

# Treaties and Acts of Congress

Relating to

## The Panama Canal



**ANNOTATED**

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## INTRODUCTION.

This annotated volume of TREATIES AND ACTS OF CONGRESS RELATING TO THE PANAMA CANAL is published in conjunction with an annotated volume of *Executive Orders Relating to The Panama Canal* and an annotated volume of *Laws of the Canal Zone*.

All page number references in the footnotes are to this volume, unless otherwise indicated.

The following abbreviations are used in footnote references: "E. O. 260" to indicate reference to page 260 of volume of *Executive Orders Relating to The Panama Canal*; "L. C. Z. 140" to indicate page 140 of the volume of *Laws of the Canal Zone*; "2 C. Z. Rept. 123" to indicate page 123 of volume 2 of *Reports of the Supreme Court of the Canal Zone*. Where the Treaties and Acts of Congress Relating to The Panama Canal are referred to in other volumes, the abbreviation used is: "T. & A. 205."



## TREATIES RELATING TO THE PANAMA CANAL.

Convention as to ship-canal connecting Atlantic and Pacific Oceans, 1850. (Clayton-Bulwer Treaty.) Concluded April 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850.<sup>1</sup>

### ARTICLES.

- I. Declarations as to control of canal, occupation of territory, and commercial advantages.
- II. Neutrality of canal in case of war.
- III. Protection of construction.
- IV. Mutual influence to facilitate construction.
- V. Guarantee of neutrality.
- VI. Cooperation of other States.
- VII. Mutual encouragement to speedy construction.
- VIII. Protection to other communications.
- IX. Ratification.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which is so happily subsist between them, by setting forth and fixing in a Convention their views and intentions with reference to any means of communication by ship canal, which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the Lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean,—The President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said Plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

### ARTICLE I.

The Governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship Canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or People for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection or influence that either may possess with any State or Government through whose territory the said Canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

<sup>1</sup>Superseded by the Hay-Pauncefote Treaty, p. 16.

## ARTICLE II.

Vessels of the United States or Great Britain, traversing the said Canal shall, in case of war between the contracting parties, be exempted from blockade, detention or capture, by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said Canal as may hereafter be found expedient to establish.

## ARTICLE III.

In order to secure the construction of the said Canal, the contracting parties engage that, if any such Canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said Canal and their property used, or to be used, for that object, shall be protected, from the commencement of the said Canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure or any violence whatsoever.

## ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise, with any State, States or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said Canal shall traverse, or which shall be near the waters applicable thereto; in order to induce such States, or Governments, to facilitate the construction of the said Canal by every means in their power; and furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free Ports,—one at each end of the said Canal.

## ARTICLE V.

The contracting parties further engage that, when the said Canal shall have been completed they will protect it from interruption, seizure or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said Canal may forever be open and free, and the capital invested therein, secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said Canal, and guaranteeing its neutrality and security when completed, always understand that, this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government, should deem that the persons or company, undertaking or managing the same, adopt or establish such regulations concerning the traffic thereupon, as are contrary to the spirit and intention of this Convention,—either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months notice to the other.

## ARTICLE VI.

The contracting parties in this Convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other; to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the Canal herein contemplated. And the contracting parties likewise agree that, each shall enter into Treaty stipulations with such of the Central American States, as they may deem advisable, for the purpose of more effectually carrying out the great design of this Convention, namely,—that of constructing and maintaining the said Canal as a ship-communication between the two Oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they, also, agree that, the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiations of such treaty stipulations; and, should any differences arise as to right or property over the territory through which the said Canal shall pass,—between the States or Governments of Central America,—and such differences should, in any way, impede or obstruct the execution of the said

Canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said Canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

## ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said Canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons, or company, as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this Convention; and if any persons, or company, should already have, with any State through which the proposed Ship-Canal may pass, a contract for the construction of such a canal as that specified in this Convention,—to the stipulations of which contract neither of the contracting parties to this convention have any just cause to object,—and the said persons, or company, shall moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons, or company, shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this Convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood, that if, at the expiration of the aforesaid period, such persons, or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons, or company, that shall be prepared to commence and proceed with the construction of the Canal in question.

## ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired in entering into this Convention, to accomplish a particular object, but, also, to establish a general principle, they hereby agree to extend their protection, by Treaty stipulations, to any other practicable communications, whether by Canal or railway, across the Isthmus which connects North and South America; and, especially to the inter-oceanic communications,—should the same prove to be practicable, whether by Canal or rail-way,—which are now proposed to be established by the way of Tehuantepec, or Panama. In granting, however, their joint protection to any such Canals or rail-ways, as are by this Article specified, it is always understood by the United States and Great Britain, that the parties constructing or owning the same, shall impose no other charges or conditions of traffic thereupon, than the aforesaid Governments shall approve of, as just and equitable; and, that the same Canals or rail-ways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall, also, be open on like terms to the citizens and subjects of every other State which is willing to grant thereto, such protection as the United States and Great Britain engage to afford.

## ARTICLE IX.

The ratifications of this Convention shall be exchanged at Washington, within six months from this day, or sooner, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our Seals.

Done, at Washington, the nineteenth day of April, Anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON. [SEAL.]  
HENRY LYTTON BULWER. [SEAL.]

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Treaty between the United States and Great Britain to facilitate the construction of a ship canal. Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.<sup>2</sup>

<sup>2</sup> Superseding the Clayton-Bulwer Treaty, p. 13.

# TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas, a Convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which Convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, have for that purpose appointed as their Plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honourable Lord Pauncefoot, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following Articles:—

### ARTICLE I.

The High Contracting Parties agree that the present Treaty shall supersede the afore-mentioned Convention of the 19th April, 1850.

### ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or Corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present Treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.<sup>3</sup>

### ARTICLE III.

The United States adopts, as the basis of the neutralization of such ship canal, the following Rules, substantially as embodied in the Convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.<sup>4</sup>

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

<sup>3</sup> See Hay-Varilla Treaty, p. 18; act of June 28, 1902, p. 30, providing for construction of Canal; and Panama Canal Act, p. 79, providing for the opening and operation of the Panama Canal.

<sup>4</sup> Terms of this section adopted by Hay-Varilla Treaty, Art. XVIII, p. 22. See also Panama Canal Act, p. 79, and the Executive Order of July 9, 1914 (E. O. 178) providing navigation rules and regulations for the Canal.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.<sup>5</sup>

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this Article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this Treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

#### ARTICLE IV.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the High Contracting Parties under the present Treaty.<sup>6</sup>

#### ARTICLE V.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective Plenipotentiaries have signed this Treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of Our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]  
PAUNCEFOTE. [SEAL.]

And Whereas the said Convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the twenty-first day of February, one thousand nine hundred and two;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-second day of February, in the year of Our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-sixth.

THEODORE ROOSEVELT.

[SEAL.]

By the President:

JOHN HAY,

*Secretary of State.*

<sup>5</sup> Neutrality Agreement, United States-Panama, p. 22, and proclamation of Nov. 13, 1914 (E. O. 203) provide rules and regulations governing use of the Panama Canal by vessels of belligerents and the maintenance of neutrality by the United States in the Canal Zone.

<sup>6</sup> See Art. VIII, p. 15, and note 1, p. 16, *in re* general principle of neutrality.

## 18 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

Convention between the United States and the Republic of Panama for the construction of a Ship Canal to connect the waters of the Atlantic and Pacific Oceans.

### PANAMA—SHIP CANAL.

#### CONVENTION.

BETWEEN THE UNITED STATES AND REPUBLIC OF PANAMA FOR THE CONSTRUCTION OF A SHIP CANAL TO CONNECT THE WATERS OF THE ATLANTIC AND PACIFIC OCEANS.

Signed at Washington, November 18, 1903.

Ratification advised by the Senate, February 23, 1904.

Ratified by the President, February 25, 1904.

Ratified by Panama, December 2, 1903.

Ratifications exchanged at Washington, February 26, 1904.

Proclaimed, February 26, 1904.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas a Convention between the United States of America and the Republic of Panama to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, was concluded and signed by their respective Plenipotentiaries at Washington, on the eighteenth day of November, one thousand nine hundred and three, the original of which Convention, being in the English language, is word for word as follows:

#### ISTHMIAN CANAL CONVENTION.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, and the Congress of the United States of America having passed an act approved June 28, 1902,<sup>7</sup> in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries,—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I.

The United States guarantees and will maintain the independence of the Republic of Panama.

#### ARTICLE II.

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant.<sup>8</sup> The Republic of Panama

<sup>7</sup> p. 30.

<sup>8</sup> Possession of canal properties of French company was taken May 4, 1904 (1904 Ann. Rept. 36); on May 19, 1904, the Governor of the Canal Zone announced the occupation of the Canal Zone by the United States; by the Davis Agreement, dated June 15, 1904 (1904 Ann. Rept. 78 and 91-93) the Republic of Panama formally delivered the land included within the Zone to the United States, the boundaries being described in the aforesaid agreement. See also Boundary Convention, p. 25. The delimitation of the harbors of Panama and Colon defined on p. 81 of Annual Report of 1904, was modified by sec. 5 of the Taft Agreement (E. O. 29).

further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of said enterprise.<sup>9</sup>

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

#### ARTICLE III.

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.<sup>10</sup>

#### ARTICLE IV.

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

#### ARTICLE V.

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.<sup>11</sup>

#### ARTICLE VI.

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission<sup>12</sup> appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to

<sup>9</sup> Executive Order of Mar. 25, 1918 (E. O. 237) set apart for Canal purposes a piece of land outside the zone described above. See also title 139-11, Dept. of Law.

<sup>10</sup> Act of Apr. 28, 1904, p. 34, provides for the temporary government of the Canal Zone, and for other purposes.

<sup>11</sup> Sec. 2, act of June 28, 1902, p. 30, authorized President to acquire control of the Panama Railroad; Art. IX, Boundary Convention, p. 29, provides that Republic of Panama shall not construct any railroad across territory known as Las Sabanas.

