and does injure another.

Mr. ALLEN. I agree with the Senator there.

Mr. DANIEL. I have no doubt we will all agree about this matter. If gentlemen would understand a little more what they are discussing, we would agree earlier.

Mr. President, I was attempting to show, when my friend asked me a question, that progress is being made at Westpoint in getting rid of all objectionable practices, and that the men who have committed them have been punished and are being punished. For instance, let me read:

Cadet ——

I will not put his name in the RECORD—

was, in August, 1898, convicted by general court-martial of harassing and annoying fourth class men, and was sentenced to suspension without pay for one year.

That is all right.

The day he returned, August 29, 1899, he required Cadet —— to stand on his head and recite a humiliating verse, and upon the recommendation of the Superintendent he was, with the approval of the Secretary of War, dismissed from the Academy.

That, it seems to me, was exactly right. The first offense of a minor character was punished by suspension for a year. He was given a chance to reform; he came back and did worse; and he was dismissed; and that is the end of it, and it ought to be.

In August, 1900, Cadet —— was detected compelling Cadet —— to stand on his head in a bath tub full of water, as heretofore explained, and was, under recommendation of the Superintendent, with the approval of the Secretary of War, dismissed from the Academy.

The officers of the Academy have not neglected the cases of breach of rule that have come before them. They are proceeding humanely, orderly, and justly to mete out punishment according to the nature of the offense.

A great number of severe punishments less than expulsion have from time to time been meted out to offenders, and finally, in September, 1898, the upper classes adopted resolutions pledging themselves to cease exercising fourth class men.

That is the right way, Mr. President, for any work of reform to be germinated and generated and to be grown. With what result?

Your committee ought, in fairness, to say that these resolutions have been kept by the upper class men in good faith, according to their several constructions of them, and as a result the camp of 1900 was the best in years and the most free from odious forms of hazing.

So that, Mr. President, in the year 1900, whilst we are holding up Westpoint as one of the worst places in the world, we have the report from this very committee, that has been no apologetic judge of affairs there, that the camp was the best in many years, showing progress and showing that good discipline is effecting its desired end.

Mr. President, it may be—I do not know, and I shall not censure any officer at Westpoint without knowing the facts upon which an opinion should be predicated—but I think this provision of the bill on which the Senator from Maine [Mr. HALE] so properly animadverted, that more officers of the Army should be detailed to go to Westpoint and act as a police for the 450 cadets there, to exercise surveillance over them, is, as he thinks, worse than surplusage, and the introduction of an element into the Academy which comes under an inauspicious sign and bodes no good.

This report says that—

There are 71 United States Army officers at the Academy, including the Superintendent—10 tactical officers and about 60 instructors—making about 1 officer to every 6 cadets.

Let it be understood that the United States has got 1 officer at the Academy for every 6 cadets—an officer of rank and of distinction in the Army—and if with 1 officer to every 6 cadets, and a good Superintendent, as good order at Westpoint can not be produced as at any ideal institution in the world, it is useless to put any more statutes on the books, or to have any more officers detailed to go there. You would soon have a condition in which every cadet had an officer on his back, a military wetnurse to attend to him especially; and the young men who are being trained to go into the Army to take authority would be marched into the service with a parallel column of policemen as numerous as they.

I do not know anything of the merits of the officer who is now Superintendent at Westpoint. I do not know anything of what may be the efficiency of his 70 coadjutors; but I do know that 70 officers, or 1 to every 6 cadets, as this report says, ought to be able to enforce military regulations and to produce good discipline at Westpoint.

Mr. TILLMAN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Virginia yield?

Mr. DANIEL. Certainly.

Mr. TILLMAN. The Senator does not intend to be unfair to the Senate; but unless he reads the remainder of that paragraph

he is misleading it very egregiously and very grossly. The bottom of that paragraph reads:

The result is that 11 persons are solely charged with maintaining discipline, in a reservation of more than 2,000 acres and more than 2 miles long, over about 450 cadets.

These 71 officers have nothing to do with maintaining order. There are only 11 who have anything to do with that.

Mr. DANIEL. A man can not make all of his speech in one sentence, and the impatient spirit will sometimes not wait for the next sentence to be uttered; but I will show the Senator that I have marked the passage and intended to comment upon it as soon as I got through commenting upon its predecessor.

Now, if only 11 persons, as this report says—and I had marked it on the side and underscored it for remark—are intrusted with the discipline at Westpoint, there is an easy correction of that, which is to make every officer at Westpoint responsible for the good conduct of the cadets under him, and turn him out if they do not behave well. If that shall be done, I venture to say you will find better behavior very rapidly. That was the suggestion I intended to make.

Mr. TILLMAN. Will the Senator pardon another interruption?

Mr. DANIEL. Certainly.

Mr. TILLMAN. I hope the Senator from Maine will also listen to this, if he will be kind enough.

Mr. DANIEL. Though I yield to the Senator, I would prefer that he would make his speech and observations in his own time.

Mr. TILLMAN. Then I will keep quiet.

Mr. DANIEL. I will yield to a question if the Senator wishes to address one to me, but I do not wish to yield for a question to be addressed to the Senator from Maine.

Mr. TILLMAN. It is to both of you, because it is right along the same line upon which the Senator from Maine animadverted and which you are now discussing.

Mr. DANIEL. Very well, I will yield to a question, but I want to get through with my remarks.

Mr. CHANDLER. Has the Senator from South Carolina any objection to my listening to his question to the Senator from Virginia and the Senator from Maine?

Mr. TILLMAN. I have no objection to any Senator listening; in fact, I would be rather surprised if the Senator from New Hampshire did not listen, because even when he is talking he has got one ear open to hear what is going on.

Mr. CHANDLER. I am all attention to the Senator.

Mr. TILLMAN. On page 16 of this report, in justification of the committee's report of the special bill which they introduced, they say:

Again, the close association of selected and experienced Army officers with the cadets would greatly aid in the education of the latter and the improvement of their military character, instilling in their minds a high conception of the soldier's duty.

Here is a point:

At the close of academic studies in June the professors and instructors have leave of absence until the resumption of such studies in the following September, and so it is that throughout the camp and during the time when the most difficulty is experienced in maintaining discipline the reservation is almost entirely stripped of officers.

Mr. DANIEL. What question does the Senator ask me?

Mr. TILLMAN. I want to ask the Senator, does he now contend that there would be a parallel column of officers and policemen guarding these young men equal to the number of cadets themselves, when the report from which the Senator has quoted distinctly shows that there are only eleven from which to maintain discipline, and nearly all those are gone during the time when hazing takes place—when these youngsters first arrive at the Academy in July?

Mr. DANIEL. I think more professors and more officers might be kept there.

Mr. TILLMAN. The conference report recommends that there should be additional officers detailed, in order not to keep the professors, who have been doing their academic work for nine months, as policemen to guard these youngsters during the three summer months. These men want some recreation and some opportunity to go out and get their vacation.

Mr. DANIEL. If the Academy is to go on in the summer——

Mr. TILLMAN. The Academy does not go on in the summer. The first class men in the corps of cadets are going into camp; and it is when these youngsters first go in that all this brutality and this meanness is perpetrated.

Mr. DANIEL. In the summer time, when the corps goes out into camp, they go out as soldiers, and it is much easier to regulate them at that time than at any time during the session, because they are under the immediate eye of their officers and under the strict letter of martial law; and one officer, with proper authority and with the badge of an officer, can do as much as a legion, because they are altogether in strict military array.

What I was going to say was that if you can not produce good order at Westpoint with all the professors and officers that we have got there you can not do it by piling up statutes and getting more policemen to go there. If there is any inherent defect in the discipline at Westpoint—I will not say there is, because I do not know—we have certainly taken all the appropriate steps and provided all the appropriate processes to correct it, and this report shows that they are being corrected.

Mr. TILLMAN. Will the Senator now permit me?

Mr. DANIEL. I would rather make my remarks and let the Senator make his speech in his own time. He is simply, when I am discussing one thing, throwing me off onto another. I do not expect to speak very much longer.

Mr. TILLMAN. I will not interrupt the Senator.

Mr. DANIEL. I am very much obliged. It will be more agreeable to him and to me both. I am only trying to give a few crude views on a few points in this debate. Then I shall be very glad to hear any suggestions the Senator may have to offer.

Mr. President, I am about done. The Senator from North Dakota adverted to the fact that sometimes a large number of boys clubbed in and persecuted a new boy or a small boy because he would not fight. I believe that that system is itself tempered by some sense of honor and forbearance by the cadets at Westpoint, though I have no doubt that cases happen and will always happen where so many boys are thrown together in which things are done in the heat of blood and sometimes with improper motives, sometimes wholly inexcusably and justly punishable most severely. But I will read a line of this report to show that that is not by any means the usual way at Westpoint, even among the cadets whom some regard so harshly:

Some of the witnesses testified that if a fourth class man has conscientious convictions against fighting he is not bound to fight, if he in general lives up to the like high ideal.

That shows that these boys are not wholly uncontrolled by a moral sense. If they think a fellow is avoiding fighting, that he shows the white feather, that he is lacking in the spirit and pluck that ought to pervade the conduct and possess the instincts of a high-toned young man, they may put him through a little test, because they do not want him as a cadet, and they do not want him as an officer in the Army afterwards; but if they find that he is the real thing, that he has a conscientious conviction and is manly enough to say, "No, sir; I will not fight, I do not believe it is right," and lives up to that, they respect him. And that is the way all through life, Mr. President.

We do not care whether men agree with us or not. We respect the man that we think is doing not what we think is right, but what he thinks is right. Whenever we find a man who is pertinaciously doing what he thinks right, however erroneous we may think he is, we have instinctive respect for that man, and even these bullies at Westpoint, as this report shows, when they find a man who puts his foot down and says, "I will not fight for this or that," and they do not think that he is crawfishing or pretending, they instantly respect him.

Mr. President, I saw the other day an application for a second lieutenancy in the Regular Army, which gave me a great deal of sympathy with the applicant. An inquiry had come in response to his application whether or not he was out in the Spanish war, and therefore one of the eligibles to a military appointment under the Army act which we have just passed.

He wrote a very polite letter in reply to the Secretary of War, in which he said briefly, "No, sir; I was not a volunteer in the Spanish war, but I am the captain of a young men's baseball team, and I think I have been through a great deal more danger than those who were." [Laughter.] It is simply characteristic of our race and people all over the globe to indulge in these outrageous sports, if you wish so to call them. They play bandy, baseball, and cricket in the most hazardous fashion, and they keep up their physical vim and their mental vim, their go, their rush and go, and the steam that is in them has an outlet in these adventurous and risky games.

Now, I would not pass a statute that would reprehend and abolish all these games. I would endeavor to moderate them as much as possible, so as to reduce the risk as much as possible, to make caution and courage and the spirit of adventure go hand in hand; but unless our race has always got boys in it who always have some amongst them who are overdoing things, we will never have a race that will do enough. It is the very excess of energy and spirit and blood and disposition that is always liable to go across the line which is sure, when needed, to get up to the line.

You can not treat these cadets in Westpoint in the spirit of this maudlin sentimentality that wants to visit condign punishment, and calls on all the gods at once to go and catch a boy because he hit another a little too hard in a fight. You can not hold the fighting man up, sir, to the indignation and to the contempt of the American people by disfranchising him from holding a commission in the Army of the United States. The moment you disfranchise the man who fights at Westpoint when he ought to fight, you make him a bigger man than the man who goes into the Army without resenting an insult or fighting when he should fight, and

instead of bringing contempt upon him you will bring a feeling quite akin to it by those who are dismissed from Westpoint for lawgivers who think that young men in the country can be reared upon any such maudlin sentimentality.

It never was done, and it never will be done. We must exercise a discriminating judgment in each case, and you must have a Superintendent at Westpoint, if you have not one now, who knows how to manage young men according to their nobler feelings, not by putting them in fear always of being punished by having some savage and long-drawn out stigma of conviction put upon them for life. Do you think that young men are going to be restrained by that? The very grossness of the penalty that is put upon them would make them risk it twice.

The boys who do these excessive things have just that excessive spirit in them. It can be curbed by advice. It can be led with sympathy. It can be guided by a calm, cool, affectionate, loving hand and mind, but it can never be rooted out and it can not be crushed out by any such disposition as that which is manifested in this measure against it.

I do not doubt the good intentions of all the honored gentlemen who are on this committee; I have no words of censure for them, but I beg them to desist from any favor to an extremely harsh judgment in any of these cases.

Mr. SEWELL. Will the Senator from Virginia allow me to interrupt him for just a moment?

Mr. DANIEL. Certainly.

Mr. SEWELL. Under the law now the Secretary of War has the authority to dismiss cadets for any infringement on the rules of the Department. The law as proposed by the Senate added the other penalty—that it should be continuous in connection with appointments in the Army, Navy, and Marine Corps. I am chairman of the committee of conferees. I possess as much of the kindly feeling as does the Senator from Virginia, and I honor him for his sentiments. At the same time, that committee was positively instructed by the Senate, by the amendment adopted by them, to carry out their views. They did so. They did it in the shape of a code, instead of leaving it to the Secretary of War to made a code.

Now, I should be glad, if the Senator will allow us after he gets through, to come to a vote on this question. We are using up a tremendous amount of the most valuable time at the close of a session on a very small matter, I think.

Mr. DANIEL. There is a difference of judgment about its being a small matter. I do not think it is a small matter.

Mr. SEWELL. But where do you leave the conferees when you send this report back to them? They can eliminate the code, but they can not eliminate your own absolute judgment if the conferees of the House accept the same. It then comes back here without a code, but it comes back with that section.

Mr. DANIEL. I can show the Senator how he can do it in consonance exactly with what he has done,

Mr. SEWELL. I want to do the will of the Senate. I do not want to allow my own judgment to interfere with me in anything of that kind. I want to do what is the expressed wish of the Senate. I thought I was carrying it out. I believe I did. I believe the committee of the Senate did not go beyond their powers in any sense.

Mr. DANIEL. That is a mere opinion as to parliamentary law. It seemed to me that the substitution of this code for the Senate amendment and the adoption of general legislation on the appropriation bill was against the rule of the Senate, but I know that many opinions reign in the Senate on that subject. I am not aspersing or criticising with any asperity any gentleman who differs with me. He has as much right to his opinion as I have to mine.

But when the Senator inquires what the committee of conferees can do, and says they must leave in what the Senate left in, let me say that just as easily as they proposed this code, so to speak, in substitute for the Senate amendment, so it is just as much in order to propose on a second conference, when that is held, to keep a part of the Senate amendment and substitute for the rest a simple line punishing with dismissal one cadet for hazing another with cruelty, when found guilty by court-martial.

Mr. SEWELL. I will say to the Senator that that is the law now. Several have been punished in that way.

Mr. DANIEL. It is a regulation now.

Mr. SEWELL. It is a regulation.

Mr. DANIEL. It is not a statute.

Mr. SEWELL. It is a regulation, which is just as effective as a law.

Mr. DANIEL. A regulation can be abolished by the people who made it. This would be a statute and confirm that regulation.

Mr. SEWELL. That would comply with the view of the Senator from Virginia.

Mr. DANIEL. I am only pointing out how the Senators can do it if they want to do it. I did not say they shall do it. I do not presume to do that.

Mr. SEWELL. That would comply with the view of the Senator from Virginia. It would not take in the view of the Senator from North Carolina or that of several other Senators—the Senator from Colorado, for instance. It is very hard for the conferees to act in such a condition without instructions of some kind.

Mr. DANIEL. If the Senate should decline to ratify the conference report, it seems to me it would be the inevitable conclusion of the conferees that the Senate did not desire such provisions as are in it to obtain.

Mr. SEWELL. I will tell you what will be the conclusion of the conferees, or at least of myself. It will be that we should strike out the ten or twelve sections of the proposed statute, but we could not strike out the amendment of the Senate itself.

Mr. DANIEL. You do propose in the conference report to strike out the amendment of the Senate, and you can just as readily make the same proposition the second time as you did once. There was no impediment to the conferees when they had this in conference in proposing to strike out that amendment of the Senate, and it is just as much in order to do it again as it was in order to do it at first. If they can propose as a substitute something that met their favor, they can propose as a substitute something that meets the favor of the body they represent.

Mr. CHANDLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. I yield with pleasure. I will give the floor to the Senator from New Hampshire.

Mr. CHANDLER. Mr. President, I think it is quite true that the conferees did what they were authorized to do.

Mr. SEWELL. Certainly.

Mr. CHANDLER. That is to say, the penalty for hazing was dismissal and perpetual exclusion from office in the Army and Navy. They, however, took this long code, which had been prepared by the House committee and which I do not believe the Senate wants. It is true, as the Senator from New Jersey says, that the Senate conferees can say, "the Senate is not willing to take this code." The Senator from New Jersey then says it necessarily follows that we must accept the original Senate provision which contains this life penalty. I do not understand that that is the only possible outcome.

The Senate may adopt an amendment to a bill which a little later and before the bill becomes a law it is found the Senate does not want. I take it for granted that if it is the wish of the Senate, as expressed by the rejection of this report, that not only shall this code be not enacted into law at this time and in this way, but also that there shall not be a life penalty upon the cadets, the House conferees will agree to modify the original provision in accordance with the views of the Senate. I do not see any difficulty about it, and I do not see any necessity of giving to the conferees specific instructions. They know what the Senate wants, and they will of course make themselves the agents of the Senate in this connection.

Mr. SEWELL. I will say to the Senator from New Hampshire that we have on our record, we have in our bill, a section that requires certain things to be done. The conferees must stand by the order of the Senate, unless it is revoked or reversed. We can strike out the code, but we get back to the point where, if the House conferees concur, it settles the question on that amendment.

Mr. CHANDLER. Then the only thing to do would be to reject the conference report and have no bill. The Senate is not bound, because it has adopted inadvertently a provision which it now does not want, to take a law that contains that in it because the House conferees are willing to accept it.

Mr. SEWELL. Does the Senator advocate the idea of doing away with the appropriation bill because we can not agree on some little matter like this?

Mr. CHANDLER. I advocate this: If the Senate has inadvertently adopted an amendment which it now does not want, and that fact is stated to the House conferees, I am in favor of inducing them to accept a modification, and most certainly I should vote to defeat the final passage of a bill rather than take an amendment which the Senate had inadvertently made and which, upon reflection, it did not want.

Mr. TILLMAN. Mr. President——

Mr. SEWELL. Under any circumstances, I hope we will get through with the debate. We have occupied all day on this matter, to the exclusion of other and more important business, in my opinion. Will not the Senator from South Carolina allow us to have a vote?

Mr. TILLMAN. I will after I have answered a few things that have been said. I hope the Senator will not draw the line on me. He has not begged anybody else to stop.

Mr. SEWELL. No; but your answer will bring forth somebody else.

Mr. TILLMAN. Possibly not. I will try to be more moderate than I was a while ago.

Mr. President, I have listened with a great deal of astonishment to some things said here this evening, and my own wishes in regard to this matter, if I could have my way, are somewhat mixed. In other words, I agree with some things on both sides of this contention; but as we are in a situation where we are compelled, it appears, under the construction of the chairman of the conference committee, to stand by the expulsion from the Academy and the disfranchisement for life, as some gentlemen have characterized it, because the Senate ordered it and the House agreed to it, and the House conferees have come back with a signed report agreeing to that provision, I do not see how we can help ourselves unless, as the Senator from New Hampshire says, we reject the whole bill.

Mr. DANIEL. Will the Senator from South Carolina allow me?

Mr. TILLMAN. Certainly.

Mr. DANIEL. The House has not agreed to the Senate amendment at all.

Mr. TILLMAN. The House conferees have.

Mr. DANIEL. No.

Mr. TILLMAN. Oh, yes. They have sent here a signed report asking us to agree to it.

Mr. DANIEL. They have agreed to it with a substitute for it.

Mr. TILLMAN. Yes; but the substitute carries with it the very same thought, the very same purpose——

Mr. DANIEL. That is true.

Mr. TILLMAN. Of punishing these men at Westpoint who are guilty of hazing with dismissal and with inability ever to get into the Army or Navy of the United States by appointment.

Mr. DANIEL. The minds of the House and the Senate have never yet agreed.

Mr. TILLMAN. The minds of the Senate conferees and the House conferees have agreed.

Mr. SEWELL. Mr. President——

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

Mr. TILLMAN. Oh, certainly. I never did refuse to yield to any Senator. I have sometimes been cut off and have not been allowed to interrupt, but I have never yet refused to allow any Senator to interrupt me, and I never expect to.

Mr. SEWELL. I will say to the Senator from South Carolina and also to the Senator from Virginia that the situation is simply this: The original amendment of the Senate is not beyond amending, provided that we conclude to strike out the ten sections of the proposed law. If we do that, we are then in the position of having that section. The House conferees will say, "We accept that section." Where are we then?

Mr. CHANDLER. I answered that question. It is very simple. Thereupon the Senate conferees will say to the House conferees, "On second thought, we do not want the original amendment precisely as we sent it to you. We ask you to accept our amendment with an amendment, because that is the judgment of the Senate;" and the House conferees will do it, of course.

Mr. TILLMAN. I am going to get through with what I have to say and let there be a vote, and I am not going to submit to any more interruptions from any source.

Mr. CHANDLER. Mr. President——

Mr. TILLMAN. I have to take that back. I never could decline, under any conditions, to let the father of the Senate interrupt me.

Mr. CHANDLER. Will the Senator promise not to interrupt anybody else if we will not interrupt him?

Mr. TILLMAN. I have the floor. I may interrupt the Senator's feelings, but I will not interrupt him.

Mr. ALLISON. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. ALLISON. I do not see that this bill has passed into a condition where we can neither go backward nor forward. The report, I understand, has not been agreed to by the House. It is made first in this body. Therefore if we shall disagree to the report and reject it, then the bill is in this condition. I submit to the Chair now the question of order. One method of dealing with this bill afterwards will be to recede from this amendment to which we have agreed, which will carry the bill back to the House without this amendment. We can recede from any amendment here, as I understand the rule, after the report is rejected. We can recede from our amendment so as to bring the House and ourselves together, or we can ask for another conference, and the whole question will be open to the two Houses in conference.

I think we can go further and instruct the conferees. We do that in exceptional cases, where there is great difficulty. But if we can recede, it seems to me we can recede with an amendment and see whether or not we can get the consensus of opinion here as respects what we are in favor of before we return this matter to the House. I think that can be done, Mr. President. I merely make this suggestion to the Senator from New Jersey.

Mr. SEWELL. Will the Senator from South Carolina allow me for one moment? The experience of the Senator from Iowa in these matters has been very much greater than mine, and yet I do not see how, under the circumstances, when the matter is in the hands of conferees, you can recede from an amendment; how you can mix up things in that way. I do not know of any experience that I have had that would warrant me in saying it could possibly be done.

Mr. WOLCOTT. I desire to ask the Senator from Iowa if another procedure would not be to let the bill be recommitted to the committee.

Mr. ALLISON. I think not. I think that would not be in order.

Mr. WOLCOTT. Has it passed beyond that stage?

Mr. ALLISON. It has passed beyond that stage. It has passed to a stage where we must endeavor to get the two Houses together on an agreement.

Mr. CHANDLER. Could not the Senate reconsider the passage of the bill after rejecting the conference report?

Mr. ALLISON. I think so.

Mr. TILLMAN. I do not think we are ever going to agree as to what the two conference committees can do. We will have to decide first whether we are going to send it back to them or whether we are going to adopt it.

As I said a moment ago, there are some things in the report that I wish were not there; but, even though you leave in that drastic or Draconian provision about the perpetual disfranchisement from holding office in the Army, I confess I would rather see the bill as it is now pass and become the law than to see our own bill, as we originally adopted it, become the law, for the reason that beyond any possibility of doubt the House committee which went to Westpoint, and, after a long and thorough investigation, have made a report covering all the ground, which to my mind is a calm and judicial document, as far as I have been able to examine it, have endeavored, without any malice aforethought or any effort to enact any Draconian provisions, to root out the evil of hazing, and forbid and perpetually extirpate it from that institution.

If we go back to the Senate provision without some more explicit language, we return, as the Senator from New Jersey has said half a dozen times, to the existing provision except as to punishment. That is all. Because the Superintendent and the Secretary of War now have certain powers—not as much as some Senators seem to think—because I will call your attention to a paragraph in the House report, in which it is said:

> The present Superintendent at one time being unable with the means at hand to discover the perpetrators of certain offenses, attempted to convene a court of inquiry to aid him in doing so, but the War Department held such proceeding was unauthorized.

Then in regard to the explicit description of hazing, to which objection has been made, listen to what the committee says. They have been on the ground and know whereof they speak.

> The ingenuity of cadets in inventing new forms of hazing is so great that it is impossible to name and describe them all in a statute, and for this reason the sixth section of the proposed bill directs all forms not specifically described to be suppressed under regulations lawfully made. Prior to June, 1879, regulations of the Academy required cadets to answer all questions touching breaches of discipline, but at that time an amendment to paragraph 125 exempted a cadet from answering questions if the answer would criminate him.
>
> Your committee thinks this amendment was intended to be literally construed; that it was intended only to exempt the cadet where his answers would subject him to the criminal law in the ordinary course of its administration, and not when his answers would simply subject him to discipline while at the Academy. Doubtless in the administration of such discipline one should be protected against the use of his answers in a criminal proceeding against him, and we think this was the intention of the amendment in question. Its construction by the cadets has been wholly different from this. They have always construed it to mean that no cadet need answer any question if the answer would tend to subject him to discipline.

Now, we have had the opinion of able lawyers here that that section of the conference report, which is section 8, is unconstitutional, because it destroys the right of a man not to criminate himself as guaranteed by the Constitution. Without discussing that phase of the subject, I wish to call the attention of Senators—and on it I base my whole contention and the vote I am going to give on this question—to the fact that this committee of the House, which went there and examined on the ground for themselves this whole question, thought it necessary to go more into detail and be more specific in describing what hazing was and providing how it should be found out and the proofs, and all that kind of thing, as well as recommendations for the better disciplining of the corps.

I pointed out here a moment ago that only 11 of the 71 officers in charge of that Academy have anything to do with maintaining discipline. This report goes on to state that the Superintendent does not consult the teachers as to the discipline of the school; that he issues his orders in regard to what the rules and regulations shall be without having a word to say to the professors, and that therefore, with the various changes in the Superintendents and in the regulations which succeeding Superintendents have provided, there is a voluminous code of regulations there which

are hard to be understood, and many of them have fallen into disuse.

Now, to go back to another point, I do not want to be considered as having a great contempt for Westpoint. I said some pretty harsh things here to-day about these cadets being dogs and brutes. Well, I am used to saying things that I mean, and I try to find the plainest words I can get to express my thought. I contend that when a lot of old boys, toughened boys, experienced boys, stronger boys, select from among the green and callow youths who have come from their homes, homesick, you might say, and put them through all the harrowing details of cruelty and savagery to which you have listened in the report there, they not only subject these youngsters to conditions which make them dogs, but those who do it are worse than dogs, and I am almost ready to apologize to a dog for a comparison to him, because no big dog will ever touch a little fice. [Laughter.]

Now, one Senator here, in fact three Senators, felt called upon to defend Westpoint. Westpoint needs no defense. The comparison was made and illustrations were given of Grant and Sheridan and Sherman and Lee and Jackson and all the other grand galaxy of military heroes that the civil war produced as having been the fruits of Westpoint drill. But the Senator from Colorado himself pointed out that this system of brutal hazing grew up in 1866, when all of those worthies had got their training in the earlier days of the Academy and had never been known or heard of as having indulged in any such dirty, filthy, abominable tricks as these. Those men, I say, can not be brought forward here as exemplars to bolster up and give the Senate any excuse for not extirpating from this Government school these horrid and villainous practices which are now disgracing it and causing the people of this country to hold up their hands in horror and ask the Senate of the United States and Congress to do something to bring it back to a respectable condition of discipline and of order and of decency.

Mr. President, when I think about the idea of a poor young boy, 17 or 18 years old, being subjected to all the cruelties which have been described in minute detail, when he is fresh from home, I say the cadets who have been guilty of it are brutes. They make these youngsters submit to things which are degrading and cause them to lose that self-respect which when once a gentleman has lost it and has become so cowed and so pitifully debased that he can not stand up and fight when he is insulted and imposed upon, he feels forever afterwards that he has lost that manhood which at last is the thing which differentiates men. There are all kinds of men. One of the poets long since described the kind of man I would have our Westpoint officers to be:

> The bravest are the tenderest;
> The loving are the daring.

Unless we do something here, and do it specifically, not in general language, leaving it to the Secretary of War, who will himself possibly be so busy with other things that this institution will soon lapse back into the same condition of brutal mismanagement. I want to say here that from the evidence I read and the report later on I find the officers there are doing all they can under the regulations. I apologize to them for saying they ought to be disciplined. But we ought to hold up their hands and give them the power and give them the necessary assistance to have the Academy properly managed. As so many other Senators have given the conferees advice, I will express the hope that if we send this back they will hold to all the essentials in their report and that they will make it so comprehensive in describing what hazing is, giving a definition other than a general one, that hereafter no Superintendent and no Secretary of War either will have any excuse for having any of these brutal practices continued there.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

Mr. SEWELL and Mr. TILLMAN called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. He has informed me how he would vote, and I will vote. I vote "nay."

Mr. KEAN (when Mr. HALE's name was called). I am paired with the senior Senator from Maine [Mr. HALE] on this question.

Mr. MONEY (when his name was called). I have a general pair on political questions with the Senator from Oregon [Mr. MCBRIDE], but I do not consider this a party question, and I shall vote. I vote "yea." If anybody challenges the vote, I will withdraw it.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If I were allowed to vote, I should vote "nay."

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. WARREN (after having voted in the affirmative). I desire to state that I have a pair with the Senator from Washington [Mr. TURNER], but under an arrangement with him I am permitted to vote on certain questions. He is detained from the Senate, and I felt at liberty to vote on this question.

The result was announced—yeas 18, nays 42; as follows:

YEAS—18.

Allen,	Harris,	Pettigrew,	Teller,
Carter,	Kyle,	Sewell,	Tillman,
Cockrell,	McLaurin,	Shoup,	Warren.
Hanna,	Money,	Simon,	
Hansbrough,	Nelson,	Sullivan,	

NAYS—42.

Allison,	Daniel,	Lindsay,	Quarles,
Bacon,	Deboe,	Lodge,	Rawlins,
Bate,	Depew,	McComas,	Spooner,
Berry,	Dolliver,	McCumber,	Stewart,
Butler,	Fairbanks,	McEnery,	Thurston,
Caffery,	Foster,	McMillan,	Turley,
Chandler,	Frye,	Martin,	Vest,
Clapp,	Gallinger,	Morgan,	Wetmore,
Clay,	Hawley,	Perkins,	Wolcott.
Culberson,	Jones, Ark.	Platt, Conn.	
Cullom,	Kearns,	Pritchard,	

NOT VOTING—28.

