

## HOUSE OF REPRESENTATIVES.

MONDAY, April 4, 1904.

The House met at 12 o'clock m.

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

The Journal of Saturday's proceedings was read and approved.

ATTACHING COUNTIES OF LINN AND CHARITON, MO., TO EASTERN JUDICIAL DISTRICT.

The SPEAKER laid before the House the bill H. R. 8681, "An act to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State," with Senate amendments; which were read.

Mr. RUCKER. Mr. Speaker, I move that the Senate amendments be concurred in.

The question was taken, and the amendments were agreed to.

The bill was ordered to a third reading; and, having been read the third time, was passed.

The SPEAKER. Without objection, the title will be amended.

EXTENSION OF TIME FOR THE COMPLETION OF THE EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The SPEAKER laid before the House the bill H. R. 9331, "An act to extend the time for completion of the East Washington Heights Traction Railroad Company, with Senate amendments; which were read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur and ask for a conference.

The SPEAKER. The gentleman from Wisconsin moves that the House do disagree to the Senate amendments, and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees: Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

## INSANE PERSONS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes, with a Senate amendment, which was read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur and ask for a conference.

The SPEAKER. The gentleman from Wisconsin moves that the House do disagree to the Senate amendment and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER appointed the following conferees: Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

## ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, by special order of the House Monday was set aside for consideration of District of Columbia business. I understand that there are important matters pressing, and I would ask, Mr. Speaker, unanimous consent that immediately after the reading of the Journal on Wednesday next it shall be in order to call up business reported by the Committee on the District of Columbia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MAHON. Mr. Speaker, my committee had a special order for to-day, and, desiring to get out of the road of important business, I ask unanimous consent that the bill (H. R. 9548) for allowance of certain claims for stores and supplies reported by the Committee on Claims under the provisions of the Bowman Act shall be made the special order on Wednesday, April 6, at 3 p. m., following the District of Columbia business.

The SPEAKER. Is there objection?

Mr. THOMAS of North Carolina. What is the request?

The SPEAKER. That the Committee on War Claims may call up the omnibus claims bill on Wednesday next, at 3 o'clock p. m., following District of Columbia business. The Chair hears no objection.

## INCREASE OF PENSION FOR TOTALLY BLIND.

Mr. SULLOWAY. Mr. Speaker, I move to suspend the rules and pass Senate bill 671.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 671) to increase the pensions of those who have lost both eyes or have become totally blind from causes occurring in the military or naval service of the United States.

Be it enacted, etc., That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of \$100 per month: *Provided, however,* That this act shall not be so construed as to reduce any pension under any act, public or private.

The SPEAKER. Is a second demanded?

Mr. MADDOX. Mr. Speaker, I demand a second.

Mr. SULLOWAY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLOWAY. Mr. Speaker, briefly, this is a bill which passed the Senate and raises the pension from \$72 to \$100 of those who are blind from service origin. They are recognized at the Bureau as of that class and are now receiving \$72. At the last session of Congress we raised the pension of those who had lost both hands and both feet to \$100, and the committee recommend the raising of the pension of those who have lost sight and are totally blind.

Mr. MADDOX. Does that mean \$100 a month?

Mr. SULLOWAY. Yes.

Mr. MADDOX. How many are there of these soldiers?

Mr. SULLOWAY. There were 600 living a few weeks ago. Now, Mr. Speaker, unless there is some one who desires to speak, I ask for a vote.

The SPEAKER. Does the gentleman from Georgia desire to use his time?

Mr. MADDOX. No, sir.

The question was considered; and, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

## LEWIS AND CLARK EXPOSITION.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass Senate bill 276, with an amendment striking out all after the enacting clause. The bill is reported unanimously from the Committee on Industrial Arts and Expositions.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill with an amendment in the nature of a substitute. Without objection, the Clerk will read the substitute and omit the other portion of the bill.

There was no objection.

The Clerk read as follows:

An act to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Captains Meriwether Lewis and William Clark in the years 1804, 1805, and 1806, and for other purposes.

Be it enacted, etc., That all articles that shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided,* That all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal.

SEC. 2. That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the National Museum, and the Library of Congress such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American republics, and space in the United States Government building shall be provided for that purpose, and to secure a complete and harmonious arrangement of such Government exhibit a United States Government board shall be created, whose duty it shall be to select from the Government exhibit to be made by such Executive Departments at the city of St. Louis, at the Louisiana Purchase Exposition, in the year 1904, such articles and things as they may deem advisable, and transport the same to the city of Portland, Oreg., to be there exhibited as a part of the Government exhibit at said exposition; and said United States Government board shall also be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such additional articles and materials as the heads of the several Departments, the Secretary of the Smithsonian Institution, the Director of the National Museum, the Librarian of Congress, and the Director of the Bureau of American Republics may respectively decide shall be embraced in said Government exhibit, and said Government board is hereby authorized to rent and use such building or buildings in the District of Columbia as may be necessary in the preparation of said exhibit.

The President of the United States may also designate additional articles for exhibition. Such Government board of management shall be composed of one person to be named by the head of each of the Executive Departments, one by the head of the Smithsonian Institution and National Museum, one by the Librarian of Congress, and one by the Director of the Bureau of American Republics. The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said Government board of management, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired army or navy officers for such duty.

Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Lewis and Clark Centennial Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary.

The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created: *Provided*, That so much of the Government exhibit herein authorized as relates to forestry and irrigation shall be made in a separate building, to be erected as hereinafter provided for that purpose, and said buildings shall be known as the "forestry and irrigation building," and shall be of sufficient size to accommodate forestry exhibits other than the United States forestry exhibits: *And provided further*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, including the forestry and irrigation exhibit, and for rent of building or buildings in the District of Columbia, shall not exceed the sum of \$300,000, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That the Secretary of the Interior is hereby authorized to aid the inhabitants of the district of Alaska in providing and maintaining an appropriate and creditable exhibit of the products and resources of said district at the said Lewis and Clark Centennial Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said district at said exposition; and he is hereby authorized to select so much of the exhibit of the district of Alaska at the Louisiana Purchase Exposition at the city of St. Louis, in the year 1904, as he may deem necessary for the purpose of making said exhibit at the Lewis and Clark Centennial Exposition, and that the cost of said exhibit of said district of Alaska, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited shall not exceed the sum of \$25,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Lewis and Clark Centennial Exposition for the said Government exhibit, including a suitable building for an exhibit of the United States Life-Saving Service, the forestry and irrigation building herein referred to, and also cause to be erected a suitable building or buildings on said site for the use of the district of Alaska, the Territory of Hawaii, the Philippine Islands, and also oriental and oceanic countries that may desire to exhibit of their products and resources at said exposition. Said buildings shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by said United States Government board; and the Secretary of the Treasury is hereby authorized and directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said buildings and the preparation of grounds therefor and the lighting thereof, inclusive, shall not exceed the sum of \$250,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Secretary of the Treasury is authorized and required to dispose of said buildings, or the materials composing the same, at the close of the exposition, giving preference to the city of Portland, or to the said Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair corporation, to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

SEC. 5. That the allotment of space for exhibitors in the building or buildings erected under authority of this act for the use of the district of Alaska, the Territory of Hawaii, the Philippine Islands, and also the use of oriental and oceanic countries, including the space not occupied by the Government board in the forestry and irrigation building, shall be done and performed without charge to exhibitors by the Government board authorized by section 2 of this act.

SEC. 6. That upon the approval of this act the Secretary of the Treasury shall, upon the request of the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair Company, cause to be coined at the mints of the United States not to exceed 250,000 gold dollars, of legal weight and fineness, to be known as the Lewis and Clark Exposition gold dollar, struck in commemoration of said exposition. The words, devices, and designs upon said gold dollars shall be determined and prescribed by the Secretary of the Treasury, and all provisions of law relative to the coinage and legal-tender quality of all other gold coin shall be applicable to the coin issued under and in accordance with the provisions of this act. That the said coins shall be disposed of by the Secretary of the Treasury to the said Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair Company at par, under rules and regulations and in amounts to be prescribed by him. That medals with appropriate devices, emblems, and inscriptions commemorative of said Lewis and Clark Centennial Exposition and of the awards to be made to the exhibitors thereat shall be prepared by the Secretary of the Treasury at some mint of the United States for the board of directors of said exposition company, subject to the provisions of the fifty-second section of the coinage act of 1893, and upon the payment of a sum not less than the cost thereof; and all provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals issued under this act.

SEC. 7. That the United States shall not be liable on account of said exposition for any expense incident to or growing out of the same except for the construction of the building or buildings hereinbefore authorized and for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government, and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses, and for the maintenance of said building or buildings and other contingent expenses, to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditure of money appropriated by this act shall be made until the officers of said exposition shall have furnished to the satisfaction of the Secretary of the Treasury proof that there has been obtained for the purpose of completing and opening said exposition bona fide subscriptions to the stock of said exposition company by responsible parties, contributions, donations, or appropriations, from all sources, a sum aggregating not less than \$600,000.

SEC. 8. That the United States shall not in any manner or under any cir-

cumstances be liable for any of the acts, doings, or representations of said Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, or the commission created by the act of the legislature of the State of Oregon, herein referred to, their officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation or said commission, or for any debts, liabilities, or expenses of any kind or nature whatever attending such exposition corporation or commission, or accruing by reason of the same.

SEC. 9. That nothing in this act shall be construed so as to create any liability upon the part of the United States, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations hereafter made by Congress therefor.

Mr. BARTLETT. Mr. Speaker, I demand a second.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I ask that when I have consumed five minutes I be notified. There are a number of gentlemen who desire to speak, and I do not wish to consume more than that length of time. Mr. Speaker, the people of the State of Oregon, through the legislature, in 1903 authorized the holding of an industrial exhibition in the city of Portland, in that State, to commemorate the Lewis and Clark expedition, which led to the discovery, occupation, and settlement of the Oregon country. Unquestionably it is one of the most important, if not the most important event in the history of the United States west of the Rocky Mountains, and should be suitably commemorated.

The Senate passed and sent to the House a bill for this purpose. The committee of the House to whom this bill was referred reports the same back with an amendment, striking out all after the enacting clause. The Senate bill authorized the holding of the exposition, making it international in character. It authorized the President of the United States to invite foreign governments to participate in the exposition. It also created a national commission and clothed it with general supervision in connection with the State of Oregon and a local corporation over the exposition. It also appropriated \$1,775,000. Part of this was for a Government building and Government participation, but not for the Government exhibit which the bill authorized. That would necessarily have involved a further appropriation of about \$200,000, so that the total appropriation carried by the Senate bill, and the amount authorized in addition thereto, would aggregate about \$2,000,000.