<sup>12</sup> Art. XV, p. 22, provides for establishment of Joint Commission. Sec. 2, act of July 1, 1916, p. 125, removed from jurisdiction of Joint Commission lands owned by the Panama Railroad in the Canal Zone and which the railroad had leased to private parties. The Joint Commission was dissolved March 10, 1920. See also Act No. 6 of the Isthmian Canal Commission (L. C. Z. 30), and amendment thereto.

ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.<sup>13</sup>

#### ARTICLE VII.

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.<sup>14</sup>

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.<sup>15</sup>

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

#### ARTICLE VIII.

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the Zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.<sup>16</sup>

#### ARTICLE IX.

The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues or any

<sup>13</sup> See sec. 3, Panama Canal Act, p. 79, *in re* depopulation of Canal Zone.

<sup>14</sup> Water and sewer rates for these cities are published in pamphlet form. See also Circular No. 657 governing charges against and credits to the Republic of Panama in connection with water and sewer systems.

<sup>15</sup> Sanitary rules and regulations for these cities published in pamphlet form.

<sup>16</sup> Buildings owned by said companies in Panama and Colon are enumerated on p. 81, and pp. 91-93 of Annual Report of 1904. Sec. 3, act of Aug. 24, 1912, p. 78, authorizes sale of Administration Building, Panama. Act of July 1, 1916, p. 127, authorized President to transfer American Legation building, Panama, to jurisdiction of Secretary of State.

other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.<sup>17</sup>

#### ARTICLE X.

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, storehouses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery, and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

#### ARTICLE XI.

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for Canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

#### ARTICLE XII.

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

#### ARTICLE XIII.

The United States may import at any time into the said zone and auxiliary lands, free of customs duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.<sup>18</sup>

#### ARTICLE XIV.

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Govern-

<sup>17</sup> See also Art. XVII, p. 22.

<sup>18</sup> The Taft Agreement of Dec. 3, 1904, and Executive Order of Jan. 7, 1905 (E. O. 29 and 33) interpret this and other articles of the Hay-Varilla Treaty. See also pp. 5-22 of Annual Report of I. C. C. of 1904, giving more detailed explanation of the Taft Agreement.

## 22 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

ment of the United States agrees to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars (\$250,000) in like gold coin, beginning nine years after the date aforesaid.<sup>19</sup>

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

### ARTICLE XV.

The joint commission referred to in Article VI shall be established as follows: The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments who shall render the decision. In the event of the death, absence, or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the umpire shall be final.<sup>20</sup>

### ARTICLE XVI.

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.<sup>21</sup>

### ARTICLE XVII.

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.<sup>22</sup>

### ARTICLE XVIII.

The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.<sup>23</sup>

### ARTICLE XIX.

The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended

<sup>19</sup> Sec. 1, act of Apr. 28, 1904, p. 34, authorized the payment of \$10,000,000 provided by Art. XIV, in lieu of the indefinite sum appropriated by act of June 28, 1902, p. 30. (See pp. 54-55, *in re* payment of installments of \$250,000 for years 1908, 1909, 1910, to Colombia, under certain treaty provisions which failed of ratification.)

<sup>20</sup> See notes under Art VI, p. 19.

<sup>21</sup> Executive Order of Governor of Canal Zone of Sept. 19, 1906, and Decree No. 118 of President of Panama of Sept. 22, 1906 (1906 Ann. Rept. 75-79) provide extradition measures between Canal Zone and Panama. See also sec. 12, Panama Canal Act, p. 87, extending United States extradition laws to Canal Zone, to the extent that they may not be in conflict with or be superseded by any special treaty between United States and Panama with respect to the Canal Zone. See also Extradition Treaty between United States and the Republic of Panama, ratified Apr. 8, 1905—p. 1357 of vol. 2, Malloy (Treaties between United States and other powers).

<sup>22</sup> See Art. IX, p. 20.

<sup>23</sup> See notes under Art. III, p. 16.

to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.<sup>24</sup>

#### ARTICLE XX.

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens or subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

#### ARTICLE XXI.

The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

#### ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.<sup>25</sup>

The aforesaid rights and property shall be and are free and released from any present or reversionary interest or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.<sup>26</sup>

<sup>24</sup> Sec. 6 of act of June 28, 1902, p. 32, authorized President to make guarantees provided in this section.

<sup>25</sup> Sec. 2 of act of June 25, 1910, p. 58, cancels payment by Panama Railroad to United States of subsidy of \$250,000 annually, provided in concession granted by Colombia to Panama Railroad.

<sup>26</sup> On p. 1025 of Minutes of the Isthmian Canal Commission, meeting of Feb. 5, 1906, is quoted the substance of an opinion of counsel for the Panama Railroad Company, concerning the title of that company to lands in Colon, in which it is stated, *inter alia*, "The ownership or fee of all this property is vested in the United States."

In opinion rendered by the Supreme Court of the Canal Zone, on May 6, 1907, in the case of *Canal Zone v. Coulson* (1 C. Z. Rept. 50), it was decided that "The United States is not owner in fee of the Canal Zone; it has only the use and occupation as long as it complies with the terms of the treaty." But in the case of *Wilson v. Shaw*, 204 U. S., p. 24 (opinion of Justice Brewer of Jan. 7, 1907) the Supreme Court of the United States ruled that "The title of the United States to the Canal Zone is not imperfect either because the treaty with Panama does not contain technical terms used in ordinary conveyances of real estate or because the boundaries are not sufficient for identification, the ceded territory having been practically identified by the concurrent action of the two interested nations."

## ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

## ARTICLE XXIV.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

## ARTICLE XXV.

For the better performance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific Coast and on the western Caribbean Coast of the Republic at certain points to be agreed upon with the President of the United States.

## ARTICLE XXVI.

This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY [SEAL]  
P. BUNAU VARILLA [SEAL]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the twenty-sixth day of February, one thousand nine hundred and four;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this twenty-sixth day of February, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

[SEAL]

THEODORE ROOSEVELT.

By the President:

JOHN HAY,  
*Secretary of State.*

Protocol of an agreement between the United States and Panama regarding neutrality, signed at Washington, October 10, 1914.

Protocol of an agreement concluded between Honorable Robert Lansing, Acting Secretary of State of the United States, and Don Eusebio A. Morales, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, signed the tenth day of October, 1914.

The undersigned, the Acting Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, in view of the close association of the interests of their respective Governments on the Isthmus of Panama, and to the end that these interests may be conserved and that, when a state of war exists, the neutral obligations of both Governments as neutrals may be maintained, after having conferred on the subject and being duly empowered by their respective Governments, have agreed:

That hospitality extended in the waters of the Republic of Panama to a belligerent vessel of war or a vessel belligerent or neutral, whether armed or not, which is employed by a belligerent power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea, shall serve to deprive such vessel of like hospitality in the Panama Canal Zone for a period of three months, and *vice versa*.<sup>27</sup>

In testimony whereof, the undersigned have signed and sealed the present Protocol in the city of Washington this tenth day of October, 1914.

ROBERT LANSING, [L. S.]  
EUSEBIO A. MORALES [L. S.]

Convention between the United States and Panama, defining the boundary line of the Panama Canal Zone. Signed at Panama, September 2, 1914; ratification advised by the Senate, October 22, 1914; ratified by the President, January 4, 1915; ratified by Panama, February 8, 1915; ratifications exchanged at Panama, February 11, 1915; proclaimed, February 18, 1915.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas a Convention between the United States of America and the Republic of Panama defining the boundary line of the Panama Canal Zone, was concluded and signed by their respective Plenipotentiaries at the City of Panama on the second day of September, one thousand nine hundred and fourteen, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

#### BOUNDARY CONVENTION.<sup>28</sup>

Whereas, Gen. George W. Davis, then Governor of the Canal Zone, on behalf of the United States of America, and Messrs. Tomás Ariás and Ramón Valdés López, then Secretary of Foreign Affairs and Attorney General, respectively, of the Republic of Panama, acting on behalf of that Republic, entered into an agreement on the 15th day of June, 1904, by the terms of which the Republic of Panama delivered over to the United States of America, the use, occupation, and control in perpetuity of the zone of land ten miles in width described and mentioned in articles II and III of the Canal treaty between the United States of America and the Republic of Panama, dated November 18, 1903, and the boundary lines of said zone, as well as those of the cities of Panama and Colon and their adjacent harbors, were subsequently located upon the ground and monumented:

And, whereas, the President of the Republic of Panama, by decree number 46 of May 17, 1912, delivered over to the United States the use, occupation, and control of the areas of land to be covered by the waters of Lake Gatun and all that part of the shores of the lake up to an elevation of one hundred feet above sea level, in conformity with articles II and III of said Canal Treaty:

And whereas, since the promulgation of said decree of May 17, 1912, the United States, in conformity with the said articles of said Treaty, have taken over the use, occupation, and control of the islands in said Lake Gatun and the peninsulas bordering on said lake to which there is no access except from said lake or from lands within the jurisdiction of the Canal Zone;

Now, therefore, the Government of the United States and the Republic of Panama being desirous to establish permanently the boundary lines of the above-mentioned lands and waters so taken over by the United States, to that end have resolved to enter into the following agreement, for which purpose the President of the United States of America has commissioned His Excellency William Jennings Price, Envoy

<sup>27</sup> See secs. 3-5, Art. III, p. 17 (Hay-Pauncefote Treaty) relative to use of Canal by vessels of belligerents, and neutrality proclamation of Nov. 13, 1914 (E. O. 203), on same subject.

<sup>28</sup> See notes under Arts. II-III, pp. 18-19.

Extraordinary and Minister Plenipotentiary of the United States to the Government of Panama, and the President of the Republic of Panama has commissioned His Excellency Ernesto T. Lefevre, Secretary of State in the office of Foreign Affairs of the Republic of Panama, who, having exchanged their respective full powers, have entered into the following boundary convention:

## I.

It is agreed that the boundary lines of the zone of land of ten miles in width described in article II of the said Canal Treaty shall remain as defined and established by the agreement of June the 15th, 1904,<sup>29</sup> above mentioned, and subsequently located on the ground and monumented as shown by exhibit "A" accompanying this Convention, with the modifications hereinafter set out in respect to the cities of Panama and Colon and their adjacent harbors.