Aldrich,	Dillingham,	Kean,	Platt, N. Y.
Baker,	Elkins,	Kenney,	Proctor,
Bard,	Foraker,	McBride,	Quay,
Beveridge,	Hale,	Mallory,	Scott,
Burrows,	Heitfeld,	Mason,	Taliaferro,
Chilton,	Hoar,	Penrose,	Turner,
Clark,	Jones, Nev.	Pettus,	Wellington.

So the conference report was rejected.

Mr. SEWELL. I move that the House be informed of the action of the Senate, and that the Senate request a new conference on the bill and amendments.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate further insist upon its amendments and ask for a further conference.

Mr. BACON. I should like to inquire as a matter of parliamentary information whether there is now in order a motion that the Senate shall recede from the amendment which is attached to the House bill? The particular amendment we have had under discussion is the one I refer to.

The PRESIDENT pro tempore. There is no reason, in the opinion of the Chair, why the Senate may not recede.

Mr. BACON. Then, if that is in order, I move that the Senate recede from its amendment.

Mr. BERRY. That takes it out altogether.

Mr. SEWELL. All the other amendments have been agreed to by the conferees.

The PRESIDENT pro tempore. The Senator from Georgia will restate his motion.

Mr. JONES of Arkansas. While the Senator is preparing the statement he wants to make, I should like to make a parliamentary inquiry. The Senator from Georgia, I understand, proposes now to have the Senate recede from its amendment which provided a punishment for hazing. I wish to say that rather than have no punishment for hazing I would vote for what is accepted by the conference committee. If the proposition is made to abandon all legislation against hazing, I should like to know if there is any motion to be made by which the Senate can recede from its recent action and adopt the conference report. I would rather have that than no legislation at all.

Mr. TELLER. If we recede, will the conference committee have any jurisdiction at all?

Mr. LODGE. None whatever.

Mr. TELLER. Then we had better let it go back.

Mr. TILLMAN. And insist upon our amendment.

The PRESIDENT pro tempore. The committee of conference will have no jurisdiction unless there are other amendments in dispute.

Mr. TELLER. There is no other amendment. If we recede, the whole matter is taken away from the conference and there will be no legislation whatever.

Mr. CHANDLER. On that subject.

Mr. TELLER. On that subject.

Mr. CULLOM. At the same time, if it goes back with a disagreement to the report, they can agree upon whatever they desire.

Mr. TELLER. If it goes back on our rejecting it, they can come to some agreement about it and bring it here again.

Mr. SEWELL. There is no question about what the Senator from Colorado says on the subject. If it goes back as it is we may agree on something that may be satisfactory to the Senate. If the Senate recedes, it takes the matter entirely out of the hands of the conference.

Mr. BACON. I will withdraw the motion.

The PRESIDENT pro tempore. The Senator from Georgia withdraws the motion. The question is on the motion of the Senator from New Jersey [Mr. SEWELL], that the Senate still further

insist on its amendment and request a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. SEWELL, Mr. WARREN, and Mr. HARRIS were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 2623) granting a pension to Melville Oliphant;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 8658) granting an increase of pension to Edwin G. Fay;

A bill (H. R. 10706) granting a pension to Flora Moore;

A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;

A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;

A bill (H. R. 12415) granting an increase of pension to Carrie Otis Wallace;

A bill (H. R. 12526) granting an increase of pension to Alexander C. Scott;

A bill (H. R. 12616) granting an increase of pension to Nancy T. Hardy; and

A bill (H. R. 13134) granting an increase of pension to William P. Rucker.

The message also announced that the House insists upon its amendments to the bill (S. 323) granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one-quarter section of public land on said reservation as pasture or grazing land, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. BURKE of South Dakota, and Mr. SHAFROTH managers at the conference on the part of the House.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. Mr. President, after this brief interruption of the Post-Office appropriation bill I suggest that perhaps the Senate is in a mood to return to it. I should like to inquire through the medium of the Chair if the Senator from North Carolina [Mr. BUTLER] is prepared to proceed with his remarks this evening?

Mr. BUTLER. Mr. President, I do not care at this late hour to take up the remarks that I discontinued at a late hour yesterday afternoon, and for two reasons: It is too late to take up that question by piecemeal, for I hope when it is taken up again that I can finish my remarks without having them broken into. In the next place, the Senate is tired and I am not feeling very well; I have a slight headache.

Mr. WOLCOTT. I have been appealed to by several Senators to give way to unopposed bills. I should like to give notice that to-morrow morning, at the close of the routine morning business, I shall ask to call up the Post-Office appropriation bill, and I request that I shall not be asked to give way for the passage of any measures. We have still some minutes, and Senators have asked me to give way now for the opportunity of a few moments to put through their measures. At the close of the routine morning business to-morrow I shall ask the Senate to proceed with the Post-Office appropriation bill until we finish it.

WILLIAM T. PRATT.

Mr. COCKRELL. I ask unanimous consent for the present consideration of an unobjected House bill that was passed over the other day by mistake, or we did not reach it. It is House bill (H. R. 5553) to correct the military record of William T. Pratt.

Mr. WOLCOTT. Is there a report?

Mr. COCKRELL. There is a favorable report from the Committee on Military Affairs.

Mr. WOLCOTT. The Senator from Missouri usually asks for the reading of the report. I fancy he would appreciate it if I ask to have the report read.

Mr. COCKRELL. There is no objection to it in the world.

Mr. WOLCOTT. All right.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of a bill which will be read.

Mr. COCKRELL. Let the report be read.

Mr. WOLCOTT. I do not care to have it read.

The Secretary read the bill (H. R. 5553) to correct the military record of William T. Pratt; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. In line 7 I move to strike out the words "issue a certificate of honorable discharge" and insert the words "substitute therefor 'died November 28, 1864.'"

Mr. GALLINGER. How will the bill then read?

The Secretary read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of William T. Pratt, late a private of Company A, Fifty-first Regiment Indiana Volunteer Infantry, and substitute therefor "died November 28, 1864."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. MASON. I ask unanimous consent for the present consideration of the bill (S. 5925) to revive and amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monogahela River." It is a bill which has been favorably reported from the Committee on Commerce and is recommended by the Department.

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

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

ADDITIONAL DISTRICT JUDGE IN MINNESOTA AND NEBRASKA.

Mr. THURSTON. I ask unanimous consent for the present consideration of the bill (S. 3852) providing for an additional district judge in the districts of Minnesota and Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add as a new section the following:

SEC. 2. The senior circuit judge of the eighth circuit, or the resident circuit judge within the district, shall make all necessary orders for the division of business and the assignment of cases for trial in each of said districts.

The amendment was agreed to.

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

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

PREFERENCE IN CIVIL APPOINTMENTS.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (S. 5417) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments for ex Army and Navy officers.

Mr. KEAN. I think that is too important a bill to be taken up at the present moment, Mr. President.

The PRESIDENT pro tempore. The bill is objected to, and goes over.

CIRCUIT COURTS OF APPEAL.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of Senate bill 5732, in relation to circuit courts of appeal.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of a bill, which will be read in full for the information of the Senate.

The Secretary read the bill (S. 5732) to amend section 7 of an act entitled "An act to establish circuit courts of appeal and to define and regulate, in certain cases, the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. CHANDLER. I should like to have the Senator from Indiana state briefly how much this bill proposes to change the existing law.

Mr. FAIRBANKS. It changes it by giving to the plaintiff the right of appeal from an order refusing an injunction.

The act creating the United States circuit courts of appeal authorized an appeal from an interlocutory order or decree granting or continuing an injunction, but not from an order refusing or dissolving an injunction. This act was amended February 18, 1895, so that an appeal would lie from such interlocutory order or decree granting, continuing, refusing, dissolving or refusing to dissolve an injunction. Both the plaintiff and defendant are thus put upon an equal footing as respects the right of appeal.

The act was again amended June 6, 1900. This amendment provided for an appeal in cases where a receiver is appointed. It amended the original act instead of the first amendment, and repealed the latter.

The pending amendment simply restores the provisions of the first amendment, giving an appeal to the plaintiff in an injunction case and retaining the provision of the second amendment giving appeals in receivership cases.

The bill seeks to place the plaintiff and defendant in injunction and receivership cases on an absolute equality as respects the right of appeal.

There is a strong and urgent demand from the bar for the passage of this bill.

Mr. TELLER. Mr. President, until 1895 it had never been the practice that an appeal would lie from a refusal to grant an injunction. That got into the statutes in some way, and later on it got out, and this is a proposition to restore it.

I do not want to object to the consideration of the bill, but I want to enter my protest against it. I did not agree to it in the committee and I do not agree to it now. It is a vicious thing to allow an appeal from a mere refusal to grant an injunction. It enables parties who have really no claim to go before court and ask for an injunction, and when the court says "No; you have no case," they can by such an appeal tie up the property and get into litigation. It opens the door for blackmailing, and particularly in the Western country; for instance, in the case of a mining claim or something of that kind. It is vicious, but I do not want to object to the consideration of the bill, because a majority of the committee reported it. I want to say, though, it is not a good bill, and it ought not to become a law.

Mr. THURSTON. Mr. President, permit me to state that this is a bill which was brought to the attention of Congress through the American Bar Association, and the bill was drafted by that association. The necessity for it has been very apparent to the bar of the country. They were so much interested in it that they sent here a committee of leading lawyers, who appeared before the Judiciary Committee and presented it to our consideration.

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

Mr. NELSON. I should like to have the bill again read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary proceeded to read the bill.

Mr. BUTLER. Mr. President, this is clearly a very important bill. Able lawyers in the body differ in their opinion regarding it; and there are other Senators here who have unobjected bills, which they want to put through, so I ask that the bill go over. It may be brought up at another time.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

ESTATE OF ELI AYRES.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (S. 3513) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayres, deceased.

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

Mr. ALLISON. Let the bill be read, Mr. President.

The PRESIDENT pro tempore. The bill will be read, but it has been heretofore read several times.

Mr. SULLIVAN. I will state to the Senator from Iowa that the bill has been often read.

The Secretary read the bill.

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

Mr. SULLIVAN. I will state that the report shows that the amount originally named in the bill was cut down so as to carry the actual amount paid. As the bill is amended it is not for the payment of $744,960 or anything of that kind, but it is for the payment of $155,200, the value of the land at the time it was taken, and the actual amount paid for it. The report, which is acceptable to those who are interested in the matter, cuts the claim down to the amount I have stated.

Mr. ALLISON. It occurs to me, although I believe it has been intimated by the Chair that this bill has been frequently read, that I have not had the pleasure of hearing it before. It seems to me an important bill relating to a very old transaction, and it ought to take, I think, more time than the Senate can now give to it, unless Senators generally are familiar with it. I am not, and therefore I am constrained to object to its immediate consideration.

Mr. SULLIVAN. I desire to say, before objection is entered, that if the Senator has not heard this bill read heretofore it is his own fault, as it has been read in the Senate time and again.

Mr. ALLISON. Certainly it is my own fault.

Mr. SULLIVAN. It has been read and reported, not only from the Committee on Claims of the Senate time and again, but it has been reported from committees of the House of Representatives time and again. There has never been an adverse report upon the bill.

The age of the claim, instead of being an argument against its consideration, affords that much more reason why it should now be considered. It is a remarkable thing, when a claim has been permitted to pass along for sixty years without a settlement, that that should be a reason alleged here to-day why it should not be now considered. This man's property was taken from him sixty years ago, and to-day the United States is asked to pay back the value of what it took. I ask the Senator whether, under these circumstances, he insists upon his objection?

Mr. ALLISON. Mr. President, I do not see how it is possible to consider this bill intelligently to-night, and therefore I am constrained to object to its consideration at this time.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

JOHN SHELTON.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of Senate bill 2397.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the present consideration of a bill, the title of which will be stated.

Mr. SULLIVAN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. PRITCHARD. I will state to the Senator that the bill for which I desire consideration is not a bill making any appropriation of public money. It is merely to correct the military record of a citizen of my State; and I hope the Senator will withdraw his objection.

Mr. SULLIVAN. If it is not for the payment of any money, I will withdraw the objection.

Mr. PRITCHARD. It is not. It is, as I have stated, merely to correct a military record.

Mr. SULLIVAN. I withdraw the objection.

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

The bill (S. 2397) to correct the military record of John Shelton was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of John Shelton, late of Company E, Second North Carolina Mounted Infantry, by entering his name on the muster rolls of said regiment and company as first lieutenant, and issuing to him a certificate of such service as first lieutenant.

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

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

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

SUBPORT OF EVERETT, WASH.

Mr. FOSTER. I ask unanimous consent for the present consideration of Senate bill 5817. I will state that it is a bill extending the privileges of immediate transportation of dutiable merchandise without appraisement to the port of Everett, in my State. It involves no appropriation, and I hope there will be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5817) extending to the subport of Everett, Wash., the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

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

BONDS OF PIMA COUNTY, ARIZ.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CARTER. I move that the Senate agree to grant the conference requested by the House of Representatives.

Mr. PETTIGREW. I ask to have that lie over. I want to examine it, so as to see what the situation is in regard to it. I understand the House has disagreed to all of the Senate amendments. I shall try my best to prevent the passage of the bill unless the Senate amendments are agreed to. If consideration of the matter is to be insisted upon now, I shall make the point that there is no quorum present.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after three minutes spent in executive session the doors were reopened and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 20, 1901, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1901.

SECOND JUDGE OF CIRCUIT COURT OF HAWAII.

George D. Gear, of the Territory of Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii, vice R. B. Silliman, resigned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 19, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, by direction of that committee, submits the following general deficiency bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order. The bill will be printed and referred to the Calendar of the Whole House on the state of the Union.

PIMA COUNTY, ARIZ.

The SPEAKER laid before the House the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Arizona Territory, to issue fifty-year 5 per cent bonds of Pima County, Arizona Territory, to redeem certain funded indebtedness of said county, with Senate amendments.

The Senate amendments were read.

Mr. KNOX. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced as managers on the part of the House Mr. KNOX, Mr. FLETCHER, and Mr. FINLEY.

DANIEL COONAN.

The SPEAKER also laid before the House the bill (S. 3288) for the relief of Daniel Coonan with a House amendment nonconcurred in by the Senate?

Mr. HULL. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER announced as managers on the part of the House Mr. CAPRON, Mr. STEVENS of Minnesota, and Mr. JETT.

JACOB L. HANGER.

The SPEAKER also laid before the House the bill (H. R. 2430) for the relief of Jacob L. Hanger, alias William P. Graham, with a Senate amendment.

The Senate amendment was read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

FREDERICK A. NOELLER.

The SPEAKER also laid before the House the bill (H. R. 3825) to grant an honorable discharge to Frederick A. Noeller, with a Senate amendment.

The Senate amendment was read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

DETAIL OF RETIRED OFFICERS OF ARMY AND NAVY.

The SPEAKER also laid before the House the bill (H. R. 4742) to amend section 1225 of the Revised Statutes so as to provide for detail of retired officers in the Army and Navy to assist in military instruction in schools, with Senate amendments.

The Senate amendments were read.

Mr. MARSH. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. RICHARDSON of Tennessee. I would like to ask, Mr. Speaker, what the Senate amendments do; what changes they make?

Mr. MARSH. I will say that the House bill provided for the detail of retired Army officers and retired noncommissioned officers to the schools of the country. The Senate amendments strike out the noncommissioned officers.

Mr. RICHARDSON of Tennessee. Then, as I understand it, the work will be limited alone to the commissioned officers.

Mr. MARSH. To the commissioned officers on the retired list.

The motion of Mr. MARSH was agreed to.

PALMER G. PERCY.

The SPEAKER also laid before the House the bill (H. R. 7602) to correct the military record of Palmer G. Percy, with a Senate amendment.

The Senate amendment was read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

PROTECTION OF BIRDS AND GAME.

The SPEAKER also laid before the House the bill (H. R. 11881) entitled "An act to amend an act entitled 'An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed season, in the District of Columbia,'" with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker appointed as managers on the part of the House Mr. BABCOCK, Mr. JENKINS, and Mr. MEYER of Louisiana.

REFORM SCHOOL FOR GIRLS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House amendments of the Senate to the bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888.

The amendments were read.

Mr. JENKINS. I move that the House concur in the amendments of the Senate.

Mr. UNDERWOOD. Before the gentleman asks us to vote upon that motion, I hope he will explain the effect of these amendments.

Mr. JENKINS. The Clerk has reported them. They are to strike out in lines 15 and 16, page 2, the words "committing any;" and to strike out in line 16, page 2, after the word "made" down to and including the word "prison," in line 18, and insert "upon probable cause shown to the satisfaction of the court."

Mr. UNDERWOOD. I have no doubt that the amendments, as the gentleman states them, are very clear to him; but to some of us who are not so familiar with the bill they are practically unintelligible.

Mr. JENKINS. I will say to the gentleman from Alabama [Mr. UNDERWOOD] that this bill, having passed the House, went to the Senate, where it was amended as reported by the Clerk. The object of the bill is to bring into harmony the law governing the Reform School for Girls with the law governing the Reform School for Boys. The bill makes very slight changes in the present law, and the amendments made by the Senate are entirely proper.

Mr. UNDERWOOD. They tend to bring the bill into harmony with the present law respecting the other institution?

Mr. JENKINS. Entirely so. That is the only object of the change.

The question being taken, the motion of Mr. JENKINS to concur in the amendments of the Senate was agreed to.

JOHN H. GAUSE AND OTHERS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others.

The amendments were read.

Mr. JENKINS. I move that the House concur in these amendments.

The motion was agreed to.

UNITED STATES DAUGHTERS OF 1812.

The SPEAKER also laid before the House amendments of the Senate to the bill (H. R. 8067) to incorporate the National Society of United States Daughters of 1812.

The amendments were read.

Mr. MUDD. I move that the House concur in these amendments.

The motion was agreed to.

MEDAWAKANTON BAND OF SIOUX INDIANS.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 10869) for the relief of the Medawakanton Band of Sioux Indians, residing in Redwood County, Minn.

The amendments were read.

Mr. HEATWOLE. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

CRUISE OF REVENUE-CUTTER BEAR.

The SPEAKER also laid before the House the amendments of the Senate to the following concurrent resolution of the House:

Resolved by the House of Representatives (the Senate concurring), That there be printed 8,500 copies of the "Cruise of the U. S. revenue-cutter *Bear*" and the "Overland expedition for the relief of the whalers in the Arctic Ocean from November 27, 1897, to September 13, 1898," being Treasury Department document No. 2101, division of Revenue-Cutter Service; 5,000 copies for the use of the House of Representatives, 2,500 copies for the use of the Senate, and 1,000 copies for the use of the division of Revenue-Cutter Service, Treasury Department.

The amendments of the Senate were read, as follows:

In line 3 strike out "8,500" and insert "5,000."
In line 11 strike out "5,000" and insert "2,500."
In line 12 strike out "two" and insert "one."

Mr. HEATWOLE. I move that the Senate amendments be concurred in.

The motion was agreed to.

BRIDGE ACROSS LUMBER RIVER, ROBESON COUNTY, N. C.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C.

The amendments were read.

Mr. HEPBURN. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

BRIDGE ACROSS LITTLE RIVER, ARKANSAS.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 13635) to authorize the construction of a bridge across Little River at or near mouth of Big Lake, State of Arkansas.

The amendments were read.

Mr. HEPBURN. I move that the House concur in the Senate amendments.

The motion was agreed to.

INSPECTORS OF HULLS AND BOILERS.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 13782) to amend section 4427, Title LII, of the Revised Statutes, relating to inspectors of hulls and boilers.

The amendments were read.

Mr. GROSVENOR. I move that the House concur in the amendments of the Senate.

The amendments were concurred in.

PENSION BILLS WITH SENATE AMENDMENTS CONCURRED IN.

The SPEAKER laid before the House the following House bills with Senate amendments, in which amendments Mr. SULLOWAY moved that the House concur; which motion that the House concur in the amendments to each of said bills was agreed to:

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 2623) granting a pension to Melville Oliphant;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 8658) granting an increase of pension to Edwin G. Fay;

A bill (H. R. 10706) granting a pension to Flora Moore;

A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;

A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;

A bill (H. R. 12526) granting an increase of pension to Alexander C. Scott; and

A bill (H. R. 13134) granting an increase of pension to William P. Rucker.

The SPEAKER also laid before the House the following House bills with Senate amendments, in which Mr. LOUDENSLAGER moved that the House concur; which motion that the House concur in the Senate amendments to each of said bills was agreed to:

A bill (H. R. 12415) granting an increase of pension to Carrie Otis Wallace; and

A bill (H. R. 12616) granting an increase of pension to Nancy T. Hardy.

FORT FETTERMAN MILITARY RESERVATION IN WYOMING.

The SPEAKER also laid before the House the bill (S. 323) granting homesteaders on the abandoned Fort Fetterman Military Reservation, Wyo., the right to enter one quarter section of public land on said reservation as pasture or as grazing land, with House amendments thereto, to which the Senate disagrees, and on which disagreement the Senate asks a conference.

Mr. LACEY. Mr. Speaker, I move that the House insist on its amendments, and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LACEY, Mr. BURKE of South Dakota, and Mr. SHAFROTH.

LEAVE OF ABSENCE.

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

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

To Mr. FREER, for four days, on account of important business.

To Mr. BUTLER, for one day, on account of sickness in his family.

WILLIAM ROBINSON.

On motion of Mr. MOON, by unanimous consent, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of William Robinson, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE TO PRINT ON ST. LOUIS EXPOSITION BILL.

On motion of Mr. TAWNEY, by unanimous consent, general leave to print was granted on the St. Louis Exposition bill for ten days, on condition that such remarks as may be printed by members be confined to the subject-matter of said bill.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill. I ask unanimous consent that the reading of the report be dispensed with, and that in its stead the statement of the House conferees be read.

The SPEAKER. The gentleman from New York presents a conference report on the Indian appropriation bill and asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I will ask if this is a complete report?

Mr. SHERMAN. Mr. Speaker, this is but a partial report, but it disposes of all questions save those arising out of five amendments, relating to the irrigation of arid lands, to minerals, to the closing of the Choctaw rolls, and to the so-called Sisseton and Wahpeton claims. Those are still in dispute.

Mr. RICHARDSON of Tennessee. They are not embraced in this report?

Mr. SHERMAN. They are not embraced in this report.

Mr. RICHARDSON of Tennessee. If the gentleman will indulge me, I was going to suggest while I was on the floor that probably it would be well to print the report in the RECORD, although I do not ask to have it read.

Mr. SHERMAN. Oh, yes; I should like to have the report printed in the RECORD, certainly.

The SPEAKER. The request of the gentleman is coupled with a demand for the printing in the RECORD of the conference report in full.

Mr. CANNON rose.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. SHERMAN. Certainly.

Mr. CANNON. Mr. Speaker, I want to make a suggestion, that if this report should lead to debate, I hope the gentleman will consent that it go over.

Mr. SHERMAN. Oh, certainly; I think it will not lead to debate, but if it takes any time I will ask that it be laid aside so that the gentleman may proceed with the sundry civil bill.

The SPEAKER. Without objection, the gentleman's request will be complied with and the statement will be reported.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) 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, 1902, 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 5, 8, 10, 12, 16, 17, 18, 24, 29, 34, 41, 43, 49, 53, 64, 71, 73, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 9, 14, 15, 19, 22, 28, 30, 31, 32, 35, 36, 37, 38, 42, 44, 46 47, 48, 54, 55, 57, 60, 61, 63, 67, 68, 70, 74, 75, 76, 77, 78, 80, 81, 81, 83, 84, 85, 86, 87, 88 89, 90, 91, 92, 93, 94, 95, and 96, and agree to the same.

Amendment numbered 1: That the Senate recede from its amendment numbered 1, and agree to the same with an amendment as follows: In lieu of the words "fifty-two" in the Senate amendment insert "forty-nine;" and the House agree to the same.

Amendment numbered 11: That the Senate recede from its amendment numbered 11, and agree to the same with an amendment as follows: In lieu of the words "eighty-one thousand five" in the Senate amendment insert "seventy-seven thousand six;" and the House agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all of said Senate amendment and after the word "each," in line 19, page 6, of the bill, insert the following: "; to enable the Secretary of the Interior to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, the propriety of commuting their annuities, and to investigate and report upon the character of reservations, the area used by the Indians and the areas needed for their use, whether the reservation is composed of mineral or agricultural lands, and whether the reservation or any part thereof is better fitted for the purposes of forestry than for agriculture, and how the same shall be administered, and the area of mineral land, $5,000 in all;" 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 an amendment as follows: Strike out all that portion of said amendment down to and including the word "and," in line 3; so that the amendment will read: ", subject only to such examination as to qualification as the Secretary of the Interior may prescribe;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all of that portion of said amendment after the words "ninety-four," on line 7 of the amendment, and insert a period (.) after the word "four;" 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: Strike out all of said Senate amendment and in lieu thereof insert the following:

"That the Secretary of the Interior is hereby authorized and directed to

examine the accounts of Indian traders with the Osage Indians at the Osage Agency, and to determine the sums equitably due to such traders from such Indians, and to adjust their accounts upon the basis of a fair profit upon the goods which have been sold by such traders to such Indians, and when the amounts due as aforesaid shall have been determined and adjusted, the Secretary of the Interior is hereby authorized to pay, by a disbursing officer selected by the Secretary for that purpose, to the Osage Indians per capita the amount which has been collected as rent of pasture lands and any accumulated interest other than their regular annuities which has not been heretofore paid to them: *Provided*, That when it shall appear to such disbursing officer that any such Indian, either as an individual or as the head of a family, is indebted to a trader or traders at such agency, as the same shall have been determined and adjusted, in an amount equal to or exceeding said per capita payment, such disbursing officer shall pay the per capita share due to said Indian as an individual or the head of a family to such trader or traders in discharge of, or to be applied upon, such indebtedness to such trader or traders. If such Indian as an individual or head of a family shall be indebted to more than one of such traders, such payment of his per capita share shall be paid to the traders in proportion to the amount of the respective sums due them as determined and adjusted. If the per capita share of any such Indian as an individual or head of a family shall exceed his indebtedness to said trader or traders, then payment shall be made as aforesaid to such trader or traders of the amount due as aforesaid, and the balance of such per capita payment shall be paid to said Indian: *And provided further*, That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian or head of a family to an amount greater than 60 per cent of the next quarterly annuity to which such individual Indian or head of a family will be entitled; and if such traders shall give credit to any individual Indian or head of a family upon such reservation in excess of the amount herein allowed, no portion of the indebtedness thus created shall be collectible, and the same shall be void, and the licenses of such traders shall be revoked. Should the amount of the per capita payment herein authorized and directed be insufficient to fully cancel and discharge the debts found to be due from such Indians to such traders as herein provided, the Secretary of the Interior is hereby authorized and directed to make further per capita payments to said Indians whenever and as often as future pasture moneys and accumulations of interest other than regular annuities shall amount to the sum of $100,000, the same to be paid and applied in the manner hereinbefore provided: *And provided further*, That on and after July 1, 1901, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians: *And provided further*, That the Secretary of the Interior is hereby directed to report to the next session of Congress, showing the amounts due by such Indians to such traders as determined and adjusted, as herein provided, and also any payments that may have been made to said Indians or to said trader or traders."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of that portion of said amendment after the word "above," in line 6 of said amendment, and after said word "above" insert a period (.); and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of that portion of said amendment after the word "described," in line 7 of said amendment, and after the word "described" insert a period (.); and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all that portion of said amendment after the word "further," in line 7 of said amendment; and after the word "further" insert the following: ", That the agreement entered into between the Seneca Nation of Indians in council assembled and J. W. Peglow, of Silvercreek, N. Y., on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: After the word "Utah," in line 2 of said amendment, insert "if in the opinion of the Secretary of the Interior the same is necessary;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: At the beginning of line 9 of said amendment strike out the word "two" and insert the word "three."

In said line 9 of said amendment strike out the word "four" and insert "six."

After the word "thousand," in line 14 of said amendment, strike out the words "two hundred."

In line 6 of said amendment strike out the word "seven" and insert "ten;" and in said line 6 strike out the word "five" and insert "four."

Strike out all of lines 15 and 16.

After the word "annum," at the end of line 14, insert ", to be immediately available."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the beginning of said amendment strike out the word "That" and insert "To enable." After the word "Interior," in line 1 of said amendment, strike out all down to and including the word "inspector," on line 2. At the end of the amendment insert after the word "Territory," "$5,000;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: After the word "available," in line 14 of said amendment, insert: "*Provided*, That the Secretary of the Interior is authorized to sell and dispose of the timber on said reservation at such prices and under such regulations as he may prescribe, the proceeds thereof to be disposed of under the provisions of existing law;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: After the word "judgment," in line 7 of said amendment, strike out all down to and including the word "prescribe," in line 13, and in lieu thereof insert:

"*:Provided*, That out of the amount so appropriated for the payment of said judgment there be first retained and paid by the proper officers to the attorneys engaged in the prosecution of the claim resulting in said judgment such sum or sums as shall have heretofore been ascertained and approved by the Commissioner of Indian Affairs and the Secretary of the Interior as payable in accordance with contracts with the said Indians heretofore approved by said Commissioner of Indian Affairs and the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: After the word "to," in line 1 of said amendment, strike out all down to and including the word "representatives," in line 2, and in lieu thereof insert the following: "those persons named in the will of Albert Pike as legatees of the Choctaw fee, or the legal representatives, in the manner and in the proportions and interests specified in said will." In line 6 of said amendment strike out the words "heirs or their legal representatives" and insert the word "parties;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the words "one hundred and seventy" in said Senate amendment insert "two hundred and twenty;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the word "ten" in said Senate amendment insert "sixty;" and the Senate agree to the same.

Amendment numbered 69: That the Senate recede from its amendment numbered 69, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment insert "water rent, $1,250;" and the House agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out from said amendment the word "seventy-four" and insert "seventy-eight;" and the Senate agree to the same.

As to amendments numbered 45, 51, 52, 56, and 62 the conferees are unable to agree.

J. S. SHERMAN,
CHAS. CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

JNO. M. THURSTON,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

From amendments 5, 8, 10, 12, 16, 17, 18, 24, 29, 34, 41, 43, 49, 53, 64, 71, 73, and 79 the Senate recedes, leaving the bill in these particulars precisely in the condition in which it left the House.

From amendments 1, 11, 13, 65, and 67 the Senate recedes with amendments.

Amendment 1 changes the number of agencies appropriated for from 44 to 49.

Amendment 11 is a change in the total amount appropriated made necessary by No. 1.

Amendment numbered 13 provides for an investigation by the Secretary of the Interior as to the condition of Indians upon reservations and as to the character of the reservations occupied by them.

Amendment 65 increases by $20,000 the amount of the general fund appropriated for Indian schools.