The amendment which the House committee proposes to the Senate bill, as I said before, strikes out all after the enacting clause. It eliminates authority for holding the exposition, leaving it to be held under the authority of the legislature of the State of Oregon. It also eliminates or strikes out that part of the bill authorizing the President of the United States to invite foreign governments to participate. So there is no national authorization of an exposition under the proposed amendment, nor is there any authority for extending any invitations to foreign governments to participate in it.

In addition to this, we entirely eliminated the national commission and have reduced the amount to be appropriated from about \$2,000,000 to \$475,000, \$25,000 of which is for an Alaskan exhibit.

Mr. MADDOX. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. MADDOX. Can the gentleman tell us how much they will want to borrow later on?

Mr. TAWNEY. I do not know, but I am satisfied, Mr. Speaker, that there is absolutely no ground upon which this exposition can borrow or ask Congress to appropriate anything further than the amount I have just stated. This bill does not authorize the exposition. It does not provide for any participation in the management of it. There is no more ground, therefore, for asking for a future appropriation than there was for the exposition held in the gentleman's own State some years ago coming back to Congress and asking for an additional loan or appropriation, which that exposition did not do.

Mr. MADDOX. Mr. Speaker, does the gentleman say that the State of Georgia came back asking for money?

Mr. TAWNEY. No; I said that the State of Georgia did not do that.

Mr. MADDOX. My understanding was, when the gentleman told us about the St. Louis Exposition, that that was going to be the last cent he would ask for, but he came back here to this Congress wanting to borrow \$4,000,000.

Mr. TAWNEY. Mr. Speaker, my time is limited. I do not want to discuss the St. Louis Exposition here. That is an entirely different proposition. That exposition was authorized by the Government of the United States. This is not. This amendment simply provides for governmental participation in the

Lewis and Clark Centennial Exposition in Oregon next year, the same as the Government has always participated in every State exposition that has ever been held in the United States. For the Nebraska exposition the Government appropriated \$215,000. For the Georgia exposition \$200,000, I think, was appropriated. The Government appropriated these amounts for the purpose of making a Government exhibit, and that is all we propose to do in this case—to appropriate money enough to make a creditable Government exhibit, including the necessary buildings for housing and caring for that exhibit. We do not think Congress would be justified now, after having authorized participation in all other State expositions, to draw the line on the first exposition that has ever been held on the Pacific coast. [Applause.]

Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK.]

Mr. CLARK. Mr. Speaker, there are a few great epochal events in the history of America that have contributed in an extraordinary degree to make us what we are—the greatest, the richest, the proudest, the most puissant nation on earth. [Applause.] Among these events was the discovery of America by Columbus, the planting of the first white colony at Jamestown, the shedding of the first blood of the Revolution at Lexington and Concord, the Declaration of Independence, the surrender of Lord Cornwallis, the adoption of the Constitution, the Louisiana purchase, the Lewis and Clark expedition, the annexation of Texas, and the conquest of that Californian southwest country. I am not sure, Mr. Speaker, that an exposition is the best method of celebrating these great events, and if we could go back to the beginning of things I might possibly be opposed to them; but we have entered on the celebration of these great national events in that way, and the Lewis and Clark expedition made this a continental country.

It was one of those great contributions to the wealth and glory of America, planned by the great brain of Thomas Jefferson. [Applause.] It reads like a novel. I wish I had two hours to talk about it. If it had not been for that, we never would have had California; we never would have had a footing on the Pacific. At first we claimed all of the Oregon country, and the British claimed all of it. There was an act of joint occupation, and the greatest Missourian that ever lived, Thomas H. Benton, is the man that kept hammering at the proposition to end that joint occupation and take possession of that country. I am for this bill because I am an American and because I am a Missourian. [Applause.] I am for the bill because Oregon was chiefly a Missouri colony. Both Lewis and Clark became governors of Missouri.

Thomas H. Benton made it an American territory. Col. Theodore Roosevelt, in his Life of Benton, says that the question as to who should have Oregon was doubtful until 1,000 Missourians took their wives and their children, their flocks and their herds, their rifles in their hands, their spades and their picks in wagons along a tedious march across the plains and took possession of the Oregon country; and to-day in Oregon there are more people of Missouri origin than of any other State in the Union. While celebrating these other events, surely the event that made us a continental power is worthy of celebration, especially when we take into consideration the fact that the Missourians peopled Oregon, that the Missourians under Doniphan, and Price, and Fremont and Phil Kearny conquered California, New Mexico, Arizona, Nevada, and the largest part of Utah. I am in favor of this celebration because it ought to be held. [Applause.]

Mr. TAWNEY. How much time is there remaining on this side?

The SPEAKER. Eleven minutes.

Mr. TAWNEY. I ask the gentleman from Georgia [Mr. BARTLETT] to occupy now some of his time.

Mr. BARTLETT. Mr. Speaker, this appears to be a unanimous report from the Committee on Industrial Arts and Expositions. I desire simply, in a very few minutes, to say that while I, as a member of the committee and a member of the subcommittee, aided the chairman of the subcommittee in getting it before the full committee, he well understood and the committee pretty well understood the position I occupied on this bill, a position I have already explained in connection with other bills of this character since I have been a Member of Congress.

I have not thought it necessary to make any minority report. Being the only man upon that committee on either the majority or minority side who did not agree to the passage of the bill, I have not prepared a minority report for the reason that I have not had the time since the bill was reported to the House or agreed upon by the committee to devote to the making of such a report.

I am opposed to the bill, Mr. Speaker, because I do not believe that it is proper for this Government to spend its money in contributing to celebrations or expositions of this character. The Government has for nearly twenty years engaged in this kind of appropriations. I undertook on a former occasion at this session of Congress to present fully and in detail my views upon this

subject, when the measure was considered by the House to give an additional \$4,600,000 in aid of the Louisiana Purchase Exposition—I use the word “give” because I think the appropriation will in the end amount to a gift.

I do not feel called upon to repeat what I have heretofore said on this question or to add anything to my statement of the reasons which have actuated me in opposing appropriations of this kind. I want to say, however, that as the Government has heretofore given large sums of money to various expositions, this enterprise, as I think, deserves as much recognition at the hands of the Government in the form of appropriations for making Government exhibits as any measure of this kind that has preceded it, outside of the Centennial Exposition and probably the one to occur at St. Louis this year.

If I had heretofore believed or if I now believed that this Government has the constitutional power, or if it exists should exercise the power, to take the money of the people gathered into the Treasury from the taxpayers of the country and spend it in this way, we could not, in my opinion, find a better occasion for doing so than the celebration which this bill proposes to aid by providing for a Government exhibit.

I want to say, however, that the Committee on Industrial Arts and Expositions have undertaken to confine the appropriation provided in the bill strictly to the exhibition of the United States Government at the exposition in celebration of the Lewis and Clark expedition.

The Senate tendered us a bill, which none of us, I think, thought proper to pass, providing for the payment of \$1,750,000 to a commission with unlimited powers and with authority to do pretty much as it pleased, to visit all parts of the world and expend the money appropriated without restraint. In this bill, which has been drawn with the utmost care by the distinguished chairman of the Committee on Industrial Arts and Expositions, we have simply provided for an appropriation of the amount that seems to be necessary to be expended by the Government of the United States in taking part in this exposition held to celebrate one of the most important events in our history.

Mr. Speaker, I shall not support the bill by my vote. I belong to the “old school” of Democrats who do not regard appropriations of this kind as within the province of the Government. I have not changed my views on that question, although I recognize very well that the number of Representatives who agree with me on that question in this House is very limited.

Something has been said by my friend the chairman of this committee to the effect that this bill involves the same principle as that which Congress acted upon in extending aid to the Cotton Exposition in 1895 at Atlanta, Ga.

That is true. That progressive city did not receive any aid from the Government in aid of that enterprise, but there was an appropriation of \$200,000 for a Government building and for an exhibit to be made by the Government on that occasion. But the people of Atlanta did not come back to Congress for reimbursement. They made no effort in that direction, although the citizens of that city who had the management of that exposition had to go down in their pockets time and again to supply deficiencies in revenue arising from the deficiency in the gate receipts and other expected sources of income to meet the necessary running expenses.

Although time and time again the private funds of its directors were used in order to secure a sufficient amount of money to carry on the exposition, they never once thought during that time or afterwards of coming to the Government for reimbursement or suggesting to anyone that they desired the United States Government to aid them in paying the debts of that exposition company.

That city, then—a city of less than 100,000 inhabitants—undertook a most gigantic work just two years after the great exposition at Chicago, and they held an exposition which reflected great credit upon that city and upon the South—a work which no city of its size and wealth in the world ever undertook or carried to successful completion before. So much for what was done for Atlanta in 1895 without any Government aid.

This bill does not provide for anything more than simply providing money for the erection of Government buildings and for the expenses of carrying the Government exhibits from St. Louis to Portland, Oreg., and caring for them and the expenses incident thereto and their return to Washington. If I were in favor of voting any money at all for expositions of this kind, I would say that this, in my judgment, is the best bill that ever was reported from a committee since I have been a Member of Congress which proposed to aid expositions of this character.

Convinced as I am and always have been, consistent as I have been and propose to continue to be, opposed to the expenditure of the people's money for such purposes—it may be “old fogyism,” it may be that I am far behind the spirit of the times—but I propose to continue in that line of thought and action, Mr. Speaker, because I believe I am right in having so voted in the past, and that I will be right in so voting on this occasion. [Applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eleven minutes.

Mr. BARTLETT. I yield five minutes to the gentleman from California [Mr. WYNN], a member of the committee.

Mr. WYNN. Mr. Speaker, I am not much impressed by the plea made here to the effect that to appropriate money as the pending bill proposes is unconstitutional. It is rather late in the history of the country to make a point like that. The practice of the Government has become settled in favor of such appropriations, and no one can seriously expect to see that practice upset on any such ground as the one assigned.