## II.

In conformity with articles II and III of said Treaty the rights of the United States to the use, occupation, and control of the areas to be covered by the waters of Gatun Lake and all that part of the shores of the lake up to an elevation of one hundred feet above mean sea level, and the islands in said lake, is hereby recognized, and in like manner the right of the United States to the use, occupation, and control of the peninsulas bordering on said lake to which there is no access except over lands of the Canal Zone or from the waters of Gatun Lake, is hereby recognized.

The one hundred feet contour line above referred to, as well as the peninsulas above mentioned, shall be conveniently monumented and marked upon the ground by the United States, with the intervention of a representative or representatives of the Republic of Panama designated for that purpose, and sketched upon a special map.

## III.

It is agreed that the permanent boundary line between the City of Panama and the Canal Zone shall be as follows:

Beginning at a concrete monument located above high water mark on the shore of Panama Bay, south of the Balboa Road on the slope of the headland called "Punta Mala," and north thirty-two degrees and thirty minutes west (N. 32° 30' W.) and one hundred and fifty (150) meters from about the center of an island called "Gavilan."

From the above concrete monument (marked "A" on the map) the boundary line runs north twenty degrees and two minutes east (N. 20° 2' E.) six hundred and thirty-three and seven-tenths (633.7) meters to a concrete monument (marked "B" on the map) located at the intersection of the easterly line of the Zone boundary road, and the northerly line of the road leading from Panama to Balboa; thence north thirty-six degrees and forty-two minutes east (N. 36° 42' E.) nine hundred and sixty-six and eighty-five hundredths (966.85) meters to a concrete monument (marked "C" on the map) on the northerly side of the road leading to Ancon Hospital grounds; thence north three degrees and nineteen minutes east (N. 3° 19' E.) one hundred and forty-eight and forty-six one-hundredths (148.46) meters to an iron rail property monument; thence north eight degrees and fourteen minutes, and forty seconds west (N. 8° 14' 40" W.) one hundred and fifty-one and thirty-three one-hundredths meters (151.33) to a point; thence north thirty-seven degrees and forty-five minutes east (N. 37° 45' E.) fourteen and thirty-three one-hundredths meters to a point in the road on the present boundary line; thence along said present boundary north no degree and forty-seven minutes west (N. 0° 47' W.) sixty-six and forty-four one-hundredths meters (66.44) to a point; thence north seventy-six degrees and fifty-nine minutes east (N. 76° 59' E.) forty-two and forty-five one-hundredths (42.45) meters to a point; thence south seventy-two degrees and eleven minutes east (S. 72° 11' E) one hundred and fifty-nine and twenty-seven one-hundredths (159.27) meters to a point near Calidonia Bridge; thence north three degrees and eight minutes east (N. 3° 8' E.) crossing the Panama Railroad Company's tracks, seventy-seven and three-tenths (77.3) meters to a point twelve and two-tenths (12.2) meters from the center line of the main track of the said Panama Railroad; thence parallel to the said railroad in a north-westerly direction, two hundred and ninety and five-tenths

<sup>29</sup> The boundary limits as defined in the Davis Agreement were subsequently modified as to Panama Harbor by sec. 5 of the Taft Agreement (E. O. 29).

(290.5) meters to a point on the present boundary line; thence north forty-nine degrees, thirteen minutes and ten seconds west (N. 49° 13' 10" W.) and one hundred and sixty-five and thirty-seven one-hundredths (165.37) meters to an iron rail monument, twelve and three-tenths meters from the center of the main line track of the Panama Railroad; thence north forty-six degrees, thirty-nine minutes and thirty seconds west (N. 46° 39' 30" W.) two hundred and twenty and four one-hundredths (220.04) meters to a Panama Railroad boundary monument twenty-two and one-tenth (22.1) meters from the center line of Panama Railroad main line track; thence north forty-nine degrees and fourteen minutes west (N. 49° 14' W.) and parallel with the Panama Railroad track two hundred and ninety and thirty-six one-hundredths (290.36) meters to Rio Curundu; thence following the course of Rio Curundu upstream to a point (marked "E" on the map) where the said Rio Curundu is intersected by a straight line drawn through the point of intersection on the canal axis (marked "Cocoli" on the map) perpendicular to that part of the Canal axis of A. D. 1906 which extends in a straight line southeasterly from the said point marked "Cocoli" to the point of intersection (marked "Bay" on the map) the former point of intersection being situated between Miraflores and Corozal, and the latter point in Ancon Harbor; thence from "E" north sixty-three degrees and thirty minutes east (N. 63° 30' E.) two thousand and eight and six-tenths (2,008.6) meters to a concrete monument (marked "F" on the map) on the present boundary between the Canal Zone and the Republic of Panama; thence along this boundary south twenty-six degrees and thirty-four minutes east (S. 26° 34' E.) about four thousand seven hundred and forty-four and five-tenths (4,744.5) meters to monument No. 99 and thence continuing on this line to the shore of Panama Bay at low water mark; thence following the mean low water line around the shore of Panama Bay to a point on the boundary line between Panama Harbor and Ancon Harbor; thence north seventy-two degrees, fourteen minutes west (N. 72° 14' W.) to a monument "A," the point of beginning, except that the entire area of the middle island on the map called Las Tres Hermanas shall be under the jurisdiction of the United States of America.

Points "A," "B" and "C," above referred to, are the same points mentioned in the original agreement between the Government of the Republic of Panama and the Canal Zone Government, dated June 15, 1904.

All bearings in this description and on the map mentioned above are referred to true meridian and all coordinates are in accordance with the Panama-Colon Datum.

The Government of Panama agrees that the portion of the roadway now existing between the Ancon Post Office and the Tivoli Dispensary and connecting the Tivoli Road with the roads leading to Balboa and the Ancon Hospital grounds, which will fall within Panaman jurisdiction as a result of the boundary lines established in accordance with the foregoing description, will be kept open and of the same grade as same now is and will be maintained in good serviceable condition by the said Government of Panama so that it will afford a free, uninterrupted and unobstructed permanent public thoroughfare, unless in the future provided otherwise by the mutual agreement of the chief executive authorities of the Republic of Panama and the Panama Canal.

#### IV.

It is agreed that the harbor of the City of Panama shall include the maritime waters in front of the City of Panama lying to the north and east of a line beginning at a concrete monument set on "Punta Mala" marked "A" on the map already referred to in this Convention, and running south seventy-two degrees and fourteen minutes east (S. 72° 14' E.) through the middle island of the three islands known as "Las Tres Hermanas," but excluding the said middle island, and extending three marine miles from mean low water mark at Punta Mala; and that the harbor of Ancon shall include the waters lying south and west of said line, but including the said middle island which shall be deemed to be within the harbor of Ancon. The said middle island hereby included within the harbor of Ancon is situated about south twelve degrees, thirty minutes west (S. 12° 30' W.) eight hundred and fifty-six (856) meters from the point of Las Bovedas and lies in latitude north eight degrees, fifty-six minutes (N. 8° 56') plus one thousand and fifty-eight and eighty-eight hundredths (1,058.88) meters and longitude west seventy-nine degrees, thirty-two minutes (W. 79° 32') plus three hundred forty-two and six-tenths (342.6) meters, the datum of said latitude and longitude being what is generally known as the Panama-Colon Datum. All bearings are referred to true meridian.

The foregoing description of the City of Panama and Panama Harbor conform to the accompanying blue print marked exhibit "B."

## V.

It is agreed that the permanent boundary line between the City of Colon and the Canal Zone shall be as follows:

Beginning at a point on the western shore of Boca Chica (sometimes called Folks River) marked "A" on the map, and fifty (50) meters to the eastward of the center line of the main line of track of the Panama Railroad; thence northward and north-westward, always parallel with said railroad track, and at a uniform distance of fifty (50) meters from the center line thereof to the center of Bolivar Street (sometimes called "C" street), said point being marked "B" on the map; thence northerly along the center line of said Bolivar Street, to the center line of Eleventh Street, this point of intersection being marked "C" on the map; thence westerly along the center line of Eleventh Street, a distance of one hundred sixty-two and fifty-three hundredths (162.53) meters to a cross on the sea wall along Limon Bay, said point being marked "D" on the map; thence north seventy-eight degrees, thirty minutes and thirty seconds west (N. 78° 30' 30" W.) to the shore of Limon Bay at mean low water mark; thence following the mean low water line around the shore in a northerly, easterly, southerly, and westerly direction to the point of beginning, except that at the site of the old Colon lighthouse a detour is made, as shown on the map, to exclude an area of land to be used as the site for a United States battery, which site shall be deemed to be within the Canal Zone.

The site for a United States battery above mentioned, which is to be included within the jurisdiction of the Canal Zone, is described as follows:

The initial point is a tack in a stake on Colon point, situated with reference to certain prominent points as follows: South forty-one degrees, six minutes east (S. 41° 6' E.) twenty-five and twenty-two one-hundredths (25.22) feet from the southwest interior corner of the upper pavement of the swimming pool; south eleven degrees thirty-seven minutes west (S. 11° 37' W.) one hundred twenty-seven and sixty-eight one-hundredths (127.68) feet from a cross mark on a bolt set in a concrete base thirteen and nine-tenths (13.9) feet to the northeast of the center of the northeastern edge of the swimming pool; south thirty-five degrees, eighteen minutes west (S. 35° 18' W.), two hundred sixty-six and seventy-five one-hundredths (266.75) feet from the northwestern corner of the Hotel Washington; and north sixty-eight degrees, twenty-nine minutes west (N. 68° 29' W.), five hundred forty-three and ninety-five one-hundredths (543.95) feet from the cross mark on a rail set in a concrete base at a point where the south building line of Second Street intersects the center line of Bottle Alley; from this initial point south forty-three degrees, no minutes west (S. 43° 00' W.), two hundred fifty-eight and five-tenths (258.5) feet to a point; thence north forty-seven degrees, no minutes west (N. 47° 00' W.) ninety and sixty-four one-hundredths (90.64) feet to a point; thence by a curve to the right with a radius of fifty-six and eighty-six one-hundredths (56.86) feet and a central angle of forty-five degrees, no minutes (45° 00'), forty-four and sixty-six one-hundredths (44.66) feet to a point; thence by a curve to the right with a radius of ninety-one (91) feet and a central angle of forty-five degrees, no minutes (45° 00'), seventy-one and forty-seven one-hundredths (71.47) feet to a point; thence north forty-three degrees, no minutes east (N. 43° 00' E.), one hundred seventy-seven and five-tenths (177.5) feet to a point; thence south forty-seven degrees, no minutes east (S. 47° 00' E.), one hundred fifty-seven and five-tenths (157.5) feet to the point of beginning, containing ninety-one one-hundredths (0.91) acres, more or less. All bearings are referred to true meridian (Panama-Colon Datum).