Amendment 69 reduces by $250 the amount appropriated for water rent for the Flandreau, S. Dak., school.

From amendments 20, 21, 23, 25, 26, 27, 33, 39, 40, 50, 58, 59, 66, and 72 the House recedes with amendments.

Amendment 20 provides for an examination as to the qualification for Indian farmers and stockmen.

Amendments 21, 25, and 26 provide for funding annuities payable under treaty stipulations to the Chickasaws, Senecas, and Eastern Shawnee Indians.

Amendment 23 provides for ascertaining the amount due to licensed traders on the Osage Reservation from individual Indians, and provides for the payment of such amounts from moneys due to those individual Indians, and for hereafter doing away with the licensed traders upon such reservation and permitting free trading there, under regulations to be prescribed by the Secretary of the Interior.

Amendment 27 provides for funding annuities due the Senecas of New York, and also provides for the ratification of a tribal lease by said tribe to a small piece of ground upon their reservation.

Amendment 33 appropriates $5,000 to be expended for the support and civilization of the Shibets and Kiabebs in Utah, provided the expenditure is thought necessary by the Secretary of the Interior.

Amendment 39 provides that the Dawes commission shall furnish to the Secretary of the Interior itemized statements of their expenses each year, and also provides for the employment in the Department at Washington of some of the force provided for in the Dawes commission appropriation, who shall be located in the Department at Washington to transact there (in the Department) the business made necessary by the work of that commission.

Amendment 40 provides for an investigation and report by the Secretary of the Interior for a practical means of taxation within the Indian Territory to provide funds to support a system of free schools for the white children there.

Amendment 50 provides for the employment of fire wardens, to guard against and extinguish forest fires upon the Red Lake and White Earth reservations, in Minnesota, and also provides for the sale of timber thereon under rules and regulations to be prescribed by the Secretary of the Interior.

Amendment 58 provides for an investigation by the Secretary of the Interior to ascertain who are the beneficiaries of the judgment of the Court of Claims in favor of the New York Indians, the appropriation for the payment of which has heretofore been made, and also provides for the payment of the attorneys in accordance with contracts heretofore approved.

Amendment 59 provides for the payment to the legatees of Albert Pike, out of the funds of the Choctaw Nation, for services rendered by Albert Pike and agreed to be paid for by said Choctaws, in accordance with a contract made between him and the said nation, which contract has been approved by the Secretary of the Interior.

Amendment 66 is a change of total, made necessary by the adoption of amendment 65.

Amendment 72 is a change of total, made necessary by the adoption of amendment 69.

From amendments 2, 3, 4, 6, 7, 9, 14, 15, 19, 22, 28, 30, 31, 32, 35, 36, 37, 38, 42, 44, 45, 46, 47, 48, 54, 55, 57, 60, 61, 65, 67, 68, 70, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96 the House recedes.

Amendment 2 restores the Lemhi Agency, Idaho.

Amendment 3 restores the Mission Tulle Agency, California.

Amendment 4 restores the Neah Bay Agency, Washington.

Amendment 5 restores the Sac and Fox Agency, Iowa.

Amendment 9 restores the Sisseton Agency, South Dakota.

Amendment 7 increases by $300 the compensation of the agent at the Santee Agency, Nebraska,

Amendment 14 changes the amount of the total made necessary by the adoption of amendment 13.

Amendment 15 provides for the agent employed in the Indian Territory, being considered as actually employed in the field, to receive allowances accordingly.

Amendment 19 permits the commission serving without compensation to expend $300 of the amount of their appropriation for office rent.

Amendment 22 simply provides that the appropriation therein made shall be expended when authorized by the Secretary of the Interior.

Amendment 28 appropriates $20,000 for the purpose of stamping out smallpox among the Turtle Mountain Band of Indians, and for their relief.

Amendment 30 is simply a change of phraseology without changing the amount of the appropriation.

Amendment 31 increases by $1,500 the amount of the appropriation for conducting the Mission Agency, Cal.

Amendment 32 relieves the compulsory employment of a physician for the Nez Perce Indians, Idaho.

Amendment 35 strikes out a superfluous word.

Amendment 36 increases by $500 the compensation paid to clerks of the United States courts in the Indian Territory.

Amendment 37 increases by $270,000 the appropriation made for continuing the work of the Dawes Commission.

Amendment 38 amends the total in accordance with amendment 37.

Amendment 42 appropriates $8,000 for conducting the Omaha Indian warehouse.

Amendment 44 is an amendment of phraseology.

Amendment 46 provides for the settlement by compromise of six suits against the United States, in accordance with recommendation of the Attorney-General; the amount appropriated is $8,770.

Amendment 47 gives authority to the Secretary of the Interior to permit the construction of a bridge to span the narrows of Devils Lake, and involves no expenditure by the Government.

Amendment 48 provides for the payment to Colonel Randlett, U. S. A., of $1,500 compensation as Indian agent after he had been placed upon the retired list.

Amendment 54 provides for the employment of a special attorney for the Pueblo Indians, New Mexico, for the present fiscal year, and amendment 55 makes a like appropriation for the next fiscal year.

Amendment 57 provides that any act of the Creek or Cherokee tribes shall not become operative until thirty days after the same has been received by the President of the United States for his approval.

Amendment 60 appropriates $5,000 for a bridge on the Omaha and Winnebago Agency, Nebr.

Amendment 61 provides for the establishment of a school at Mandan, N. Dak., and appropriates $50,000 for the purpose.

Amendment 63 enlarges the authority of the Secretary in the expenditure of money heretofore appropriated for surveys for the Kiowa, Comanche, and Apache Indians in Oklahoma.

Amendment 67 appropriates $12,200 for installing and completing a water system at Carson City, Nev., Indian school, and amendment 68 is a change of the total made necessary by the adoption of amendment 67.

Amendment 74 is an appropriation of $2,000 for the expense of water supply at the Morris School, and amendment 75 is a change in the amount of the total made necessary by the adoption of amendment 74.

Amendment 76 is an appropriation of $3,500 for improving the water supply at the Mount Pleasant School, Michigan, and amendment 77 is a change of the amount of the total made necessary by amendment 76.

Amendment 78 is simply a provision by which a water right shall be included in the purchase of land for the Phœnix, Ariz., school, and makes no change in the amount appropriated.

Amendment 80 makes immediately available the appropriation for repairs to the Pipestone School, Minnesota, and amendment 81 increases by $500 the amount appropriated for repairs to a bridge at the said school. Amendment 82 makes immediately available this amount. Amendment 83 makes immediately available an appropriation of $2,000 for a sewer at said school. Amendment 84 makes immediately available an appropriation of $1,500 for water-closets and bath at said school, and amendment 85 is a change of total made necessary by the preceding amendments.

Amendment 86 increases the compensation of the superintendent of the Rapid City school, South Dakota, from $1,200 to $1,500, and amendment 87 is a change of total made necessary by amendment 86.

Amendments 88 and 89 increase the appropriation for the Riverside school, California, so as to provide for 300 pupils, instead of 150, and amendment 90 increases by $75,000 the amount appropriated for the completion of said school.

Amendment 91 provides for the equipment as well as the erection of a brick laundry at the Salem, Oreg., school; amendment 92 increases the appropriation for the purpose $2,500; amendment 93 makes said appropriation immediately available; amendment 94 makes an appropriation for an electric lighting and steam heating plant immediately available, and amendment 95 changes the total made necessary by the preceding four amendments.

Amendment 96 gives the right of eminent domain over allotted Indian lands.

The committee were unable to agree upon amendments 45, 51, 52, 56, and 62.

J. S. SHERMAN,
CHARLES CURTIS,
J. S. LITTLE,
Managers on the part of the House.

Mr. SHERMAN. I move to concur in the conference report.

Mr. NEWLANDS. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Nevada?

Mr. SHERMAN. Certainly.

Mr. NEWLANDS. I wish to ask the gentleman from New York, chairman of the Committee on Indian Affairs, what disposition is made in this report regarding the San Carlos reservoir, on the Gila River, in Arizona?

Mr. SHERMAN. That is not covered in this report. That item is still in conference.

Mr. NEWLANDS. I wish to ask the gentleman whether we will have an opportunity in the House to move that the House recede from its disagreement regarding that item?

Mr. SHERMAN. Why, I can not tell whether you will or not.

Mr. NEWLANDS. Then why not make an opportunity and let us do it now?

Mr. SHERMAN. Why, for the very good reason that if this report is not to be adopted we will go right back without any waste of time to a further conference. I told the gentleman from Illinois [Mr. CANNON] that if this led to any debate I would withdraw it and not have it considered at the present time.

Mr. NEWLANDS. Well, so far as those on this side of the House, and on that side of the House, also, are concerned, who are interested in this subject——

Mr. SHERMAN. The gentleman loses no right whatever by having this report adopted now—absolutely none.

Mr. NEWLANDS. But this may be the only opportunity that we will have to move to concur in the Senate amendments.

Mr. SHERMAN. Well, I beg to suggest to the gentleman that he will not have that opportunity now.

Mr. NEWLANDS. Why not?

Mr. SHERMAN. Why, because it was understood and stated when I called this up that if it would take any time and lead to discussion I would withdraw the report, and that was assented to.

Mr. NEWLANDS. I shall have to object, then, to the consideration of the report now, which possibly may preclude us from the consideration of this question hereafter.

Mr. SHERMAN. You will lose no right. The amendment in which you are interested is still in conference. If the conferees can not agree, we shall come here and ask instructions; but if the conferees agree, then it will come in as a part of the conference report.

Mr. NEWLANDS. But possibly the gentleman may be so persuasive as to induce the Senate conferees to withdraw from this amendment.

Mr. SHERMAN. I certainly hope so.

Mr. NEWLANDS. We hope not. We wish to take the sense of the House upon this question, and this is the only opportunity. We do not wish, of course, to interfere with the orderly consideration of this bill, but we wish to preserve the right and the opportunity to move concurrence in the Senate amendment.

Mr. SHERMAN. I will say to the gentleman that, if he assures me that all on his side of the House are in favor of concurring in this amendment, we will not recede from the amendment until the House has had an opportunity to speak on the subject. I say that as one of the conferees.

Mr. NEWLANDS. You will not recede from the amendment. I can make no assurance, of course, regarding this side of the House.

Mr. SHAFROTH. Will the gentleman assure us that we will have an opportunity of presenting this to the House?

Mr. SHERMAN. Why, certainly; you will have full opportunity to discuss it, either as a part of the conference report or on a motion for concurrence.

The SPEAKER. The question is on agreeing to the conference report.

Mr. SHERMAN (continuing). So far as the rules will permit.

Mr. FITZGERALD of New York. Will the gentleman yield to me for a question?

Mr. SHERMAN. Certainly.

Mr. FITZGERALD of New York. I wish to ask what has been done with reference to the payment of the debt of the Osage Indians?

Mr. SHERMAN. That is covered by an amendment in this report, and if the gentleman had followed the reading of the statement he would find it is disposed of in a way which does away with the licensing of the traders hereafter upon that reservation, and also provides for a per capita payment of these debts when ascertained on an investigation by the Secretary of the Interior.

Mr. FITZGERALD of New York. I will ask if the amendment as incorporated in the printed bill is the amendment agreed to?

Mr. SHERMAN. It is not.

Mr. FITZGERALD of New York. Is there any provision which prevents the incurring of future indebtedness on the part of these Indians?

Mr. SHERMAN. Yes; there is. We do away entirely with the licensing of traders there. We provide, also, that it shall not be legal for the traders to trust the Indians for a greater amount than 60 per cent of their annuity, and if they do the indebtedness is not legal.

Mr. FITZGERALD of New York. That is a pretty big percentage.

Mr. CURTIS. That is recommended by the officers of the Department. The provision is that the total credits of any one member of the tribe shall not exceed 60 per cent of the quarterly annuity payments.

Mr. SHERMAN. The total indebtedness by any one person.

The question was taken; and the conference report was agreed to.

SUPPLIES TO SOUTH AFRICA.

Mr. HITT. Mr. Speaker, I desire to submit a privileged report in regard to a resolution of inquiry.

The Clerk read as follows:

House resolution No. 418.

Whereas it is publicly alleged that, in direct violation of the spirit of the neutrality laws affecting the relations between the United States and inter-

national combatants, money has been loaned in this country on British bonds to maintain a fleet of British transports, which has been, and now is, employed in transporting mules and horses in large quantities from this country for the use of the British army in the prosecution of the war against the South African Republic: Therefore, be it

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives if "our ports or waters" have been used for the exportation of horses, mules, or other military supplies for use in South Africa, and if so, to what extent, and what steps have been taken to prevent the same; also the number of horses and mules that have been shipped from our ports since the beginning of the war in South Africa to the present time, giving shipments from each port and the dates.

The amendment recommended to the resolution by the Committee on Foreign Affairs was read, as follows:

Strike out the preamble, and in line 4 strike out the word "military."

Mr. HITT. Mr. Speaker, the committee have changed the resolution by striking out the preamble, which seemed in its nature to be addressed to another Department than the Treasury Department; and in order to elicit the information without needless specification, have it cover the whole subject, we propose to strike out the qualifying and limiting word "military" before the word "supplies," so that the Secretary of the Treasury will give us all the information that he has in regard to supplies sent from ports of the United States to South Africa.

Mr. SHAFROTH. Will you have the Clerk read the resolution as reported by the committee?

Mr. HITT. It will be the same as in the printed resolution lying before us, except that whereas it now reads "horses, mules, and other military supplies," it will as amended read "horses, mules, and other supplies," including flour, provisions, and all other supplies transported. I move the previous question on the amendments and resolution.

The amendments were agreed to.

The resolution as amended was agreed to.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. HITT. Mr. Speaker, I submit another privileged report from the same committee, bringing back another resolution on a cognate subject to another Department.

The Clerk read as follows:

House resolution No. 414.

Resolved, That the Secretary of State be, and he is hereby, respectfully requested to furnish to Congress, if not incompatible with the public interests, all the information in the possession of the State Department relating to the shipment of horses and mules from New Orleans in large numbers for the use of the British army in the war in South Africa; whether it is true that over 60,000 animals have been shipped to replace worn-out cavalry and artillery horses used by the British army in South Africa, and whether it is contemplated to ship some 40,000 or 50,000 more; also, whether this shipment of horses and mules is not contrary to the neutrality requirements of the treaty of May 8, 1871, between Great Britain and the United States, article 6: "A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men;" also, what measures, if any, have been adopted, or will be adopted, to prevent the further assistance of Great Britain in her unholy effort to destroy freedom and republican government in South Africa.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "Africa," in line 7.

Mr. HITT. Mr. Speaker, the amendment proposed to the resolution will leave it as broad as before in its call for information. It covers the whole subject, calls for all information in possession of the Department on these shipments, but it strikes out the hypothetical questions and inquiries that relate to the future. It simply calls upon the Department for all information. In addition I have an amendment myself, not a committee amendment, that I desire to move, striking out the word "Congress," in line 2, and inserting in place of it the words "the House of Representatives." I make this motion after conference with the gentleman from Ohio [Mr. LENTZ], who was the introducer of the resolution. It was an inadvertence, I suppose, in drawing the resolution.

The amendment recommended by the committee was agreed to.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

In line 2 strike out the word "Congress" and insert the words "the House of Representatives."

Mr. SHAFROTH. I would like to ask the gentleman whether this report upon this resolution is unanimous or not?

Mr. HITT. The committee voted unanimously on the final vote for the resolution. They did not agree to the various amendments we put on, but when that was done they said they wanted the information, nearly all.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House further insist on its disagreement to the amendments not covered by the conference report on the Indian appropriation bill and ask for a further conference thereon.

The SPEAKER. The gentleman from New York moves that the House further insist on its disagreement to the Senate amendments not covered by the conference report and ask for a further conference.

Mr. SHAFROTH. I presume that is with the understanding that we shall have an opportunity——

Mr. SHERMAN. Oh, certainly.

Mr. WILSON of Arizona. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Arizona?

Mr. SHERMAN. Yes.

Mr. WILSON of Arizona. I want to inquire if Senate amendment 52 goes back to conference?

Mr. SHERMAN. Certainly.

The motion of Mr. SHERMAN was agreed to.

The SPEAKER announced the following managers on the part of the House: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS 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 sundry civil appropriation bill.

Mr. CRUMPACKER. Mr. Chairman, I have an amendment——

Mr. CANNON. I will suggest to the gentleman from Indiana that we read the bill through and then return to these items.

Mr. CRUMPACKER. I am willing to have that done, because I think it will answer my purpose better than to have it brought up now.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed resolution of the following title; in which the concurrence of the House was requested:

Senate concurrent resolution 108.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 3338, granting a pension to Mary A. Morton.

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

Senate concurrent resolution 32.

To print 7,000 copies of the Annual Report of the Major-General Commanding the Army for 1899, etc.

Senate concurrent resolution 63.

To print the list of maps relating to America now in the Library of Congress.

ENROLLED BILLS SIGNED.

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

H. R. 5198. An act granting a pension to Samuel S. Stafford;

H. R. 4813. An act granting a pension to Taylor Hux;

H. R. 5195. An act granting an increase of pension to Jacob W. Kouts;

H. R. 11812. An act granting an increase of pension to Daniel E. Turner;

H. R. 12778. An act granting a pension to Adoniram J. Holmes;

H. R. 12491. An act granting an increase of pension to Robert H. Metcalf;

H. R. 12710. An act granting an increase of pension to William H. Simmonds;

H. R. 9005. An act granting an increase of pension to William W. Schooley;

H. R. 12411. An act granting a pension to Catherine T. Howell;

H. R. 13237. An act granting a pension to Jacob Hoerr;

H. R. 13133. An act granting a pension to Joseph V. Hoffecker;

H. R. 13236. An act granting an increase of pension to James Barton;

H. R. 11111. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Ala.;

H. R. 13193. An act to authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes;

H. R. 11836. An act granting an increase of pension to Bela Sawyer;
H. R. 11507. An act granting an increase of pension to Perry C. Jeffrey;
H. R. 13731. An act to provide an American register for the steamer *Enterprise;*
H. R. 3871. An act granting a pension to William J. Worthington;
H. R. 3232. An act granting an increase of pension to David Flinn;
H. R. 3949. An act granting a pension to Minnie Gray;
H. R. 3247. An act granting an increase of pension to George Mowry;
H. R. 3546. An act granting a pension to Caroline M. H. Searing;
H. R. 3945. An act granting an increase of pension to Burdette N. Cleaveland;
H. R. 2464. An act to remove the charge of desertion from the military record of Nicholas Swingle;
H. R. 2085. An act granting a pension to Jane A. E. Womack;
H. R. 2396. An act granting an increase of pension to Francis H. Pike;
H. R. 2595. An act granting an increase of pension to William C. Griffin;
H. R. 601. An act granting an increase of pension to Daniel W. Shaw;
H. R. 633. An act granting an increase of pension to Vianna Mallard;
H. R. 551. An act granting an increase of pension to Frank F. Carnduff;
H. R. 365. An act granting a pension to Aries Butcher;
H. R. 3466. An act granting a pension to Hiram Stimple;
H. R. 1889. An act for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;
H. R. 1148. An act granting an increase of pension to Isaac D. Toll;
H. R. 1235. An act granting an increase of pension to Chamness S. Burks;
H. R. 5874. An act to pay H. P. Dyer for carrying mail;
H. R. 5614. An act granting a pension to Virginia R. Friedeborn;
H. R. 7243. An act to remove the charge of desertion from the military record of Silas Nicholson;
H. R. 7315. An act granting an increase of pension to William W. King;
H. R. 11452. An act granting a pension to Nettie L. Bliss;
H. R. 11145. An act granting a pension to William C. Chandler;
H. R. 12566. An act granting a pension to George M. Walker;
H. R. 13312. An act granting an increase of pension to Albert Foster;
H. R. 11277. An act granting an increase of pension to Thomas A. Cord;
H. R. 13123. An act granting an increase of pension to Charles Hawkins;
H. R. 13204. An act granting an increase of pension to Henry H. Brown;
H. R. 13120. An act granting an increase of pension to Albert L. Duddleson;
H. R. 13593. An act granting an increase of pension to Lewis W. Phillips;
H. R. 12184. An act granting an increase of pension to Thomas Jefferson Holmes;
H. R. 12433. An act granting an increase of pension to Ferdinand Wagner;
H. R. 12696. An act granting a pension to John B. Frisbee;
H. R. 12516. An act granting an increase of pension to Edward Warner;
H. R. 12444. An act granting an increase of pension to John D. Cohler;
H. R. 12350. An act granting an increase of pension to James Paul;
H. R. 12250. An act granting an increase of pension to Patrick Brennan;
H. R. 12606. An act granting an increase of pension to Marcellus A. Lothrop;
H. R. 12190. An act granting an increase of pension to Patrick Connelly;
H. R. 12294. An act granting a pension to Lottie M. Rankins;
H. R. 12441. An act granting an increase of pension to Aaron R. Rohrbach;
H. R. 12391. An act granting an increase of pension to James M. Campbell;
H. R. 12249. An act granting an increase of pension to Gideon Johnson;
H. R. 12476. An act granting an increase of pension to Samuel Minnich;
H. R. 12142. An act granting an increase of pension to William B. Wright;
H. R. 12826. An act granting an increase of pension to Charles H. Knapp;
H. R. 12473. An act granting an increase of pension to E. Bradford Gay;
H. R. 12577. An act granting a pension to Sarah B. Schaeffer;
H. R. 12490. An act granting an increase of pension to Andrew J. West;
H. R. 11335. An act granting an increase of pension to Silas Howard;
H. R. 12297. An act granting an increase of pension to Andrew J. Harbison;
H. R. 12301. An act granting an increase of pension to Jacob E. Swap;
H. R. 11395. An act granting a pension to Sarah J. Binnix;
H. R. 11312. An act granting an increase of pension to Johnson H. Fitzpatrick;
H. R. 11158. An act granting a pension to Daniel Palmatary;
H. R. 11187. An act granting a pension to James W. Russell;
H. R. 10055. An act granting an increase of pension to Frederick G. McDowell;
H. R. 10871. An act granting an increase of pension to Mary A. Brown;
H. R. 11603. An act granting an increase of pension to Sarah A. Dininny;
H. R. 11658. An act granting an increase of pension to Mary J. Nelson;
H. R. 11806. An act granting an increase of pension to Edward Hause;
H. R. 10358. An act granting a pension to Elizabeth J. Jones;
H. R. 10564. An act granting an increase of pension to James R. Husted;
H. R. 10118. An act granting an increase of pension to Mary Flynn;
H. R. 9874. An act granting an increase of pension to Anna F. Johnson;
H. R. 9370. An act granting a pension to Louis M. Starring;
H. R. 9536. An act granting a pension to Sarah Hastings;
H. R. 9787. An act granting a pension to Marion M. Stone;
H. R. 9182. An act granting a pension to Eva K. Nyberg;
H. R. 9914. An act granting a pension to Almira A. Scott;
H. R. 9023. An act granting an increase of pension to Mary E. Dobyns;
H. R. 10021. An act granting an increase of pension to John R. Robinson;
H. R. 10480. An act granting an increase of pension to George P. Overton;
H. R. 10792. An act granting an increase of pension to John T. Knox;
H. R. 9235. An act granting a pension to Peter Lundberg;
H. R. 9066. An act granting an increase of pension to Joseph N. Loveing;
H. R. 9672. An act granting an increase of pension to Mary J. D. McGlensey;
H. R. 9903. An act granting an increase of pension to Henry B. Shell;
H. R. 9218. An act granting an increase of pension to George W. Hissey;
H. R. 8525. An act granting an increase of pension to Maurice Fitzgerald;
H. R. 9269. An act granting a pension to Olie Heaton;
H. R. 8297. An act granting an increase of pension to Albert Buck;
H. R. 8106. An act granting a pension to Olivia Donathy;
H. R. 8190. An act granting a pension to Henry Miller;
H. R. 8001. An act granting a pension to Sampson D. Bridgman;
H. R. 7810. An act granting an increase of pension to Robert P. Currin;
H. R. 6145. An act granting a pension to Benoni A. McConnell;
H. R. 7617. An act granting an increase of pension to Rebecca Tolson;
H. R. 6319. An act granting an increase of pension to George W. Cox, alias John Smith;
H. R. 6787. An act granting an increase of pension to Edwin A. Wilson;
H. R. 3078. An act granting an increase of pension to Amanda W. Clancy;
H. R. 5224. An act granting an increase of pension to Daniel Smith;
H. R. 5303. An act granting a pension to Julia A. Prouty;
H. R. 6148. An act granting an increase of pension to William M. Yom;
H. R. 6407. An act granting an increase of pension to Michael S. Brockett;
H. R. 6921. An act granting an increase of pension to Gustav Rienecker;

H. R. 5336. An act granting an increase of pension to William S. Swaney;

H. R. 5599. An act granting an honorable discharge to James L. Proctor;

H. R. 5524. An act granting an increase of pension to Richard P. Mitchell;

H. R. 4906. An act granting a pension to Ellen Quinn;

H. R. 6552. An act granting an increase of pension to Abram P. Pew;

H. R. 4357. An act granting a pension to Jakobina Halbertsma;

H. R. 6914. An act granting an increase of pension to Elliott Loomis;

H. R. 4068. An act granting an increase of pension to Maria N. Flint;

H. R. 4078. An act granting an increase of pension to John D. Allen;

H. R. 4672. An act granting a pension to James W. Boden;

H. R. 6997. An act granting an increase of pension to Josephine H. Whitehead;

H. R. 5441. An act granting an increase of pension to Hugh Thompson;

H. R. 4963. An act granting an increase of pension to Charles E. Churchill;

H. R. 5613. An act granting an increase of pension to Louis Nessell;

H. R. 8998. An act granting an increase of pension to Alexander F. Hartford; and

H. R. 12411. An act granting a pension to Catherine T. Howell.

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. 3087. An act granting an increase of pension to Marcia M. Merritt—to the Committee on Invalid Pensions.

S. 2628. An act granting a pension to Kate Pearce—to the Committee on Invalid Pensions.

S. 1755. An act granting a pension to John M. Core—to the Committee on Invalid Pensions.

S. 1647. An act granting an increase of pension to John Canty—to the Committee on Invalid Pensions.

S. 1308. An act granting pension to Frederick S. Chamberlain—to the Committee on Invalid Pensions.

S. 5085. An act to correct the military record of H. A. White—to the Committee on Military Affairs.

S. 3801. An act to remove the charge of desertion against David A. Lane—to the Committee on Military Affairs.

S. 5936. An act to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River in the State of Oregon—to the Committee on Interstate and Foreign Commerce.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $100,000.

Mr. NEWLANDS. Mr. Chairman, I move to strike out the last word.

Mr. SHAFROTH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair recognized the gentleman from Nevada before he saw the gentleman from Colorado rise.

Mr. NEWLANDS. I wish to ask the chairman of the committee a few questions regarding this item.

Mr. MOODY of Massachusetts. What was the gentleman's motion?

Mr. NEWLANDS. My motion is to strike out the last word. I wish to make some inquiry regarding this item of $100,000 for gauging the streams and determining the water supply of the United States and for the investigation of underground currents and artesian wells.

Mr. CANNON. I will yield to my colleague on the committee, the gentleman from Massachusetts [Mr. MOODY].

Mr. NEWLANDS. I would like to ask the gentleman what was the estimate of the Department for that work?

Mr. MOODY of Massachusetts. One hundred and seventy-three thousand dollars.

Mr. NEWLANDS. I would like to ask whether the gentleman thinks that amount is in excess of the requirements of the Department for this particular work?

Mr. MOODY of Massachusetts. Mr. Chairman, of course the Department will do just as much work on this line as we appropriate money for. Gentlemen come to the Department and desire surveys made in different parts of the country, and basing their estimate upon the desire of individual members, I have no doubt they could expend $180,000 if it was granted.

Mr. NEWLANDS. But the gentleman thinks $100,000 is sufficient?

Mr. MOODY of Massachusetts. Personally, I think it is more than sufficient.

Mr. NEWLANDS. Will the gentleman give his reasons?

Mr. MOODY of Massachusetts. The reasons which have controlled me in coming to that opinion are these: We have expended altogether too much money upon experimenting with the question of the reclamation of arid lands; too much money upon surveys; too much money upon experiments of all kinds, and I would personally be very glad to stop here and consider the real question which by and by we must face. But realizing that it would not do for the committee to break the precedent which has been made for so many years, the subcommittee having charge of this bill concluded to report the current law, and in that respect they followed the directions of the House in the closing days of the last session of Congress, because this question of the amount to be appropriated for this purpose was specifically and directly before the House, and the House gave the conferees instructions to adhere to the $100,000 which were appropriated last year.

Mr. NEWLANDS. The real question which the gentleman refers to as pressing for solution is the actual construction of storage works.

Mr. MOODY of Massachusetts. Yes; but I do not want the gentleman from Nevada to misunderstand me as indicating that I have expressed an opinion in favor of that work, but it is time to stop experimenting—throwing money away on experiments.

Mr. NEWLANDS. I understand the gentleman's view to be this: That the work of investigation and experiment should practically end, and that this question now should be considered by the Congress of the United States, first, as to whether or not it proposes to enter upon the construction of storage reservoirs and hydraulic works for the purpose of reclaiming arid lands of the West?

Mr. MOODY of Massachusetts. Speaking for myself, that is my opinion, with this exception, that it seems to me that the experiments carried on by the Agricultural Department stand on a different ground from other experiments, and might be well continued as a general branch of agricultural education.

Mr. NEWLANDS. Can the gentleman state how much has been expended on these experiments?

Mr. MOODY of Massachusetts. There has been expended up to the present time under the law, first of 1888, two appropriations aggregating $350,000; that was expended under the Geological Survey. Then, under the appropriation now under consideration and with substantially the same language, the Geological Survey have expended $357,000. The Indian Office has expended $850,000; a good deal of that has been for the work of construction and some for experiments. The Department of Agriculture has spent $198,000, making a total expenditure referable to arid lands of $1,755,000. Now, I think that is experiment enough, and I would be glad to wipe this off the bill.

Mr. NEWLANDS. The gentleman is in favor of taking up a comprehensive plan of irrigation, or, at all events, the consideration of it. Now, I will ask the gentleman whether he has framed his views regarding his own plans?

Mr. MOODY of Massachusetts. I have not; but I look with great apprehension on the undertaking of the reclamation of the arid lands. Before entering upon that project I should like to know with some degree of exactness where we are going to land.

[Here the hammer fell.]

Mr. NEWLANDS. I ask unanimous consent that the gentleman's time be extended for ten minutes.

There was no objection.

Mr. NEWLANDS. Now, before the gentleman proceeds, I would like to ask him a question or two. He says that we ought to proceed upon this work with great care. If that is so, it means more investigation instead of actual work. Now, I want to call the gentleman's attention to the following plank in the platform of the Democratic party——

Mr. MOODY of Massachusetts. Let me say to the gentleman that that is not going to control my conscience.