Since 1862 Congress has appropriated \$25,717,752.28 for expositions. Of that sum there has been covered back into the Treasury \$2,070,888, leaving \$23,646,872.28 actually paid out. With the exception of \$3,953,488.05, all of this has been for expositions held within our own territory; and let me add that every cent of the total sum so expended has gone for expositions held east of the Rocky Mountains. In all our history not one dollar has gone to the great region lying the other side the Continental Divide.

It seems peculiarly right, therefore, that the Congress should gladly give the desired aid to the Lewis and Clark Exposition, and I am pleased to say to my colleagues in this House that the West asks this aid confidently, coming here with unanimity among its Representatives and faith that justice will be done.

Union Labor, Democratic, and Republican Members of this House from the Pacific slope are standing together in this matter. Their request is moderate, and their cause is beyond criticism.

Mr. Speaker, I wish to add that all the commercial bodies of the Pacific coast are a unit in favor of Government aid of this enterprise and requested us to appeal to you and to present their petition.

The appropriation carried by the bill is not sufficient to make the exposition the great success it ought to be, but it will help us in our effort to establish on our coast the conditions that should exist there.

I commend the bill to the friendliness of the House, and hope it will be given prompt adoption. [Applause.]

The remainder of my time I yield back to the gentleman from Georgia.

Mr. BARTLETT. I yield five minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, we have heard to-day, as we have heard heretofore, much of patriotism, appeals to patriotism, transports of patriotism: "Rally round the flag, and a large additional appropriation." In this bill we are asked to appropriate money in not a usual manner, and under a suspension of the rules, with only twenty minutes on a side to discuss, and without a chance to amend the proposition. In this way we are asked to vote \$475,000 out of the Treasury for the purposes of this exposition.

I understood the gentleman from Missouri [Mr. CLARK] not to base his support of this bill upon it as an original proposition, but that he favored it because we had heretofore appropriated money for this purpose to other localities. He stated that the great historical figures of our country are here in their character as statesmen, warriors, and explorers, and our great men of history, appealing to us for an appropriation for this exposition. This might appeal to us; but this appropriation is too large, and in this is found the dangers of abuse ever present when these matters are up for consideration even in the usual form. If we could take the history of the money voted for expositions in this country and the financial loss heretofore, we well might ask ourselves to rescue the people concerned from the loss of money which other exposition projects have brought to the localities affected.

If I may have the attention of the chairman of the committee, the gentleman from Minnesota [Mr. TAWNEY], I should like to ask him how much money we appropriated to Nashville?

Mr. TAWNEY. One hundred and thirteen thousand dollars for the exhibit and buildings.

Mr. ROBINSON of Indiana. And how much to Omaha?

Mr. TAWNEY. Omaha, \$200,000, and subsequently \$15,000 more.

Mr. ROBINSON of Indiana. Mr. Speaker, in this bill there is an appropriation of \$475,000, and running through the bill we find that a special feature of this exposition is the irrigation and forestry.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. ROBINSON of Indiana. Not now. I will ask how much of this special feature is devoted to forestry and irrigation?

Mr. TAWNEY. It is impossible for me to say how much the forestry and irrigation building will cost. It is the intention of the supervising architect to make that building a forestry exhibit of itself by having the lumbermen contribute the logs in their natural state.

Mr. ROBINSON of Indiana. All through the bill there are items which probably include \$100,000 for irrigation and forestry, but

no one can tell the amount. We have to-day \$16,000,000 in the reclamation fund, raised from lands that belonged to all the States and which we, last Congress, surrendered for irrigation. Yet, I can not present an amendment that that \$100,000, or whatever it shall be, shall be taken out of the reclamation fund.

Mr. TAWNEY. It is not proposed to use \$150,000.

Mr. ROBINSON of Indiana. This is another effort to get into the United States Treasury, another effort to get money from the Treasury, under the guise of an exposition, for at least partial irrigation promotion. There are already \$16,000,000 in the irrigation fund, and we can not under these rules amend this bill to charge that fund.

We are asked to do this, to appropriate this large sum, because we heretofore have made appropriations for similar expositions.

I would propose this amendment, and in all fairness it should be adopted, but we can not present it under this suspension of the rules:

*Provided, That of the total sum herein appropriated such sum as is used for or in the irrigation exhibit proposed herein is appropriated from the fund reserved, set aside, and appropriated as a special fund in the Treasury known as the "reclamation fund," under the act of Congress entitled "An act appropriating receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and the amount herein appropriated from said reclamation fund shall be apportioned, so far as the same may be practicable, in the same manner and be subject to the same limitations, conditions, and proportions as are provided for by section 9 of said act.*

You can not cut down the appropriation as it now comes up. There is no power under the suspension of the rules as it comes up by which that can be done. How will it be with the exposition provided for here now? Can we not answer with the history of the Buffalo exposition and with the history of the other expositions that have come here pledging themselves not to come to Congress for aid after we have aided once. They have come to us repeatedly with requests for more money upon failure, and these repeated demands were in violation of law and good faith. In my district a number of patriotic citizens got up a great agricultural fair, and they failed by reason of the act of God, as rain came in torrents upon the enterprise, and they could not make their expenses. I could say as much as has been said in reference to historical characters by the expositions in time past. It was at Fort Wayne, the old fort to which Mad Anthony Wayne pressed forward with his soldiers in frontier times to make way for civilization; it was at a point where the great St. Joseph River by confluence with the historical St. Marys forms the famous Maumee. I did not come and ask an appropriation of Congress on that, though I could have done so with equal merit, for that fair assembled thousands of taxpayers, local there, and gave them a great exhibition. It was a patriotic thing to do. It was for an industrial purpose. Why should not all the people of all the States be equally entitled to lavish appropriations from the Treasury of the United States, where they can show that some one existed somewhere, some time, or some one had discovered this place or that, or because of this or that act of early adventure or patriotism? Why should they not all come here with equal reason, under the plea of patriotism, and ask an enlarged appropriation from the United States Treasury? [Loud applause.]

The SPEAKER. The gentleman from Georgia has five minutes remaining.

Mr. SULZER. Mr. Speaker, I want to say just a few words. I am in favor of this bill to authorize the Government to aid and to participate in the celebration to commemorate the one hundredth anniversary of the exploration of the great Northwest by those intrepid explorers, Lewis and Clark, to be held in Portland, Oreg., in 1905. I believe this exposition will do a great deal of good, and it celebrates one of the greatest events and emphasizes one of the grandest epochs in the history of our country. I believe in these expositions. They are splendid educators, they do a great deal for the people, they accomplish much for humanity, and they make for progress and advancement. We can well afford to spend this money to show the people of our country what mighty progress, the wonderful growth, the tremendous strides onward and forward which the Northwest has made during the last fifty years.

It is a marvelous story, stranger than fiction; and Lewis and Clark were the pioneers who blazed the way for it all, and the incomparable benefits that have resulted to this Government from their expedition, their discovery, their occupation, and their settlement of the Oregon country is one of the grandest pages in the history of America.

In historical interest, in national importance, and in beneficent results to humanity it is unparalleled in the annals of the Western Hemisphere. It gave us one country from ocean to ocean and made possible all that we are to-day on the Pacific. It is one of our grandest monuments, one of our greatest achievements. Every citizen of the Republic glories in it to-day, and why should not its centennial be fittingly commemorated? [Applause.]

I am a friend of our wonderful and bountiful Northwest. I know the people there—in the Oregon country—and a grander people never lived on the face of the earth. They have helped to make us all that we are, and they will help to make us all that we hope to be. They will make this exposition a great success, and the lesson it will teach, the information it will disseminate, the general good it will do will, in lasting benefits to the country, repay this appropriation a thousandfold.

I can not understand, Mr. Speaker, the bitter opposition to this bill. The effort made here to defeat this appropriation is as shortsighted as it is unpatriotic. I trust it will not succeed. This exposition should be held, and it would be small indeed for the Government to fail to make a proper exhibit. I know this money will be well spent, and it will be for the benefit of all the people.

In an educational way, in my judgment, this centennial exposition will accomplish wonders. It is bound to be a great success in every way and give ocular demonstration of our greatness and grandeur and glory to thousands and millions of our people. Can a little money be spent to better advantage? I think not, and I am surprised that there is opposition to it in this House. The bill ought to pass unanimously. I would be in favor of it if it appropriated a million dollars. [Applause.] The momentous event and the invaluable results justify it.

We appropriate millions of dollars every year for worthless things. But here is a matter that will do some good, that will educate, that will benefit for years to come the people generally. Here is a matter that will prove in a tangible, living way the greatness and the grandeur and the glory of American plod and progress, of American brain and brawn, and all within one hundred years. [Applause.]

I hope the bill will pass. I trust that every man on this side of the House will vote in favor of it. As Mr. McKinley well and truly said, "These expositions are milestones on the highway of humanity, marking the progress of the race and the advancement of civilization." [Loud applause.]

Mr. TAWNEY. I yield three minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, in 1803 the cession of the Louisiana territory to the United States took place, and that event is to be celebrated this year at St. Louis. The proposition involved in the present bill is to take a portion of that exhibit and transport it to the Pacific coast. In 1803 Thomas Jefferson sent Lewis and Clark upon that remarkable expedition from St. Louis to the mouth of the Columbia. It was as marvelous a trip as the one of Columbus across the ocean. It is now proposed to follow practically the route traveled by those pioneers and carry across by railway on that route a portion of the wonderful exhibit which the American people will see this year in the city of St. Louis. It is only intended to supply a sufficient sum to transport such portion of the Government exhibit as will enable the people of the Pacific coast appropriately to celebrate a great event on the other shore of our continent. Mr. Speaker, the appropriation is not a large one, and the purpose is a very proper supplement to the exhibit of 1904. It will simply add to and round out the plan which is so soon to be carried out at St. Louis.

I yield back the remainder of my time.

Mr. TAWNEY. I yield one minute to the gentleman from Montana.

Mr. DIXON. Mr. Speaker, on behalf of a solid and unanimous delegation in the House from the great State of Montana, I want to voice their sentiment in behalf of this bill. The great State which I represent originally constituted part of the Oregon country, and, small as it was, is greater in area than the combined States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and 10,000 square miles left over. I am sorry to see some gentlemen put this bill on the basis of a proposition of being merely favorable to local conditions. We do not base it on any such proposition.

Here we men from the West, from that great inland portion of this country, only a few weeks ago sat here and because it was a great patriotic proposition, not because it was of local benefit to us, voted \$97,000,000 for a navy; we voted four and a half million dollars for St. Louis, and now at this time all we ask for the celebration of this great addition to this great Republic is less than half a million dollars, and I hope there will not be a vote recorded against it. [Applause.]