## VI.

The harbor of Colon shall consist of those maritime waters lying to the westward of the City of Colon and bounded as follows:

The southerly boundary of the harbor of Colon is in a line running north seventy-eight degrees, thirty minutes and thirty seconds west (N. 78° 30' 30" W.), which begins at a cross cut in the concrete sea wall on the easterly side of Limon Bay and on the center line of Eleventh Street, Colon, produced westerly. This point is marked "D" on the map designated exhibit "C." Beginning at mean low water mark on Limon Bay on the above described line the boundary runs northwesterly along said line to a point in Limon Bay marked "E" on the map, and located three hundred and thirty (330) meters east of the center line of the Panama Canal; thence turning to the right and running in a northerly direction the line runs parallel with the above mentioned center line and at a distance of three hundred and thirty (330) meters easterly therefrom until it meets an imaginary straight line drawn through the light-

house on Toro Point having a bearing of south seventy-eight degrees and thirty minutes and thirty seconds east (S. 78° 30' 30" E.), this intersection point being marked "F" on the map; thence turning to the right and running along the above-mentioned line south seventy-eight degrees, thirty minutes and thirty seconds east (S. 78° 30' 30" E.) to a point on the boundary of the above-mentioned site for the United States battery; thence turning to the right and running along the said boundary line of said site to the mean low water line of Limon Bay; thence turning to the right and running along said water line in a generally southerly direction to the point of beginning at the foot of Eleventh Street.

All bearings in this description and on the plan mentioned above are referred to true meridian (Panama-Colon Datum).

The foregoing description of the City of Colon and Colon Harbor conform to the accompanying blue print marked exhibit "C."

#### VII.

It is agreed that the Republic of Panama shall have an easement over and through the waters of the Canal Zone in and about Limon and Manzanillo bays to the end that vessels trading with the City of Colon may have access to and exit from the harbor of Colon, subject to the police laws and quarantine and sanitary rules and regulations of the United States and of the Canal Zone established for said waters.

The United States also agrees that small vessels may land at the east wall which extends along the shore to the south of the foot of Ninth Street and recently constructed by the Panama Railroad Company in the harbor of Colon free of any wharfage or landing charges that might otherwise accrue to the said company under the terms of its concessions from the Government of Colombia; and the United States further agrees that it will construct and maintain a landing pier in a small cove on the southerly side of Manzanillo Island in the northwesterly portion of the arm of the sea known as Boca Chica (sometimes called Folks River), to be used as a shelter harbor for small coasting boats of the Republic of Panama, without any wharfage or other landing charges.

#### VIII.

Inasmuch as the highway known as the "Sabanas Road" will come entirely within the bounds of the City of Panama under this agreement the authorities of the Canal Zone are hereby relieved of the duty to repair and maintain such road, or any part of it, and the same shall be done henceforth by the authorities of the Republic at their cost and expense.<sup>30</sup>

#### IX.

It is agreed that the Republic of Panama will not construct nor allow the construction of any railway across the Sabanas or other territory hereby transferred to that Republic without a mutually satisfactory agreement having been previously arrived at between the two governments; and this shall be without prejudice to any right the United States may have to object to such railway projection under any of the provisions of the Canal Treaty of November 18, 1903.<sup>31</sup>

#### X.

The contracting parties hereby agree that this Convention shall not diminish, exhaust, or alter any rights acquired by them heretofore in conformity with the Canal Treaty of November 18, 1903; and it is further expressly agreed that the United States, in the exercise of the rights granted to it under articles II and III of the said Canal Treaty and subject to article VI of said Treaty, may enter upon and use, occupy, and control the whole or any portion of the Sabanas land, or other territory hereby transferred to the Republic of Panama, as the same may be necessary, or convenient, for the construction, maintenance, operation, sanitation, or protection of the Canal or of any auxiliary canals, or other works necessary and convenient for the construction, maintenance, operation, sanitation, or protection of said enterprise.<sup>32</sup>

<sup>30</sup> Under sec. 10 of the Taft Agreement (E. O. 29), the Isthmian Canal Commission was responsible for maintenance of this road.

<sup>31</sup> Art. V, Hay-Varilla Treaty, p. 19.

<sup>32</sup> Executive Order of Feb. 18, 1913 (E. O. 133), excepts the Sabanas area from private lands to be taken possession of under provisions of Executive Order of Dec. 5, 1912 (E. O. 132).

## XI.

This agreement shall not be construed to modify the rights of the authorities of the Canal Zone to employ citizens of the Republic of Panama residing in the territory of the Republic as provided in section V of the above-mentioned agreement of June 15, 1904, and for which purpose the Government of the Republic granted the permission required by paragraph 2 of article 7 of the Panamanian Constitution.

## XII.

The civil and criminal cases pending in the courts of the Canal Zone and the Republic of Panama at the time of the execution of this Convention shall not be affected hereby but the same shall be proceeded with to final judgment and disposed of in the courts where they are now pending as though this agreement had not been entered into.

## XIII.

The exhibits accompanying this agreement are signed by the representatives of the respective governments for identification. This Convention, when signed by the plenipotentiaries of the high contracting parties, will be ratified by the two governments in conformity with their respective constitutional laws, and the ratifications shall be exchanged at Panama at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Panama, the second day of September, in the year of our Lord, nineteen hundred and fourteen.

[SEAL.]  
[SEAL.]

WILLIAM JENNINGS PRICE.  
E. T. LEFEVRÉ.

And whereas the said Convention has been duly ratified on both parts and the ratifications of the said Convention were exchanged in the City of Panama on the eleventh day of February, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighteenth day of February in the year of our Lord one thousand nine hundred and fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

By the President:  
W. J. BRYAN,  
Secretary of State.

WOODROW WILSON.

An Act To provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than sixty-eight thousand eight hundred and sixty-three shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.<sup>33</sup>

<sup>33</sup> Sale of the Canal properties was ratified by the French Canal Company on April 23, 1904, and the actual transfer of these properties was made on May 4, 1904.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section one hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section two hereof, he is authorized to pay for the property of the New Panama Canal Company forty millions of dollars and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.<sup>34</sup>

The President shall then through the Isthmian Canal Commission<sup>35</sup> hereinafter authorized cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal<sup>36</sup> from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company, and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections one and two of this Act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall through the said Isthmian Canal Commission cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder

<sup>34</sup> The Hay-Varilla Treaty, p. 18, was executed under the authority and in detail with provisions of this paragraph and section 2 hereof.

<sup>35</sup> Isthmian Canal Commission created by sec. 7, this act, p. 32.

<sup>36</sup> Lock type of canal adopted by act of June 29, 1906, p. 39.

provided to be acquired by the United States, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall cause the said Isthmian Canal Commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of ten million dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this Act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of one hundred and thirty-five millions of dollars should the Panama route be adopted, or one hundred and eighty millions of dollars should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.<sup>37</sup>

SEC. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this Act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this Act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this Act shall be deducted<sup>38</sup> from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. Said Commission shall in all matters be subject to the direction and control of the President,<sup>39</sup> and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by Act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

<sup>37</sup> Sec. 6, act of Mar. 4, 1907, p. 42, confirms authority of President to construct Canal by contract, and act of Aug. 5, 1909, p. 55, authorized President to construct Canal by contract at a cost not exceeding the amount of the bond issue authorized in other act of same date, p. 56.

<sup>38</sup> Terms are stated in Art. XIX, Hay-Varilla Treaty, p. 22.

<sup>39</sup> Same provision contained in sec. 4, Panama Canal Act, p. 79. See also act 16 of the Isthmian Canal Commission (L. C. Z. 243).

<sup>40</sup> See letter of President of Mar. 8, 1904 (E. O. 19) appointing members of the Commission, also Executive Order of May 9, 1904 (E. O. 20) placing the Isthmian Canal Commission under the supervision and direction of the Secretary of War, and defining duties of Commission. Under this order the Commission was placed in charge of the government of the Canal Zone, with power to legislate. This order was based on the act of Apr. 28, 1904, p. 34, providing for temporary government of the Canal Zone. See notes under that act, and notes under Executive Order of May 9, 1904, *supra*.

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this Act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of one hundred and thirty million dollars, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of twenty dollars or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of two per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.<sup>47</sup>

Approved, June 28, 1902. [32 U. S. Stat., 481.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and five.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and five, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

#### RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars.

\* \* \* \* \*

#### FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, March 12, 1904. [33 Stat., 79.]

An Act Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and five:

\* \* \* \* \*

<sup>47</sup> Sec. 8 repealed by act of Aug. 5, 1909, p. 56.

## MISCELLANEOUS.

\* \* \* \* \*

For additional twenty per centum increase on pay of enlisted men serving in the Philippine Islands, the Island of Guam, Alaska, China, and Panama, five hundred and thirty-three thousand four hundred and twelve dollars and fifty-one cents.

For additional ten per centum increase on pay of commissioned officers serving in the Philippine Islands, the Island of Guam, Alaska, China, and Panama, one hundred and sixty-seven thousand four hundred and twenty-six dollars and thirty cents.