Mr. NEWLANDS. Very well; I will read this first, and then I will make an appeal to the gentleman's conscience, based upon the creed or faith of his own party.

We favor an intelligent system of improving the arid lands of the West, storing the waters for the purposes of irrigation, and the holding of such lands for actual settlers.

Now, I will give the gentleman the declaration of his own party.

Mr. MOODY of Massachusetts. Did the gentleman himself draw that declaration of the platform which he has just read?

Mr. NEWLANDS. I shared in it. I was a member of the committee on the platform. I do not assume, however, that I forced that platform upon an unwilling committee or an unwilling convention.

Mr. MOODY of Massachusetts. Knowing the gentleman as well as I do, I think it quite likely he may have done so. [Laughter.]

Mr. NEWLANDS. The gentleman overrates my powers. The matter was fully discussed in the Democratic committee, and after fair consideration this declaration was made. And let me say that a similar declaration was made in the Republican platform which I will read to the gentleman.

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, preserving the control of the distribution of water for irrigation to the respective States and Territories.

Now, I ask the gentleman——

Mr. MOODY of Massachusetts. Let me ask, Did the gentleman write that declaration of the Republican platform?

Mr. NEWLANDS. I did not. Did the gentleman from Massachusetts?

Mr. MOODY of Massachusetts. Certainly not; nor do I assent to it.

Mr. NEWLANDS. Well, I ask the gentleman whether he is in favor of carrying out that declaration of his own party platform?

Mr. MOODY of Massachusetts. Not yet, Mr. Chairman.

Mr. NEWLANDS. Not yet! Postponement! How long?

Mr. MOODY of Massachusetts. Well, until I am convinced that the platform in that regard was right.

Mr. NEWLANDS. Very well, then; if the actual work is to be postponed, I ask the gentleman whether his own plan of operation does not involve a continuation of investigations which he is limiting in this bill below the requirements of the Department? If he wants more information and more investigation, why does he not favor adequate appropriation in this bill for that purpose?

Mr. MOODY of Massachusetts. Mr. Chairman, I want no information along the line in which this appropriation would provide for it. This provides no information on any subject on which I desire information.

Mr. NEWLANDS. Upon what does the gentleman desire information?

Mr. MOODY of Massachusetts. I should like to know how many million dollars we are going to expend before we undertake the reclamation of an area which I believe the gentleman has told us is equal to about one-third of the geographical area of the old United States.

Mr. NEWLANDS. If the gentleman wishes that information, will not investigation be required in order to present the facts?

Mr. MOODY of Massachusetts. This appropriation would not provide any such investigation as that.

Mr. NEWLANDS. Oh, yes; in its terms it clearly provides for such investigation.

Now, let me state to the gentleman a fact in regard to that arid-land region. There are 600,000,000 acres of public land in that region. To-day 90 per cent of the land in Nevada belongs to the United States. Those lands are untaxed, and upon them the Government pays nothing toward the expenses of administering the local government. Now, the lands which are capable of reclamation out of these 600,000,000 are about seventy-five millions or one hundred millions. The work of reclamation involves first the construction of storage reservoirs and then the construction of inlets and outlets—inlets to and outlets from these reservoirs where they are off the line of the stream; the construction of main high-line ditches so as to bring the stored waters to a point where they may be available to the settlers; and the expenditure by the settlers themselves of from $25 to $30 an acre in the ditches and side ditches necessary for reclamation of the land.

Now, the purpose of the irrigation movement is simply to enable the Government to bring these waters to a point where they may be available by private enterprise or by cooperation of the settlers for the reclamation of the arid lands. And with reference to that I will say the storage of water costs on the average about $5 per acre-foot, and that if 2 acre-feet of water are required for every acre of these 75,000,000 acres it means 150,000,000 acre-feet; so that, assuming all the water for these 75,000,000 acres were stored water, it would cost $750,000,000, or $7,500,000 annually for a period of one hundred years; but this water would not all be stored water. The stored water would simply be used to supplement the flood waters. The latter would be ample for all during the early months of spring and summer, and the stored water would only be used to perfect growth toward the harvest season. And so it is probable that 30,000,000 acre-feet of stored water, costing about $150,000,000, would, with the aid of the unstored flood waters, reclaim these 75,000,000 acres. But in addition to that, the settlers who reclaim these lands will spend an amount aggregating many times that much, and will to that extent increase the wealth of the country.

Now, let me say that the reclamation question is not one of large proportions. It will be undertaken very gradually, and there is now pending before this body, reported by the Committee on Arid Lands, and pending before the Senate, reported by the Committee on Public Lands, a measure which provides simply that the West shall reclaim itself; that the proceeds of the sales of public lands in that region shall be put into a special fund, to be called the "Arid-lands reclamation fund," giving the Secretary of the Interior the power to go on and construct storage reservoirs and hydraulic works essential for the reclamation of arid lands; that the fund itself shall be the limit of his operations. He can make no contract except when the money is actually in the fund.

Now, this question must take one form of solution or the other. You must leave these lands to the arid States or you must turn over the proceeds of those lands into the reclamation fund and devote them to the reclamation of those lands, or else you must enter upon a scheme of internal improvement approaching in character that of the river and harbor bill, which involves appropriations not only for surveys, but for actual construction. I ask the gentleman whether one hundred years ago, when the first river and harbor works were commenced, the inquiry had been made then such as the gentleman suggests as to the entire scheme of the improvement, as to what it would cost, whether the statement that it would have cost, as it has, over $350,000,000, would not have paralyzed the imagination of the men of that time?

Mr. MOODY of Massachusetts. It would have paralyzed mine if I had lived at that time.

Mr. NEWLANDS. The gentleman has given some study to the subject, and I think is inclined to consider it fairly. I should like to have him present his views to the House, immature though they may be, regarding this question.

Mr. MOODY of Massachusetts. I should like to say to the gentleman——

Mr. NEWLANDS. If the gentleman will permit me, I will merely say this: That for fourteen years, or twenty years, I may say, we have been pressing this question upon the consideration of Congress, and whenever we have pressed the question of construction Congress always says, "We do not know enough about it. Let us investigate more. We will deny you half a million or a million dollars which you ask for construction and we will give you $100,000 for investigation." And so we have gone on for years spending, as the gentleman says, nearly $1,800,000, and I venture to say that double or treble that amount would have accomplished all the storage that will be necessary in Nevada for the next thirty years.

Mr. MOODY of Massachusetts. Let me say to the gentleman, in regard to rivers and harbors, that if I could go back through the pages of history to the time when we began the river and harbor works and could have something to say whether we should begin it, I should say no. I think it would have been better for this country to have left the improvement of rivers and harbors to the localities which were especially to be benefited, and I say that coming, as I do, from a district which borders on the seacoast, and having, as I do, a special individual interest in the river and harbor bill. If I am right in thinking that it was a mistake, I do not want any more mistakes of that kind made, and I desire to suggest to the gentleman that when you have presented to us a proposition which, upon the statement of one of its most sanguine friends, is going to cost $750,000,000, it ought to be no wonder that every man charged with responsibility should say halt.

Mr. SHAFROTH. Will the gentleman yield for a question?

Mr. MOODY of Massachusetts. I have not the floor.

The CHAIRMAN. The time of the gentleman from Nevada [Mr. NEWLANDS] has expired.

Mr. NEWLANDS. I will say to the gentleman from Massachusetts that in making the computations which I made on the floor I did it hurriedly, and I am satisfied upon reflection that my statement was a misstatement for this reason——

Mr. MOODY of Massachusetts. I would not hold the gentleman to a matter of $100,000,000 or so, of course.

Mr. NEWLANDS. I am satisfied that my statement was a misstatement for the reason that the storage of water makes more available the flood waters that flow through the months of April, May, and June, and hence when you reclaim lands you do not entirely reclaim them with stored waters. You reclaim them with flood waters supplemented by the stored waters, so that each acre of land will not require the storage of 2 acre-feet, as I suggested in my computation. My own idea is that $150,000,000 in a period of fifty years would cover the entire work of storage by the General Government.

Mr. MOODY of Massachusetts. Mr. Chairman, I desire to say to the gentleman that if in the course of three or four minutes, with no available material to base his judgment upon, he varies his estimate $600,000,000, it is pretty important for this House to consider that we may land anywhere if we begin the reclamation of the arid lands.

Mr. NEWLANDS. Yes; but the gentleman can see from the method of my computation that I was assuming that the Government would have stored 150,000,000 acre-feet, and assuming the

cost of that at $5 an acre-foot, it would cost $750,000,000 to reclaim; but recollect that very likely 75,000,000 acres of land will be all that it will be desired to reclaim, and that we do not require 2 acre-feet of stored water for that land. The flood waters will supply that land during the months of March, April, May, and June, and the stored water is only necessary to bring crops to perfection. If you take that into consideration you will see that perhaps 6 inches of stored water upon every acre is sufficient. So I present the reasoning of my computation, and the gentleman is not justified in any unfair reflection upon it.

Mr. MOODY of Massachusetts. I do not intend it to do that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SHAFROTH. Mr. Chairman, I desire to be recognized upon this question, and I move to strike out the last two words.

We have had various irrigation bills up for consideration, but it seems to me that the ones which ought to receive the consideration of Congress are not those that will require large expenditures upon the part of the United States, but those which have the feature of the water rights being disposed of to the settlers who will reimburse the United States for the money required to be expended. The bill which the gentleman from Nevada [Mr. NEWLANDS] has referred to provides that the funds arising from the sale of public lands shall be called the reclamation fund, and that fund shall start the construction of these works. That is simply an advancement in the way of capital. When one reservoir or the irrigation project is completed, then the money which has been expended by the Government will be returned.

The project does not contemplate that this great amount of money which is necessary in the first instance to be expended shall come out of the United States. That is not the purpose and object of the bill. The purpose and object is to have the Government, by means of the fund which it realizes from the sale of public lands in these States, appropriate that money for the construction of the reservoirs and irrigation canals in the first instance, and then, whenever each particular project is completed, the total cost of that work is to be divided among the number of acres that can be irrigated from that particular project. If it makes a charge of $10 for each acre, then that amount is to be imposed by way of a sale of the water right to the settler for the irrigation of his land by the Government, and that fund will equal exactly the cost which the Government is put to in constructing these works, and thereby the Government will get back the money which it expends in the construction.

Now, the only cost that the Government is put to is the original cost—the cost of surveys and the original cost of construction—and it may take several years to get back the money, because it takes time to complete the work and time to dispose of the water. But the bill provides that the money shall be returned to the Government. Instead of this being a matter like the river and harbor bill, by which the Government pays out the entire cost from its Treasury and gets none of it back, the Government of the United States is reimbursed for every dollar that it expends. The Government only puts forth the advanced capital for the construction of the reservoir.

Now, Mr. Chairman, I call the attention of this body to the fact that the gentleman from Massachusetts [Mr. MOODY] misconceives the importance of this section if he thinks that it should be stricken out of the bill. I want to say to him that great good is being done, even if no irrigation project results from it.

Mr. MOODY of Massachusetts. I do not mean to strike out the paragraph.

Mr. SHAFROTH. Oh, no; you said you were in favor of leaving it in the bill, but that you thought that so far as you were concerned you could see no use for it now, as I understood.

Mr. MOODY of Massachusetts. I meant to have divided the section, and so far as it relates to experiments about arid land I should be glad to strike it out, but the other part of it I should not.

Mr. SHAFROTH. The gauging of streams is one of the very necessary things to find out, in order to determine where you can construct reservoirs. Unless you know what the flow of the water is and the extent of the flood water, it is impossible to determine whether a particular reservoir could ever be filled with water. That is why it is absolutely necessary that these experiments be continued.

Besides, the purpose and object is to permit people to find out where power can be developed in these mountain streams and what can be relied upon during the year for the generation of that power. It has resulted in a number of instances in power plants being constructed. In the survey of reservoirs themselves, I know of one instance in my State where the Government made a survey and pointed out where a good reservoir site was located. Private capital went in there and constructed a reservoir that will probably be one of the greatest reservoirs in the United States when it is completed. Consequently these experimental works, if they had no other purpose than inviting private capital to undertake construction of reservoirs, are very useful. Now, as a part of my remarks I want to read a resolution which was adopted——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. I ask for five minutes more.

The CHAIRMAN. The gentleman from Colorado asks that his time be extended five minutes. Is there objection?

Mr. MOODY of Massachusetts. Mr. Chairman, if the gentleman will allow me, I will ask unanimous consent that debate upon this paragraph and all amendments be limited to twenty minutes.

Mr. SHAFROTH. All right.

The CHAIRMAN. Consent is asked that debate on this paragraph and all amendments thereto shall be limited to twenty minutes, the time to be divided——

Mr. MOODY of Massachusetts. Let me control the time. I have got it all divided.

The CHAIRMAN. The time to be controlled by the gentleman from Massachusetts.

Mr. MOODY of Massachusetts. Make it twenty-five minutes. The gentleman from Connecticut wants five minutes, and I think it is but fair that he should have it.

The CHAIRMAN. Unanimous consent is asked that the time be extended to twenty-five minutes instead of twenty minutes, for the purposes stated by the Chair. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. Do I get my five minutes?

Mr. MOODY of Massachusetts. That comes out of the twenty-five.

Mr. SHAFROTH. Mr. Chairman, I wish to have read, as a part of my remarks, the resolutions adopted by the Omaha Commercial Club with reference to these experiments and also to the construction of reservoirs.

The Clerk read as follows:

Resolutions of the Omaha Commercial Club in relation to the reclamation and settlement of arid America. Unanimously adopted October 2, 1900.

Whereas the public domain, which is the heritage of the whole people of this country and now belongs to them, comprises more than one-third of the entire area of the United States, and is situated almost wholly in its western half; and as the Secretary of the Interior, speaking of the irrigable and public lands, said in his annual report for 1899:

"That this vast acreage, capable of sustaining and comfortably supporting, under a proper system of irrigation, a population of at least 50,000,000 people, should remain practically a desert is not in harmony with the progressive spirit of the age or in keeping with the possibilities of the future;" and

Whereas, in the words of the Secretary of Agriculture in his last annual report:

"More than one-third of the country depends upon the success of irrigation to maintain the people, the industries, and the political institutions of that area, and future growth will also be measured by the increase of the reclaimed area. In a region which, in the extent and diversity of its mineral wealth, has no equal on the globe, the riches of the mines in the hills are already surpassed by the productions of the irrigated farms in the valleys, and the nation at large is at last awakening to the fact that the development of the use of the rivers and arid lands of the West will constitute one of the most important epochs in our increase in population and material wealth;" and

Whereas, as stated in the report of Capt. Hiram M. Chittenden, Engineer Corps, U. S. A., on surveys for reservoir sites:

"First, a comprehensive reservoir system in the arid regions of the United States is absolutely essential to the future welfare of this portion of the national domain.

"Second, it is not possible to secure the best development of such a system except through the agency of the Federal Government;" and

Whereas it is estimated that there are 100,000,000 acres of the public lands which can be reclaimed by irrigation, and it has been demonstrated by twenty years of experience in irrigation development and established by the reports of irrigation experts and engineers of the Federal Government that the reclamation of this great arid region of the United States involves many interstate problems and requires the construction of irrigation works on a scale so large as to be beyond the scope of private enterprise or the financial resources of the States, and the Federal Government could reimburse itself for all its outlays from sales of the lands reclaimed; and

Whereas the benefits which would flow from the transformation of this vast and now uninhabitable desert waste into fertile fields and happy homes and prosperous communities would be national in their scope, benefiting every section of the country and every class of the people, adding enormously to our national wealth and prosperity, stimulating mining, manufacturing, industry, and commerce in every channel and locality, opening up opportunities for millions of home builders, creating new home markets in the West for the products of the Eastern factories, benefiting alike the merchants, the manufacturers, the workers in the Eastern factories, and the Eastern farmers who feed them; and

Whereas this great problem can only be solved and the inestimable benefits which would result from the reclamation of this vast territory can only be secured to the people of this nation by the inauguration of a broad national policy and a fixed and unalterable adherence to the fundamental principles which should control that policy: Now, therefore, be it

Resolved, That we urge the adoption of the following complete and comprehensive national policy for the preservation, reclamation, and settlement of the public domain:

1. All the remaining public lands to be held and administered as a trust for the benefit of the whole people of the United States, and no grants of the title to any of the public lands to be hereafter made to any State or Territory or to anyone but actual settlers and home builders on the land.

2. The preservation and development of our national resources by the construction of storage reservoirs by the Federal Government for flood protection, and to save for use in aid of navigation and irrigation the flood waters which now run to waste and cause overflow and destruction.

3. The construction by the Federal Government of storage reservoirs and irrigation works wherever necessary to furnish water for the reclamation and settlement of the arid public lands.

4. The preservation of the forests and reforestation of denuded forest areas as sources of water supply, the conservation of existing supplies by approved

methods of irrigation and distribution, and the increase of the water resources of the arid region by the investigation and development of underground supplies and the united ownership of land and water.

And resolved further, That we respectfully urge upon the Congress of the United States that an appropriation of not less than $250,000 should be made annually for irrigation surveys and maps of irrigable public lands, with plans and estimates of cost of reservoirs, canals, and irrigation works necessary for their reclamation and for sinking experimental artesian wells, and $100,000 for the irrigation investigations of the Department of Agriculture.

And resolved further, That we likewise urge upon Congress that the national policy above set forth should be fully installed without delay and that liberal appropriations should be immediately made for the construction of storage reservoirs and irrigation works and for forest preservation and reforestation in accordance with said policy, and that such appropriation should be commensurate in amount with the great national interests involved and the magnitude of the results to be accomplished.

And resolved further, That a copy of these resolutions be sent to each Senator and Congressman from this State, and also to every other Senator and Representative in Congress, and that they be respectfully requested to use every proper means and influence to secure said appropriations, and to oppose the enactment by Congress of any laws relating to the public lands not in harmony with the policy above set forth.

And resolved further, That a copy of this resolution be sent to every commercial organization in the United States with a request for their indorsement of the national policy set forth in the foregoing resolutions and for their active cooperation to secure its adoption and inauguration; and also asking for their aid to enlist the interest and support of their Senators and Congressmen in favor of the said appropriations.

And whereas the National Business League on September 26, 1900, adopted resolutions embodying the policy advocated by this club in the foregoing resolutions and has requested the indorsement of their resolutions by other organizations: Now, therefore, be it

Resolved, That the Omaha Commercial Club does hereby indorse the resolutions of said National Business League with reference to the reclamation and settlement of arid America, and will cooperate with the National Business League to secure the inauguration of the national policy set forth in said resolutions.

Mr. SHAFROTH. Mr. Chairman, I wish to say simply one word——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOODY of Massachusetts. I yield five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Chairman, it may seem strange that I take any interest in this question one way or the other, but for the benefit of the gentleman from Nevada I will state that I am receiving and have been receiving during the present session numerous requests from labor organizations and others, asking the attention of their Representative to this question of irrigation of arid lands.

I am very glad, Mr. Chairman, to be able to give in this public way to my constituents an official statement respecting the enterprise which they desire to enter upon. I have done a little figuring while the gentleman from Nevada has been making his remarks on this subject. In his opinion there are 75,000,000 acres of these lands, which will cost the United States Government $750,000,000 for high-level ditches, and, in addition to this amount, there will be expenditures by individuals; so that there will be five times more money expended—$3,750,000,000—making the total cost to somebody in the preparation of this 75,000,000 acres of land for cultivation amount to $4,500,000,000. But in his judgment this is only one-eighth of the 600,000,000 acres of land which can be prepared by irrigation for cultivation, and under his estimate it is the best eighth. The other would involve a much larger expenditure of money. But, estimating that it will involve no more than the gentleman says, they are asking us to enter upon an expenditure on the part of the United States Government and the people of $36,000,000,000, according to the gentleman's own estimate.

Mr. NEWLANDS. Will the gentleman permit an interruption?

Mr. HILL. I have but five minutes. I am taking the figures of the gentleman. There is organized an official propaganda——

Mr. NEWLANDS. The gentleman is entirely mistaken.

Mr. HILL. I refer the gentleman to his own remarks, and I do not disagree with him. I am taking his own figures. There is an organized propaganda, as it were, in the United States, with a systematic bureau, asking the Government to enter upon an expenditure of $36,000,000,000. Now, then, with what result? I have a distinct recollection that a few years ago Congress was asked to buy from the Indians certain lands which were held by them, and some $35,000,000 were expended for that purpose in order to throw these lands open to public settlement, with the distinct understanding that when they were thrown open to settlement they should be sold at the price which they cost the Government. I remember that Congress in the last session deliberately threw down that contract and opened these lands under the persuasive eloquence of the gentleman from Oklahoma for free settlement practically under the homestead law.

Mr. SHAFROTH. Did you vote for that?

Mr. HILL. Are we going through the same process of preparing these lands at an expense of $36,000,000,000 and then have them thrown open under the homestead-law privilege?

Now, Mr. Chairman, I am in favor of giving these lands to the States in which they are located, having them properly surveyed, the irrigable, the semiirrigable, and the nonirrigable determined by the Government, and given to the States in which they are located. If there is any profit to the United States in making this $36,000,000,000 experiment, there is just as much profit to the States in which the lands are located.

I simply want to call the attention of the gentleman from Nevada to the fact that somebody, through an organized instrumentality, with central bureaus reaching throughout the States of this Union, are endeavoring to draw the United States into this experiment, and, for one, I protest; and I will give away the lands rather than take the first step.

Mr. NEWLANDS. Will the gentleman permit me?

Mr. HILL. I yield back such time as I have not consumed to the gentleman from Massachusetts.

Mr. NEWLANDS. Will the gentleman permit me for one moment?

Mr. MOODY of Massachusetts. I have agreed to give all my time.

Mr. KING. I will give the gentleman from Nevada one minute of my time.

Mr. NEWLANDS. I wish to say that the figures of the gentleman from Connecticut are absolutely chimerical and not based upon facts.

Mr. HILL. I think so myself; but they are the figures of the gentleman from Nevada.

Mr. NEWLANDS. They are not the figures of the gentleman from Nevada. I said 75,000,000 acres of land can be irrigated—from seventy-five to a hundred million acres.

Mr. HILL. Will the gentleman kindly tell me——

Mr. NEWLANDS. Now, the gentleman assumes we are going to reclaim over 600,000,000 acres of land.

Mr. HILL. Where are the 75,000,000 located?

Mr. NEWLANDS (continuing). Throughout the entire arid region scattered all over the country wherever there are streams or rivers. Why, the gentleman's claim would involve the reclamation of the mountain lands to the top of the Rockies and the Sierra Nevadas. There are 600,000,000 acres of land in the arid region, but there is at the utmost water enough only for 100,000,000 acres. The rest are high mountain lands and pastoral lands, which can never be irrigated, because there will be no water available.

Now, I wish to say that he refers to this question. It is true the wealth created there will amount to billions and it will be worth billions, and the arid country will have a population of from seventy-five to a hundred million of people within the next hundred years. Does the gentleman object to the creation of wealth in this country? Is he after the creation of wealth only in the Philippines, and does he propose to deny us the creation and development of domestic wealth?

Mr. HILL. I am in favor of the development of wealth by individual effort.

Mr. NEWLANDS. The gentleman proposes to turn over the land to the State. Does the gentleman know that every reservoir site necessary for the reclamation of the arid lands adjacent to these rivers in Nevada is in California? Will not the gentleman present to Nevada a gold brick when he presents to her the arid lands within her boundaries without giving her the California mountain lands in which her streams have their sources and without which the conservation of their flood waters is impossible?

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. MOODY of Massachusetts. Mr. Chairman, I now yield to the gentleman from Utah.

Mr. KING. Mr. Chairman, the remarks of the gentleman from Connecticut develop the fact that there is much misapprehension respecting this important subject. The Government of the United States has five or six hundred millions of acres of land in the arid part of the United States which have not been irrigated. Sufficient surveys have been made by the various departments of the Government to demonstrate that perhaps from seventy-five to one hundred million acres of these five or six hundred million acres can be irrigated and thereby reclaimed.

The cost of this great work I do not think has been accurately determined; that it will approach anywhere near the figures suggested by my friend from Connecticut no one believes. Perhaps the cost of reclaiming the 75,000,000 acres of arid land would be in the neighborhood of one hundred and fifty or two hundred million dollars. Those persons who have been interested in the reclamation of arid lands are familiar with the cost and they know something of the benefits that will come therefrom.

I regret that the time is so limited that I can not present to the House the importance of this subject. It presses upon us for solution. Congress may evade it for a time, but ultimately the representatives of the people must meet the matter squarely and adopt some policy that will settle this question. The part of statesmanship demands that the United States do something with its arid domain, imperial in extent.

The growth of our people, the necessity of homes for home seekers, these and many other reasons appeal for the adoption of some course that will develop these sterile wastes and make them

habitable. The people want homes. They are to be found in this arid region. If water is placed upon the dry and barren soil, cities and all the concomitants of a splendid civilization will spring up where now desolation reigns. Nature has provided both land and water. Separated, both are valueless; united, each is opulent in riches.

That the question is full of perplexities I freely admit. The friends of "reclamation" are not fully agreed upon the policy to be pursued. But the existence of problems should only stimulate those having the interests of the people at heart to determined effort to solve the problems and initiate a programme that will accomplish the desired results.

Mr. Chairman, I am not in favor of doing anything in the line of developing or reclaiming the arid lands by indirection. I regret the unwise course so far pursued by the Government. Appropriations have been made, under one pretext and another, which have been expended in surveys upon the arid lands, but no systematic plan has been adopted. What has been done has been fragmentary and piecemeal. Different bureaus and departments have worked along the same lines, but no clear and definite results have been attained.

Congress has shrunk from meeting the question. It has made small appropriations year after year, the greater part of which necessarily were eaten up in salaries and expenses. If a clear and comprehensive plan had been adopted as to the character of work to be done, different results would have been apparent.

Mr. Chairman, I think the Government should do something with the arid lands. It is wrong for it to act the part of the dog in the manger. Under the present land laws most of the arid lands will never be reclaimed. Congress should grapple with this subject now, and determine to either commence the reclamation of the arid West or cede the public lands to the States.

There are many arguments in favor of the latter course, and the objections to it are numerous and potent.

If the United States is to enter upon the work of reclamation, a complete and comprehensive plan should be adopted. For this purpose a million dollars should be appropriated with which to make complete surveys and investigations, with a view to determining the amount of land capable of being irrigated, the quantity of water unappropriated and which can be stored and diverted for irrigation purposes; and also the cost of reservoiring and diverting the water so as to be made available for such purposes. With this information before Congress intelligent action could be taken, and the people could not say that the country had been committed to a policy in ignorance of its cost and difficulties, if such there be.

If the reclamation of the arid lands committed the Government to a policy of landlordism, I would be opposed to it. I am not in favor of the United States going into the States and Territories and becoming the proprietor of farms and canals. Neither am I willing that the United States shall interfere with the right of the people in the various commonwealths to control the water and provide by proper local law for its use.

I do not believe that it is the purpose of the advocates of "reclamation" to have the Government enter upon a paternalistic course. They urge that the Government, inasmuch as it owns the land (much of it can only be irrigated by interstate streams), should give some value to its land, by caring for the water, so that it can by private persons be used for the reclamation of such land. I admit that there are constitutional questions presented for consideration if the United States stores the surplus water and constructs dams for its diversion, but, as I have stated, something should be done.

The gentleman from Nevada [Mr. NEWLANDS] introduced a bill, the principal features of which have been reported by the Committee on Arid Lands to the House in the form of a committee bill, which ought to be acceptable to my friend from Connecticut [Mr. HILL], who has just amused us by his wild and picturesque figures. By the provisions of the bill the moneys arising from the sale of public lands are to be employed in storing the flood waters of the arid regions for the purpose of making them available for irrigation purposes. The Government is not to irrigate the lands or become a landlord. It merely provides that its lands may be made of value, so that they can be sold. In order to sell them, it stores water. It then disposes of the land and water to bona fide homeseekers.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. KING. Mr. Chairman, in conclusion I want to urge that some intelligent course shall be taken upon a subject so important to the people of our country.

Mr. MOODY of Massachusetts. Mr. Chairman, how much time is there left on this side?

The CHAIRMAN. The gentleman has fifteen minutes.

Mr. MOODY of Massachusetts. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, a little less than one hundred years ago the United States entered upon a policy of expansion, Thomas Jefferson being the father of that principle and having much to do with the treaties and negotiations that led up to the addition of territory to the United States in extent greater than our original possessions. Following this came the additions to our continental domain brought about by the war with Mexico and the treaties with Great Britain relative to the Oregon country. The territory thus added west of the Mississippi River was conveniently labeled to a large extent in those days "the great American desert."

And one of the greatest problems of the first century of our history as a people was that of devising ways and means to bring together into close communion and into a homogeneous whole the widely separated corners of this great imperial domain.

Congress appropriated millions of dollars for the betterment of interstate rivers, loaned vast sums of money for the construction of transcontinental railways, gave vast areas of the public domain for the same purpose, and in many ways—wisely, in my opinion—lent Federal aid and encouragement and the Federal purse to those provisions necessary to bring together into close communication this vast continental empire of ours.

Within this great domain we have discovered what some of the fathers did not fully appreciate at the time of the expansion—how vast areas of territory may be made fit for human habitation by the application of water in irrigation. I believe there is not a member of this Congress who will not agree that it is wise statesmanship to so legislate as to make available for the uses of man the vast extent of territory which the fathers gave us.

The question arises, How can this be accomplished? The Government owns the land. In some of the Western States less than 7 per cent of the area has passed into private ownership. The States dependent upon the taxes collected on this limited portion of their area with which to carry on internal improvements are powerless to aid in the reclamation of the arid lands. It is necessary for the landlord, the Government of the United States (providing the Government shall remain the landlord), to take such action supplemental of private enterprise as may be necessary to make these lands habitable.

The gentleman from Connecticut [Mr. HILL] has exaggerated some statements made by the gentleman from Nevada. We do not believe—I think the gentleman from Connecticut does not himself believe—that the suggestions which have been made here relative to Government aid in the reclamation of arid lands look to any such vast expenditure as the gentleman has stated.

Mr. HILL. I agree with the gentleman. I think the whole thing is extravagant; and because no one knows anything about it, I think it is well not only for us to go slowly, but to stop right here until we find out about it.

Mr. MONDELL. I admit that it is not possible at this time to accurately estimate what the ultimate cost of the reclamation of arid America will be.

That will depend upon the extent to which it may be profitable to carry on the work of reclamation; but so far as the work which the Government should undertake in the aid of the reclamation of arid lands is concerned, I believe it can be estimated with a reasonable degree of accuracy, providing we start out with an intelligent understanding as to what class of works in the aid of irrigation are properly public works.