Mr. TAWNEY. Mr. Speaker, I now yield two minutes to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, there have been held in this country, by the assistance and aid of the General Government, eleven great expositions. There have been aided twelve foreign expositions, at a cost altogether of over \$25,000,000. Of all of these various expositions in the larger States and in the smaller States of the Republic not one, sir, has ever been held or aided by the General Government within 2,000 miles of where this Lewis and

Clark Exposition is proposed to be held. It is natural, sir, that there should be a desire on the part of our fellow-citizens residing west of the Rocky Mountains and west, I may say, of the city of Omaha, where the most westerly exposition was ever held—it is natural, sir, that they should have a desire to be treated as those of their fellow-countrymen east of the Rocky Mountains. Your people are there. There is not a district represented by a Member on this floor from the North, South, East, or West but what has some of its inhabitants residing there working in the upbuilding of that great country west of the Rocky Mountains.

It is natural, sir, that they should desire to have your kind assistance in their behalf, as you have given it on behalf of other portions of the more easterly parts of the Republic. Sir, that vast empire embraces, as the gentleman has just remarked, over four times the size of all the New England States combined. It has contributed to this Republic over \$125,000,000 in gold and silver, extracted by the hands of those people from the rich mines in that immense territory. It has also contributed to the Federal Treasury of the United States in revenue taxes and in land sales over \$55,000,000. Magnificent farms, extensive manufacturing institutions, great fisheries, inexhaustible mineral resources, populous towns and cities, colleges and schools of high standard are there, while a large commerce with the rich markets of the Orient is now established; and this exposition will do much toward inviting the trading nations of the Orient to closer relations with our nation. The great journey of Lewis and Clark, which opened up the nation's outlet to the shore line of the Pacific in an exploration which has few equals in the annals of history, appeals to the noblest sentiment and to the lasting gratitude and regard of every American. The nation can well afford to contribute its generous aid to this exposition and to the anniversary which is to commemorate the world-renowned journey of the intrepid men who first crossed the continent one hundred years ago into the great valley of the Columbia. The bill commends itself to your generosity, to your patriotism, and to your kindly feelings. [Applause.]

Mr. BARTLETT. Mr. Speaker, I yield one minute to the gentleman from Connecticut [Mr. LILLEY].

Mr. LILLEY. Mr. Speaker, I am opposed to this kind of legislation. It seems to me that if this Government is going to continue in the exposition business, it had better locate a permanent exposition somewhere and save the expense of shifting around. It seems to me that this exposition business is done on the plan of you tickle me and I tickle you. I think that has been fully illustrated in the cases of St. Louis, Charleston, Nashville, and others. When we loaned four and a half million dollars to St. Louis on doubtful security it occurred to me that it would be a good thing to put three golden balls over the door of this Capitol with the legend, "Uncle Sam—Money to loan on doubtful security." [Applause.] I do not think that it is any excuse that because we have been in this business and found it was wrong we should continue in it. If a man goes wrong, that is no reason why he should continue doing wrong, and I think this exhibition business ought to be stopped. [Applause.]

Mr. BARTLETT. Mr. Speaker, in the few minutes I have left I desire to add just a word or two to what has been said. The sections of this bill drawn, as I have already said, with great care by the chairman, aided by the subcommittee of the Committee on Industrial Arts and Expositions, undertake to put beyond question any liability of the United States as to any claim for expense that may be called for in the future. Sections 7 and 9 of this bill are as follows:

SEC. 7. That the United States shall not be liable on account of said exposition for any expense incident to or growing out of the same except for the construction of the building or buildings hereinbefore authorized and for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government, and for the employment of proper persons as officers and assistants by the Government board created by this act and for other expenses, and for the maintenance of said building or buildings and other contingent expenses, to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditure of money appropriated by this act shall be made until the officers of said exposition shall have furnished to the satisfaction of the Secretary of the Treasury proof that there has been obtained for the purpose of completing and opening said exposition bona fide subscriptions to the stock of said exposition company by responsible parties, contributions, donations, or appropriations, from all sources, a sum aggregating not less than \$800,000.

SEC. 9. That nothing in this act shall be construed so as to create any liability upon the part of the United States, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations hereafter made by Congress therefor—

will fully protect the United States Government from any effort in the future to secure any additional appropriation or aid for this exposition. Now, having called attention to the merits of this bill as a bill providing for the participation of the Government in this exposition, I desire to say, and emphasize it with all

the emphasis I can put upon it, that there is no bill drawn or that has been drawn in the past or that can be drawn now that would commit me by a vote to support a bill of this character. [Applause.]

Mr. Speaker, it is well enough to have these expositions. The people of the Pacific slope, the people of the Oregon country, are entitled to recognition by the Government for what they have done for that great country. The effort, the toil, and the strife of her people who established that country, who have maintained it, are entitled to our admiration, respect, and veneration, and they ought to be honored.

But if every great event that has passed into the history of this country—the greatest Republic that ever blessed mankind—is to be celebrated, then we will turn the Government of the United States over to the continual repetition of celebrations of such events, and the Treasury of the United States after a while will not be full enough to answer the demand of the people for such celebrations. So many great events have taken place in the history of this country and will continue to take place that to celebrate them all would be impossible, and to render all such Government aid would bankrupt the Treasury. [Applause.]

Mr. TAWNEY. Mr. Speaker, I now yield two minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker I favor the amendment to the Senate bill for these reasons:

First. On the precedents established for such expenditure of the public money.

Second. It promotes and strengthens the patriotic sentiment and action by the people and among the people.

Third. It educates and broadens our citizenship.

Fourth. There is no constitutional inhibition of such expenditure of money. The man who sleeps with the Constitution under his pillow by and by will learn this fact.

Fifth. That the local and historical events strongly commend this appropriation. We have had it in the South, we have had it in the North and in the East, and I hope this House will make this small appropriation to this exposition on our Pacific coast and give our Pacific brethren the benefit of it. [Applause.]

Mr. TAWNEY. I yield two minutes to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Speaker, I am one of the persons of this House who made a resolve that the United States should not again go into partnership in exposition enterprises for at least another ten or fifteen years. But I desire to say that I want to support this particular bill on this occasion, because it does not come within a partnership compact of the United States going into another exposition, for when we make this exhibit, involving an appropriation of \$450,000, this is the sum total, and there will not be any trail of expenditure left behind. And because, further, if there has ever been an event of national importance that should be commemorated this is one of those events.

It is not a question, as the gentleman from Missouri has made it, restricting it to the West or to his own State. Every State in the Union is represented by its people in populating this great territory. The whole United States is interested in it. Indiana and all the States are interested in it. The nation is interested in it, and because, further, I have a sentiment that the great daring spirits of this country that have gone to make it the greatest country that there is, among whom there are no greater than Lewis and Clark; because I have the sentiment that the pathfinders and the pioneers who have gone beyond the frontiers of the country, who by an heroism unequalled and unparalleled, through days and years of enduring toil, and sometimes of martyrdom, have always challenged my admiration and invoked my reverence, who have added by their heroism, as in this instance, the brightest gem in the diadem of American greatness; and if there was no other reason than that this country should give due honor to the great names of Lewis and Clark, I would vote for the bill. [Applause.]

Mr. TAWNEY. Mr. Speaker, as there is no other gentleman that wishes to speak on the proposition, I will conclude by simply repeating that this amendment which strikes out all after the enacting clause of the Senate bill provides for a Government exhibit at the first exposition ever held on the Pacific coast. It is just the same participation that the States of the Union are authorizing in this exposition. I understand that my own State has already made an appropriation to participate in the Lewis and Clark Exposition. A number of Western States have done likewise. Some Western States have agreed to take part by making an exhibit and building their own buildings. Some of the foreign governments at St. Louis have also agreed to participate by making exhibits at this exposition. Now, the only proposition involved here is, Will the Government of the United States do what the States are doing—contribute to the success of the Lewis and Clark Exposition to the extent of authorizing and making a Government exhibit and erecting buildings for that purpose? That is all, Mr. Speaker, that is involved in this proposition—governmental par-

ticipation, together with State participation, to make this Lewis and Clark Exposition a great success and an appropriate commemoration of the event it is intended to celebrate, and I call for a vote. [Applause.]

Mr. BARTLETT. Mr. Speaker, I understand the motion is to suspend the rules and pass the bill with an amendment.

The SPEAKER. To suspend the rules, agree to the amendment reported by the committee, and pass the bill.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 132, noes 62.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 83, answered "present" 8, not voting 157, as follows:

YEAS—134.

Alexander, Allen,	Dresser, Dwight,	Lacey, Lamar, Fla. ✓	Ryan, ✓
Babcock, Bartholdt,	Emerich, Esch,	Legare, Lind, ✓	Scott, Sherman, ✓
Bates, Fitzgerald, ✓	Flood, ✓	Livernash, ✓	Shober, ✓
Bede, Bell, Cal. ✓	Fordney, French, ✓	Livingston, ✓	Slomp, ✓
Benny, Bishop, ✓	Fuller, Gardner, Mich. ✓	London, ✓	Smith, Iowa. ✓
Bonyng, Brantley, ✓	Gibson, Goldfogle, ✓	McCleary, Minn. ✓	Smith, Pa. ✓
Breezeale, ✓	Goldfogle, ✓	McDermott, ✓	Snapp, ✓
Brick, Brooks, Brown, Wis. ✓	Graff, Grosvenor, ✓	McLachlan, ✓	Spalding, ✓
Burke, Calderhead, ✓	Hamilton, Hamlin, ✓	McLain, ✓	Steenerson, ✓
Candler, ✓	Harrison, ✓	McMorran, ✓	Stevens, Minn. ✓
Clark, ✓	Hay, ✓	Mahon, Mann, ✓	Sulloway, ✓
Cooper, Pa. ✓	Hemenway, ✓	Marsh, Marshall, ✓	Sulzer, ✓
Cooper, Wis. ✓	Hermann, ✓	Maynard, ✓	Swanson, ✓
Cromer, Crumpacker, ✓	Hinshaw, ✓	Miller, Minor, ✓	Talbot, ✓
Cushman, Daniels, ✓	Hitt, ✓	Mondell, Moon, Pa. ✓	Tawney, ✓
Davey, La. ✓	Hogg, ✓	Needham, Norris, ✓	Townsend, ✓
Davidson, Davis, Minn. ✓	Houston, ✓	Otis, Otjen, ✓	Van Duzer, ✓
Dayton, Deemer, ✓	Howell, Utah ✓	Palmer, ✓	Volstead, ✓
Denny, ✓	Hughes, N. J. ✓	Pou, ✓	Vreeland, ✓
Dixon, ✓	Humphrey, Wash. ✓	Prince, ✓	Wachter, ✓
Dovenor, ✓	Humphreys, Miss. ✓	Rainey, ✓	Wade, ✓
Draper, ✓	Jackson, Ohio ✓	Reader, ✓	Wanger, ✓
	Jones, Wash. ✓	Rixey, ✓	Warnock, ✓
	Kelther, ✓	Robertson, La. ✓	Watson, ✓
	Kennedy, ✓	Rodenberg, ✓	Wiley, N. J. ✓
	Kinkaid, ✓	Rucker, ✓	Williamson, ✓
	Kyle, ✓		Wilson, Ill. ✓
			Woodward, ✓
			Wright, ✓
			Wynn, ✓
			Young, ✓

NAYS—82.