\* \* \* \* \*

Approved, April 23, 1904. [33 U. S. Stats., 266.]

An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and four, and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and four, and for prior years, and for other objects hereinafter stated, namely:

\* \* \* \* \*

## CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

\* \* \* \* \*

For determining the most practicable route for canal across the Isthmus of Panama, thirty-five dollars.

\* \* \* \* \*

Approved, April 28, 1904. [33 U. S. Stats., 426.]

An Act To provide for the temporary government of the Canal Zone at Panama, the protection of the canal works, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized, upon the acquisition of the property of the New Panama Canal Company and the payment to the Republic of Panama of the ten millions of dollars provided by article fourteen <sup>42</sup> of the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, to be paid to the latter Government, to take possession of and occupy <sup>43</sup> on behalf of the United States the zone of land and land under water of the width of ten miles, extending to the distance of five miles on each side of the center line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, and also of all islands within said zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and, from time to time, of any lands and waters outside of said zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise, the use, occupation, and control whereof were granted to the United States by article two of said treaty. The said zone <sup>44</sup> is hereinafter referred to as "the Canal Zone." The payment of the ten millions of dollars provided by article fourteen <sup>45</sup> of said treaty shall be made in lieu of the indefinite appropriation made in the third section of the Act of June twenty-eighth, nineteen hundred and two, <sup>46</sup> and is hereby appropriated for said purpose.

<sup>42</sup> p. 21.

<sup>43</sup> See note under Art. II of the Hay-Varilla Treaty, p. 18, relating to the occupation of the Canal Zone.

<sup>44</sup> Designated as the Canal Zone by sec. 1, Panama Canal Act, p. 79.

<sup>45</sup> p. 21.

<sup>46</sup> p. 30.

SEC. 2. That until the expiration of the Fifty-eighth Congress,<sup>47</sup> unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.<sup>48</sup>

Approved, April 28, 1904. [33 U. S. Stats., 429.]

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An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes.

\* \* \* \* \*

Hereafter the accounts for the Isthmian Canal Commission shall be audited by the Auditor for the War Department.

\* \* \* \* \*

Approved, February 3, 1905. [33 Stat., 647.]

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An Act Fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws affecting imports of articles, goods, wares, and merchandise and entry of persons<sup>49</sup> into the United States from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia.*

Approved, March 2, 1905. [33 U. S. Stats., 843.]

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An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and five, and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and five, and for prior years, and for other objects hereinafter stated, namely:*

\* \* \* \* \*

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<sup>47</sup> Act of Mar. 3, 1905, pp. 35-36, revived and continued Commission until beginning of next session of Congress.

Inasmuch as Congress took no other action than to revive and continue the Commission until the beginning of the next session of Congress, the Secretary of War, on March 6, 1905, cabled the Governor of the Canal Zone that: "Government of the Canal Zone will be continued to be administered in obedience to the laws of the United States in force in that territory, the Executive Orders heretofore issued, and the laws of the Canal Zone enacted by the Isthmian Canal Commission during the period the Commission was authorized under Act of Congress approved Apr. 28, 1901, to exercise the power of legislation."

<sup>48</sup> Under the authority of this act the President issued the Executive Order of May 9, 1904 (E. O. 20-26), placing the Commission under the jurisdiction of the Secretary of War, and defining the functions of the Commission, including the power to legislate. Under this authority the Commission enacted 24 acts which were later assembled and published in the volume known as "Laws of the Canal Zone." In addition to that volume, the Civil Code and Code of Civil Procedure of the Republic of Panama, continued in force in the Canal Zone by the Executive Order of May 9, 1904, were translated into English.

During the period beginning with the close of the 58th Congress and down to the issuance of the Executive Order of Mar. 13, 1907 (E. O. 60-62), the Commission was without power to legislate, but sec. 7 of that order provided that "ordinances regulating police, sanitation, and taxation, and any other matters now regulated by ordinance, may be enacted, and existing ordinances repealed, by the Isthmian Canal Commission." Under this authority various ordinances were adopted, and they are published in the annotated reprint of the volume "Laws of the Canal Zone."

For further general action by Congress on legislation in the Canal Zone, see the Panama Canal Act, pp. 79-86, and act of Aug. 21, 1916, pp. 130-131.

<sup>49</sup> See notes under Immigration Act of Feb. 20, 1907, p. 41.

## LEGISLATIVE.

That so much of the sum appropriated by the Act approved April twenty-eighth, nineteen hundred and four, to defray the expenses of the Commission created by that Act, remaining unexpended, may be expended by said Commission under the direction of the chairman of said Commission for the further investigation of the matters for which said Act provided, but no expenditure beyond said unexpended balance shall be made; and the Commission is hereby revived and continued <sup>50</sup> until the beginning of the next session of Congress.<sup>51</sup>

\* \* \* \* \*

Approved, March 3, 1905. [33 U. S. Stats., 1246.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and six.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and six, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

## RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars.

\* \* \* \* \*

## FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, March 3, 1905. [33 Stat., 927, 928.]

An Act Supplemental to an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and making appropriation for Isthmian Canal construction, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the two per cent bonds of the United States authorized by section eight of the Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eight, nineteen hundred and two, shall have all the rights and privileges accorded by law to other two per cent bonds of the United States, and every national banking association having on deposit, as provided by law, such bonds issued under the provisions of said section eight of said Act approved June twenty-eight, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per cent bonds; and such tax shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

<sup>50</sup> See act of Apr. 28, 1904, p. 34, and notes thereunder.

<sup>51</sup> The act of December 21, 1905, p. 36, being the first act of the next session of Congress relating to the Panama Canal, does not specifically continue the Commission, but does provide for continuance of construction of the Canal and the government of the Canal Zone by the President and the persons appointed or employed by him, the aforesaid act being supplemental to the original Canal Act of June 28, 1902, pp. 30-32.

SEC. 2. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of eleven million dollars to continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with the said Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, approved June twenty-eighth, nineteen hundred and two, and for each and every purpose connected with the same, the said sum to continue available until expended: *Provided*, That all expenditures from the appropriation herein made shall be reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two.

SEC. 3. That the President shall annually, and at such other periods as may be provided, either by law or by his order, require full and complete reports to be made to him by the persons appointed or employed by him in charge of the government of the Canal Zone,<sup>12</sup> the construction of the Isthmian Canal,<sup>13</sup> and the operation of the Panama Railroad, including an itemized account of all moneys received and expended, which said reports shall be by the President transmitted to Congress. The President shall annually cause to be made, by the persons appointed and employed by him in charge of the government of said Canal Zone, and the construction of said canal, estimates of expenditures and appropriations, in detail as far as practicable, which estimates shall cover all annual salaries paid to persons employed on said work, excepting laborers and skilled laborers, and shall be submitted to Congress in the manner provided in section five of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," And no money shall be expended for any of the purposes of constructing and maintaining said Isthmian Canal, or for any expenses incident thereto, except in accordance with appropriations made by Congress.

Approved, December 21, 1905. [34 Stat., 5.]

An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and six, and for prior years, and for other objects hereinafter stated, namely:

\* \* \* \* \*

#### THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under direction of the President in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, as follows:

For miscellaneous material purchases in the United States, one million dollars;  
For miscellaneous material purchases on the Isthmus and miscellaneous expenditures, consisting of hotel and hospital and other supplies, transportation of labor from West Indies, four hundred thousand dollars;

For amounts to pay the Panama Railroad Company for material and services, including construction of second main track, two hundred thousand dollars;

For Isthmus pay rolls, two million one hundred thousand dollars;

For salaries, incidental expenses, rents, cable and telegraph service in the United States, covering Washington office, including Commissioners, offices of assistant purchasing agents at New Orleans, New York, and Tacoma, seventy-five thousand dollars: *Provided*, That no part of the money herein appropriated shall be paid to any Commissioner as compensation in addition to his salary as Commissioner;

For new equipment purchases, one million five hundred and sixty-five thousand seven hundred and eighty-six dollars; in all, five million three hundred and forty thousand seven hundred and eighty-six dollars, which shall continue available until expended: *Provided*, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to

<sup>12</sup> See note 2 under act of Mar. 3, 1905, p. 35.

<sup>13</sup> Designated as The Panama Canal by sec. 1 of the Panama Canal Act, p. 79.

the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two.

To be used as an advance to the Panama Railroad Company to pay for the re-equipment of that company, six hundred and fifty thousand dollars.

The provisions of the Act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two, shall not apply to alien laborers employed in the construction of the Isthmian Canal within the Canal Zone.<sup>54</sup>

**PAYMENT TO LIEUTENANT COLONEL WILLIAM M. BLACK:** For payment to Lieutenant Colonel William M. Black, Corps of Engineers, United States Army, fifty per centum additional compensation to pay proper, for services rendered to the Isthmian Canal Commission in the Isthmus of Panama from April ninth, nineteen hundred and three, to March twenty-first, nineteen hundred and four, being an equalization of pay similar to that paid other officers detailed with the Commission and in pursuance of the understanding at the time when the assignment to duty with the Commission was tendered and accepted, one thousand two hundred and eighty-five dollars and thirty-two cents, to be paid from the appropriations herein made for the Isthmian Canal.

**PAYMENT TO LIEUTENANT MARK BROOKE:** For payment to Lieutenant Mark Brooke, Corps of Engineers, United States Army, fifty per centum additional compensation to pay proper, for services rendered to the Isthmian Canal Commission in the Isthmus of Panama from April ninth, nineteen hundred and three, to March twenty-first, nineteen hundred and four, being an equalization of pay similar to that paid other officers detailed with the Commission, and in pursuance of the understanding at the time when the assignment to duty with the Commission was tendered and accepted, five hundred and seventy-three dollars and ninety-eight cents, to be paid from the appropriations herein made for the Isthmian Canal.

\* \* \* \* \*

Approved, February 27, 1906. [34 Stat., 34.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and seven.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and seven, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars.

\* \* \* \* \*

FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, June 16, 1906. [34 Stat., 295.]