If we determine at the outset, which I think we should do, that the Government should confine its expenditures to that class of works which are necessary to make the waters of the arid region which now run to waste available for the uses of irrigation, such works as will place these waters in such position that they can be utilized by private enterprise, then we have limited the possibility of Government expenditure to a sum not to exceed $150,000,000, and this would in all probability be extended, if most advantageously expended, over a period covering the life of at least one generation.

This class of works, which includes storage reservoirs at the head waters and along the courses of streams, canals to carry the waters of streams from one watershed to another, where necessary, or to bring within the reach of irrigable land the waters of large streams that run in deep canons, water-tight bed-rock dams along the lower courses of rivers to aid diversion and bring underground flows to the surface, are works of a public character.

These can not be accomplished by private enterprise under our land system; they can not be undertaken by the State so long as the nation is the landlord and secured the returns, whatever there be, from the disposition of public lands.

Half of the sum which has been expended on river and harbor improvements will complete the work which the Government is asked to do, and private enterprise will take the waters that are thus made available for irrigation purpose, build the diverting works, irrigate the lands, and in doing this will make an expenditure three or four fold greater than that of the Government and add

vastly to the national revenues by increasing the possibility for the establishment of new homes and building up prosperous communities of home owners.

[Here the hammer fell.]

Mr. MOODY of Massachusetts. I want to get the consent of the House that the time for debate on this proposition be extended ten minutes. The gentleman from Colorado [Mr. BELL], a member of the committee, was not present when the limitation of time was agreed to. He would like to occupy five minutes. And I would like to have the gentleman from Illinois have five minutes. I ask unanimous consent for a further extension of ten minutes.

There was no objection.

Mr. MONDELL. I ask unanimous consent that I may be allowed five minutes additional.

Mr. HEPBURN. I know it is very ungracious to object to a request of this kind, but I must interpose objection, because I want this bill to get through. There are other important matters awaiting consideration.

The CHAIRMAN. Objection is made.

Mr. MOODY of Massachusetts. Mr. Chairman, I will endeavor not to occupy for my own purposes as much time as five minutes.

Enough has been said to show that this proposition to reclaim the arid lands is a very great one, leading possibly to very great expenditure; that it is an undertaking of doubtful constitutionality; that some of its friends have made figures which mount into the hundreds of millions of dollars as the probable or possible cost of the work before it is completed. The only thing, however, that I desire to say is something that may interest the gentleman from Connecticut. It shows the method of the propaganda which is going on throughout the country. For a long time I could not understand why my constituents seemed so much interested in this proposition to reclaim the arid lands; but finally——

Mr. BARHAM. Will the gentleman permit me a question at this point?

Mr. MOODY of Massachusetts. Yes, sir; but I think I have already been asked about the subject the gentleman wishes to inquire about.

Mr. BARHAM. What is that?

Mr. MOODY of Massachusetts. The Republican platform.

Mr. BARHAM. Then I do not care to repeat the inquiry. I thought the declaration of the Republican party in their platform might be some excuse for the movement which the gentleman recognizes as now going on.

Mr. MOODY of Massachusetts. That matter has already been brought to my attention. At the time that platform was adopted it amazed me exceedingly that so important a question should have been passed upon by the convention, because I do not believe the convention realized the magnitude of this proposition for the reclamation of the arid lands.

Mr. HILL. Did not the same parties who are carrying on the "propaganda" organize to procure that declaration of the platform?

Mr. MOODY of Massachusetts. Well, I have no information on that point, but I have no doubt it is true. I have here a letter which evidently is in the same form as letters which have been sent to very many people in the State of Massachusetts. I will not read the whole of the letter—only a part:

> Will you not write immediately to Hon. W. H. MOODY, Representative in Congress from Massachusetts, and ask him to secure the insertion in the sundry civil bill of the item of $250,000 for irrigation surveys and the hydrographic work by the United States Geological Survey? He is a member of the Committee on Appropriations, and if he would make the effort could secure this appropriation.

Evidently this gentleman thinks I am about the whole thing. He does not reckon on the fact that the gentleman from Illinois and other members occasionally make a suggestion when questions are before the Committee on Appropriations for deliberation. He goes on to say:

> When you write Mr. MOODY will you not strongly urge him to oppose any proposition to cede any public land to any State or Territory under any pretext whatsoever, and ask him to favor the national irrigation policy as advocated by our association?

Now, Mr. Chairman, I do not complain of that letter——

Mr. NEWLANDS. If the gentleman will permit an interruption, I think I can explain in a few words this whole matter.

Mr. MOODY of Massachusetts. I hope the gentleman will let me finish my observations on the letter. I do not complain of it, but I rather complain of the taxpayers of the country, whether they live in Massachusetts or anywhere else, who for any motive undertake to influence the action of their Representative on this floor upon a subject of which the Representative knows about twice as much as the constituent. But if any of these gentlemen who have written to the gentleman from Connecticut or myself or to any other member have any sort of an idea what the proposition for the reclamation of the arid lands means, I am sure they have no idea of the great possibilities of expenditure that exist under it; for I feel sure if they knew that one of its friends here to-day was suggesting that it might cost $750,000,000, they would not wait for the slow process of the mail, but they would telegraph to recall any recommendation which they have made to us on this subject.

Mr. NEWLANDS. Will the gentleman permit an interruption?

Mr. MOODY of Massachusetts. Yes.

Mr. NEWLANDS. I wish to state that I think the gentleman underestimates the intelligence of his own constituency. I was present at an irrigation congress, the first one I have attended for some years, held at Chicago last fall, and I found there the labor organizations of the country prominently represented and fully informed upon the subject and fully appreciative of what is meant to the masses of this country by the reclamation and development of the public domain. Now, I wish to state that the labor organizations of this country are paying more attention to the consideration of economic questions than men who assume to be their superiors in intelligence.

Mr. MOODY of Massachusetts. I agree with the gentleman entirely.

Mr. NEWLANDS. And this is one of the economic questions to which they are giving close consideration throughout the United States. They are better informed than most people on this subject.

Mr. MOODY of Massachusetts. Yes.

Mr. NEWLANDS. Now, they understand that the preservation of the public domain means homes for settlers. It means the perpetuation of the traditional policy of the country.

Mr. MOODY of Massachusetts. I reserve the remainder of my five minutes.

The CHAIRMAN. The gentleman has three-quarters of a minute remaining.

Mr. MOODY of Massachusetts. I will save that and yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Chairman, I wish to say that our friend from Connecticut [Mr. HILL] evidently does not understand this question or our intentions. Now, I have from the beginning been in favor of the Newlands bill and of that character of legislation. I think I introduced into this House the first bill involving the principle of making the land pay for its redemption and applying it to two great rivers. The reason why private capital can not reclaim these lands is that the lands must be put in shape, in the first place, for habitation, and interstate questions are constantly arising. It takes such a length of time to build up a farm and make the land productive that private capital is not willing to wait so long for remuneration. Now, our friends speak slightingly of the labor organizations and of their ideas in connection with this land. I want to say that I was on a subcommittee that went to this arid West, as a representative of the Industrial Commission, for the purpose of examining the condition of labor and capital in that country. We found in the State of Utah the best labor conditions that we found anywhere in the United States, by far.

Mr. WM. ALDEN SMITH. When was this?

Mr. BELL. That was one year ago. Why did we find there the best condition of labor? The reason given was that the men employed in the coal mines and in the metalliferous mines and everywhere else had small homes on this irrigated land, and whenever there was a shortage of work in warm weather in the coal mines or for any reason mines were shut down, the miners of Utah went to their little homes and cultivated their land. Little as may be supposed to be the value of irrigated lands, a family can raise more on 1 acre of good fertile irrigated land, in my judgment, than you can raise, on an average, on 3 or 4 acres in the Eastern States. This condition quadruples the inducement of laboring men to make homes on these lands and causes them to take a lively interest in their reclamation.

Mr. WM. ALDEN SMITH. These cases you speak of are individual cases.

Mr. BELL. Individual cases.

Mr. WM. ALDEN SMITH. And this was the result of individual enterprise.

Mr. BELL. And I want to say further that in the State of Colorado the Travelers' Insurance Company has probably put $4,000,000 into advances on irrigation enterprises; but after those to whom they advanced the money have built the canals it took such a long time for the settler to build his home and get his land prepared so that he could irrigate it, and put off the return on the capital so long, that it drove them and other investors out of such enterprises.

Now, this idea about the enormous expense of this project is all a mistake. I venture to say that if the Government will build the reservoirs in the State of Colorado, it can assess the value of the reservoirs to the land itself and give the people ten or fifteen years in which to pay it, and they will pay out. I have no doubt of it.

Mr. WM. ALDEN SMITH. Does the gentleman think we ought to keep up this appropriation?

Mr. BELL. Oh, that appropriation is for the purpose of examining reservoir sites and keeping individuals from taking up land that would be valuable in the future for such reservoir sites, and

reserving such natural reservoir sites for whoever may finally reclaim these lands.

Mr. WM. ALDEN SMITH. I understood the gentleman from Utah to say that we ought not to go ahead in this matter.

Mr. BELL. The gentleman from Utah is so filled with this idea of individualism that he has not reached the point of Government reclamation, I am sorry to say. He does not represent the Democratic idea of the West or elsewhere on this subject, but is clinging to the old strict Democratic doctrine against any kind of so-called paternalism. But the Democratic party is committed in its platform to such reclamation.

Mr. MOODY of Massachusetts. I yield the remainder of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. How much time is that?

The CHAIRMAN. There are five minutes' time remaining.

Mr. CANNON. I think I can get along with a good deal less time than that. This proposition that has been discussed is not upon this bill. Gentlemen have been discussing a policy that is covered, as I understand it, by the bill reported from the Committee on Irrigation. Yet our friends here are ever ready by every means possible to push this work, and this is one step that they have taken this morning.

Now, I want to say a word about the letter that was read by the gentleman from Massachusetts [Mr. MOODY]. I have a duplicate of it. At least I suppose it is a duplicate. I recognize many things in it that are in his letter. It is signed by George F. Maxwell, executive chairman.

Mr. OLMSTED. Does that letter ask you to use your influence with the gentleman from Massachusetts?

Mr. CANNON. Oh, I am the strong man in that letter, and he is the strong man in his letter. [Laughter.] And so it runs. It is sentiment worked up, organized, I presume, by the gentlemen who are in this irrigation association.

Now, Mr. Chairman, I want to say a word upon the merits of the matter, a thing not now before the House. Extracts from two platforms have been read. Gentlemen understand how platforms are adopted sometimes touching some of these matters. What is the fact? There are 13 arid and semiarid States in this Union, and the State of Nevada, with its 40,000 people, is one of them. That State is represented by the gentleman [Mr. NEWLANDS] and by 2 Senators. Those 13 States have 26 Senators and 26 Representatives, and they just about equal in their aggregate of population the great State of New York that has 2 Senators and, I believe, 36 Representatives. Now, some of them believe that the time has come to begin the work of storing the natural waters in reservoirs, storing the storm waters, and letting the charge come upon the general Treasury. Let me say if that is ever done, the gentleman's estimate of $750,000,000 is far below instead of above the appropriations that are to come, not in a hundred years, but inside of fifty years.

Now, in some respects I am a pretty good Democrat, a better Democrat than the gentleman from Nevada and the gentleman from Colorado upon this question. I believe in local self-government. I stand ready, with proper guards, to donate every acre of the arid lands to the respective States, and to help amend the law so as to give these States as to each other, if necessary, a status in the courts of the United States, to settle questions where they are interested, as between State and State, in the water. I do not believe that any other policy ought to be pursued, or can be successfully pursued, without making the population of the 13 arid and semiarid States dependent upon the United States and without robbing them of good citizenship; because, when you give something for nothing, and upon a large scale let the few benefit by the taxation of the many for schemes of this kind, you necessarily break down the good manhood of the people who ought to depend upon their own industry and intelligence to work out their own salvation. [Applause.]

Mr. NEWLANDS. Will the gentleman permit a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I ask unanimous consent that I have three minutes in which to put certain questions to the gentleman from Illinois.

Mr. CANNON. When we get that report from the Arid Lands Committee I have no doubt we will have two or three days' discussion.

Mr. NEWLANDS. Yes; but the gentleman has made two or three references to my State, and I would ask now, in all fairness, that I be allowed to ask him a question or two.

Mr. CANNON. So far as I am concerned, with great pleasure.

Mr. NEWLANDS. I ask unanimous consent——

The CHAIRMAN. Unanimous consent is asked that the gentleman from Nevada be permitted to have three minutes' time in which to discuss this proposition.

Mr. CANNON. I would rather have the three minutes' time, and I will yield to my friend for a question.

Mr. NEWLANDS. Very well.

The CHAIRMAN. Is there objection to giving the gentleman from Illinois the time, to be used by the gentleman from Nevada? [Laughter.]

There was no objection.

Mr. CANNON. I am content to have it that way.

Mr. NEWLANDS. I hope the gentleman will make his answers clear and explicit, and not wander all over the United States.

Mr. CANNON. Oh, I will answer in my own way or not answer at all.

Mr. NEWLANDS. The gentleman should give me clear, unequivocal answers. In the first place, the gentleman proposes to cede the arid lands in Nevada to the State of Nevada. The arid lands in that State are the plains which are irrigated by the streams that take their source in California. All these reservoir sites, which are to store the flood water so essential to increase the area of reclamation, are in California. Now, I ask the gentleman whether he is willing to cede to Nevada not only the lands in Nevada, but the entire eastern slope of the Sierra Nevada Mountains, whose streams are tributary thereto.

Mr. CANNON. Does the gentleman want an answer?

Mr. NEWLANDS. Yes.

Mr. CANNON. If the Federal courts have not already jurisdiction, I would give them jurisdiction to legislate and determine the interests of Nevada and California. But, far better than that, I should like to pursue such a policy as would make Nevada, with 40,000 people, a respectable county in the State of California. [Laughter.]

Mr. NEWLANDS. The policy that the gentleman pursues will result in Nevada remaining a State of 40,000 people. The contraction of the energies of that State and the contraction of the population of that State are entirely due to the policy inaugurated by the party to which the gentleman belongs, and which he sustains.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. The gentleman made a stump speech in reply to my question, and I did not have opportunity to ask him the question I desired to. [Laughter.] I ask five minutes in my own right.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Nevada that he be permitted to address the committee for five minutes.

Mr. GROW. I object to any further extension of time.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

MISCELLANEOUS OBJECTS.

Yellowstone Park: For necessary repairs to the United States commissioners' building in the Yellowstone National Park, and for the erection of a barn in connection therewith, $450.

Mr. NEWLANDS. Mr. Chairman, I move to strike out the last word. I would like to put one question to the gentleman from Illinois, and that is regarding the platform of his party. That platform declares:

We recommend adequate national legislation to reclaim the arid lands of the West.

Now, I ask the gentleman what he understands is meant by that?

Mr. CANNON. I understand, in my judgment, it to mean that proper steps shall be taken to cede the lands in the arid States, under proper guaranties, to the respective States, and let them work out their own salvation. That is what I think.

Mr. NEWLANDS. Let me call the gentleman's attention to a further part of his platform:

In further pursuance of the constant policy of the Republican party to provide free homes—

Mr. CANNON. Certainly.

Mr. NEWLANDS—

to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

Now, I ask the gentleman how the gentleman's policy is going to promote free homes on the public domain? Was that declaration made by the Republican party simply to gain the votes of the Western States in which the arid land is located?

Mr. CANNON. What say you in your platform?

Mr. NEWLANDS. That is what we propose to stand by here.

Mr. CANNON. How many will stand up on that side and say that they stand by your platform?

Mr. NEWLANDS. We propose to stand by our platform. The gentleman proposes to repudiate his. Now, the gentleman amplified on it in his previous speech, stating that the very purpose of this platform was to secure the support of those thirteen States or more in the arid-land region of whose contracted population he complains. I ask if that was the purpose?

Mr. CANNON. I was not in the convention that adopted the platform, nor was I in your convention. In my judgment the pledge of the platform would be substantially the settlement by

Congress by the legislation I have indicated. If it would not be, then I would not stand by that plank in the platform.

Mr. NEWLANDS. I am glad to have so much candor from the gentleman. The gentleman has referred in terms of ridicule to the letter he received from an Illinois constituent asking for legislation on this matter. He has alluded to him as a piano dealer, a man connected with trade and commerce. I ask the gentleman whether he does not know that the Board of Trade of the city of Chicago sent leading representatives to the irrigation congress, held in Chicago last November, and that they were amongst the most active men in support of the policy for the reclamation of the arid lands and the building up of a domestic empire, and whether the merchants and manufacturers of Chicago do not feel that the trade interests of Chicago would be benefited thereby. The Board of Trade of St. Louis also was represented in that convention. Does not the gentleman believe that they feel that they are personally interested in the building up of this country west of them, the increase of its population, its wealth, and its trade?

Mr. CANNON. Now, in reply to the gentleman's question, if he desires it, I will say that the Chicago Board of Trade regulates its own action. So with St. Louis. Either upon its own motion or at the request of gentlemen in the body or organization they are quite entitled to their own opinion. In my own judgment, with what little investigation I have been able to give this question, I believe I know more about it than the Chicago Board of Trade; and I am quite willing, touching this matter, to take the responsibility and answer my constituents.

Mr. NEWLANDS. Well, now, let me ask the gentleman another question.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Regular order!"]

The Clerk read as follows:

Supreme Court Reports: To pay the reporter of decisions of the Supreme Court of the United States for 76 copies, each, of volumes 182 to 186, inclusive, of the United States Reports, at a rate not exceeding $2 per volume, under the provisions of section 2 of the act of February 12, 1889, $760.

Mr. NEWLANDS. I move to strike out the last word. Is the gentleman from Illinois still here?

Mr. CANNON. What is left of him.

Mr. NEWLANDS. I want to ask the gentleman a question in respect to a general and comprehensive plan for the settlement of this question. The gentleman understands that for many years the arid-land members have been urging a comprehensive plan, and have been unable to receive consideration, and hence in the Senate the members there representing arid States have been compelled to force irrigation legislation upon appropriation bills.

Now, I want to ask the gentleman, who is one of the prominent leaders of his party in the House, if he will favor giving the House a day or two for the consideration of a comprehensive plan under which the three features of disposing of this question can be considered—one, the question of the disposition, which the gentleman favors, namely, the cession to the States; another, an appropriation of public funds out of the General Treasury for the conservation of waters as a matter of general public improvement, without reference to compensation for this great work; another, simply the bill reported by the Irrigation Committee, which provides that the Government shall do the work in the interest of the entire people, using the moneys received from the sales of the public lands of that region for construction, receiving them back from the settlers on the land by the disposal of water rights, and using the money over again for reclamation.

A bill intended to permit what the gentleman's party calls for in its platform, namely, the holding of these lands for actual settlers and the creation of homes instead of land monopoly in the West. Now, I ask the gentleman whether he will favor, as one of the leaders of the House, the consideration, before Congress adjourns, of these comprehensive plans and measures?

Mr. CANNON. Mr. Chairman, a single word in reply. How many questions the honorable gentleman has asked I do not know. That he has made a speech, and made it very well, I do know. I am not the leader of the House, and I am not the leader of the party. I sometimes have great difficulty in leading myself [laughter], but, speaking for myself, I will not vote, as I am now informed, to pay by grant from the Federal Treasury for the irrigation of 600,000,000 acres of land. It would breed maladministration; it would be a great draft upon the Treasury; it would breed great scandals in the public service and destroy the manhood of the very constituents that the gentleman represents.

Mr. NEWLANDS. My question did not reach the matter of the gentleman's vote. I simply asked him whether he would favor consideration—whether he will sign a petition to the Speaker of the House and the Committee on Rules for the consideration of these comprehensive plans.

Mr. CANNON. There are about ten days left of this session. I am for doing the business necessary, and in such a way that when it expires we can say we have finished this work of great public importance, and I will not seek to side track the House on this issue at this time.

The Clerk read as follows:

For continuing the work of the extension of the hospital sufficient to provide for 1,000 patients, as authorized by the sundry civil appropriation act approved June 6, 1900, $925,000, to be immediately available. The buildings herein provided for may be erected on land now owned or that may be acquired by the United States for the Government Hospital for the Insane.

Mr. OLMSTED. Mr. Chairman, I feel compelled to make a point of order against that portion of the paragraph commencing with line 20, wherein it says: "The buildings herein provided for may be erected on land now owned or that may be acquired by the United States for the Government Hospital for the Insane."

Mr. CANNON. I think it is subject to a point of order, Mr. Chairman.

The CHAIRMAN. The Chair will sustain the point of order.

The Clerk read as follows:

For the purchase, at the discretion of the Secretary of the Interior, of not less than 145 acres of land immediately adjoining the present building site of the hospital on the south and extending from Nichols avenue to the Anacostia River, to be acquired by condemnation or otherwise, a sum not to exceed $145,000, to be immediately available.

Mr. OLMSTED. Mr. Chairman, reserving the point of order, I would like to ask the chairman of the Committee on Appropriations whether this intended purchase of land is for the purpose of the extension mentioned in the preceding paragraph?

Mr. CANNON. It is proposed to purchase this land for the use of the insane asylum, to purchase the land on the south, and without reference to the clause that was stricken out; that is, notwithstanding the clause went out on the point of order, it is proposed, if adopted, and would result, as I am informed and believe, in the purchase of 145 acres of land.

Mr. OLMSTED. I ask whether this purchase of land is intended for the erection of the buildings?

Mr. CANNON. It is not for me to construe the paragraph.

Mr. OLMSTED. It is not for the gentleman to construe the law, but as he is the chairman of the committee, and there is nothing in its report which enlightens us, I ask him for information.

Mr. CANNON. I think the report is quite full. But I will say that I believe the Government ought to own this land, and I should hope in the future if it does own this land, if it can be purchased, that provision will be made to extend the asylum, put the buildings on this land in place of across Nichols avenue, as the law now provides. I hope that will be the result, but then that will be for the future.

Mr. OLMSTED. Mr. Chairman, I reserve the point of order.

Mr. CANNON. Why not make it now? It seems to me the best way is to dispose of the point of order now.

Mr. GAINES. May I ask the gentleman from Pennsylvania which paragraph he is making the point of order against?

Mr. OLMSTED. The paragraph which has just been read, beginning with line 24, page 74. It is well understood that this land is to be purchased for the extension of the hospital which was authorized in the sundry civil bill last year and is again recognized in the preceding paragraph. I have no objection, personally, to the purchase of this land, providing it is purchased at a reasonable price, but I have the authority of a gentleman whom I consider the best real estate authority in the city——

Mr. HEMENWAY. Mr. Chairman, I rise to a point of order. The gentleman is not discussing the point of order.

Mr. OLMSTED. Everybody knows, as I was about to state, that this is for the purchase of this land, which was first attempted to be foisted upon the Government for $2,500 an acre, and then $1,500 an acre, and now at $1,000 an acre, and which I am informed and believe is not worth more than $500 an acre, and is assessed for taxation at $80 per acre.

Mr. HEMENWAY. Mr. Chairman, I insist that the gentleman is not discussing the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order——

Mr. RICHARDSON of Tennessee. I submit, Mr. Chairman, that the gentleman from Indiana can not make a point of order when another point of order is pending.

Mr. HEMENWAY. But the gentleman from Pennsylvania is not discussing his point of order.

Mr. PAYNE. Does the gentleman from Tennessee understand that when a point of order is raised the rules of the House are set at naught until the point of order is decided?

The CHAIRMAN. The attention of the Chair being challenged to the point, the Chair must remind the gentleman from Pennsylvania that he must limit his remarks to the point of order.

Mr. OLMSTED. "The gentleman from Pennsylvania" understands, of course, that his remarks are subject to be cut off at any time by the Chairman, whether they are in order or out of order; but, of course, he intends to speak in order.

Mr. ROBINSON of Indiana. I rise to a parliamentary inquiry. Has a point of order been made on this paragraph?

The CHAIRMAN. The Chair understands that the gentleman

from Pennsylvania makes the point of order. Is the Chair correct in that?

Mr. OLMSTED. Entirely so.

Mr. ROBINSON of Indiana. If the point of order has not been made, I hope the gentleman will make it, or yield to some one else to do so.

Mr. OLMSTED. I have made the point of order and am endeavoring to discuss it.

Mr. GAINES. I would like to inquire of the gentleman from Pennsylvania whether a point of order was made on the preceding paragraph, extending from line 16 to line 23?

The CHAIRMAN. The Chair understands it is not that paragraph, but the next paragraph, that is now before the committee.

Mr. GAINES. But I wish to inquire whether any point of order was made on the last sentence of the last paragraph?

The CHAIRMAN. A point of order was made on the last sentence of the paragraph beginning with the words "the building," in line 20.

Mr. GAINES. That clause reads:

The buildings herein provided for may be erected on land now owned or that may be acquired by the United States for the Government Hospital for the Insane.

A portion of that paragraph, down to the word "owned," I understand to be the law now, and the point of order would apply to the remainder of the sentence.

The CHAIRMAN. The Chair desires to state that that matter is not now before the committee.

Mr. GAINES. But I was trying to get at the point of the gentleman's point of order—whether it went to all or a portion of the paragraph.

The CHAIRMAN. The matter before the committee is the succeeding paragraph, beginning with line 20, and upon that the Chair will hear the gentleman from Pennsylvania on his point of order.

Mr. OLMSTED. Mr. Chairman, it is very plain from the reading of the two paragraphs together that the intention of this legislation is to build upon the land now proposed to be purchased under this paragraph the extension of the hospital provided for in the sundry civil bill of 1900 and again provided for in the paragraph last read.

Now, the sundry civil bill of 1900 provided expressly that this extension should be built upon land now owned by the Government or which shall be donated to it within the District of Columbia. The paragraph which we have just passed undertook to change that——

A MEMBER. That has gone out on the point of order.

Mr. OLMSTED. But these two paragraphs are intended to go together; they should be construed together; and it is the plain intention of this paragraph and of the committee—I challenge the gentleman from Illinois to deny it—to build this extension upon this land which the pending paragraph proposes to purchase, and the committee's report, I think, shows that. If they will say that such is not the purpose, I will withdraw the point of order, and the general proposition to purchase this land may be discussed on its merits.

Mr. CANNON. The intention of any member of this House does not control the Committee of the Whole and does not control this provision, if it be enacted. So far as I am concerned, I will be entirely frank with the gentleman. This is a proposition, as it now stands, to buy 145 acres of land, just as the proposition was last year to buy a certain quantity of land at Annapolis for use in connection with the Naval Academy; just as the proposition was yesterday, if I recollect aright, to make a purchase of land.

And therefore I submit that this provision is in order. I will say, however, to the gentleman that in the event that the Committee of the Whole and the House should determine upon the purchase of this land, I very greatly hope that it will result in legislation that will build the addition to the insane hospital on these 145 acres. But that is a matter for the future, and my hope does not control the point of order.

Mr. OLMSTED. The view which the gentleman expressed on this floor in the debate last year, and I think during this session, shows that that is the intention, which is also shown by a fair reading of these two paragraphs taken together. An act of Congress is not construed by reading only one paragraph.

Mr. MUDD. Allow me to ask whether it is a fact that the preceding paragraph has been stricken out? I was out of the Hall when that matter was up. Is that the fact?

Mr. OLMSTED. A point of order against the paragraph was sustained.

Mr. MUDD. Now, I think it proper to call the attention of the gentleman and of the Chair to the fact that last year a point of order was made upon a paragraph containing the same language, having the same purpose, and was overruled. I simply call attention to that fact. I made the point of order myself, and hoped that it might be sustained; but it was overruled.

Mr. OLMSTED. But last year a different condition of things existed. Last year there was no law upon the subject. Now there is a law—the law which was enacted last year—providing that this extension shall be erected on lands now owned by the Government, or which may be donated to it, in the District of Columbia.

Mr. MOODY of Massachusetts. Will the gentleman allow a suggestion?

Mr. OLMSTED. Certainly.

Mr. MOODY of Massachusetts. If this bill should become a law in exactly the terms in which it is now proposed, the money appropriated for these buildings could not be expended upon these lands which it is proposed to purchase, because by the terms of last year's law, which as yet is unaltered, the money would have to be expended upon land already owned by the Government.

Mr. OLMSTED. I do not know in what form this bill will become a law. It has not become a law. Its passage through this committee or through this House will not constitute it a law. We do not know what shape it will finally take. But we do know, from the reports of this committee and from statements of members on this floor at this session and the preceding session, that the intention is to erect these additional buildings upon this land. That is the only object of purchasing the land; and we know that the land is not worth half the price at which it is attempted to be foisted upon us.

Mr. FLEMING. Will the gentleman allow me to make a suggestion? I am afraid, if this provision should go out on a point of order, the bill when it comes back here from the Senate will carry this provision as an amendment, and this House will not have had an opportunity to vote against it. I am just as much opposed as the gentleman from Pennsylvania to paying the amount demanded for this land, but I hope the gentleman will withdraw his point of order and let us vote on striking out the paragraph, with a full understanding of the facts by the House.

The CHAIRMAN. The Chair desires to state to the gentleman from Pennsylvania that if he has any law which would change the position of last year, or the well-known rule that governs the Committee of the Whole that the purchase of land for hospital purposes is simply a continuation of a public work already in progress, the Chair would be glad to have the gentleman's authority.

Mr. OLMSTED. I can cite no law except the law which was passed last year at the time that ruling was made requiring the hospital extension to be located upon lands now owned by the Government, and the manifest fact that the purpose of this appropriation is intended for the purchase of land upon which to locate the new buildings in violation of that law, but in view of the suggestion made by the gentleman from Georgia and what I believe to be the sentiment of the House, from what I hear going on about me, I withdraw the point of order so that after a full discussion of the facts the paragraph may be amended so as to limit the price to a fair figure or else stricken out upon a direct vote.

Mr. DE ARMOND. I renew the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman, when this proposition was before the House in the last session of Congress it was held by the Chair, as the gentleman from Maryland has stated, that the proposition to buy the land—then at $210,000 for 140 acres instead of $145,000 for 145 acres—was not subject to the point of order made, because there was no law preventing the acquisition of land for a site for the extension of the hospital. As the gentleman from Pennsylvania [Mr. OLMSTED] has very well said, in answer to the inquiry of the gentleman from Maryland, that condition does not now exist, because in the last session of Congress a law was passed which now has to be set aside or this appropriation can not be made.

This appropriation can not be made except by overturning that law or repealing it. Let me read the portion of that law which is pertinent. After the specification as to what this appropriation shall be used for, on page 619 of the laws of the last session we find this:

For the extension of the hospital as herein specified, upon lands already owned by the Government, or upon such suitable lands as may be donated to the Government within the District of Columbia for that purpose, toward which, including the expense of the preparation of plans and specifications, is hereby appropriated the sum of $50,000.