Acheson, ✓	Haskins, ✓	Lucking, ✓	Russell, ✓
Beall, Tex. ✓	Haugen, ✓	McCreary, Pa. ✓	Scarborough, ✓
Benton, ✓	Henry, Conn. ✓	Macon, ✓	Shackleford, ✓
Bowers, ✓	Henry, Tex. ✓	Maddox, ✓	Sheppard, ✓
Brundidge, ✓	Hill, Conn. ✓	Moon, Tenn. ✓	Sims, ✓
Burgess, ✓	Hopkins, ✓	Murdock, ✓	Slayden, ✓
Burleson, ✓	Howard, ✓	Padgett, ✓	Smith, Ky. ✓
Byrd, ✓	Howell, N. J. ✓	Page, ✓	Smith, Tex. ✓
Caldwell, ✓	James, ✓	Parker, ✓	Sperry, ✓
Conner, ✓	Johnson, ✓	Patterson, N. C. ✓	Stafford, ✓
Currier, ✓	Jones, Va. ✓	Patterson, Tenn. ✓	Stephens, Tex. ✓
Dalzell, ✓	Kitchin, Claude ✓	Payne, ✓	Sullivan, Mass. ✓
De Armond, ✓	Kitchin, Wm. W. ✓	Perkins, ✓	Thayer, ✓
Driscoll, ✓	Lamar, Mo. ✓	Pierce, ✓	Thomas, N. C. ✓
Evans, ✓	Lawrence, ✓	Pinckney, ✓	Tirrell, ✓
Field, ✓	Lever, ✓	Powers, Me. ✓	Trimble, ✓
Gilbert, ✓	Lewis, ✓	Randall, Tex. ✓	Wallace, ✓
Gillespie, ✓	Lilley, ✓	Robb, ✓	Williams, Miss. ✓
Gillet, N. Y. ✓	Little, ✓	Roberts, ✓	Zenor, ✓
Goebel, ✓	Littlefield, ✓	Robinson, Ark. ✓	
Gudger, ✓	Longworth, ✓	Robinson, Ind. ✓	

ANSWERED "PRESENT"—8.

Adamson, ✓	Campbell, ✓	Hughes, W. Va. ✓	Reid, ✓
Bartlett, ✓	Cassel, ✓	Miers, Ind. ✓	Richardson, Ala. ✓

NOT VOTING—157.

Adams, Pa. ✓	Cochran, Mo. ✓	Glass, ✓	Landis, Chas. B. ✓
Adams, Wis. ✓	Cockran, N. Y. ✓	Gooch, ✓	Landis, Frederick ✓
Aiken, ✓	Connell, ✓	Goulden, ✓	Lanning, ✓
Ames, ✓	Cooper, Tex. ✓	Granger, ✓	Lester, ✓
Badger, ✓	Cousins, ✓	Greene, ✓	Lindsay, ✓
Baker, ✓	Cowherd, ✓	Gregg, ✓	Littauer, ✓
Bankhead, ✓	Crowley, ✓	Griffith, ✓	Lloyd, ✓
Bassett, ✓	Curtis, ✓	Griggs, ✓	Lorimer, ✓
Beldier, ✓	Darragh, ✓	Hardwick, ✓	Loudenslager, ✓
Bingham, ✓	Davis, Fla. ✓	Hearst, ✓	Loving, ✓
Birdsall, ✓	Dickerman, ✓	Hedge, ✓	McAndrews, ✓
Boutell, ✓	Dinsmore, ✓	Hepburn, ✓	McCall, ✓
Bowersock, ✓	Dougherty, ✓	Hildebrandt, ✓	McCarthy, ✓
Bowling, ✓	Douglas, ✓	Hill, Miss. ✓	McNary, ✓
Bradley, ✓	Dunwell, ✓	Hitchcock, ✓	Mahoney, ✓
Brandgee, ✓	Finley, ✓	Holliday, ✓	Martin, ✓
Broussard, ✓	Fitzpatrick, ✓	Huff, ✓	Metcalf, ✓
Brown, Pa. ✓	Flack, ✓	Hull, ✓	Meyer, La. ✓
Brownlow, ✓	Foss, ✓	Hunt, ✓	Morgan, ✓
Buckman, ✓	Foster, Ill. ✓	Hunter, ✓	Morrell, ✓
Burkett, ✓	Foster, Vt. ✓	Jackson, Md. ✓	Mudd, ✓
Burleigh, ✓	Fowler, ✓	Jenkins, ✓	Nevin, ✓
Burnett, ✓	Gaines, Tenn. ✓	Keoke, ✓	Olmsted, ✓
Burton, ✓	Gaines, W. Va. ✓	Ketcham, ✓	Overstreet, ✓
Butler, Mo. ✓	Garber, ✓	Kline, ✓	Patterson, Pa. ✓
Butler, Pa. ✓	Gardner, Mass. ✓	Kluttz, ✓	Pearre, ✓
Capron, ✓	Gardner, N. J. ✓	Knapp, ✓	Porter, ✓
Cassingham, ✓	Garner, ✓	Knopf, ✓	Powers, Mass. ✓
Castor, ✓	Gillett, Cal. ✓	Lafean, ✓	Pujo, ✓
Clayton, ✓	Gillett, Mass. ✓	Lamb, ✓	Ransdell, La. ✓

83 R

74 R

157

Means Democrat

57-133A-P3

Rhea, ✓	Smith, Ill. ✓	Stanley, ✓	Warner, ✓
Richardson, Tenn. ✓	Smith, Samuel W. ✓	Sterling, ✓	Webb, ✓
Rider, ✓	Smith, Wm. Alden ✓	Sullivan, N. Y. ✓	Weems, ✓
Ruppert, ✓	Smith, N. Y. ✓	Tate, ✓	Weisse, ✓
Scudder, ✓	Snook, ✓	Taylor, ✓	Wiley, Ala. ✓
Sherley, ✓	Southall, ✓	Thomas, Iowa ✓	Williams, Ill. ✓
Shiras, ✓	Southard, ✓	Underwood, ✓	Wilson, N. Y. ✓
Shull, ✓	Southwick, ✓	Vandiver, ✓	
Sibley, ✓	Sparkman, ✓	Van Voorhis, ✓	
Small, ✓	Spight, ✓	Wadsworth, ✓	

The Clerk announced the following pairs:  
For the session:

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.  
Mr. CASSEL with Mr. GOOCH.  
Mr. BOUTELL with Mr. GRIGGS.  
Mr. CURRIER with Mr. FINLEY.  
Mr. HUNTER with Mr. RHEA.  
Mr. CHARLES B. LANDIS with Mr. TATE.

Until further notice:

Mr. BINGHAM with Mr. RICHARDSON of Tennessee.  
Mr. OVERSTREET with Mr. COWHERD.  
Mr. HOLLIDAY with Mr. MIERS of Indiana.  
Mr. HEPBURN with Mr. ADAMSON.  
Mr. LORIMER with Mr. MAHONEY.  
Mr. KNOPF with Mr. WEISSE.  
Mr. CROMER with Mr. GRIFFITH.  
Mr. MARTIN with Mr. BUTLER of Missouri.  
Mr. CASTOR with Mr. FOSTER of Illinois.  
Mr. VAN VOORHIS with Mr. CASSINGHAM.  
Mr. HUGHES of West Virginia with Mr. KEHOE.  
Mr. BOUDENSLAGER with Mr. RICHARDSON of Alabama.

For the vote:

Mr. METCALF with Mr. BARTLETT.  
Mr. BROWNLOW with Mr. VANDIVER.  
Mr. WM. ALDEN SMITH with Mr. LLOYD.  
Mr. GILLET of California with Mr. GLASS.  
Mr. SIBBEY with Mr. STANLEY.  
Mr. MOON of Pennsylvania with Mr. SHERLEY.  
Mr. WARNER with Mr. TAYLOR.