<sup>54</sup> See sec. 4, act of June 30, 1906, p. 40.

Joint Resolution Providing for the purchase of material and equipment for use in the construction of the Panama Canal.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Approved, June 25, 1906. [34 Stat., 835.]

An Act For the acknowledgement of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.<sup>55</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has *ex officio* the powers of a notary public: *Provided,* That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, nineteen hundred and five, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

Approved, June 28, 1906. [34 Stat., 552.]

An Act To provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a lock canal be constructed across the Isthmus of Panama connecting the waters of the Atlantic and Pacific oceans, of the general type proposed by the minority of the Board of Consulting Engineers, created by order of the President dated January <sup>56</sup> twenty-fourth, nineteen hundred and five, in pursuance of an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two.

Approved, June 29, 1906. [34 Stat., 611.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and seven, namely:

\* \* \* \* \*

#### THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two: *Provided,* That no part of the sums herein appropriated shall be used for the construction of a canal of the so-called sea-level type, as follows:

For salaries of members, officers, and employees of the Isthmian Canal Commission, including inspectors of material, examiners, assistant purchasing and

<sup>55</sup> Executive Order of Feb. 2, 1911 (E. O. 104-107), provides method of executing and recording deeds for the Canal Zone.

<sup>56</sup> The month stated is an error, the board having been created by Executive Order of June 24, 1905 (E. O. 43).

shipping agents, and all other employees in the United States, two hundred and fifty-one thousand and sixty-three dollars and thirty-three cents;

For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, twelve thousand dollars, and text-books and books of reference, one thousand dollars), one hundred and seventeen thousand one hundred and seventy-nine dollars and thirty-six cents;

For pay of officers and employees other than skilled and unskilled labor on the Isthmus, for the construction and engineering and administration departments, two million six hundred and fifty thousand five hundred and twelve dollars;

For skilled and unskilled labor on the Isthmus, for the departments of construction and engineering and administration, nine million fifty thousand six hundred and sixty-one dollars;

For purchase and delivery of material, supplies, and equipment for the construction and engineering and administration departments on the Isthmus of Panama, nine million thirty-two thousand eight hundred and fourteen dollars and twenty-four cents;

To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall have been so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per cent interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted.

For miscellaneous expenditures, cable and telegraph service, stationery and printing, and traveling and incidental expenses on the Isthmus for the construction and engineering and administration departments, four hundred and thirty-four thousand five hundred and fifty dollars;

For pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, six hundred thousand dollars;

For skilled and unskilled labor in the service of the Government of the Canal Zone, fifty thousand dollars;

For material, supplies, equipment, new buildings, and contingent expenses for account of the government of the Canal Zone, three hundred and eighteen thousand two hundred dollars;

For pay of officers and employees other than skilled and unskilled labor engaged in the health and sanitation department on the Isthmus, five hundred and fifty thousand dollars;

For skilled and unskilled labor engaged in the health and sanitation department on the Isthmus of Panama, five hundred and seventy-nine thousand and sixty-eight dollars;

For material, supplies, equipment, new buildings, and contingent expenses of the health and sanitation department on the Isthmus, eight hundred and twenty-two thousand three hundred and sixty-seven dollars and fifteen cents;

In all, twenty-five million four hundred and fifty-six thousand four hundred and fifteen dollars and eight cents: *Provided*, That all expenditures from the appropriation herein made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two.

\* \* \* \* \*

Approved, June 30, 1906. [34 Stat., 761.]

An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years, and for other purposes.

\* \* \* \* \*

SEC. 4. The provisions of an Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two, and of an Act entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal

year ending June thirtieth, nineteen hundred and six, and for prior years, and for other purposes," approved February twenty-seventh, nineteen hundred and six, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers, employed in the construction of the Isthmian Canal, within the Canal Zone.<sup>57</sup>

\* \* \* \* \*

Approved, June 30, 1906. [34 Stat., 669.]

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Joint Resolution To provide for the printing of sixteen thousand copies of Senate Document Numbered One hundred and forty-four, Fifty-ninth Congress, second session.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be printed sixteen thousand copies of Senate Document Numbered One hundred and forty-four, Fifty-ninth Congress, second session, being a special message of the President of the United States concerning the Panama Canal, to be accompanied by a map to be prepared under the direction of the Joint Committee on Printing, five thousand copies for the use of the Senate, eleven thousand copies for the use of the House of Representatives to be distributed through the folding room. The plates owned by and in the possession of the Isthmian Canal Commission, shall be used in printing the said document hereunder so far as the Isthmian Canal Commission owns or controls the free use of the necessary plates.

Approved, January 16, 1907. [34 U. S. Stats., 1418, 1419.]

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An Act to regulate the immigration of aliens into the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

\* \* \* \* \*

SEC. 33. That for the purpose of this Act the term "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone<sup>58</sup> and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.<sup>59</sup>

\* \* \* \* \*

Approved, February 20, 1907. [34 Stat., 908.]

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An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eight.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eight, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

<sup>57</sup> Sec. 2 of act of June 19, 1912, p. 67, provides that the President may waive the 8-hour day provisions as to the Panama Canal during war time and until Jan. 1, 1915. Executive Order of same date was issued accordingly (E. O. 130). See also act of Mar. 4, 1917, p. 152, authorizing President to suspend the 8-hour law in case of national emergency.

<sup>58</sup> See act of Mar. 2, 1905, p. 35, fixing status of merchandise (and persons) coming into United States from the Canal Zone.

<sup>59</sup> Under authority of this act, the President issued Executive Order of Mar. 14, 1907 (E. O. 63) to prevent Japanese and Korean laborers from entering United States from Mexico, Canada, and Hawaii. See also Executive Order of Feb. 24, 1913 (E. O. 134), and act of Feb. 5, 1917, pp. 149, on this subject

42 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars.

\* \* \* \* \*

FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, February 22, 1907. [34 Stat., 925.]

An Act To satisfy certain claims against the Government arising under the Navy Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claims arising under the Navy Department hereinafter stated, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of the respective claims, namely:

\* \* \* \* \*

(12) To pay to the Panama Railroad Company the cost of making good the damage to two pontoons, nine hundred and forty-nine dollars and seventy-four cents.

\* \* \* \* \*

Approved, March 4, 1907. [34 U. S. Stats., 1291.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and eight, namely:

\* \* \* \* \*

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President, in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two.

For salaries of members, officers, and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, one hundred and eighty-four thousand dollars;

For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal Building in the District of Columbia, twelve thousand dollars, and text-books and books of reference, one thousand dollars), sixty-nine thousand dollars;

For pay of officers and employees on the Isthmus, other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, supervisors, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, watchmen, wagon masters, stewards, hospital dispensers, internes, nurses, and attendants, including those necessarily and

temporarily detailed for duty away from the Isthmus, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, two million seven hundred and seventy-two thousand dollars;

For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, accounting, disbursements, and labor, quarters and subsistence, seven million nine hundred and ninety thousand dollars;

For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, nine million forty-six thousand dollars;

To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million three hundred and eighty-five thousand dollars; no part of said sum shall be expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per centum interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted;

To pay the outstanding four and one-half per centum first-mortgage bonds of the Panama Railway Company October first, nineteen hundred and seven, two million two hundred and ninety-eight thousand three hundred and sixty-seven dollars and fifty cents, to be reimbursed to the Treasury of the United States, as provided for appropriations herein made for the Isthmian Canal;

For miscellaneous expenditures, cable and telegraph service, stationery and printing, and traveling and incidental expenses on the Isthmus, for the departments of construction and engineering, accounting, disbursing, and labor, quarters and subsistence, five hundred and fifty-eight thousand dollars;

For pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, four hundred and eighty-six thousand dollars;

For skilled and unskilled labor in the service of the government of the Canal Zone, fifty thousand dollars;

For material, supplies, equipment, new buildings, and contingent expenses for account of the government of the Canal Zone, two hundred and eighty-nine thousand dollars;

For pay of officers and employees other than skilled and unskilled labor engaged in the sanitation department on the Isthmus, seven hundred and sixty-six thousand dollars;

For skilled and unskilled labor engaged in the sanitation department on the Isthmus of Panama, four hundred and sixty-eight thousand dollars;

For material, supplies, equipment, new buildings, and contingent expenses of the sanitation department on the Isthmus, eight hundred thousand dollars;

In all, twenty-seven million one hundred and sixty-one thousand three hundred and sixty-seven dollars and fifty cents, the same to be available until expended; *Provided*, That all expenditures from the appropriation herein made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two.

Ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named: but not more than ten per centum shall be added to any one item of the appropriation.

SEC. 2. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the Zone postal service, and from court fees and fines, and collected or raised by taxation in whatsoever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and eight, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of ten thousand dollars, to the maintenance of the public school system in the Zone, and to public improvements within the Zone. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and eight.

SEC. 3. Any unexpended balance of the appropriation for the construction of the Isthmian Canal contained in the Act of June thirtieth, nineteen hundred and six, is hereby reappropriated to meet deficiencies heretofore incurred, and to further remain available until expended.

SEC. 4. That one hundred thousand dollars of the said appropriation for the fiscal year nineteen hundred and seven, "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For skilled and unskilled labor engaged in the health and sanitation department on the Isthmus of Panama" of the same Act; that three hundred thousand dollars of the said appropriation "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For miscellaneous expenditures" for the same departments, of the same Act; that fifty thousand dollars of the appropriation "For pay of officers and employees other than skilled and unskilled labor on the Isthmus for the construction and engineering and administration departments," shall be transferred to the appropriation "For pay of officers and employees other than skilled and unskilled labor engaged in the health and sanitation department on the Isthmus," of the same Act; and that any unexpended balance of the appropriation in the said bill "To continue the re-equipment of the Panama Railroad" may be paid to the Panama Railroad Company to reimburse that company for direct expenditures for equipment and construction: *Provided*, That all expenses so reimbursed shall first be approved by the Commission and then audited in all respects as if disbursed directly under the Commission.