As the law now stands the extension of the asylum is to be made upon lands already owned by the Government, or lands that may be acquired by donation; not by condemnation, not by purchase, not by any means except donation. Now, the contention that a proposition to buy lands as a site for this extension is not a change of the existing law which requires that the extension shall be made upon lands already possessed, or upon those donated to the Government, is so transparently wrong that there is no room for argument.

Mr. ROBINSON of Indiana. Mr. Chairman, I desire to interrupt the gentleman for a moment and call to his attention the fact that after the measure was passed a year ago the gentleman

from Illinois [Mr. CANNON] gave an interpretation of the measure then passed in this language, which is found in the CONGRESSIONAL RECORD for that session, page 5568. He said:

There is no authority to purchase any land, and this clause and the next clause provide for the construction of this addition upon land owned by the Government; but it means to go across the road, I will say to the gentleman—

Addressing the gentleman from Missouri [Mr. DE ARMOND] a year ago.

Mr. CANNON. Well, I say so now.

Mr. DE ARMOND. I take it that is a confession that the point of order is good. The only escape from it, if there be any, would be through the claim that this land is to be purchased for some other purpose. The gentleman from Pennsylvania [Mr. OLMSTED] put the inquiry directly to the gentleman from Illinois [Mr. CANNON] as to whether there is any other purpose. Of course he can not truthfully say that there is.

Mr. CANNON. If the gentleman will allow me——

Mr. ROBINSON of Indiana. Certainly.

Mr. CANNON. I say that this clause to which the point of order is made is like any other clause. It stands or falls by itself. Whatever I may think about it or whatever the gentleman from Missouri may think about it does not control. The clause speaks for itself, and I say it is quite competent, so far as the point of order is concerned, to provide for the purchase of land adjacent to any hospital in the United States. The line of decisions on that point is uniform.

Mr. ROBINSON of Indiana. I would like to suggest, for the information of the Chair, and urge as an additional reason——

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] still has the floor.

Mr. DE ARMOND. I yield.

Mr. ROBINSON of Indiana. An additional reason why this is subject to the point of order is that it changes the existing law whereby the District of Columbia shall bear one-half of the expenses of the purchase of this land, and by this bill the appropriation contemplated comes out of the United States Treasury. Upon that proposition I desire later on to make some observations.

Mr. DE ARMOND. The suggestion of the gentleman from Illinois amounts to this, then, as I understand it: That this paragraph may be wrenched out of its connection, and that everybody in the House, the Chair included, shall stultify himself by not recognizing that which he knows to be true; that the report of the committee which advocates the purchase of this land for use for the hospital extension shall be entirely ignored, and that the law itself shall be disregarded and the rules of the House violated—all this that the paragraph may be preserved.

If the matter had to be determined without any report and with what we all know ignored, if the paragraph alone were considered, the sentence already taken out of the preceding paragraph upon the point of order raised by the gentleman from Pennsylvania [Mr. OLMSTED] furnishes in itself an explanation of what follows. That is—

The buildings herein provided for may be erected on land now owned or that may be acquired by the United States for the Government Hospital for the Insane.

Now, how anybody can have any question or doubt from the language itself, from the bill and the bill alone, as well as from all the circumstances and surroundings, and from the report of the committee, that the object of this purchase is to secure land for an extension it seems to me passes reasonable comprehension.

The next paragraph that follows relates also to the hospital:

For construction of a new stable building to be erected on the opposite side of Nichols avenue, adjacent to the other farm buildings, $25,000, to be immediately available.

If we come down to the question in its narrowest form, if we are to be technical in the extreme, if we are to throw to the winds all the information we have and deny to ourselves what we know absolutely, where is the authority for the statement that the law authorizes the purchase, without any direction as to the use that shall be made of it, of the 145 acres, or of 1 acre of ground?

The CHAIRMAN. The Chair desires to ask the gentleman from Missouri what his opinion is as to the power of this committee to purchase this land, not for the purpose of putting any buildings upon it, but for the purpose of furnishing additional space for the inmates of the hospital to use, either to work or to amuse themselves?

Mr. DE ARMOND. There is no such purpose——

The CHAIRMAN. Or for larger farming purposes.

Mr. DE ARMOND. There is no such purpose disclosed.

The CHAIRMAN. Well, is the other purpose disclosed?

Mr. DE ARMOND. If the matter be put upon that ground, if it is no change of law and no addition to law, if it is not new legislation or a change of legislation, to provide for the purchase of 145 acres adjacent to the tract which we already have, who can say that it would be a change of law or new legislation if something intervenes between the two tracts?

Now, why must it be adjacent? Why must it adjoin? If something can intervene, what can intervene? A street, a farm, a county, a State? If you can buy 145 acres which happen in this instance to adjoin lands which we already own, and if you make no new law and change no existing law when you authorize the buying of it, if it is not new legislation, then you can buy 145,000 acres; then you can buy the entire State of Maryland if it were for sale; then you could buy the entire Territory of Alaska or the Dominion of Canada if it were on the market.

Now, will any such latitudinarian construction as that be followed? In the first place, it involves stultification, because it is clear what the purpose of this paragraph is. Let me ask you another question: If this purchase can be made, can these buildings be put upon the 145-acre tract? Can they or can they not, under the present existing law?

Mr. CANNON. Why, certainly not.

Mr. DE ARMOND. Then does the gentleman desire to purchase this land at a thousand dollars an acre and not use it for a building site?

Mr. CANNON. I desire, if I have my way about it, to purchase this 145 acres of land. So far as the point of order is concerned, I believe that it is in order. What the House may do on the merits is quite another question. I am now discussing the point of order, and I would say to the gentleman that it would be quite in order to buy 10 sections of land adjacent to this hospital, so far as the point of order is concerned, and an amendment might be offered here and now to that effect, and it would not be subject to the point of order. But when you come to the question of the propriety of the purchase, that is a different question.

Mr. DE ARMOND. Let me ask the gentleman from Illinois whether, to make the purchase of additional land in order under the rules, it must adjoin that which the Government already owns?

Mr. CANNON. I think not, in my judgment; but it is not necessary to determine that question, because this does adjoin, and it would be mere obiter——

Mr. DE ARMOND. Let me ask this question——

Mr. CANNON. Certainly.

Mr. DE ARMOND. If the Government owns a lot in a block in a city of a thousand blocks, would it be a change of law or new legislation to provide for purchasing all the other lots in all the other blocks in the city?

Mr. CANNON. In my judgment it would be in order to purchase land for a purpose for which the Government was dedicated adjoining that which it had. The gentleman is an elegant lawyer, and understands it as well as I do.

Mr. DE ARMOND. The gentleman has not answered my question. Will the gentleman answer the question? If he answers it correctly it may throw a good deal of light on the subject, and if incorrectly it may not. What does the gentleman say in answer to the question I put?

Mr. CANNON. I decline to answer, because it is not in point.

Mr. DE ARMOND. The gentleman has said it is in order and is permissible by this bill to purchase land provided the purpose for which the newly acquired property is to be put is consistent and in harmonious connection with the uses to which the original property was put.

Mr. CANNON. I say this: By decision after decision it is in order on a general appropriation bill to provide for the purchase of adjacent land. Now, that is all I say, and that is all it is necessary to determine.

Mr. DE ARMOND. I understood the gentleman to say, if he will pardon me——

Mr. CANNON. I had to be courteous to the gentleman, and as he asked an irrelevant question, to give him an irrelevant answer.

Mr. DE ARMOND. I appreciate the courtesy, and I will try to be courteous in turn, and will treat your answers as relevant if you will answer and not evade my questions. I am asking you this: Whether your proposition is that the Government, having a particular piece of land (without reference to this particular 145-acre tract), can buy another piece of land if it is adjacent and is to be put to a harmonious use with the land originally owned?

Mr. CANNON. I think we have the right to purchase, but what use it is to be put to is determined by Congress.

Mr. DE ARMOND. Then the gentleman has got to this proposition: The Government has a piece of land, and has the right on an appropriation bill to authorize the purchase of another piece of land, and determine afterwards to what use it shall be put.

Mr. CANNON. If the Government has on an adjacent piece of land a hospital, as in this case. The gentleman understands just as well as I do that that is the position, and it is not necessary for me to answer a question that I conceive to be irrelevant.

Mr. DE ARMOND. Well, if the gentleman would employ that courtesy a little further, if somebody considers the questions relevant, would he not forego the exercise of his own judgment?

Mr. CANNON. The whole matter is under the control of the

Chair. He has to determine without regard to what the gentleman thinks or what I think.

Mr. DE ARMOND. I understand that. I do not know whether we may enlighten the Chair any; but I was in hopes that the gentleman would stick to his own proposition, and then perhaps the Chair would be enlightened as to whether his proposition is well founded.

The gentleman's proposition must be either that the Government, having a piece of property, can buy for an independent purpose an adjacent or adjoining property, or it must be that the Government, having a piece of property, can not buy adjacent or joining property except for a purpose in harmony with the original purpose, the purpose and use to which the original piece of property is put. I would like to know which position the gentleman takes?

Mr. CANNON. What the purpose is is for Congress to determine. By building on it for use in connection with the treatment, the cure, and occupation by the insane; and it makes no difference whether it is used for one or the other. I stand by the bald proposition that it has been ruled without exception that amendments of this kind are free from the point of order. That is all I know.

Mr. DE ARMOND. Now, one other thing. Can the gentleman cite to us a single instance where it was ruled that an item for an independent purchase of land is in order in a general appropriation bill? If he can, he will throw a great deal of light upon this dispute.

Mr. CANNON. The Chair is familiar with the Naval Academy case, and I think in this identical bill this same matter was ruled on. The gentleman from Maryland made a point of order against it last year, and it was overruled.

Mr. DE ARMOND. Was there any disclosed purpose?

Mr. CANNON. What I may say about it or what the gentleman or I may say about it does not control the meaning of the paragraph.

Mr. DE ARMOND. Now, I am calling upon the gentleman as a historian of these matters as to the purpose.

The CHAIRMAN. The Chair is ready to rule on the proposition, unless the gentleman from Missouri desires to be further heard.

Mr. DE ARMOND. I desire to say further on the subject (and I do not care to consume the valuable time of the Chair) that as to this matter the gentleman from Illinois [Mr. CANNON] must take one of the two positions between which I tried to get him to choose. There is no escape from that. If it is said that the paragraph under consideration stands as an independent proposition, then how can it connect with the asylum proposition at all? If the 145-acre tract is said to be for use in connection with the asylum, what use is it and how do you learn what it is? Is there a disclosed purpose to use it as a site for asylum buildings? If not, then what is it?

Either it is to be bought in connection with the use of the asylum or for an entirely independent purpose. If it is to be bought for an independent purpose, I would like to know how burying the paragraph among the paragraphs relating to the insane asylum can sanctify it so that you can say that it is not a change of existing law made upon an appropriation bill.

If this land can be bought as an independent, naked proposition, for any use to which the Government may choose to put it, the transaction has no connection with the asylum.

I suggest another thought to the Chair. Suppose this land is bought; suppose the Chair overrules the point of order; suppose the House refuses to strike out the paragraph and it goes into the law just as it is now. Who will tell me that the law compels the use of any of the 145 acres for any particular purpose? Who will tell me that the tract could be used only in connection with the asylum? Who will say that there could not be a fort or a schoolhouse erected upon it?

Mr. CANNON. Oh, Congress might by future legislation clear it all off, and make fish ponds upon it, or build an astronomical university upon it.

Mr. DE ARMOND. Indeed! Mr. Chairman, I will not delay the Chair further. It seems to me that the point of order should be sustained.

The CHAIRMAN. The law which the gentleman from Missouri calls to the attention of the Chair relates to the location of buildings used for hospital purposes, and declares that these buildings shall be erected upon land already owned by the Government, or that may be donated to the Government in the District of Columbia. In the opinion of the Chair, that does not militate against the power of the Committee on Appropriations to appropriate a specific sum to acquire additional territory for the asylum. Now, there is a large asylum there that is furnishing accommodations for several thousand soldiers; and it is apparent to all that the land, as well as the buildings, is necessary for this great public purpose, and the Chair thinks that the point of order is not well taken. It is for the committee to say whether the entire 145 acres shall be purchased, or, by amendment, that number of acres shall be enlarged or decreased; but that it is in continuation of this great public object the Chair has no doubt, and therefore overrules the point of order.

Mr. DE ARMOND. Then, Mr. Chairman, I move to strike out the paragraph.

Mr. PAYNE. Mr. Chairman, I move to amend by striking out the words "one hundred and forty-five thousand," in line 4, page 75, and inserting in place thereof "seventy-two thousand five hundred;" so that it will read "$72,500."

The CHAIRMAN. The gentleman from New York makes a motion which takes precedence of the motion to strike out the paragraph. The Clerk will report the proposed amendment.

The Clerk read as follows:

In line 4, page 75, strike out the words "one hundred and forty-five thousand" and insert the words "seventy-two thousand five hundred."

Mr. PAYNE. I do not know, Mr. Chairman, as I care to repeat what was said when this was up the other day, except to say briefly that when this proposition was first made the Senate proposed to pay $2,500 an acre for this land.

Mr. HEPBURN. Will the gentleman from New York allow me a suggestion?

Mr. PAYNE. Yes.

Mr. HEPBURN. I want to ask the gentleman whether he thinks his amendment will accomplish the purpose and limit the amount to be paid for this property?

Mr. PAYNE. I think so.

Mr. HEPBURN. It seems to me it will not do it. This provides for the purchase of "land immediately adjoining the present building site of the hospital on the south and extending from Nichols avenue to the Anacostia River, to be acquired by condemnation or otherwise, a sum not to exceed $145,000 to be immediately available."

Mr. PAYNE. My amendment makes it $72,500.

Mr. HEPBURN. Yes; but that means to be immediately available, and you are providing for proceedings by condemnation.

Mr. PAYNE. It does not alter the fact because it is immediately available. It may turn out that the people will sell it for $500 an acre.

Mr. HEPBURN. I do not think the gentleman understands what I am trying to get at. It occurs to me that this will be construed simply to be the first payment. If you condemn this land, you have got to take it at the price fixed by arbitration, and here would be a partial payment of $72,500 immediately available.

Mr. PAYNE. Very well. If, while I am talking, the gentleman will frame a clause that will limit the condemnation ultimately to $72,500, I will accept it. It has not occurred to me now just what language ought to be used.

Mr. GAINES. This proposed amendment makes the cost about $504 an acre.

Mr. PAYNE. It would be $500 an acre.

Mr. GAINES. When this property is assessed now at $80 an acre and in "boom times" sold at $500 an acre——

Mr. PAYNE. Now, if the gentleman will allow me, I want to proceed with my remarks, for I have only five minutes. Subsequently a couple of experts went over this land and appraised it at $1,900 an acre. Who they were I do not know, but the Committee on Appropriations did, and they had so little confidence in their judgment that they brought in a bill appropriating $1,500 an acre for the same land, $400 less an acre than the experts had estimated it at.

But it seems that that was not the unanimous opinion of the Committee on Appropriations, because when that amendment came before the committee the gentleman from Massachusetts, a member of the committee, stated to the House that in his judgment the land was not worth more than $500 an acre. I think he stated that that would be a very large price for it. So the amendment went out of the bill; the $1,500 was stricken out.

Now the bill comes in here with a recommendation that we pay $1,000 an acre, showing still further a lack of confidence by the Committee on Appropriations in the testimony of these two experts. And when we come to find out, Mr. Chairman, that this land has been appraised by the assessors of the District, most of it for $80 an acre—some of it, I believe, a small portion lying immediately in front, where the street railroad is, for $300 or $400 an acre—when we come to consider that fact, I see no reason to doubt that the committee represent their honest convictions when they say that this land is not worth more than $500 an acre.

Now, as to the propriety of having this land and the benefits that the Government may derive from it, I am free to say that it is not an unreasonable proposition to acquire this land at a reasonable price for the purpose of putting these buildings upon it. I have found that out from the investigation which I have made. I have not been on the ground, but have seen plats of it and have talked with various gentlemen who have come to me about the matter, and members of the Committee on Appropriations.

So I think it would not be an unreasonable proposition to

acquire this land at a reasonable price, although I believe the Government could get along if it never owned an acre of it, because the buildings could be put upon the other land. Still I think that in that case they would be more crowded; and it is not in accord with modern public policy that such buildings should be crowded. I think that every State provides ample grounds for its insane asylum. I know that in my own State those buildings occupy an area of one or two thousand acres; and I know that other States pursue the same policy. Hence I can see the reasonableness of providing plenty of ground for institutions of this kind.

I do not believe this land is worth to-day $500 an acre. It may possibly have cost the owner something more than that, reckoning taxes, interest, and what he has paid for improvements. They have made a sort of a park there; they have beautified it somewhat. But although it may have cost them more than $500 an acre, that fact does not show that it is now worth that. Here are 145 acres of land immediately adjoining the grounds of the Hospital for the Insane. Of course that land is not so valuable for residence purposes as if the hospital were not there. It is a good distance from the city of Washington. It is at the end of a long street-car line. I repeat, I do not believe it is worth $500 an acre, judging from the statements I have heard from various persons acquainted with its value.

Mr. MOODY of Massachusetts. Mr. Chairman, when the proposition to purchase this land was before this House last year I opposed it. I should do the same thing this year under the same conditions. But when we came to consider the sundry civil bill in committee, the superintendent of the hospital and the Secretary urged upon the subcommittee the purchase of this land, and very reluctantly we undertook a reconsideration of the proposition. The gentleman from Arkansas [Mr. McRAE], who I regret to say is absent to-day, joined with me last year in my dissent from the report of the committee. I think I may say without fear of contradiction that he assents as I do to the proposition of the committee as presented in the bill to-day.

I shall try, so far as I can, without undertaking to argue very much upon the one side or the other, to point out the controlling facts in the situation which have led us to a change of opinion—no, I will not say a change of opinion, for I think I have undergone no change of opinion—but to a change of vote owing to change of conditions. I will state what I understand to be the facts properly to be taken into account by the House in coming to a judgment on this paragraph of the bill.

The Government now owns the land represented upon the map in front of the Clerk's desk. Nichols avenue runs practically north and south, dividing the land at present owned by the Government nearly into halves. Upon the west side of Nichols avenue lies the present hospital site, comprising 185 acres. Upon that the buildings of the hospital have been erected.

I think it will be agreed upon all sides that there is not room on that site for the erection of additional buildings. On the east side of Nichols avenue are 185 acres of land, of which about 75 to 100 would be available for building purposes—available in the sense that the contour is such as to present no obstacles as to building. The proposition now is to purchase the land inclosed in the red lines, constituting the 145 acres named in this paragraph. This has nothing to do with the parliamentary situation. Every gentleman understands that the proposition is, if this land should be acquired, to obtain legislation which will permit the construction of the new buildings upon the 145 acres instead of having them constructed upon land on the opposite side of the street, as required by the present law. That law, of course, will have to be changed by legislation before the purpose I have just stated could be accomplished.

Mr. RICHARDSON of Tennessee. Why is not that object expressed in the text of the bill?

Mr. MOODY of Massachusetts. The gentleman of course wants a frank answer, and I will say it is because, if that purpose were expressed in the paragraph, it would probably be subject to a point of order.

This proposition is an important one, which should come before the House upon its merits. I do not care the snap of my finger whether it be voted up or voted down, but it should be passed upon for reasons which I shall endeavor to make clear to the committee later on. My opinion last year was that we ought to move that hospital away from its present site altogether. I urged that upon the House last year unsuccessfully, although I aided in defeating the appropriation. The situation is not that now. The situation is that we must either build upon the other side of Nichols avenue or we must buy this new land for the purpose of constructing the twenty-odd new buildings which it is proposed to construct according to the plans of the architect.

Mr. BOUTELL of Illinois. Mr. Chairman, may I ask right there——

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. MOODY of Massachusetts. Certainly.

Mr. BOUTELL of Illinois. Is it impossible to acquire land to the north or the south or the west of this property?

Mr. MOODY of Massachusetts. I know of no other land that is available for this purpose except the land which we own on the other side of the street and the land which it is proposed by this bill to purchase.

Mr. BOUTELL of Illinois. That is, it is impossible to extend either to the north or to the south or the west?

Mr. MOODY of Massachusetts. Yes; I think that is so. I think the alternative is before us either to build according to the provisions of the present law or purchase this land and build upon the new land. Now, I suppose no one who has examined the two sites, irrespective of the question of price——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ALLEN of Mississippi. I ask that the gentleman be allowed ten minutes in which to complete his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman be allowed ten minutes additional. Is there objection?

There was no objection.

Mr. MOODY of Massachusetts. I thank the House for the courtesy. If the questions may be left to the end of my remarks, I am quite sure I can finish within the limit allowed me. I was saying that I think nobody would have any question but what the site which is proposed to be purchased is a very much better site for the construction of the hospital building than the site which we already own, leaving aside all other questions except the advantages and disadvantages of the two sites. But, of course, the difficulty arises about the price that we are to pay for it, and the difficulty arises from an uncomfortable feeling that there has been an attempt to swindle the Government in selling it this land. For that reason I propose to address myself not to the desirability of the two sites, because I think every gentleman will agree with me that the proposed site is the more desirable site.

I want to call gentlemen's attention to the hearings of the Committee on Appropriations, in which Dr. Richardson sets forth the advantages from the point of view of administration of the proposed site over that where the buildings are now required to be constructed. He is very earnest. He has again and again fought and finally succeeded in removing the objections that I had made to this purchase.

The Secretary of the Interior is insistent that the good of the public service requires the buildings to be constructed upon the side of the street where they already exist. The benefits of administration are set forth in the testimony of Dr. Richardson, which I will not attempt to read now. The benefits as set forth by him consist in decreased cost of administration and in the betterment of the possibilities of care for the unfortunate inmates of the asylum.

Now, coming directly to the question of the price, it has been said again and again that we found this site proposed to us at $2,300 an acre. I struck that proposition when I was one of the conferees on the sundry civil bill two years ago. The gentleman from Illinois [Mr. CANNON] and myself and the member from that side of the House [Mr. McRAE] opposed that proposition strenuously, and it went out in conference. Then came the insistence of the authorities that we purchase at a less price. Then came the appraisal by two gentlemen, competent, to say the least, and I have no doubt honest in their opinion, bringing before us the appraisal of this land at $1,900 an acre.

I did not believe that it was worth $1,900 an acre then, and I do not believe that it is worth $1,900 an acre now. We cut it down in the committee and reported it to the House at the rate of $1,500 an acre. It passed then. I stated, as the gentleman from New York has quoted me, that in my opinion the value of this land, under all the circumstances that existed, was not more than $500 an acre. I do not know that I intend to take back a word of that to-day. I do not consider that I am an expert upon the value of land in the District of Columbia.

Mr. PEARCE of Missouri rose.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Missouri at his right?

Mr. PEARCE of Missouri. I simply want to ask the gentleman a question for information.

Mr. MOODY of Massachusetts. Certainly.

Mr. PEARCE of Missouri. If it be true that this land is not worth more than $500 an acre, in the judgment of my friend, why do you not acquire it by condemnation proceedings?

Mr. MOODY of Massachusetts. Well, I would rather pay $1,500 an acre, and I stated this last year, than to take the chances with a jury of the District of Columbia. They would make us pay more than $1,500 an acre.

Mr. LITTLEFIELD. Will the gentleman allow an inquiry?

Mr. MOODY of Massachusetts. Yes.

Mr. LITTLEFIELD. Would it be the opinion of the gentleman from Massachusetts that it would be worth $500 an acre for any other purpose than the one now proposed?

Mr. MOODY of Massachusetts. It depends on certain conditions. If we carry that hospital across the street, the value of this property is destroyed, and I am coming to that proposition in a moment.

Mr. MANN. Will the gentleman pardon a question?

Mr. MOODY of Massachusetts. My time is going rapidly, but certainly I will yield.

Mr. MANN. Why not strike out the words "or otherwise?"

Mr. MOODY of Massachusetts. Well, that is a proposition——

Mr. MANN. And leave it so that it shall be acquired by condemnation at a price not to exceed $1,000 per acre.

Mr. MOODY of Massachusetts. I think we should gain nothing by it.

Mr. BOUTELL of Illinois. Has the gentleman any evidence based on the sale of similar property before this scheme had been proposed over there?

Mr. MOODY of Massachusetts. Mr. Chairman, I have just made an incomplete statement. My opinion has not changed about the value of this land, but my own opinion is that we can not purchase it for $500 an acre. I may be wrong about that. I think we have got to pay more money than that, if we shall purchase it. Now, the gentleman from Illinois [Mr. BOUTELL] has just asked me if there is not evidence of other sales of land in the near neighborhood. Yes; there is a good deal of evidence of other sales of land in the near neighborhood, and if we were to be guided by that evidence we should find that this land is worth anywhere from two to four thousand dollars an acre, but I do not believe this land is worth any such price. Now, let me go further upon the question of valuation.

Mr. LITTLEFIELD. Were those sales which the gentleman refers to sales of small lots for houses?

Mr. MOODY of Massachusetts. Very largely; but still they would amount to a great deal larger price than $4,000 an acre.

Mr. SHAFROTH. Will the gentleman yield to me?

Mr. MOODY of Massachusetts. Yes; for a question.

Mr. SHAFROTH. I want to know why the gentleman thinks the asylum should be here in Washington. Why would it not be better to locate it upon the Pacific coast?

Mr. MOODY of Massachusetts. I would have the asylum anywhere except in the District of Columbia, anywhere on God's footstool except in the District of Columbia, but we have it here now and we must deal with this question, Shall we build upon one side of the street or upon the other? We are going to spend a million dollars in buildings. Is it worth while for us to hesitate about a few tens of thousands of dollars when we are going to construct this asylum for all time?

I took great pains, because the matter was referred to me, to find out what this land cost the present proprietors, and I believe I have the facts so that there can be no question about their accuracy. I have them in writing given to me by one of the owners of the land, but I have not depended upon that, for I have examined and cross-examined him about it outside of the statement which he made to me.

The land is divided into four lots, consisting, roughly speaking, of about 35 acres apiece; not quite that, but roughly speaking so. They extend from the street to the river. The first lot is owned by R. T. Wilson, of New York, and was purchased on November 6, 1895, for $15,000. It contains 35 acres. The second one, owned by the same man, was purchased March 12, 1896, and contains 35 acres. The purchase price was $15,000. The next lot contains 34 acres, and is owned by the same man. It was purchased December 19, 1896. The purchase price was $12,500. The last lot is owned by A. E. Randle, of the District of Columbia, and contains 39 acres. It was purchased December 20, 1896, and cost $15,000.

Now, reckoning upon that investment from the respective days of purchase, without any rests or compoundings, at the rate of 6 per cent, the interest upon that money from that time is $16,025. In other words, on that basis the land stands them for principal and interest $73,525, or $507 an acre. Now, they have used that place as a public park, not getting any revenue from it, I understand. They have received no revenue of any kind. They have laid out some streets, and while I have not examined their books, they assure me that their books show—and I can not believe that they are telling me a falsehood—that they have expended $28,258.24 for these purposes, making a total cost of $101,783.24, or $701.95 an acre. That is what I believe the facts are. What those facts mean other gentlemen can determine just as well as I can.

Since the time of this purchase an electric road has been constructed, and runs over Nichols avenue. Since the time of the purchase in the village of Congress Heights there has been built an eight-room schoolhouse, and the village has grown up, all of which has a bearing on the value of that part of this land. Every man here, within the sound of my voice, can judge that as well as I can.

Mr. LITTLEFIELD. Then I make this inquiry of the gentleman from Massachusetts. Do I understand the gentleman from Massachusetts that in the case of the Randle deed there has been that amount actually paid?

Mr. MOODY of Massachusetts. I am told so very recently. I understand the Randle transaction was this. Randle had an option upon the land, that is, on December 20, 1896, for something under $400 an acre, but paying annual interest upon that; and within a short time he took the land and paid for it; and he tells me that besides his payment of $15,000 he gave some railroad stock of which the nominal value was $10,000, but I can not find the real value, and did not take it into consideration.

Mr. LITTLEFIELD. My reason for asking the question was that I was informed by Mr. Richardson, the superintendent of the asylum, within the last few weeks, that he understood that Randle did not hold a deed, but simply had an option on the land at the rate of $300 an acre.

Mr. MOODY of Massachusetts. He had, and he has taken it up, and this sum was paid in consideration.

Mr. LITTLEFIELD. At the rate of $300?

Mr. MOODY of Massachusetts. At such rate as would make it $15,000. That is my information. Gentlemen can judge as well as I can.

Mr. FLEMING. Let me give the gentleman a fact.

Mr. MOODY of Massachusetts. I would be glad to get a fact.

Mr. FLEMING. At least, an alleged fact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JENKINS. Mr. Chairman, I ask that the gentleman may be permitted to conclude his remarks.

Mr. MOODY of Massachusetts. Ten minutes will do.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FLEMING. On the 9th day of February of the present year, on the debate on the naval bill over in the Senate, Senator GALLINGER, commenting upon a proposition of the proposed purchase of land near the naval station here as an illustration of the attempt to——

Mr. MOODY of Massachusetts. Said that he understood that it was an option.

Mr. FLEMING. That he was reliably informed that a certain gentleman in the District held an option on the entire tract of 245 acres for $30,000.

Mr. MOODY of Massachusetts. I have investigated that. I heard it last year and the authority given for it, and I have not found a single vestige of truth in it. I do not deny it, nor do I say that it does not exist; but I can not find anybody who says it does. I think probably the story grew out of the transaction concerning which I had a colloquy with the gentleman from Maine just now, that Mr. Randle held an option for a number of years upon one-quarter of this land at a rate that would bring it just where the gentleman said.

Mr. SIMS. Will the gentleman say what is the assessed value of the land?

Mr. MOODY of Massachusetts. That I said last year not very much over $100. Subsequently I went to the assessors and found it was assessed at $81 an acre. And it is a specimen of the same rotten method of taxation, robbing the Treasury of the United States, and doing an injustice to the District of Columbia.

Mr. SIMS. The gentleman thinks the assessment is wrong and not the price?

Mr. MOODY of Massachusetts. I say the assessment was wrong and $81 an acre was not a proper assessment.

Mr. BOUTELL of Illinois. What was the date of the acquisition of the title by Wilson and Randle?

Mr. MOODY of Massachusetts. It was 1895 or 1896. The latter part of the two years.

Now, I desire to call the attention of the House to the effect that the carrying across of this asylum would have upon this land. There are 20 buildings that are to be constructed somewhere there upon the other side of Nichols avenue in open land. By having this work carried on the other side of Nichols avenue, in my judgment the value of this land which we propose to purchase would be very much impaired, if not destroyed. It is a case where we want the land, and on the other hand where the shoe pinches the other foot. The owners of the land have to sell it.

Mr. BURKE of Texas. Will the gentleman permit me to ask one question?

Mr. MOODY of Massachusetts. Yes.

Mr. BURKE of Texas. I understand the Government already owns 180 acres of land on which the present buildings stand?