For the day:

Mr. PEAREE with Mr. BASSETT.  
Mr. BOWERSOCK with Mr. BURNETT.  
Mr. JENKINS with Mr. UNDERWOOD.  
Mr. KNAPP with Mr. MEYER of Louisiana.  
Mr. FLACK with Mr. RUPPERT.  
Mr. CAMPBELL with Mr. HARDWICK.  
Mr. HINSHAW with Mr. BROUSSARD.  
Mr. SHIRAS with Mr. HILL of Mississippi.  
Mr. KETCHAM with Mr. SNOOK.  
Mr. MORGAN with Mr. MCANDREWS.  
Mr. FREDERICK LANDIS with Mr. HUNT.  
Mr. THOMAS of Iowa with Mr. GARBER.  
Mr. SAMUEL W. SMITH with Mr. BOWIE.  
Mr. MUDD with Mr. SOUTHALL.  
Mr. SMITH of New York with Mr. KLINE.  
Mr. LANNING with Mr. AIKEN.  
Mr. ADAMS of Pennsylvania with Mr. BADGER.  
Mr. ADAMS of Wisconsin with Mr. DINSMORE.  
Mr. COUSINS with Mr. HEARST.  
Mr. BEIDLER with Mr. BANKHEAD.  
Mr. BIRDSALL with Mr. BAKER.  
Mr. BRANDEGEE with Mr. CLAYTON.  
Mr. BROWN of Pennsylvania with Mr. COCHRAN of Missouri.  
Mr. BUTLER of Pennsylvania with Mr. COCHRAN of New York.  
Mr. BUCKMAN with Mr. COOPER of Texas.  
Mr. BURLEIGH with Mr. CROWLEY.  
Mr. CAPRON with Mr. DAVIS of Florida.  
Mr. CURTIS with Mr. DOUGHERTY.  
Mr. DARRAGH with Mr. FITZPATRICK.  
Mr. FOSS with Mr. GAINES of Tennessee.  
Mr. FOSTER of Vermont with Mr. GARNER.  
Mr. FOWLER with Mr. GOULDEN.  
Mr. GARDNER of Massachusetts with Mr. GREGG.  
Mr. GAINES of West Virginia with Mr. GRANGER.  
Mr. MORRELL with Mr. SHULL.  
Mr. LITTAUER with Mr. SCUDDER.  
Mr. LAFEAN with Mr. RIDER.  
Mr. HULL with Mr. RANDELL of Louisiana.  
Mr. HUFF with Mr. PUJO.  
Mr. HILDEBRANT with Mr. LESTER.  
Mr. HEDGE with Mr. KLUTZ.  
Mr. WADSWORTH with Mr. LAMB.  
Mr. GREENE with Mr. McNARY.  
Mr. GILLET of Massachusetts with Mr. LINDSAY.  
Mr. GARDNER of New Jersey with Mr. HITCHCOCK.  
Mr. WEEMS with Mr. WILEY of Alabama.  
Mr. STERLING with Mr. WEBB.  
Mr. SOUTHARD with Mr. WILLIAMS of Illinois.

Mr. SOUTHWICK with Mr. SULLIVAN of New York.  
Mr. OLMSTED with Mr. SMALL.  
Mr. PORTER with Mr. SPARKMAN.  
Mr. POWERS of Massachusetts with Mr. SPIGHT.  
Mr. BARTLETT. Mr. Speaker, I would inquire if the gentleman from California [Mr. METCALF] voted?

The SPEAKER. He is not recorded.

Mr. BARTLETT. Mr. Speaker, I am paired with the gentleman from California [Mr. METCALF]. I voted "no" upon the roll call, and I desire to change that vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BARTLETT and he answered "present."

Mr. GLASS. Mr. Speaker, I desire to know if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. GLASS. I desire to vote "no."

The SPEAKER. Was the gentleman present and giving attention when his name was called?

Mr. GLASS. I was present, Mr. Speaker, but I am afraid I was not giving attention.

The SPEAKER. The gentleman does not bring himself within the rules.

So two-thirds did not vote to suspend the rules and pass the bill.

The SPEAKER. Two-thirds not having voted in the affirmative, the motion is lost.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker, I am directed by the Committee on Appropriations to report that that committee has had under consideration House bill 12833, the District of Columbia appropriation bill for the ensuing fiscal year, and recommends that the House nonconcur in the amendments of the Senate, and asks for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. BARTLETT. Mr. Speaker, I do not desire to object now; but there is a matter to which I wish to direct the attention of the gentleman from Minnesota and of the House. There is an amendment—No. 107—I presume the gentleman from Minnesota knows the amendment to which I refer—in which the House, I apprehend, feels some interest. I do not wish to retard the action of the House or to delay the consideration of this bill by the conference committee. I desire, however, to be assured that the House will have an opportunity, at the proper time and in the proper way, to act upon the amendment to which I have referred in the manner it may see fit. I wish to know whether the gentleman from Minnesota can make any suggestion on that point.

Mr. McCLEARY of Minnesota. Mr. Speaker, in reply to my friend from Georgia [Mr. BARTLETT], I will say it is of course possible that the Senate may recede from the amendment referred to by the gentleman from Georgia. If it should not do so, and if when the report is brought back the House desires consideration of that special item, I shall be very glad indeed to afford the opportunity.

Mr. BARTLETT. As I understand, the gentleman can give the House the opportunity by not calling the previous question, so that others, as well as myself, who may desire to be heard upon the question, may have a reasonable opportunity. That is all I desire.

Mr. McCLEARY of Minnesota. Mr. Speaker, I am entirely willing that if any conclusion on this amendment should be reached in conference there shall be full opportunity on the part of the gentleman to express his views and to make such motion—

Mr. BARTLETT. To make such motion as I may desire to make?

Mr. McCLEARY of Minnesota. Yes, sir.

Mr. BARTLETT. In view of that statement, I do not wish at the present time to offer any objection or ask consideration of the amendment now.

The SPEAKER. The gentleman from Minnesota [Mr. McCLEARY] asks unanimous consent that the House nonconcur in the amendments of the Senate to the District of Columbia appropriation bill and ask a conference. Is there objection? The Chair hears none. The Chair appoints as conferees on the part of the House the gentleman from Minnesota, Mr. McCLEARY; the gentleman from Nebraska, Mr. BURKETT, and the gentleman from Tennessee, Mr. PIERCE.

Mr. BARTLETT. I ask unanimous consent that a decision of the Comptroller of the Treasury upon the matter of telephone rates in the District of Columbia as they affect the Government of the United States may be published by me in the proceedings of to-day.

Mr. McCLEARY of Minnesota. That is for information of the House, I presume?

Mr. BARTLETT. Yes, sir.

Mr. McCLEARY of Minnesota. I see no objection to the request.

The SPEAKER. In the absence of objection, the request of the gentleman will be granted.

The document referred to by Mr. BARTLETT is as follows:

TREASURY DEPARTMENT,  
Washington, March 17, 1904.

Mr. W. W. KARR,  
Disbursing Agent, Smithsonian Institution.

SIR: I have your letter of January 20, 1904, in which you request my decision of a question therein presented, as follows:

"I have the honor to state that in accordance with the act of Congress approved June 30, 1893, fixing the rates of telephone charges in the District of Columbia, the National Museum has paid to the Chesapeake and Potomac Telephone Company \$50 per annum for each service on a separate wire, connecting the Museum building with the residences of officials whom the public interest requires to be in telephonic communication with the Museum.

"The telephone company now presents, under date of December 31, 1903, an account in which it charges \$24 for the quarter ending December 31, 1903, or at the rate of \$96 per annum, for telephone connection on independent wires between the Museum building and the residences of the head curator of the department of biology and the administrative assistant, respectively, setting forth in explanation of the increased rate that the provision of law above cited is abrogated by a recent decision of the supreme court of the District of Columbia.

"I have therefore to ask your decision as to whether the increased rate of \$96 per annum may be paid from the appropriation 'Heating and lighting, National Museum, 1904'."

On June 30, 1893, the following act of Congress was approved and became a law:

"Provided, That from and after the passage of this act it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than \$50 per annum for the use of a telephone on a separate wire; \$40 for each telephone, there not being more than two on a wire; \$30 for each telephone, there being not more than three on a wire, and \$25 for each telephone, there being four or more on the same wire."

The above act is the only law limiting or regulating the rate of charge for telephone service in the District of Columbia. The validity of this act came before the Supreme Court of the United States in the case of the Chesapeake and Potomac Telephone Company, appellant, *v.* Manning et al., appellees (185 U. S., 238). This was a case for an injunction and was instituted by appellees in the supreme court of the District of Columbia to restrain appellants from removing a telephone from the premises of appellees after tender by them as rental of the rate fixed by the act of June 30, 1893, supra. The trial court dissolved the restraining order which it had temporarily granted, and held that to compel appellants to furnish telephone service at the rates fixed in said act would be taking its property without due compensation, and that therefore the act was unconstitutional.

Upon appeal to the circuit court of appeals, the action of the lower court was reversed and the injunction reinstated. From this decision appellants appealed to the Supreme Court of the United States, which reversed the decree of the court of appeals and directed that the cause be remanded to the supreme court of the District of Columbia, with instructions to that court to set aside the injunction and "inquire as to the reasonableness of the rates in the light of the construction we have given the statute."

Upon this question of construction and the application of the statute the court said:

"While a legislature may prescribe regulations for the management of business of a public nature, even though carried on by private corporations with a private capital and for private benefit, the language of such regulations will not be broadened by implication. In other words, there is no presumption of an intent to interfere with the management by a private corporation of its property any further than the public interests require, and so no interference will be adjudged beyond the clear letter of the statute. Here the prohibition is against charging or receiving more than \$50 per annum for the use of a telephone on a separate wire. What kind of a telephone service is contemplated and how much goes with the telephone? It appears from the testimony that there are two kinds of equipment—one more expensive and reliable than the other; that some of the company's subscribers are using the cheaper and inferior equipment.

"Was the statutory limitation of \$50 per annum intended as the limit for the superior or the inferior equipment? It also appears from the testimony that the defendant furnishes to some of its customers, besides the mere telephone, such additional equipment as wall cabinet, desk, auxiliary bells, etc., for which separate charges are made. Doubtless these additional appliances facilitate and tend to make more convenient and easy the business of telephoning, but they are not included in the terms of the statute, and all that is required by its language is the furnishing of a telephone. What equipment and appliances are essential and what only matters of convenience may not be clearly shown by the evidence, but obviously there can be no difficulty in securing proof thereof."

The supreme court of the District of Columbia thereupon heard further proof, in accordance with the mandate of the Supreme Court, for the purpose of ascertaining the kind or classes of telephones to which the statute was applicable, and on October 30, 1903, said court decided, among other things:

"That the statute in question was intended to be applicable only to the ordinary telephone equipment and service then used in the District known as the 'grounded-circuit,' or 'local-service' equipment; and that it does not apply to the 'metallic-circuit,' or 'long-distance' telephone, and its more expensive and efficient equipment and service."

This decision was unappealed from. I also understand that the case in which this decision was made has been dismissed by the plaintiff.

While the question is not altogether free from doubt, I am inclined to hold, in view of the above decision of the supreme court of the District, and in the light of the construction placed on said act by the Supreme Court of the United States, that said act is limited in its application to the equipment and service known as the "grounded-circuit" or "local-service" equipment, and that it does not apply to the "metallic-circuit" or "long-distance" telephone.

I have therefore the honor to advise you that if the telephones in question belong to the "grounded-circuit" system, you are not authorized to pay as rental therefor a sum in excess of the rates fixed by said act of June 30, 1893, but if they belong to what is known as the "metallic-circuit" system, you are authorized to pay such rates for their use as may be agreed upon by contract between the parties, or, in the absence of an express contract, the usual and customary rates charged the public for like service.