SEC. 5. All sums appropriated hereunder and under the Act of June thirtieth, nineteen hundred and six, for the use upon the Isthmus of the several departments shall be available for the payment of the direct obligations of the Canal Commission, or of the Commission's obligations under any contract or contracts that have been or may hereafter be entered into for the construction of the Isthmian Canal.

SEC. 6. Nothing contained in section five <sup>60</sup> of the Act of June twenty-eighth, nineteen hundred and two, entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," shall prevent the President from entering into such contract or contracts as may be deemed expedient by him for the completion of the construction of the Panama Canal.<sup>61</sup>

SEC. 7. The appropriations for the pay of officers and employees of the several departments on the Isthmus under the Act of June thirtieth, nineteen hundred and six, shall apply to the pay of such officers and employees when necessarily temporarily detailed upon duty away from the Isthmus.

SEC. 8. All amounts due from employees, whether to the Commission, Panama Railroad Company, or contractor, for transportation, board, supplies, or for any other service, are hereby authorized to be deducted from the compensation otherwise payable to the said employees, and to be paid to the authorized parties or to be credited to the appropriation out of which the transportation, board, supplies, or other service was originally paid.

\* \* \* \* \*

Approved, March 4, 1907. [34 Stat., 1368-1371.]

An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal years ending June thirtieth, nineteen hundred and eight, and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and eight, and for prior years, and for other objects hereinafter stated, namely:

\* \* \* \* \*

For repairs and improvements to marine barracks and officers' quarters, Camp Elliott, Isthmian Canal Zone, Panama, ten thousand dollars.

\* \* \* \* \*

<sup>60</sup> p. 30.  
<sup>61</sup> See act of Aug. 5, 1909, p. 55, authorizing the President to construct the canal by contract. The Commission adopted a resolution on Feb. 27, 1907 (p. 1558, Minutes of Commission) to reject all bids for completion of the construction of the canal under the invitation issued by the Commission Oct. 9, 1906, and reissued Dec. 12, 1906.

## THE ISTHMIAN CANAL.

For salaries of members, officers, and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, eighteen thousand six hundred dollars.

For pay of officers and employees on the Isthmus other than skilled and unskilled labor, including civil engineers, superintendents, instrument men, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, supervisors, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, watchmen, wagon masters, stewards, hospital dispensers, internes, nurses, and attendants, including those necessarily and temporarily detailed for duty away from the Isthmus, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, two hundred and ten thousand and seven hundred dollars.

For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, accounting, disbursements, and labor, quarters and subsistence, five million five hundred and thirty-six thousand three hundred dollars.

For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, six million and eighty-five thousand seven hundred dollars.

For miscellaneous expenditures, cable and telegraph service, stationery and printing, and traveling and incidental expenses on the Isthmus, for the department of construction and engineering, accounting, disbursing, and labor, quarters and subsistence, one hundred and fifty-seven thousand seven hundred dollars;

For skilled and unskilled labor engaged in the sanitation department on the Isthmus of Panama, one hundred and sixty-nine thousand nine hundred dollars;

Appropriations made for the construction of the Isthmian Canal in the Sundry Civil Appropriation Act, approved March fourth, nineteen hundred and seven, and in this Act shall continue available until expended.

\* \* \* \* \*

Approved, February 15, 1908. [35 Stat., 17, 24.]

An Act Relating to the liability of common carriers by railroad to their employees in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 2. That every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone,<sup>62</sup> or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents;

<sup>62</sup> See Employees' Compensation Act of May 30, 1908, p. 49, and notes thereunder.

and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 3. That in all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this Act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this Act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this Act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this Act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 6. That no action shall be maintained under this Act unless commenced within two years from the day the cause of action accrued.<sup>63</sup>

SEC. 7. That the term "common carrier" as used in this Act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8. That nothing in this Act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other Act or Acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the Act of Congress entitled "An Act relating to liability of common carriers in the District of Columbia and Territories and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June eleventh, nineteen hundred and six.

Approved, April 22, 1908. [35 Stat., 65.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and nine.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and nine, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars.

\* \* \* \* \*

<sup>63</sup> Sec. 6 amended, and sec. 9 added, by act of Apr. 5, 1910, p. 57.

## FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, May 21, 1908. [35 Stat., 181, 182.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and nine, namely:

\* \* \* \* \*

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two;

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, one hundred and forty-nine thousand dollars;

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, seven thousand five hundred dollars, and text-books and books of reference, one thousand dollars, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal, one thousand dollars), twenty-seven thousand dollars, and the unexpended balances of appropriations for these objects available June thirtieth, nineteen hundred and eight;

Third. For pay of members of the Commission and officers and employees on the Isthmus other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, supervisors, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, watchmen, wagon masters, stewards, hospital dispensers, internes, nurses, and attendants, including those necessarily and temporarily detailed for duty away from the Isthmus for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, and expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus, three million four hundred thousand dollars;

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, eight million four hundred thousand dollars;

Fifth. For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian canal, for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, and to enable the Secretary of War to purchase for the Panama Railroad Company two steamships of American register each to be of not less than nine thousand gross registered tonnage and at a cost of not to exceed one million five hundred and fifty thousand dollars, said ships to be controlled and operated by said Panama Railroad Company in like

manner as other ships of said Company including the transportation of supplies, equipment and material for use in the construction of the Panama Canal and the transportation of officers and employees of the Panama Canal Commission: *Provided*, That when said ships are no longer required for use as aforesaid in the transportation of supplies, equipment and material for the construction of the Panama Canal the same shall be transferred to the Secretary of the Navy for use as colliers or other auxiliary vessels belonging to the Navy, twelve million eight hundred thousand dollars;

Sixth. To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million one hundred thousand dollars; no part of said sum shall be expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per centum interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted;

Seventh. For miscellaneous expenditures, cable and telegraph service, stationery and printing, and traveling and incidental expenses on the Isthmus, for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, four hundred thousand dollars;

Eighth. For pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, two hundred and twenty-five thousand dollars and the unexpended balances of appropriations for these objects available June thirtieth, nineteen hundred and eight;

Ninth. For skilled and unskilled labor in the service of the government of the Canal Zone, sixteen thousand dollars and the unexpended balances of appropriations for these objects June thirtieth, nineteen hundred and eight;

Tenth. For material, supplies, equipment, new buildings, and contingent expenses for account of the government of the Canal Zone, the unexpended balances of appropriations for these objects June thirtieth, nineteen hundred and eight;

Eleventh. For pay of officers and employees other than skilled and unskilled labor engaged in the sanitation department on the Isthmus, seven hundred thousand dollars and the unexpended balances of appropriations for these objects June thirtieth, nineteen hundred and eight;

Twelfth. For skilled and unskilled labor engaged in the sanitation department on the Isthmus of Panama, five hundred thousand dollars;

Thirteenth. For material, supplies, equipment, new buildings, and contingent expenses of the sanitation department on the Isthmus, three hundred and seventy-five thousand dollars, and the unexpended balances of appropriations for these objects June thirtieth, nineteen hundred and eight;

Fourteenth. For the construction of the new Panama Railroad to be disbursed directly under the Isthmian Canal Commission one million and eighty-five thousand dollars;

In all, twenty-nine million one hundred and seventy-seven thousand dollars, the same to be available until expended: *Provided*, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of the bonds authorized in section eight of the Act approved June twenty-eighth, nineteen hundred and two.

To pay Pembroke B. Banton, of Waterloo, Iowa, to compensate him for injuries received while in the employment of the Government on the Isthmian Canal, ten thousand dollars.

Ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation: *Provided, however*, That any surplus in the appropriations for any of the above classified heads may be used for expenditure under any of the classified appropriations for the department of construction and engineering.

SEC. 2. The foregoing appropriations shall be available to reimburse the Panama Railroad Company for marine losses, or for losses due to destruction of or damage to its plant, equipment, or commissary supplies by fire: *Provided, however*, That upon this appropriation becoming effective the Panama Railroad Company shall cease to carry insurance against loss from causes covered by this appropriation.

SEC. 3. All funds hereafter collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the Zone postal service, and from court fees, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and nine, as follows: The revenues derived from the postal service to the mainte-

nance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of ten thousand dollars, to the maintenance of the public school system in the Zone; to the construction and maintenance of public improvements within the Zone; to the maintenance of the administrative districts, including payment of salaries and wages incident thereto; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and nine.

SEC. 4. All sums appropriated hereunder or that may hereafter be appropriated for the construction of the Isthmian Canal shall be available for the payment of the direct obligations of the Canal Commission, or of the Commission's obligations under any contract or contracts that may hereafter be entered into for the construction of the Isthmian Canal.

SEC. 5. All funds that hereafter may be derived from customs duties collected upon property of the United States imported from the Canal Zone are hereby reappropriated for the construction of the Isthmian Canal and may be expended under any of the classified appropriations for the department of construction and engineering.

SEC. 6. All funds realized during the fiscal year nineteen hundred and nine by the Isthmian Canal Commission from the performance of services by the Commission, or from the sale of materials and supplies upon the Isthmus under the custody and control of the Commission, are hereby reappropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering, and a full and separate report in detail of all transactions hereunder shall be made to Congress.

SEC. 7. The officers of the Isthmian Canal Commission are relieved from liability to account for eleven thousand two hundred and five dollars and fifty-three cents, for materials and supplies furnished to the sufferers by the Jamaican earthquake of January fourteenth, nineteen hundred and seven.

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Approved, May 27, 1908. [35 Stat., 384, 387.]

An Act Granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment. <sup>64</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this Act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor may prescribe,

<sup>64</sup> Sec. 5 of the sundry civil bill of 1912, p. 64, extends provisions of this act to "all employees under the Isthmian Canal Commission," and provides for settlement of injury and death claims by the Chairman of the Isthmian Canal Commission. The act of Feb. 24, 1909, p. 50, allowed the Isthmian Canal Commission to grant injury leave not exceeding 30 days per annum to all employees of the Commission whether engaged in hazardous employment, or otherwise. The Panama Canal Act, par. 5 of sec. 5, p. 82, authorizes the President to provide method for adjusting injury claims, after which the two acts cited will not apply. See notes under Panama Canal Act.

the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this Act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his Bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this Act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this Act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this Act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this Act, the compensation to be paid shall be determined as provided under this Act and approved for payment by the Secretary of Commerce and Labor.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination, his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

SEC. 6. That payments under this Act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

SEC. 7. That the United States shall not exempt itself from liability under this Act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be *pro tanto* void.