Mr. MOODY of Massachusetts. Yes.

Mr. BURKE of Texas. I understand, further, that these buildings cover but 6 acres out of the 180 acres?

Mr. MOODY of Massachusetts. Yes.

Mr. BURKE of Texas. I will ask the gentleman from Massachusetts in all frankness does he not think that 180 acres of land

is sufficient on which these Government buildings could be constructed?

Mr. MOODY of Massachusetts. I will take the Yankee privilege, and ask the gentleman if he has been over there?

Mr. BURKE of Texas. No; I am asking for information.

Mr. MOODY of Massachusetts. According to all the testimony we have, there is no more room on the present site, taking into account its topographical features. We have got to go across the street upon this level, treeless place to build the hospital or buy this new land. I had stated to the House that the extension of the hospital across the street would impair the value of the property we propose to purchase. It would do it. It would impair the value of the land we propose to purchase, and therefore we have got the guaranty that we are getting somewhere near, at least, what we ought to pay for this land.

It will do another thing. It will destroy the value of the property of the people who built up their homes in the village called Congress Heights, because nobody would want to live at a place where they were to have an insane asylum on both sides of the street over which they had to go and come from and to their homes. That accounts for the protest which has been filed by the people of Congress Heights against the division of this asylum by carrying it across the avenue.

If we take the land which is now called the farm and construct upon it these new buildings, we have no longer any farm there. Dr. Richardson assures us that that would be detrimental in the extreme to the patients under his charge, as one of the things most needed in the treatment of these patients is a farm near by for those who are in a condition to benefit by the outdoor life.

Mr. BENTON. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. MOODY of Massachusetts. Yes.

Mr. BENTON. I want to ask the gentleman if he can state how long the asylum has been erected on the ground it now occupies?

Mr. GAINES. It was erected in 1857.

Mr. MOODY of Massachusetts. Thirty or forty years, I am told.

Mr. BENTON. Will the gentleman state to the committee how long these other pieces of land have been owned by the present owners? I think the gentleman said they were bought in 1895 or 1896.

Mr. MOODY of Massachusetts. In 1895 or 1896.

Mr. BENTON. Then is it not a fact that they bought with a full knowledge that the asylum was located there, and did not they know that the Government owned the land on the other side of the road, too?

Mr. THROPP. Did they not buy it purely for speculation? Did not those who built at Congress Heights do so after the asylum had been built? Therefore these questions of enhanced or depreciated values do not enter now.

Mr. MOODY of Massachusetts. I have stated the facts, and each member of the House can judge for himself.

Mr. HEPBURN. Will the gentleman from Massachusetts allow me a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. HEPBURN. The gentleman spoke of the difficulty that would be experienced by the people living there if a portion of these buildings should be on the opposite side of the road. I understand him to say that there is a farm on the other side that is essential for the health of the patients in order that they may work on the farm. How does their passage over the avenue back and forth affect the good people that would be harmed by having the buildings on the other side of the road?

Mr. MOODY of Massachusetts. I take it that the class of people that are taken to the farm would not affect them much.

Mr. HEPBURN. Is it not true that the people who are seriously insane would be taken across the street?

Mr. MOODY of Massachusetts. Insanity takes all sorts of forms. I am not undertaking to urge upon the House against its wish the purchase of this land. I am stating these facts as they come to me and come to the committee. I have not withheld or shaded a single fact which would bear against the proposition which the committee has made to the House, and I do not propose to do it.

I want every member to exercise the same judgment that I have undertaken to exercise for myself. I have not been afraid to change my mind on this subject, although it is easier to be consistent than it is to be right, and I may not be right now. I believe, with the rest of my associates, that the interests of the public service and the welfare of these poor creatures in our care and keeping require the purchase of this land. I believe that the price proposed by the committee is at least not so far from the real value of the land as to deter any member of the House in considering this proposition.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired, and debate is exhausted upon this amendment.

Mr. FLEMING. Mr. Chairman, I move to amend the amendment by striking out the words "two thousand five hundred;" so that it will read "seventy-thousand."

Mr. HEPBURN. I want to suggest, Mr. Chairman, to the gentleman from New York, that I have prepared the amendment which he requested.

The CHAIRMAN. The gentleman from Georgia has moved to amend the amendment and has taken the floor under the rules to discuss his amendment.

Mr. HEPBURN. Will the gentleman from Georgia allow me to read the modification of the amendment?

Mr. FLEMING. If it is not taken out of my time.

Mr. HEPBURN. The modification is this: Strike out all after the word "river," in the third line, and insert "the full sum to be paid therefor not to exceed the sum of $72,500, to be immediately available."

Mr. FLEMING. Mr. Chairman, that may, perhaps, put the paragraph in a better condition. I will not discuss that feature of it. I wish to call the attention of the House to some reliable facts upon the question they have now under consideration. I took the pains to go in person to the assessor's office in order that I might be able to make some definite statement on this subject. I find that between 9 and 10 acres of this land are assessed at a rate of 2 cents per square foot, or about $871 an acre.

I find the entire balance of the tract, consisting of 135 acres, is assessed at $80 per acre. If you will take these sums and add them together, you will find that the assessed valuation of the entire tract is $19,512, or, in round numbers, $20,000. I inquired what the rule of assessment was at the office, and I was particular to inquire whether a man in making a return of his property swore to the value of the property himself or whether the value was fixed by impartial judges.

I was told that as to real estate a man made no oath of valuation at all, that it was fixed by the board of assessors of the District, and that the rule of assessment was two-thirds of the actual market value; so that here you have the official board of the District of Columbia saying that two-thirds of the market value of this property is less than $20,000. Now, if you add the one-third to that amount, you have $30,000 as the actual value of the entire tract.

Again, I was talking a few days ago to a well-posted and reliable real estate man in this city. I will not state his name, because it might put him in a bad attitude with the rest of his craft. But I brought this matter to his attention and asked his opinion as to what this land was worth. He said to me that $500 an acre would be an extremely liberal valuation for it.

Furthermore, Senator GALLINGER stated last year on the floor of the Senate, and repeated it this year, that on reliable information, as he understood it, a certain gentleman held an option on this land last year—I do not know what he holds now—an option on this entire tract for $30,000. It is not unreasonable to suppose this may have been true, because that was the total valuation of the property as estimated by the official board of assessors.

Mr. MOODY of Massachusetts. Who did the gentleman say had that option?

Mr. FLEMING. Senator GALLINGER did not mention his name.

Mr. MOODY of Massachusetts. Has the gentleman from Georgia investigated that matter for himself?

Mr. FLEMING. I have not. I went to Senator GALLINGER and asked him about it, and he said the statement was true, according to his information.

Mr. MOODY of Massachusetts. We ought to know it, if such is the fact.

Mr. FLEMING. I do not know anything further about the matter than that.

Another thing, the gentleman from Massachusetts has stated that this land is in four lots, which is true, as shown by the tax books at the assessor's office; and he stated that these owners say they have given about $15,000 for each of the lots. Now, I went in person to the tax office and asked for the facts. I was informed that the lot containing 34.45 acres was owned by Richard T. Wilson, who purchased it from a party named Way for $15,000, but that an adjoining lot, 33.31 acres, was purchased for the nominal value of $10. At first I was bothered at this discovery——

Mr. MOODY of Massachusetts. The gentleman does not suppose that this party paid $15,000 for one lot and only $10 for another similar in size and location?

Mr. FLEMING. I am coming now to the explanation. I had to tax my brain for a little while before I could understand the case, but I think I have now got hold of the clew. I think the explanation is that this party purchased both lots for $15,000, taking the deed for one at that figure and the other at a nominal price, so as to make it appear that one lot was worth what both were in fact worth. I can see no other explanation. Of course no one made Mr. Wilson a present of those 33 acres for the nominal sun of $10. What other explanation is there of the fact that

a consideration of $15,000 should be named in one case and in the other a consideration of only $10?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLEMING. I should like to occupy four or five minutes more.

Mr. SIMS. I ask that the gentleman's time be extended five minutes.

There was no objection.

Mr. SIMS. Before the gentleman from Georgia resumes I wish to ask him whether he intended to say that the consideration named in the deed for one of those lots of something over 30 acres was only $10?

Mr. FLEMING. Yes; but that, of course, was merely a nominal consideration.

Mr. SIMS. I understand that. And the consideration named in the other case, as I understand, was $15,000.

Mr. MOODY of Massachusetts. Are we to assume that Mr. Richard T. Wilson is lying?

Mr. FLEMING. I do not like to have this taken out of my time. All I know is that according to the information I obtained from the official at the assessor's office one deed gave the consideration as $15,000 and the other gave the consideration as $10—a merely nominal consideration. As I say, I could not understand this matter at first, but I think I understand it now. I believe the consideration for both lots was $15,000; that $15,000 was given as the consideration in one case and $10 in the other, in order that the market price of the property might appear to be twice what it is worth. But I do not pretend to know anything more about that matter than what I have stated.

But, Mr. Chairman, this land is not worth more than $70,000 or $72,500, as mentioned by the gentleman from New York. Why should this Congress now be "held up" on a "bluff?" The owners of this property have been bluffing Congress for five or six years in regard to the value of this land. Now the "bluff" is to come to an end. You will see the point of what I am saying in a few moments.

We have a law requiring these buildings to be erected. We have appropriated nearly $1,000,000 for the purpose. That money is immediately available. The plans are ready, and the construction must soon begin. This matter has been "in the air" heretofore; now the parties must come to solid ground. What we do now is going to settle this matter. If we once decide to put the buildings on the ground owned now by the Government, we will have no need for this additional tract, and the gentlemen holding it can bluff us no longer. They must sell to us now or never. They have got to come down and say what they will take for the land. My opinion is that they will jump at $70,000 before they will lose their chance to sell the property to the Government.

Mr. ROBINSON of Indiana. Will the gentleman allow me to call his attention to the fact that the Board of Visitors, in their report, recommend that these buildings be constructed on the land already owned by the Government?

Mr. FLEMING. If we fix $70,000 or $72,500 as the most that we will pay, what will be the result? If these gentlemen refuse to sell at that price, we shall put these buildings on the land now owned by the Government—186 acres on this side of the road, 174 acres on the other side, a lot of about 60 acres farther down, a farm of three or four hundred acres in Prince George County, making 750 or 800 acres of land accessible to this asylum.

You can put the buildings across the road, Nichols avenue, just as easily as you can put them on this side. I am informed that there are subways connecting all the important buildings at the asylum. If so, a subway across the street could connect the buildings on the two sides of the street, and the buildings across the street will be nearer to the present buildings than if you put them over on this land which you propose to obtain now.

But I am not straining that point. I say these gentlemen will take that $70,000 and be glad to get it. It is more than they can get from anybody else, and if they do not take it and you can not condemn it for that, it will be so much the better for the Government. We will save the whole $145,000.

But it has been said that if we use this land on the other side of Nichols avenue there will be no farming land left. Now, it is a fact that there is farming land adjoining the tract on the other side now owned by the Government which can be had at $235 an acre.

So if we take the present farm for building purposes all you have to do is to buy another one at a less price, $235 an acre instead of $1,000 an acre; but in my judgment if you will adopt the amendment offered by the gentleman from New York [Mr. PAYNE] you will get the land for $72,500. If you do not get it, you will be still better off, because you will not spend any money and will put the buildings on the land you now own. [Applause.]

Mr. CANNON. Mr. Chairman, I am going to ask the committee to remain in session until we finish this bill——

Several MEMBERS. Oh, no.

Mr. CANNON. And I would be glad to have an agreement, if I can, that we close debate in twenty or twenty-five minutes on this paragraph. I have no desire to close it without ascertaining the wishes of members.

Mr. ALLEN of Mississippi. In thirty minutes.

Mr. HEMENWAY. On this amendment?

Mr. CANNON. No; I want to close debate on the paragraph and amendments. I should be glad to do it in twenty or twenty-five minutes. It is now nearly 4 o'clock, and it seems to me we ought to agree upon some time.

Mr. MORRIS. Make it a quarter past 4.

Mr. CANNON. I will ask unanimous consent to close debate in twenty minutes.

Mr. WILLIAMS of Mississippi. On the paragraph or the bill?

Mr. CANNON. On the paragraph and all amendments thereto.

Mr. WILLIAMS of Mississippi. Why not make it on the bill?

Mr. CANNON. Oh, I can not do that.

The CHAIRMAN. The gentleman asks unanimous consent to close debate on the pending paragraph and all amendments in twenty minutes. Is there objection?

Mr. DE ARMOND. I object.

Mr. CANNON. Then I move to close all debate on this paragraph and all amendments in twenty minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that all debate be closed on the pending paragraph and the amendments thereto in twenty minutes.

Mr. CANNON. And all amendments thereto.

The CHAIRMAN. And all amendments thereto in twenty minutes.

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 100, noes 75.

So the motion was agreed to.

Mr. HEPBURN. Mr. Chairman, I have in my hand a petition addressed to the Congress of the United States by the Congress Heights Citizens' Association. I do not know who these gentlemen are. The paper was handed to me by a Mr. Tucker, who introduced himself as the chairman or president of that association. There are some statements of argument against the purchase of this land. Among other things the petition says:

> The land now owned by the Government on the west side of Nichols avenue, within the walled inclosure containing 189 acres, affords ample grounds and sites to accommodate all of the proposed buildings, and leaves more breathing space and exercise ground than necessary. This conclusion is based upon the fact that the buildings now located on said tract of land are acknowledged to be sufficient to accommodate 1,600 inmates, and, as the ground space of all of the buildings now located thereon occupy only about 6 acres, there must remain 183 acres on which no buildings are located. Allowing twice the amount of land for fresh air spaces as that occupied by the buildings (12 acres), we still have 171 acres from which to select 18 acres for the purpose of locating the buildings for the accommodation of 1,600 other patients (600 more than contemplated), and we still have 153 acres for exercise grounds, landscape gardening, etc.

Attached to this is an exhibit. Among other things is a proposition of Mrs. A. J. Hoyle to sell to the Government a tract of 81 acres of land adjoining the tract that is on the east side of the avenue, and which is said to be eligible and desirable, at the price of $275 an acre. There are other propositions of that kind in this paper, which would seem, to my mind, to indicate that the value placed upon the 145 acres is a very excessive one. I do not believe it proper to pay that amount of money.

Mr. NORTON of Ohio. Mr. Speaker, I greatly fear that a serious misapprehension has taken hold of members of this House. I have listened for the last twenty minutes and members have come to me saying, "I am opposed to this job." Some one cries "job," and then members fall in line and are against the job without rhyme or reason, and without knowing anything of the facts. I charge that if there is a job in this matter the job is on the other side, and if I can have the time I will attempt to prove that to be so.

I will attempt to prove that the man who is attempting to give the impression that there is a job has offered to defend this purchase, provided he is paid for it, and there are affidavits of as good citizens as live within the District of Columbia to prove it.

Mr. SHACKLEFORD. Will the gentleman allow me one question?

The CHAIRMAN. Does the gentleman yield?

Mr. NORTON of Ohio. I will yield if I can have the time.

Mr. SHACKLEFORD. If there is so much to be said about this, why did you vote a moment ago to cut off debate on this subject?

Mr. NORTON of Ohio. My dear sir, I did not vote to cut off debate. I could not get into my chair. I have such a prominent and desirable seat that I can not get into it, nine times out of ten, during the whole day. It is occupied by others.

Mr. SHACKLEFORD. Mr. Chairman——

The CHAIRMAN. The gentleman declines to yield.

Mr. NORTON of Ohio. I simply want to call attention to the facts. You have a hospital for the insane here, a Government affair. To-day one thousand of my old comrades, soldiers of the late war and of the Spanish-American war, are sleeping upon bare floors and upon bedding laid down in hall ways in this institution.

In the first and second wards, and, in fact, in all the wards included in the main building of this place, there are men crowded in there as high as 44, 45, 50, and 60 in a single ward only calculated to hold 16 or 18.

Now, you tell us you have land enough. I am not talking of the price, but I say you have not land enough. A man with brains enough to find his way there and back, going upon this land, would know at once that the proposition to place these buildings on the east side of the street should merit for him a place in the asylum himself. There is no chance to build upon the east side unless you put your buildings out upon a barren space, where it would take thirty years to grow a grove of trees about them, and yet you quibble about the price of this land.

I am not for the purchase of this land at any price, except the price that this House shall fix. I am not arguing about the cost of the land, but it is an outrage that men should go through these corridors crying out "Job, job!" when they are engaged in a job across the way from this property. Then we find my good friend from New York [Mr. PAYNE], who, with all his placidity and with a smile upon his face, can vote away millions of dollars to corporations, quibbling upon the price of land which is necessary to put up buildings to take care of the unfortunate and insane. Out upon such stuff as that.

Men ought to stand here and vote intelligently, or you ought to take the report of this committee. I challenge the committee to answer me. Did any man antagonize this before the committee? Was Mr. Emmons present? Has he been anywhere except circulating through the corridors and attempting to poison the minds of men in this House?

Mr. GAINES. Here is a public letter sent to Senator GALLINGER, published last May, published time and again by Mr. Emmons and half a dozen others.

Mr. NORTON of Ohio. And here are letters publishing Mr. Emmons, over affidavits, as offering his service to sell this land to the State provided he could be paid for it. Now that he did not make the deal, he comes in and cries, "Job and fraud!"

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. Debate has been closed and limited.

Mr. NORTON of Ohio. I ask unanimous consent that I may continue my remarks in the RECORD, in order to furnish the backing for what I have said.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he be permitted to continue his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from California is recognized for two minutes.

Mr. LOUD. Mr. Chairman, I can not discuss this question in two minutes. I only propose to touch a portion of this question. I think it is apparent to every person who has heard this matter under consideration that we should not extend this asylum on the present land. This is an institution, as I understand, furnished by the United States Government for the purpose of putting old soldiers into the asylum. Well, now, we have acquired the Philippine Islands, and our soldiers coming from the Philippine Islands and the Pacific coast have to be transported to Washington; and if they recover, transported back.

There is a sufficient asylum, I believe, for the District of Columbia to-day, and I think that the House now should, so far as possible, stifle the further progress of the enlargement of the asylum in the District of Columbia until some day in the future when the Appropriations Committee or some other committee may take into consideration the advisability of constructing an asylum somewhere near the spot where the occupants come from.

Mr. FLEMING. That is right.

Mr. SHAFROTH. Would not more of the soldiers from the Philippines be landed at San Francisco than anywhere, and would it not be well to have an asylum for them in San Francisco?

Mr. LOUD. They must all be landed there; but I am not seeking to have an asylum there.

Mr. SHAFROTH. I am in favor of having an asylum there. [Laughter.]

Mr. LOUD. I am looking at the matter from a practical standpoint.

Mr. SIMS. They would not want $2,000 an acre for the land there.

Mr. LOUD. Oh, we have plenty of land.

Mr. CANNON. I yield three minutes to the gentleman from Maryland of my five minutes.

Mr. MUDD. Mr. Chairman, last year I opposed the acquisition of this land by the Government, and it was upon my amendment that the proposition looking to its purchase was stricken out of the bill. This year, in the shape in which it is now presented and at the reduced price at which it is offered, I intend to support it, and I desire, as far as I can in the very brief time allotted to me, to explain to the House the reasons why I now favor it.

In pursuance of a conversation with the Secretary of the Interior after the defeat of this measure during the last session, in which he strongly impressed me with the earnestness of his desire to make better provision for the inmates of this asylum than he thought was then afforded by the lands and buildings then and now owned by the Government at this institution, I went over the lands and examined them in person and as carefully as I could.

From that examination I arrived at the conclusion that there is not one foot of room available for building purposes on the present site of the buildings already constructed. In that view of the case, in which I think I am sustained by everyone who has investigated the matter, we must take one of two alternatives. We must place these new buildings which we have authorized upon what is now the land used for farming purposes, on the east side of Nichols avenue, or upon the site now proposed to be purchased.

I have looked over the land on the east side of Nichols avenue, as well as that now occupied by the asylum buildings, and I think that that tract ought to be retained for farming purposes—for the purpose of a dairy farm, as I understand it is now used—and that for one very decisive reason, in my judgment, in addition to those that have been mentioned in the discussion upon this paragraph.

In a conversation with Dr. Richardson, superintendent of the asylum, about ten days or two weeks ago, he stated to me that if he was permitted to retain the use of this tract for a dairy farm and to continue and improve the cultivation of it he would be able, in a short time, to supply the milk needed by all of the inmates, and, if I recollect aright, the attendants as well, of the asylum.

This is now costing the Government, so he stated, about $18,000 to $20,000 a year. If that statement be true—and there is no reason whatever to doubt that it is entirely so—the retention of the land for this purpose would in seven or eight years pay for the whole of this land that it is proposed now to buy.

Now, as to the value of the tract known as Wilson Park, which the Committee on Appropriations recommend the purchase of.

There has, I think, been much of misinformation in reference to this tract, and it is proper that the House should know the exact facts as to its value. Some reference has been made to the assessment of that tract.

I have in my hand at this time, though I have not the time to read it, a certificate signed by the assessor of the District of Columbia stating that about 35 acres of this tract are assessed at about $900 an acre. The remainder of the land is assessed at about $80 an acre.

But let us bear in mind how the valuation of this part of the tract is arrived at. There is a law in this District, under which all unsubdivided lands outside of the city limits are assessed as agricultural lands, and the valuation put upon them is arrived at from the standpoint of their value for farming purposes. As this land is uncultivated, and therefore unproductive, it is assessed at this low figure, which is not intended to have any sort of relation to its actual value.

This tract of land is suitably and conveniently located for the purposes of an addition to the asylum, and is covered for the most of its area by large oak trees, excellently shading it, and I take it it will not be denied that shade trees constitute a material factor in providing the seclusion and isolation and separation of the various classes that are needed as well for the comfort of the inmates of an institution of this kind as for the attractiveness of their surroundings.

I am in favor of the best bargain that can be made for the interests of the Government, but I believe the needs of the asylum are such as to require the purchase of this land, and I do not think the price now named in the bill is excessive.

Mr. CANNON. Now, Mr. Chairman, in the two minutes I have remaining I desire to state that I have looked over this matter as best I could. I believe the land ought to be bought for this extension of the asylum. If the land was to be condemned, as land ordinarily is that we buy, my honest belief is that a jury would give two or three thousand dollars an acre. I do not think it is worth it. I think very likely a thousand dollars is more than it is worth, but in my judgment it is not so much more, when we are going to build a million-dollar building across Nichols avenue, that we ought to reject it for that reason. I think we had better build it upon this land.

Saying nothing about the administration, I believe that if you put all the appurtenances across Nichols avenue it will cost more than the price of this land to do it, and when done it will not be so valuable. Now, that is all I want to say about it, except that if gentlemen had been as vigilant fighting the purchase of other land at this session they would not have opposed the amendment of the Senate and sent it to conference paying $8,000 an acre for 20 acres of land over by the Naval Observatory, and buying a whole island in the Potomac for a proving ground without any limitation at all. That is all I desire to say about it. It is for the public service, and for the committee to dispose of.

The CHAIRMAN. The gentleman from Mississippi [Mr. ALLEN] is recognized for the remaining five minutes.

Mr. ALLEN of Mississippi. Mr. Chairman, this is not a matter that can be well discussed in five minutes. I want to inform the House, in the language of another great statesman [laughter], that this is a condition and not a theory that confronts you today. You are going to build across Nichols avenue under the law or you are going to buy this land and build on it. As a proposition addressed to me, as a business man, if this thing was under my control, I would rather give $300,000 for that piece of land to build on, if I was going to put a million dollars' worth of buildings upon it, than I would to go across Nichols avenue for nothing.

Mr. WILLIAMS of Mississippi. Why build on either?

Mr. ALLEN of Mississippi. Oh, if the gentleman wants to have the buildings built somewhere else, take them all off, I am willing.

Mr. WILLIAMS of Mississippi. No; why not build on the land that we already own?

Mr. ALLEN of Mississippi. We have no land suitable for building upon.

Mr. WILLIAMS of Mississippi. I understand that we have 129 acres there.

Mr. ALLEN of Mississippi. But it is not fit to build on.

Mr. WILLIAMS of Mississippi. Why not?

Mr. ALLEN of Mississippi. Let the gentleman go there and see for himself. I have performed a duty that the gentleman has not performed; I have gone and seen, but I can not describe and state all the reasons to the gentleman.

Mr. WILLIAMS of Mississippi. All that I ask is that the gentleman tells me what he has seen. I have never seen a piece of land that could not be built on.

Mr. ALLEN of Mississippi. Of course you could build on it, but you are going to put up these buildings to cost a million dollars, and you ought to put them where they ought to be. Now, I want to say another thing. It has been stated here that somebody held an option on this land at $30,000. I state that that is not so. And I state furthermore that if any man will bring the proof that anybody has an option on this land of $30,000, I will make the Government a present of the whole of it. [Laughter.]

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. ALLEN of Mississippi. No; I have only five minutes.

Mr. WILLIAMS of Mississippi. I simply want to quote Mr. Colbert, the surveyor, who says that the buildings can be erected on that land.

Mr. ALLEN of Mississippi. Oh; he is a surveyor; he is one of these chaps like this man Emmons. I do not like to speak of a man who is not a member of the House, but I only speak of what I know, and I know this as well as I know anything, that he has been going around here trying to blackmail people, threatening members of Congress on the one hand and trying to blackmail people on the other, making them put up money to help him sell this land to the Government. I am responsible for that.

Mr. WILLIAMS of Mississippi. Was not Mr. Colbert formerly an assistant surveyor of the District of Columbia?

Mr. ALLEN of Mississippi. Oh, I do not know who Colbert is. In five minutes I can not undertake to investigate the pedigree of every nondescript you bring up. Now, I have no interest in this. I was summoned into this by the authorities of that asylum. I believe that if you are going to invest money in this asylum, it ought to go where the Secretary of the Interior, where the superintendent of the asylum, and the Board of Visitors, and the architect, and the landscape gardeners say it ought to go.

Here are $145,000 only which you are haggling over when you are going to invest in buildings that will cost a million dollars. I am willing you should get it as cheap as you can. I have no interest in the land and do not care how cheap you get it. In my judgment you will do a great wrong in making an appropriation of this kind and spending a million dollars putting up buildings if you do not put them where they ought to be. Now, with that statement of facts, I have nothing more to say. [Applause.]

Mr. DE ARMOND. I rise to a parliamentary inquiry. Have the twenty minutes expired?

The CHAIRMAN. They have.

Mr. DE ARMOND. Another parliamentary inquiry. Would it be in order for me to ask for five minutes, inasmuch as nearly all of the twenty minutes had been occupied by the other side?

Several MEMBERS. All of it.

Mr. DE ARMOND. I make that request.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] asks unanimous consent that he be permitted to address the committee for five minutes on the pending proposition. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY (in his seat). I object.

Several MEMBERS. Too late.

Mr. HEMENWAY (rising). I object.

Mr. WILLIAMS of Mississippi. The objection comes too late.

The CHAIRMAN. Did the gentleman from Indiana rise in his place and object?

Mr. HEMENWAY. I had not risen. I objected from my seat; promptly.

The CHAIRMAN. The Chair can not recognize an objection when the gentleman making it sits in his seat. The gentleman from Missouri will proceed. [Applause on the Democratic side.]

Mr. DE ARMOND. Mr. Chairman, it is somewhat painful and also somewhat embarrassing to me to endeavor to address the committee, even for a few minutes, in view of the fact that the gentleman from Indiana [Mr. HEMENWAY], not out of indisposition, but out of laziness, did not succeed in getting in his objection.

Mr. HEMENWAY. I rise to a point of order. My point is that the gentleman is not discussing the pending question.

The CHAIRMAN. The gentleman from Missouri will speak to the question.

Mr. DE ARMOND. Certainly, sir. I hope nobody will suppose that, having only five minutes, I would waste any of my time on what is no question and hardly anything else. [Laughter and applause.]

Mr. Chairman, the gentleman from Massachusetts [Mr. MOODY] entertains the same opinion now that he did a short time ago, when, as he tells us confidentially—as he confesses to us in a gushing, friendly spirit—he helped to defeat this appropriation; and the only change in his attitude is in regard to his influence and his vote. With the same opinion, he votes the other way; and he is now about to hurl in favor of this proposition the mighty influence which, as he has confessed to us in an outburst of confidence, was employed to defeat it when it was before the House heretofore. [Laughter and applause.] Yet some confusion arises because the gentleman from Maryland [Mr. MUDD], with equal candor, has confessed to the House that upon the memorable occasion when this matter engaged our attention before he defeated the proposition, and he, too, is now upon the other side.

Mr. MUDD. This is not the same proposition.

Mr. MOODY of Massachusetts. Will the gentleman yield for a correction?

Mr. DE ARMOND. I will yield very briefly, for I have only five minutes; and the gentleman from Indiana, I am satisfied, wishes me to hurry through. [Laughter.]

The CHAIRMAN. Does the gentleman from Missouri decline to yield?

Mr. DE ARMOND. No; but I wish the gentleman from Massachusetts to be quick.

Mr. MOODY of Massachusetts. I want to say to the gentleman from Missouri, whose good opinion I value, that I made no such statement as that I defeated the proposition. I did vote against it.

Mr. MUDD rose.

Mr. DE ARMOND. Oh, I can not yield to the gentleman from Maryland; that can not be done under these circumstances. [Laughter.]

Now, Mr. Chairman, the real proposition is whether we are going to follow the lead of these gentlemen, who are first in favor of paying voluntarily $2,300 an acre for this land, who next are earnestly in favor of paying $1,500 an acre for it, and who now come here with the confession on their lips that the land is not worth a thousand dollars an acre, scarcely $500 an acre, and yet propose that we shall pay for it $1,000 an acre.

The gentleman from Massachusetts says that if we cross to the other side of Nichols avenue and erect there these buildings we shall impair very greatly the value of that 145-acre tract of land; and therefore we should pay two prices for it, rather than, in the legitimate use of our own property, run the risk of lessening its value. I commend to the gentleman his own logic and concede to him the value of his own conclusions.

The gentleman from Ohio is disturbed about a "hold up" that is taking place. I will not go into that. And my friend from Mississippi [Mr. ALLEN], who scatters ripples of laughter over rough surfaces and smooth ones alike—who is witty and humerous and logical all at once—has detected some evidences of attempts at blackmail and bulldozing.

Sad and dark must be the day when the bulldozer and the blackmailer are both abroad and on the trail of our genial friend from Mississippi. [Laughter.] Let us congratulate ourselves, and congratulate him, and congratulate not only the country but the world, that he has escaped from them, and is solid for this proposition to pay a thousand dollars an acre for this land—$500 an acre beyond the valuation that anybody puts upon it—only a hundred per cent more than it is worth according to the estimate of these gentlemen themselves; and under these circumstances we are standing in the way of advancement, and are throwing ourselves athwart the path of Christianity and charity in opposing this steal! I for one take the risk. [Laughter and applause.]