Respectfully,

R. J. TRACEWELL, Comptroller.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the follow-

ing titles; in which the concurrence of the House of Representatives was requested:

S. 5259. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

S. 4367. An act to establish a fish-cultural station in the State of Utah; and

S. 1244. An act granting an increase of pension to Sue Stevens Eskridge.

The message also announced that the Senate had agreed to concurrent resolution No. 32, with the following amendment; in which the concurrence of the House of Representatives was requested:

In line 9 strike out "three" and insert "four."

Also, in line 15, after the word "wrapped," insert "1,000 for the use of the House of Representatives, 500 for the use of the Senate, and 2,500."

The message also announced that the Senate had insisted upon its amendments to joint resolution (H. J. Res. 136) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. FORAKER, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 10670) making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, disagreed to by the House of Representatives, had disagreed to the amendment of the House to the amendment of the Senate numbered 16, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL as the conferees on the part of the Senate.

#### 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. 5259. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901—to the Committee on Interstate and Foreign Commerce.

S. 4367. An act to establish a fish-cultural station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

#### ANNIVERSARY OF LEWIS AND CLARK EXPEDITION.

Mr. TAWNEY. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That for the remainder of this session the bill (S. 276) entitled "An act for the celebration of the one hundredth anniversary of the exploration of the Oregon country," etc., shall have the privilege belonging to bills reported by committees having leave to report at any time.

The SPEAKER. Is there objection?

Mr. BURLESON. I object.

Mr. TAWNEY. I move to suspend the rules and pass the resolution.

Mr. BARTLETT. I desire to make a statement upon the pending matter.

Mr. PAYNE. I suggest that the gentleman from Georgia [Mr. BARTLETT] ask a second on this motion and then there will be opportunity for his statement after the proposition has been seconded.

Mr. BARTLETT. I supposed I might induce my friend from Texas [Mr. BURLESON] to withdraw his objection. I shall be glad if he will.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] moves to suspend the rules and pass the resolution which has been read.

Mr. PAYNE. My suggestion to the gentleman from Georgia [Mr. BARTLETT] is that if unanimous consent be given for a second on this motion there will be opportunity for debate, and in that way we can save time and proceed according to the regular order.

Mr. BARTLETT. I was trying to relieve the situation if I could.

The SPEAKER. Is there objection to the gentleman from Georgia making a statement? The Chair hears none.

Mr. BARTLETT. Mr. Speaker, all the members of the committee from which this bill was reported, except myself, are in favor of it; and in view of that almost unanimity, and as it is important, if the House is going to do anything with reference to this exposition, that it be done as early as possible, I wish to say, that while I am not in favor of the bill and shall not vote for it, I think there ought to be an opportunity to have it considered by the House. I am a member of the committee—the leading Democratic member; and in order that the House may have an oppor-

tunity to pass upon the bill, I hope that my friend from Texas [Mr. BURLESON] will withdraw his objection.

Mr. BURLESON. In the light of the statement made by the gentleman from Georgia [Mr. BARTLETT], I withdraw my objection.

The SPEAKER. The gentleman from Texas withdraws his objection.

Mr. ROBINSON of Indiana. Mr. Speaker, I should like to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON of Indiana. Is it the purpose to have this bill the continuing order of the House?

Mr. TAWNEY. Not a continuing order; it is simply given the privilege of being called up whenever there is an opportunity, but not to interfere with other privileged matters before the House.

Mr. BARTLETT. It simply gives them a right to have the bill passed upon by the House.

The SPEAKER. Is there objection?

Mr. HAUGEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa objects.

Mr. TAWNEY. I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the resolution.

The question being taken on the motion of Mr. TAWNEY, the Speaker announced that the ayes appeared to have it.

Mr. SMITH of Kentucky and others demanded a division.

The House divided; and there were—ayes 81, noes 31.

The SPEAKER. Upon this vote the ayes are 81 and the noes are 31. Two-thirds having voted in the affirmative—

Mr. BURLESON. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy gentlemen present—not a quorum.

The Doorkeeper will order the doors to be closed, and the Clerk will call the roll on the pending question. As many as are in favor of suspending the rules and agreeing to the resolution will, as their names are called, answer "aye;" as many as are opposed will answer "no;" those present and not voting will answer "present." The Sergeant-at-Arms will bring in absentees. The Clerk will call the roll.

The question was taken; and there were—ayes 131, noes 72, answered "present" 20, not voting 158, as follows:

## YEAS—131.

Alexander,	Dwight,	Lamar, Fla.	Sibley,
Allen,	Emerich,	Legare,	Slomp,
Bartholdt,	Esch,	Lester,	Smith, Ill.
Bates,	Fitzgerald,	Lind,	Smith, Iowa
Bede,	Flood,	Livernash,	Smith, Pa.
Beidler,	Fordney,	Livingston,	Snapp,
Bell, Cal.	French,	Loud,	Southard,
Benny,	Fuller,	McCleary, Minn.	Stanley,
Bishop,	Gardner, Mich.	McLachlan,	Steenerson,
Bonynge,	Gibson,	McLain,	Sterling,
Brandegee,	Glass,	McMorran,	Stevens, Minn.
Brantley,	Goldfogle,	Mahon,	Sulzer,
Breazeale,	Graff,	Mann,	Swanson,
Brick,	Grosvenor,	Marsh,	Talbot,
Brooks,	Hamilton,	Marshall,	Tawney,
Brown, Wis.	Hamlin,	Minor,	Taylor,
Burke,	Harrison,	Mondell,	Townsend,
Butler, Pa.	Hay,	Moon, Pa.	Van Duzer,
Calderhead,	Hemenway,	Needham,	Volstead,
Candler,	Hermann,	Norris,	Vreeland,
Clark,	Hitchcock,	Otjen,	Wachter,
Cromer,	Hitt,	Palmer,	Wade,
Crumpacker,	Hogg,	Pou,	Wanger,
Curtis,	Houston,	Prince,	Warnock,
Cushman,	Howell, Utah	Rixey,	Watson,
Daniels,	Humphrey, Wash.	Robertson, La.	Wiley, N. J.
Davey, La.	Humphreys, Miss.	Rodenberg,	Wilson, Ill.
Davis, Minn.	Jackson, Ohio	Rucker,	Wilson, N. Y.
Denny,	Jones, Wash.	Ryan,	Woodyard,
Dixon,	Keliker,	Scott,	Wright,
Dovener,	Kennedy,	Sherley,	Wynn,
Draper,	Kinkaid,	Sherman,	Young,
Dresser,	Lacey,	Shober,	

## NAYS—72.

Beall, Tex.	Goebel,	Lilley,	Roberts,
Benton,	Haskins,	Little,	Robinson, Ark.
Bowers,	Haugen,	Longworth,	Robinson, Ind.
Brundidge,	Henry, Conn.	Lucking,	Russell,
Burleson,	Henry, Tex.	McCleary, Pa.	Scarborough,
Burton,	Hill, Conn.	Macon,	Shackleford,
Byrd,	Hopkins,	Maddox,	Sheppard,
Conner,	Howell, N. J.	Moon, Tenn.	Sims,
Currier,	Huff,	Padgett,	Slayden,
Dalzell,	James,	Parker,	Smith, Ky.
De Armond,	Johnson,	Patterson, N. C.	Smith, Tex.
Driscoll,	Jones, Va.	Payne,	Sperry,
Evans,	Kitchin, Claude	Perkins,	Stafford,
Field,	Kitchin, Wm. W.	Pierce,	Sullivan, Mass.
Gilbert,	Lamar, Mo.	Pinckney,	Thomas, N. C.
Gillespie,	Lawrence,	Randell, Tex.	Trimble,
Gillet, N. Y.	Lever,	Robb,	Williams, Miss.
Gillett, Mass.	Lewis,		Zenor.

## ANSWERED "PRESENT"—20.

Adamson,	Cousins,	Hughes, W. Va.	Miller,
Bartlett,	Davidson,	Jenkins,	Reid,
Bowersock,	Deemer,	Ketcham,	Richardson, Ala.
Campbell,	Griggs,	Loudenslager,	Smith, Samuel W.
Cassel,	Howard,	Miers, Ind.	Van Voorhis.

## NOT VOTING—158.

Acheson,	Dickerman,	Kline,	Pujo,
Adams, Pa.	Dinsmore,	Kluttz,	Rainey,
Adams, Wis.	Dougherty,	Knapp,	Ransdell, La.
Aiken,	Douglas,	Knopf,	Reeder,
Ames,	Dunwell,	Kyle,	Rhea,
Babcock,	Finley,	Lafean,	Richardson, Tenn.
Badger,	Fitzpatrick,	Lamb,	Rider,
Baker,	Flack,	Landis, Chas. B.	Ruppert,
Bankhead,	Foss,	Landis, Frederick	Scudder,
Bassett,	Foster, Ill.	Lanning,	Shiras,
Bingham,	Foster, Vt.	Lindsay,	Shull,
Birdsall,	Fowler,	Littauer,	Small,
Boutell,	Gaines, Tenn.	Littlefield,	Smith, Wm. Alden
Bowie,	Gaines, W. Va.	Lloyd,	Smith, N. Y.
Bradley,	Garber,	Lorimer,	Snook,
Broussard,	Gardner, Mass.	Lovering,	Southall,
Brown, Pa.	Gardner, N. J.	McAndrews,	Southwick,
Brownlow,	Garner,	McCall,	Spalding,
Buckman,	Gillett, Cal.	McCarthy,	Sparkman,
Burgess,	Gooch,	McDermott,	Spight,
Burkett,	Goulden,	McNary,	Stephens, Tex.
Burleigh,	Granger,	Mahoney,	Sullivan, N. Y.
Burnett,	Greene,	Martin,	Sulloway,
Butler, Mo.	Gregg,	Maynard,	Tate,
Caldwell,	Griffith,	McCall,	Thayer,
Capron,	Gudger,	Meyer, La.	Thomas, Iowa
Cassingham,	Hardwick,	Morgan,	Tirrell,
Castor,	Hearst,	Morrell,	Underwood,
Clayton,	Hedge,	Mudd,	Vandiver,
Cochran, Mo.	Hepburn,	Murdock,	Wadsworth,
Cockran, N. Y.	Hildebrandt,	Nevin,	Wallace,
Connell,	Hill, Miss.	Olmsted,	Warner,
Cooper, Pa.	Hinslaw,	Otis,	Webb,
Cooper, Tex.	Holliday,	Overstreet,	Weems,
Cooper, Wis.	Hughes, N. J.	Patterson, Pa.	Weisse,
Cowherd,	Hull,	Patterson, Tenn.	Wiley, Ala.
Crowley,	Hunt,	Pearre,	Williams, Ill.
Darragh,	Hunter,	Porter,	Williamson.
Davis, Fla.	Jackson, Md.	Powers, Me.	
Dayton,	Kehoe,	Powers, Mass.	