The CHAIRMAN. The question is first on the amendment——

Mr. PAYNE. I desire to offer a substitute for the amendment which I have already offered. I ask unanimous consent to do so.

The CHAIRMAN. The question is first on the amendment to the amendment offered by the gentleman from Georgia [Mr. FLEMING]. The gentleman from New York [Mr. PAYNE] offered an amendment to that amendment.

Mr. ROBINSON of Indiana. I ask unanimous consent that the amendment be read.

Mr. FLEMING. I am perfectly willing to withdraw my amendment. It was merely technical, to get the floor.

The CHAIRMAN. That can only be done by unanimous consent. Unanimous consent is asked that the proposed amendment of the gentleman from Georgia be withdrawn. Is there objection?

There was no objection.

Mr. PAYNE. Now, I ask unanimous consent to substitute this for the amendment which I offered.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] sends to the desk an amendment which the Clerk will report, which he asks unanimous consent to substitute in place of the amendment that he previously sent to the Clerk's desk.

The Clerk read as follows:

Strike out all after the word "river," in line 3, and insert in lieu thereof the following:

"The full sum to be paid therefor not to exceed the sum of $72,500, to be immediately available."

The CHAIRMAN. Is there objection to the request of the gentleman from New York that his first amendment be withdrawn and this substituted in its place?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. PAYNE].

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Missouri [Mr. DE ARMOND] to strike the paragraph from the bill.

The question being taken, on a division (demanded by Mr. CANNON) there were—ayes 130, noes 82.

So the motion was agreed to.

The Clerk read as follows:

Reindeer for Alaska: For support of reindeer stations in Alaska, for the instruction of Alaskan natives in the care and management of the reindeer, and for the purchase and introduction of reindeer from Siberia for domestic purposes, $25,000.

Mr. LLOYD. Mr. Chairman, I wish to offer an amendment, in line 15, page 76, to strike out "twenty-five" and insert "ten;" so that the appropriation for reindeer for Alaska shall be $10,000 instead of $25,000.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 76, line 15, strike out "twenty-five" and insert "ten."

Mr. LLOYD. Mr. Chairman, this Government has made appropriation from time to time for reindeer stations and the purchase of reindeer in Alaska. These appropriations have been as follows:

1894	$6,000	1898	$12,500
1895	7,500	1899	12,500
1896	7,500	1900	25,000
1897	12,000	1901	25,000

Making in all $108,000 which has been appropriated on account of reindeer there. The pending bill provides $25,000 more.

This Government has at present about 3,300 reindeer. I have at hand the statistics of 1899, which show the number, distribution, and ownership of domestic reindeer in Alaska to be:

Point Barrow:	
Presbyterian Mission	100
Ojello (Eskimo)	25
Point Hope:	
Electoona (Eskimo)	50
Ahlook (Eskimo)	50
Cape Prince of Wales:	
American Missionary Association and several apprentices	714
Teller Reindeer Station:	
Tautook (Eskimo)	75
Sekeoglook (Eskimo)	75
Wocksock (Eskimo)	75
Tatpan (Eskimo)	75
Point Rodney:	
Antisarlook (Eskimo)	328
Golovin Bay:	
Evangelical Mission Union	209
Okitkon (Eskimo)	26
Constantine	5
Eaton Reindeer Station:	
Government	419
Martin Jacobsen (Eskimo)	23
Tanana:	
Episcopal Mission	209
Moses (Eskimo)	52
En route south:	
Government herd, in charge of William Marshall	327
Total	2,837

Now, there is question as to whether any real benefit has come to Alaska by reason of the ownership of these reindeer, but my own opinion is that their introduction has proven beneficial. The grand jury in Alaska, however, in one of its reports to the court, said, amongst other things:

The plain, simple truth is that each and every attempt at the use of reindeer for transportation in Alaska has been a failure.

Mr. Summers, a prominent citizen of Alaska, who has resided there a number of years, says of the report of the jury:

They are talking at random. I have been mining and packing in that country for fifteen years, and have never found anything so useful for packing, hauling, or for food as the reindeer. They are a godsend to the country, and anyone who says differently simply does not know what he is talking about.

It is not my purpose to discuss the extent of their benefit, but to call attention to this division of sentiment.

Shall the Government continue to purchase reindeer, or shall it be content to maintain the herds already acquired?

We have contributed in this bill by appropriations sums amounting to nearly $250,000 for the Territory of Alaska. That Territory brings to us in revenue but little more than one-half that sum. We do well to inquire whether all these appropriations are necessary or not. You will find upon investigation that for many years we have been contributing $30,000 annually for the education of children in Alaska, and by the provisions of this bill every dollar that has been appropriated, as shown in current law, for the education of children there is omitted. Not one dollar for education, but $25,000 for reindeer.

Last year we appropriated $19,500 for the poor and starving people of Alaska. This year we leave out the $19,500 and permit those people to starve to death without appropriation for their relief. As far as I am concerned I am more anxious that the children of Alaska shall be educated than I am that they shall be furnished with reindeer. I am more anxious that the starving people shall be fed than I am that we shall send reindeer to the people of Alaska that they may speculate upon them. What is the purpose of sending reindeer to Alaska?

You will find that many of the reindeer are in the hands of the Eskimos, given to them for services rendered; others are in the possession of the missionaries in Alaska. Over two-thirds of the great herd of reindeer belonging to the United States at the present time are in possession of the missionaries in that Territory.

Are you concerned to maintain the missionaries that are sent to Alaska by Government appropriation? Will you make these appropriations for them, in furnishing them reindeer, and yet not do the more charitable thing of feeding the starving Alaskans in that Territory?

The Government can maintain the reindeer stations with an appropriation of $10,000; and if economy is to be practiced there, I insist that my amendment must be adopted and that the herds and their natural increase shall be used for the purposes intended in their formation.

Mr. CANNON. Now, Mr. Chairman, just a word. This appropriation has been made for a number of years. The reports are almost uniform that these reindeer are increasing and that it is desirable to make still further purchases and shipments from Siberia. They are used there in connection with the work of the natives. They are given to them under certain contracts, and the very object is to increase the reindeer, so as to assist the natives in being self-supporting. They have made substantial progress. The herd was very largely broken into—or portions of it—in the expedition to the frozen ocean a year or two ago to relieve the starving whalers. The gentleman talks about education and starvation. We are doing better for education even than was done by the legislation of last session. I do not think I desire to submit any further remarks, and I will ask for a vote.

Mr. WILLIAM E. WILLIAMS. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. WILLIAM E. WILLIAMS. What are these reindeer used for?

Mr. CANNON. For transportation, for increasing the species, and to stock Alaska as far as practicable for the benefit of the natives.

Mr. WILLIAM E. WILLIAMS. Is it true that they are not used for carrying the mails or for the transportation of miners, and that they are not used by the military authorities?

Mr. CANNON. I understand that use of them is had to a certain extent for all these purposes.

Mr. WILLIAM E. WILLIAMS. I see in this bill you provide $25,000 for the instruction of Alaskan natives in the care and management of the reindeer and for the purchase of reindeer. Now, how is this money to be invested? Who is to exercise the discretion as to what amount shall be used for instruction? Is it to be this man Sheldon Jackson?

Mr. CANNON. The Secretary of the Interior.

Mr. WILLIAM E. WILLIAMS. Under the direction of this man Sheldon Jackson?

Mr. CANNON. I do not know.

Mr. WILLIAM E. WILLIAMS. He is the gentleman who is here advocating this thing, is he not?

Mr. CANNON. If the gentleman is not pleased with it he can apply to the Secretary of the Interior and get some good farmer from some place who does not know anything about it or who does know something about it. It is a matter of administration.

The amendment was rejected.

The Clerk read as follows:

MILITARY POSTS.

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, $1,000,000.

Mr. CANNON. Mr. Chairman, I have an amendment to offer.

The Clerk read as follows:

On page 85, after line 16, insert:

"The unexpended balance of the appropriation made by the sundry civil act approved July 1, 1898, for continuing construction and improvements at the military post at Spokane, Wash., is hereby reappropriated and made available until the close of the fiscal year 1902, together with such additional sum out of the amount appropriated for construction of buildings at and enlargement of military posts as may, in the discretion of the Secretary of War, be necessary to be expended for continuing construction and improvements at said military post until the close of the fiscal year 1902."

Mr. CANNON. Mr. Chairman, a line in explanation of this amendment. Some years ago there was an amount segregated for the construction of a military post—in support and building it at Spokane—and there thirty-odd thousand dollars is yet unexpended, but not available at this time. As that was a special appropriation, a special mention, and special segregation, the Comptroller held that that took away the discretion from the Secretary of War of using any more from this fund for the construction of that post. This was a special segregation. This amendment appropriates the $30,000, and then, as to this million dollars, it places the post at Spokane precisely on all fours with every other post in the United States.

Mr. LIVINGSTON. Do I understand this is diverting the fund to another purpose?

Mr. CANNON. Not at all. It puts Spokane upon the same plane as every other post in the United States.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I do not rise for the purpose of objecting to the amendment, but I do suggest that under the statement of the gentleman the amendment ought to show the amount of the appropriation. The gentleman states in his remarks it is over $30,000. I submit the amount ought to be stated in the amendment. The gentleman knows there is no way of estimating, or correctly estimating, what it is.

Mr. CANNON. It would not be exceeded, anyway, if it was reappropriated.

Mr. RICHARDSON of Tennessee. Was not this sum covered back into the Treasury? It seems that it was in 1898, three years ago.

Mr. CANNON. No.

Mr. JONES of Washington. Allow me to suggest to the gentleman from Tennessee I have a letter from the Quartermaster-General showing that there was $31,145.33 of that appropriation left.

Mr. RICHARDSON of Tennessee. The gentleman from Illinois stated that it was thirty-odd thousand. I think the amount ought to be shown. I think it is better legislation, and it ought to appear in the amendment.

Mr. CANNON. Vote!

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Add at the end of line 16, page 85:

"*Provided*, That of this amount the sum of $104,000 shall be expended for the construction of buildings at Fort McKenzie, Sheridan, Wyo., as estimated by the Secretary of War."

Mr. CANNON. I reserve the point of order.

Mr. MONDELL. Mr. Chairman, the Secretary of War has made an estimate of the cost of certain buildings to be erected at Fort McKenzie amounting to $104,000. This estimate went in the regular way to the Committee on Appropriations. That committee in its wisdom saw fit to make no special provision for Fort McKenzie.

Inasmuch as the Secretary of War saw fit to send a special communication to the committee with estimate of cost of buildings at this post, I think that it should be specially provided for. This is a post which Congress provided for by legislation last winter, and for which there was then made an appropriation of $100,000. That appropriation was used in the construction of barracks and quarters for one troop.

The amount contained in the estimate recently made by the Secretary of War will construct barracks and quarters for a second troop. At least two troops of cavalry are necessary at this post at all times. It is a most important frontier post. It is situated in the midst of Indian reservations. It takes the place of two Army posts that have been abandoned in the past, one on account of unsanitary conditions, the other from the fact of its distance from the railroad.

The bill as passed last winter places no limit on the size of the post or on the sum which may be expended in its construction. The War Department evidently believes a provision should be made for an extra troop of cavalry. Certainly so important a post as Fort McKenzie should have accommodations for more than one troop. It is a very short distance from this post to the reservation of the warlike Cheyennes, the most warlike of all the Indian tribes of the Northwest.

If it were necessary at any time to send a troop of cavalry to that reservation, there would be no soldiers left in charge of the post. It is a very short distance southwest from this post to the reservations of the Shoshoni and Arapaho, where troops are likely to be needed at any time, while to the southeast it is within striking distance of the reservation of the great Sioux Nation.

There is no post on the frontier that is so surrounded by large Indian populations as this post. It is one of the best situated of all the frontier posts—situated in a beautiful country, where the troops can be taken care of and forage for animals obtained at a less cost than at almost any Northwestern post. It is a healthy location, just the sort of place to send the returning troops from the Philippines in order that they may regain health and vigor, and a post which should be maintained at a fair strength to defend the country from possible Indian uprisings; and I hope that the chairman of the committee will agree to allow this sum to be used for the purpose indicated from the appropriation made.

Mr. CANNON. Mr. Chairman, it is always ungracious to antagonize an amendment which carries money for an improvement in our respective districts or States. After all, somebody in charge of these bills has to antagonize them, or else not much regard is had for the service from the standpoint of the whole service.

Now, here is a million dollars appropriated for the construction of Army posts. The maintenance and repair, etc., of Army posts is carried by the Army bill, to the amount of several million dollars. The Secretary of War has a discretion in the construction of these posts, to establish them where they are most needed. The truth is that the money for posts most needed is along the seacoast, for the construction of barracks in connection with our seacoast fortifications. They asked $2,000,000 for the general construction of posts. The committee recommended $1,000,000.

The gentleman understands that in connection with our seacoast defenses barracks have to be constructed. Otherwise the expensive fortifications and guns are of no account unless constantly looked after. The truth is that with our great railways running through all parts of the United States we have four times as many military posts as we have any use for. The Government is trying to abandon them, but, of course, there comes a kick from each locality. Posts are authorized from time to time in various places that ought not to be authorized. There is one out at Bismarck that we have no more use for than we have for the fifth wheel of a wagon; one at Spokane, where they have a band to play; it is good for society, but there is no use for it. Now, in Wyoming there are two or three posts that might be well abandoned. I think everyone understands that.

Mr. MONDELL. Will the gentleman kindly state where the two or three posts are that could be abandoned?

Mr. CANNON. I think Russell is one; and is not there another at Cheyenne?

Mr. MONDELL. Russell is in Cheyenne.

Mr. CANNON. There were two there, were there not?

Mr. MONDELL. This is the second, Mr. Chairman.

Mr. CANNON. Well, if there is any trouble about it, there is Helena, and here is McKenzie that takes one troop of cavalry, and that is all they need, in my judgment. They have got the quarters. Now, let us wait until we have troops to put into these places before we spend any more money. I know of a good many I could mention that might well be discontinued. Even at the risk of being called ungracious or objectionable, I must ask the committee not to adopt this amendment. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Improving harbor at Calumet, Ill.: For continuing improvement, $255,000.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 91, line 20, strike out the words "harbor at Calumet" and insert "Calumet Harbor."

The amendment was agreed to.

The Clerk read as follows:

Improving harbor at Everett, Wash.: For continuing improvement, $90,000.

Mr. BURTON. Mr. Chairman, I want to ask the chairman of the committee if that ought not to be "completing improvement," instead of "continuing improvement?"

Mr. HEMENWAY. These items, Mr. Chairman, have been gone over very carefully.

Mr. BURTON. There is a distinction between continuing improvement and completing improvement, and it has been observed in your phraseology. In several places it is mentioned as completing improvement.

Mr. HEMENWAY. As I understand it, it does not make any difference.

Mr. BURTON. It takes them off the books and gives us an understanding how far the work has progressed. The words "completing improvement" are used on the preceding page.

Mr. HEMENWAY. This is a continuing work and not completed.

Mr. BURTON. What item does the gentleman refer to?

Mr. HEMENWAY. This item of Everett Harbor.

Mr. BURTON. It is the balance estimated to complete it.

Mr. HEMENWAY. There is a balance of $207,000, and this only carries $90,000.

Mr. BURTON. But the engineer's report states that it will be sufficient to complete the same. That is true also with reference to the item of Portland, Me. I would like to ask the gentleman if the engineer stated before your committee that that amount was required to complete it?

Mr. HEMENWAY. The engineer stated that the appropriation would be for continuing the work, and not for completing it.

Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States, $15,000.

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

The Clerk read as follows:

At the bottom of page 94 insert the following:
"For repairing and improving Government roadway from Staunton, Va., to National Cemetery, $6,000."

Mr. CANNON. A point of order on that, Mr. Chairman. I think it is subject to the point of order.

Mr. QUARLES. Does the gentleman make a point of order? I understood him to say this is not subject to a point of order.

Mr. CANNON. I will reserve it; but let me first ask the gentleman if this is a Government road?

Mr. QUARLES. Yes, sir, it is; and I would like to make a statement in regard to it.

Mr. CANNON. I want to see whether we can not save time on this proposition. Does the gentleman say the Government owns the road?

Mr. QUARLES. The Government owns the fee-simple interest in the road. It was built by the Government in 1891.

Mr. CANNON. The Government has constructed the road?

Mr. QUARLES. Yes, sir.

Mr. CANNON. And this amendment is for the purpose of repairing it?

Mr. QUARLES. For the purpose of repairing and improving the road. I wish to say——

Mr. CANNON. If my friend is right in his statement, it seems to me the point of order would not lie. But I want to call his attention to the fact that there is a general appropriation here for repairs.

Mr. QUARLES. I wish to say to the gentleman that I called upon the Quartermaster-General and told him of the condition of the road, and asked him to investigate it. He sent his engineer there, who inspected it and made a very full report, giving in detail the condition of the road and an estimate of the amount necessary to repair it. He recommends that $6,000 be appropriated for this purpose. His report did not come in in time for it to go before the committee.

Mr. CANNON. How long is the road?

Mr. QUARLES. One mile and 820 yards.

Mr. CANNON. It looks as if $6,000 were a pretty large amount for repairing a road a mile long.

Mr. QUARLES. That is the estimate of the engineer.

Mr. CANNON. This is a turnpike?

Mr. QUARLES. Yes, sir; made by the Government.

Mr. CANNON. Is it macadamized?

Mr. QUARLES. Yes, sir.

Mr. CANNON. Does not my friend really think that the road could be repaired for $1,000?

Mr. QUARLES. I am relying on the report of the engineer. I do not know what it would cost.

Mr. CANNON. Well, I think that if any engineer says that it takes $6,000 to repair a mile of road——

Mr. QUARLES. This is a mile and 820 yards—a mile and a half.

Mr. CANNON. Well, a mile and a half.

Mr. QUARLES. And it is necessary that the road should be widened at several points.

Mr. CANNON. Well, then, this is not for repairs, but for the construction of a new road.

Mr. QUARLES. It is a Government road.

Mr. CANNON. But I want to say to my friend that $6,000 ought to do a great deal more than build a mile and a half of macadamized road.

Mr. QUARLES. Well, I rely on the report of the engineer. I do not know anything about such matters myself.

Mr. CANNON. I would sooner take the gentleman's judgment. This is an extraordinary sum for repairing a road of that length.

Mr. QUARLES. I rely on the judgment of some one who knows something about the matter.

Mr. CANNON. Well, these engineers, with lordly notions, it seems to me, are not always reliable.

Mr. QUARLES. I have the engineer's report here in full.

Mr. CANNON. I do not care what he reports, if he says that it takes $6,000 to repair a mile and a half of macadamized road.

Mr. QUARLES. How much does the gentleman think it ought to take?

Mr. CANNON. I will simply state my own judgment that the sum proposed in the amendment is so extraordinarily extravagant that this economical House ought not to pass it. [Laughter on the Democratic side.]

Mr. QUARLES. I hope the gentleman is more economical than the House will be in this matter. I think the House would rather rely on the report of the engineer than on the opinion of the gentleman.

Mr. CANNON. Well, I hope it will not do so. I move to amend the amendment by striking out "$6,000" and inserting "$1,500."

Several MEMBERS. Oh, no.

Mr. CANNON. Well, I will make the amount $2,000; then there can be no mistake about it.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON] to amend the amendment of the gentleman from Virginia [Mr. QUARLES] by striking out "$6,000" and inserting "2,000."

Mr. CANNON'S amendment to the amendment was agreed to; and the amendment of Mr. QUARLES as amended was adopted.

Mr. ROBINSON of Indiana. I desire unanimous consent to extend in the RECORD my remarks on the asylum proposition.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Antietam battlefield: For repair and preservation of monuments, tablets, observation tower, roads, and fences, etc., made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Md., $1,500.

Mr. PEARRE. I desire to offer an amendment to that section.

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert, in line 17, page 95, after the word "dollars," the following, viz:
"For the construction of a road from the intersection of Mill street and the United States Government road in the town of Sharpsburg, Washington County, Md., to the Eleventh Connecticut monument, over Burnside Bridge, within the limits of the battlefield of Antietam, the sum of $10,000: *Provided*, That no part of such sum shall be expended until the title to said roadway shall be vested in the United States."

Mr. CANNON. To that I am compelled to make the point of order that it is for the improvement of a road which does not belong to the United States.

Mr. PEARRE. I should like to be heard briefly upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PEARRE. This point of order, of course, Mr. Chairman, is based upon that rule of the House which provides that—

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

I respectfully submit to the consideration of the Chair that this appropriation suggested by this amendment comes within the exception stated in that rule, namely:

Unless in continuation of appropriations for such public works and objects as are already in progress.

The Antietam battlefield is now under the control of the Quartermaster's Department of the War Department of the United States. Back as far as 1890 the Government undertook to improve the battlefield of Antietam. It first established a national cemetery there, even earlier than 1890; but from 1890 on continuously in the sundry civil appropriation bill there have been items each year applying to the improvement of the Antietam battlefield.

Roads have been constructed to the extent of 5½ miles through that battlefield. Monuments have been erected, tablets have been

erected, towers of observation have been erected. The various lines of the Army of the Potomac and of the Army of Northern Virginia have been marked. Now, this shows, therefore, Mr. Chairman, that this appropriation is for the continuation of a public object already in progress, that public object being the preservation and improvement of the Antietam battlefield.

The Chair will observe that in various acts from 1890 there have been appropriations for the construction of roads, the erection of tablets, and so forth. Now, this amendment is designed to provide for the construction of a road from the town of Sharpsburg, from the limits of a Government road now under the control of the Government.

Mr. STEELE. I should like to ask the gentleman a question. Does not the amendment itself recite that when certain obstacles have been removed then this money shall be applied? If so, it is subject to the point of order.

Mr. PEARRE. The only object to be attained is to secure the title to the road, and that does not in any way affect the question of the point of order, because in various appropriation bills to which I have referred land has been purchased by the Government. It is not the purpose on this occasion to provide for any purchase of land, but the land will be secured by donation from the authorities of Washington County, Md., in which this road is located.

The mere fact that the land is to be purchased or is to be donated in no way affects the point of order, as I have said. This road will run from the town of Sharpsburg to the Burnside Bridge, or, rather, to the monument to the Eleventh Connecticut Regiment, which is now under the control and supervision of the Government of the United States. This whole purpose and object of improving the Antietam battlefield is a public work and a public object now in progress, and it seems to me that it must be clear that this amendment is not obnoxious to the point of order.

The Chair will remember that it has been held by the Speaker of the House of Representatives that the building of a war ship is a continuation of a public object or a public work already in progress, although the keel of that war ship had not yet been laid. The Chair will also observe in Hind's Parliamentary Precedents of the House of Representatives, on page 284, that a proposition to erect a reform school for boys by the United States Government on land owned by the Government was not obnoxious to the point of order, and while the Chair did not itself assume the responsibility of determining that question, yet, when the question was submitted to the House, the House by a decisive vote declared that the appropriation was not subject to the point of order, and it was so held and so determined by the House.

So it has been ruled with regard to the erection of new buildings at Westpoint and at the Naval Academy at Annapolis. Entirely new buildings have been erected which have been authorized only by appropriation, and these provisions in appropriation bills have been held by the Chair not to be subject to the point of order, because in continuation of a public work or object already in progress.

This general object of the improvement of the Antietam battlefield has been taken up by the Government, and the Chair will observe that in this section there is a provision for the superintendence of this very battlefield.

For repairs and preservation of monuments, tablets, observation towers, roads—

Which have been constructed by amendments introduced into sundry civil bills, just as this offer is made—

fences, etc., constructed by the United States upon public land within the limits of the Antietam battlefield.

And, furthermore, there is an additional appropriation to pay the superintendent employed by the United States Government, who has entire charge and supervision of this public work or public object of the United States now in progress. I say, therefore, Mr. Chairman, that the point of order to this proposition is not well taken, and I respectfully and confidently submit it to the Chair.

Mr. CANNON. Mr. Chairman, the amendment itself tells the whole story—that this is for the construction of a road by an appropriation made by Congress, but that the construction is not to take place until the title passes to the Government. The amendment is a speaking amendment and shows that it is a proposition to improve a road in the State of Maryland under either county or State jurisdiction. The gentleman says it is under county jurisdiction.

Now, if that is in order, then it is in order to improve a road in the city of Chicago—from Chicago to Fort Sheridan. It is in order to improve a road from the city of Omaha to the fort there. It is in order to improve the road from the city of Salt Lake to Fort Douglas. The road is no part of the battlefield. It is no part of the esse, as it now exists. It proposes to add to it, and it would be in order to improve the road along which Hartranft marched before he got to the bridge if it is in order to improve this road.

I submit to the Chair that there can be no doubt that the amendment is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

For the support of the National Home for Disabled Volunteer Soldiers, as follows.

Mr. RICHARDSON of Tennessee. I move to strike out the last word. I would like to ask the gentleman how much longer he is going to keep us here? It is now past the ordinary hour of adjournment.

Mr. CANNON. We are almost through with the bill.

Mr. RICHARDSON of Tennessee. There are 35 pages, and it would take an hour to read it.

Mr. CANNON. I think there is no amendment to offer; and it will be read very rapidly.

Mr. RICHARDSON of Tennessee. Well, I move to strike out the last section.

Mr. CANNON. Well, let us have a vote. If the gentleman will apply for a leave of absence it will be granted.

Mr. RICHARDSON of Tennessee. I move to strike out the last section.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

The committee divided; and there were—ayes 19; noes 44.

Mr. RICHARDSON of Tennessee. I think we ought to have more persons to pass this bill that carries an appropriation of $60,000,000, and I make the point of no quorum.

Mr. CANNON. I think there are a hundred people in the Hall.

The CHAIRMAN (after counting). The Chair counts 83 gentlemen present.

Mr. CANNON. Well, Mr. Chairman, if members can not be prevailed upon to stay, they are responsible. As the gentleman from Tennessee objects, there is nothing left that I can see but to move that the committee rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, 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. 14018), and that on a certain amendment proposed the committee found itself without a quorum; that thereupon the gentleman in charge of the bill moved that the committee rise and report the same to the House.

The SPEAKER. The gentleman from Illinois, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee had found itself without a quorum, and the gentleman in charge of the bill moved that the committee rise, which it has done.

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. 5930. An act granting an increase of pension to Nannie S. White—to the Committee on Pensions.

S. 5869. An act granting an increase of pension to Martin Rodman—to the Committee on Invalid Pensions.

S. 5868. An act granting an increase of pension to Hubert Bascombe—to the Committee on Invalid Pensions.

S. 4496. An act granting an increase of pension to Emma McLaughlin—to the Committee on Pensions.

S. 3141. An act granting an increase of pension to Clara A. Penrose—to the Committee on Invalid Pensions.

S. 1866. An act granting an increase of pension to Laura S. Picking—to the Committee on Invalid Pensions.

S. 5246. An act granting an increase of pension to Hiram H. Kingsbury—to the Committee on Invalid Pensions.

S. 5690. An act granting a pension to Mabel H. Lazear—to the Committee on Pensions.

S. 5747. An act granting a pension to Helen A. B. Du Barry—to the Committee on Invalid Pensions.

S. 4255. An act granting an increase of pension to Frank Smith—to the Committee on Invalid Pensions.

S. 4983. An act granting a pension to Louisa A. Crosby—to the Committee on Invalid Pensions.

S. 5356. An act granting a pension to Sarah Frances Taft—to the Committee on Invalid Pensions.

S. 5265. An act granting an increase of pension to Etta Scott Mitchell—to the Committee on Pensions.

S. 1915. An act granting a pension to Catherine Meade—to the Committee on Invalid Pensions.

Mr. PAYNE. Mr. Speaker, I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jesse B. Derieux, administrator of estate of Peter Derieux, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. CANNON, from the Committee on Appropriations, reported the bill of the House (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, accompanied by a report (No. 2909); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the joint resolution of the Senate (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States, reported the same without amendment, accompanied by a report (No. 2910); which said joint resolution and report were referred to the House Calendar.

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11102) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes, reported the same with amendment, accompanied by a report (No. 2914); which said bill and report were referred to the House Calendar.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River, reported the same with amendment, accompanied by a report (No. 2915); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas, reported the same with amendment, accompanied by a report (No. 2916); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14092) authorizing the Muskogee and Clarksville Bridge Company to construct a bridge across the Arkansas River between Muskogee and Clarksville, in the Creek Nation, Indian Territory, and for other purposes, reported the same without amendment, accompanied by a report (No. 2917); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14128) to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala., reported the same with amendment, accompanied by a report (No. 2918); 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. 5698) to extend the time for the completion of a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 2919); which said bill and report were referred to the House Calendar.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon, reported the same with amendment, accompanied by a report (No. 2921); 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. FITZGERALD of New York, from the Committee on Claims, to which was referred the bill of the House (H. R. 366) for the relief of Strauss, Bianchi & Co., of New York City, reported the same with amendment, accompanied by a report (No. 2911); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5681) granting an increase of pension to Merit C. Welsh, reported the same without amendment, accompanied by a report (No. 2920); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes—to the Union Calendar.

By Mr. GROSVENOR: A bill (H. R. 14237) to amend an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law on the 28th day of August, 1894—to the Committee on Ways and Means.

By Mr. SHERMAN: A joint resolution (H. J. Res. 308) to facilitate the utilization of the Government Departments for the purposes of research, in extension of the policy enunciated by Congress in the joint resolution approved April 12, 1892—to the Committee on the Judiciary.

By Mr. SULZER: A resolution (H. Res. 422) requesting certain information from the Secretary of the Treasury—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of the legislature of Minnesota, favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WILSON of Arizona: A bill (H. R. 14238) to extend the session of the present session of the legislative assembly of Arizona—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bill of the following title was introduced and referred as follows:

By Mr. JAMES R. WILLIAMS: A bill (H. R. 12239) granting an increase of pension to Eli Lane—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of resolutions of Marion Roberts Post, No. 41, and George W. Graham Post, No. 38, Department of Virginia and North Carolina, Grand Army of the Republic, indorsing the joint resolution introduced by Senator PRITCHARD in relation to pensions, and General Joseph Hooker Command, No. 9, Union Veterans' Union, of Boston, favoring Senate bill No. 5055, and the same were referred 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. CHANLER: Petitions of Fairchild Bros. & Foster, Hall & Ruckel, and the Abbey Effervescent Salt Company, of New York, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. ESCH: Resolutions of Cigar Makers' Union No. 85, of Eau Claire, Wis., advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

By Mr. GREEN of Pennsylvania: Petition of Young Women's Christian Association of Allentown, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. LOVERING: Petition of 37 citizens of Taunton, Mass., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. McCLEARY: Petition of E. A. Brodball, cashier of Lindsay (Nebr.) State Bank, favoring the repeal of tax on banking capital—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of the Central Baptist Church of Norwich, Conn., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.