So (two-thirds not having voted in favor thereof) the motion was lost.

The following additional pair was announced:

Until further notice:

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. GRIGGS. Mr. Speaker, I would like to inquire if the gentleman from Illinois [Mr. BOUTELL] voted?

The SPEAKER. He did not.

Mr. GRIGGS. I have a general pair with the gentleman, and I will let my vote stand as "present."

The name of Mr. GRIGGS was called, and he voted "present."

The SPEAKER. On this question the yeas are 131, the nays 72, "present" 20. A quorum is present, and the doors will be opened. Two-thirds not having voted for the resolution, the motion is lost.

## NEW YORK INDIANS.

Mr. VREELAND. Mr. Speaker, I offer the following resolution and ask unanimous consent for its adoption.

The Clerk read as follows:

Resolved, That the bill (H. R. 7362) entitled "An act to provide for the allotment of lands in severalty to the Indians of the State of New York and extend the protection of the United States and the State of New York over said Indians, and for other purposes," shall have the privilege of bills reported from committees having leave to report at any time.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I understand that my colleague [Mr. FITZGERALD] is opposed to this, and under the circumstances I will object.

Mr. VREELAND. I will say to the gentleman from New York that while his colleague [Mr. FITZGERALD] may offer some amendments, he does not object to giving the House an opportunity for consideration.

The SPEAKER. Is there objection?

Mr. SULZER. I object.

Mr. VREELAND. Mr. Speaker, I move to suspend the rules and pass the resolution.

Mr. FITZGERALD. Mr. Speaker, I ask what the effect will be if this resolution should be agreed to?

The SPEAKER. The effect of the resolution would be to make it a matter of privilege, to be called up at any time, but not to interfere with appropriation or revenue bills or privileged reports, conference reports, or prior orders of the House.

Mr. FITZGERALD. I will demand a second for the purpose of explaining my position.

The SPEAKER. The gentleman from New York demands a second.

Mr. VREELAND. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none. The

gentleman from New York [Mr. VREELAND] is recognized for twenty minutes, and his colleague [Mr. FITZGERALD] is entitled to twenty minutes.

Mr. VREELAND. Mr. Speaker, I do not at this time desire to enter into a discussion of the merits of this bill. All I seek by this resolution to-day is to give an opportunity, if it shall occur, during the session, to bring up the bill before the House, where it can be considered and where amendments can be offered, if desired, by other gentlemen. I therefore at this time do not desire to discuss the merits. I will merely say, Mr. Speaker and gentlemen of the House, that this bill was passed by this House in the last Congress. It was passed in this House under suspension of the rules. It has been reported after full consideration by the committee during the present session of the present Congress.

Mr. SULZER. Was the report unanimous?

Mr. VREELAND. There was no minority report. Every vote in the committee was in favor of the bill except one.

Mr. SULZER. Then the report was not unanimous?

Mr. VREELAND. The report was unanimous. In the vote in the committee but one was opposed to it. The gentleman voting against it desires to offer some amendments.

Mr. ROBINSON of Indiana. I think the difficulty is that gentlemen do not know the proposition before the House, and I think the gentleman should give some explanation, so that we may know what the House is called to vote upon.

Mr. VREELAND. It hardly seems worth while for me to go into a discussion of the bill when I merely ask to get the bill before the House at some other time, when it can be discussed and when gentlemen can have opportunity to offer amendments if they desire to do so.

Mr. ROBINSON of Indiana. The gentleman is aware of the fact that there are a great many other measures that are desired to be brought before the House. The Committee on Territories wants legislation considered by the House, and so does the Committee on Insular Affairs. I know nothing about the proposition. The trouble seems to be that it makes it a special order, when I think it ought to be brought up under the call of committees, and that is the reason why objection seems to be entertained to the proposition. I shall not object to the consideration of the bill.

Mr. VREELAND. The bill has to take its chance for consideration after all revenue and appropriation bills and all other privileged matters that are entitled to come before the House are disposed of.

Mr. SULZER. Why should this bill, I ask, be made privileged over hundreds of other bills?

Mr. VREELAND. The same question can be asked as to ten thousand bills that may be brought up. I should say that it should be made privileged, in my judgment, because all matters relating to the Indians ought to have a peculiar preference in this House. The 2,300 Indians affected by this measure have to appeal to Congress as a common council in every matter of interest which they may have concerning their lands or other matters. They can not make a lease or do anything unless it is transmitted to Congress for approval and confirmation. As they are the wards of the nation, they are peculiarly entitled to have their matters considered by the House, and to have fair consideration by Congress. This bill, Mr. Speaker, comes here with the approval and recommendation of the Commissioner of Indian Affairs. It comes here with the indorsement of the Board of Indian Commissioners appointed by the President; it comes here with the indorsement of the legislature of the State of New York, who appointed a committee to investigate into all these matters, and which reported in its favor; it comes here with the indorsement of the Indian Rights Association of the United States, with the indorsement of the United States district attorney, and with the indorsement of the United States Indian agent for New York State.

I say, Mr. Speaker, that it is a fair bill to bring up. It was passed through this House after a discussion in the last session, passed upon its merits, and all that I am asking under this resolution is a chance, if the opportunity should come, to again get it before the House, where gentlemen who are opposed to some features of it may have every opportunity to be heard and every opportunity to offer such amendments as they may see fit.

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

Mr. FITZGERALD. Mr. Speaker, I am opposed to the bill H. R. 7262 in its present shape. Upon inquiry I find that the effect of this resolution, if adopted, will be to give the right to move that the House resolve itself into the Committee of the Whole House at any time the gentleman from York [Mr. VREELAND] is recognized for that purpose, in order to consider this bill, as it is on the Union Calendar. So long as the opportunity is given to discuss the bill fairly and to offer whatever amendments may be proper I have no objection to this resolution being adopted. I have certain objections to certain features of the bill. If the bill is considered in a full and fair manner I will present them and let the committee and House pass upon them. I simply de-

sire to say that I have no wish that the bill be taken up in a way that would not give full opportunity to discuss and amend if possible. If anybody desires, I will yield time.

Mr. SULZER. Mr. Speaker—

The SPEAKER. How much time does the gentleman from New York yield to his colleague?

Mr. FITZGERALD. Mr. Speaker, I yield the gentleman such time as he may wish.

Mr. SULZER. Mr. Speaker, this is an important bill, and I am somewhat familiar with what it seeks to accomplish. It is not a new matter. It has been pending in this House ever since I have been a Member, for the last ten years. I learned something about the objects of this legislation when I was a member of the legislature of the State of New York. It is too important a bill to be passed by unanimous consent or under a suspension of the rules. Let us see what is the purpose of the bill and what it seeks to accomplish.

It seeks to allot in severalty the lands of the Indians in the State of New York, so that the Indians individually will be able to sell their lands. If this were done, the Indians, of course, would ere long sell their lands, soon part with or lose the money, and then become a public charge on the Government.

Mr. VREELAND. Mr. Speaker, will the gentleman permit a question?

Mr. SULZER. Not just now; I have only a few moments. Let these Indians sell their land, and I say they will soon become a charge on the Government of the United States, and the Government would have to provide for their support and maintenance. These Indian lands in the State of New York are now very valuable. They contain vast supplies of gas and oil, and certain people in the oil and gas business want to get the Indians' land.

These lands were acquired by the Indians under treaty years and years ago. The Indians have lived on and cultivated the lands, and always have been self-sustaining and self-supporting. About 5,000 Indians now live on these lands and own them in common. They are honest, sober, peaceable, intelligent, happy, and prosperous. Why change it all? The only reason this legislation is desired is because a few years ago it was discovered that these Indian lands contained valuable deposits of petroleum oil and natural gas, and certain people interested in the oil and gas business want to get possession of these lands for the oil and gas they contain.

Hence it is proposed in this bill to give the Indians the right to divide up their lands, so that every member of the various tribes will get a certain portion of these lands and be able to sell them. If the lands are allotted in severalty, you all know the Indians will sell the lands, spend the money, soon become paupers, and the Government of the United States will have to protect them, provide for them, and support them.

This bill is wrong in principle, and should not pass. It is not a good bill for the Indians, and the Indians know it and are opposed to it. Why should it be passed in this hasty way? It has not been reported unanimously from the committee, and there is no reason in the world why it should take precedence over hundreds and hundreds of other good bills which have been unanimously reported from committees and which are urgent and more entitled to consideration in this House than this bill.

But, sir, that is not all. If the Members of the House will look at this bill, they will find that there is a provision in it known as "section 6." Now, what does this provision do? It provides for settlement and liquidation of the alleged claims of the Ogden Land Company. This is the joker in the bill. You have heard of these musty mythical claims.

What is the Ogden Land Company? It is an old company organized a hundred years or more ago. It makes some alleged claim to the fee in these Indian lands. These claims were adjudicated years ago in the courts of the State of New York and the Ogden Land Company's case thrown out. The claim is a fraud.

Who are the men in the company? I know not. Who are the men behind this bill and will benefit by it if we pass it? I know not. I have been trying to find out. But I know this, that the Ogden Land Company has no standing in law or equity, and should have no standing in the Halls of Congress. The Ogden Land Company has not the shadow of claim to these lands, and they can not produce a scintilla of evidence upon which such a claim can be justly based.

Under all the circumstances, I am opposed to suspending the rules of this House in order to take up this bill and pass it in this hasty way. I hope the motion to suspend the rules will be voted down. Let the bill be reached in the orderly way on the Calendar. [Applause.]

Mr. VREELAND. Mr. Speaker, I shall decline to be drawn into a discussion of this bill at the present time. I will say, however, that the remarks of my colleague from New York [Mr. SULZER] show that he is entirely innocent of any knowledge of the object, purpose, and effect of this legislation.