SEC. 8. That all Acts or parts of Acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

Approved, May 30, 1908. [35 Stat., 556.]

An Act Relating to injured employees on the Isthmian Canal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That nothing contained in the Act approved May thirtieth, nineteen hundred and eight, entitled "An Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,"<sup>65</sup> shall prevent the Isthmian Canal Commission, under rules to be fixed by the commission, from granting to its injured employees,

<sup>65</sup> p. 49. See also notes under par. 5, sec. 5, of Panama Canal Act, p. 82.

whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum: *Provided, however,* That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of the said Act.

Approved, February 24, 1909. [35 Stat., 645.]

An Act Relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized to grant leases of the public lands in the Canal Zone, Isthmus of Panama, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable. No lease, however, shall be granted for a tract of land in excess of fifty hectares, nor to any person who shall not have first established, by affidavit and by such other proof as may be required, that such person is the head of a family or over the age of twenty-one years, and that the application for a lease is made in good faith for the purposes of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

SEC. 2. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear, by a statement or plat filed by the Isthmian Canal Commission with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction <sup>66</sup> or to set the same aside as a town site; and all leases shall be made subject to the provision that if at any time it shall become necessary, notwithstanding, for the United States to occupy or use any portion of the leased lands, it shall have the right to do so without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee, the same to be determined by the courts of the Canal Zone.

SEC. 3. That all leases of lands hereunder shall reserve to the United States all mineral, oil, and gas rights in the lands leased.

SEC. 4. That the President may, in his discretion, require a land survey to be made of the Canal Zone.

SEC. 5. That the powers conferred upon the President under this Act may be exercised by him through the Isthmian Canal Commission or in such other manner as he may designate.<sup>67</sup>

Approved, February 27, 1909. [35 Stat., 658.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and ten.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and ten, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

#### RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars, or so much thereof as may be necessary.

\* \* \* \* \*

<sup>66</sup> Sec. 3, Panama Canal Act, p. 80, authorizes the President to declare all land within the Canal Zone necessary for Canal purposes, and in accordance therewith the President issued Executive Order of Dec. 5, 1912 (E. O. 132).

<sup>67</sup> Executive Order of Oct. 7, 1910 (E. O. 102) authorized the Isthmian Canal Commission to establish rules and regulations for leasing public lands in the Canal Zone through the Land Office of the Canal Zone Government. Land Office was created by Executive Order of Jan. 19, 1911 (E. O. 104). The Executive Order of June 28, 1911 (E. O. 113) authorized the Chairman of the Isthmian Canal Commission to issue revocable licenses for lots in town sites. See also resolution of Commission authorizing Chairman to consolidate land office of the Panama Railroad Company with the land office of the Commission (Minutes of Commission, p. 1768).

## FOREIGN HOSPITALS IN PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, March 2, 1909. [35 Stat., 682.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and ten, namely:

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## THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, one hundred and fifty thousand dollars: *Provided*, That not more than five thousand dollars of this appropriation shall be paid as compensation to the secretary of the commission.

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, seven thousand five hundred dollars, text-books and books of reference, one thousand dollars, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal, one thousand dollars), seventy-five thousand dollars.

Third. For pay of members of the commission and officers and employees on the Isthmus other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, quartermasters, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, wagon masters, watchmen and stewards, including those temporarily detailed for duty away from the Isthmus, in the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus, three million eight hundred and seventy-one thousand dollars.

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, twelve million dollars.

Fifth. For purchase and delivery of material, supplies and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, quartermaster, subsistence, disbursements and examination of accounts, ten million five hundred and seventeen thousand dollars.

Sixth. To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, seven hundred thousand dollars; no part of said sum shall be expended until the obligation of the

Panama Railroad Company for the full amount thereof, and drawing four per centum interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States, and by him accepted.

Seventh. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and labor, quarters and subsistence, one million dollars.

Eighth. For pay of the member of the Commission in charge, of officers and employees other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the department of civil administration, including those necessarily and temporarily detailed for duty away from the Isthmus, four hundred and seventy thousand dollars.

Ninth. For skilled and unskilled labor for the department of civil administration, twenty thousand dollars.

Tenth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the Department of Civil Administration, one hundred and forty thousand dollars.

Eleventh. For pay of the member of the commission in charge, of officers and employees other than skilled and unskilled labor, including hospital dispensers, interns, nurses, attendants, messengers, office boys, foremen, subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, seven hundred and twenty-five thousand dollars.

Twelfth. For skilled and unskilled labor of every grade and kind, for the department of sanitation on the Isthmus, four hundred and fifty thousand dollars.

Thirteenth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the department of sanitation on the Isthmus, seven hundred and forty thousand dollars.

Fourteenth. For the payment of the cost of relocating the Panama Railroad, including salaries, wages, cost of material, supplies, and all other expenses incident thereto, one million nine hundred and eighty thousand dollars.

For salaries, wages, cost of material, supplies, and all other expenses incident to continuing the extension, grading, and paving of streets, building sewers, and extending water mains in the cities of Panama and Colon, eight hundred thousand dollars.

In all, thirty-three million six hundred and thirty-eight thousand dollars, the same to be available until expended: *Provided*, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two.

Ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation: *Provided, however*, That any surplus in the appropriations for any of the above classified heads may be used for expenditure under any of the classified appropriations for the department of construction and engineering.

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service or layover days other than such as may have accumulated under existing orders of the commission, prior to July first, nineteen hundred and nine.<sup>68</sup>

SEC. 2. The foregoing appropriations shall be available to reimburse the Panama Railroad Company for marine losses, or for losses due to destruction of or damage to

<sup>68</sup> Same provision in later appropriation acts. See Deficiency Appropriation Act of Apr. 6, 1914, p. 98, providing for continuance of wage scale of construction period not later than June 30, 1916 with same provision *in re* longevity as in above act. Circular No. 669 covers rules on the subject. Longevity increases were authorized for certain positions at the 131st meeting of the Commission of Aug. 1, 1907, effective as of May 1, 1907, of 5 per cent of base rate for first year and additional 3 per cent for succeeding years, provided total should not exceed 25 per cent of basic rate. See also resolution of Commission of Mar. 21, 1908, relative to "Canal medals" for two years' service; and reports of committee of Apr. 27, 1908, and June 10, 1909, including addition of bars for each additional two years' service. Resolution of Mar. 27, 1914, provided that services for Canal medals ended as of Dec. 31, 1914.

its plant, equipment, or commissary supplies by fire: *Provided, however,* That the Panama Railroad Company shall carry no insurance against loss from causes covered by this appropriation.

SEC. 3. All funds hereafter collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nine-hundred and ten, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of ten thousand dollars, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and ten.

SEC. 4. All funds realized during the fiscal year nineteen hundred and ten by the Isthmian Canal Commission from the performance of services by the commission, or from rentals, or from the sale of materials and supplies under the custody and control of the commission, are hereby reappropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering, and a full and separate report in detail of all transactions hereunder shall be made to Congress.

\* \* \* \* \*

SEC. 6. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and ten, and all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

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SEC. 8. In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require.

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Approved, March 4, 1909. [35 Stat., 1024, 1027.]

An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and nine, and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and nine, and for prior years, and for other objects hereinafter stated, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

\* \* \* \* \*

For the payment of the annual installments for the calendar years nineteen hundred and eight and nineteen hundred and nine, of two hundred and fifty thousand

dollars each, under the assignment and transfer made by the Republic of Panama to the Republic of Colombia, in manner and form as contained in the treaty between the Republic of Colombia and the Republic of Panama of January ninth, nineteen hundred and nine, the recognition of which assignment and acceptance of notice thereof are given by the United States in Article V of the treaty between the United States and the Republic of Colombia concluded January ninth, nineteen hundred and nine, five hundred thousand dollars.<sup>69</sup>

\* \* \* \* \*

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two:

For pay of members of the commission and officers and employees on the Isthmus other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, supervisors, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen, and subforemen, watchmen, wagon masters, stewards, hospital dispensers, internes, nurses, and attendants, including those necessarily and temporarily detailed for duty away from the Isthmus for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, and expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus, six hundred thousand dollars.

For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, two million four hundred and fifty-eight thousand dollars.

For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, disbursing, examination of accounts, and labor, quarters and subsistence, two million four hundred thousand dollars.

Authority is hereby granted for the payment of salaries and wages accrued or hereafter earned of retired army and navy officers and enlisted men now in the employment of the Isthmian Canal Commission, in addition to their retired pay, where their compensation under such employment does not exceed two thousand five hundred dollars per annum.

In all for the Isthmian Canal, five million four hundred and fifty-eight thousand dollars.

\* \* \* \* \*

Approved, March 4, 1909. [35 Stat., 908, 930, 931.]

An Act To provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

\* \* \* \* \*

SEC. 39. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required

<sup>69</sup> This payment, as well as that provided by act of May 6, 1910, p. 58, was contingent on ratification of tripartite treaties between United States and Colombia, United States and Panama, and Panama and Colombia, as of Jan. 9, 1909. These treaties have never become effective due to Colombia refusing to accept them. If these treaties had been consummated, the annual payment of \$250,000 provided for in Art. XIV of Hay-Varilla Treaty, p. 18, would have begun in 1908 instead of 1913, as provided by aforesaid Art. XIV. See act of Mar. 4, 1913, p. 90, providing for payment of first annual installment due on Feb. 26, 1913, under the Hay-Varilla Treaty.

to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of two hundred and ninety million five hundred and sixty-nine thousand dollars (which sum together with the eighty-four million six hundred and thirty-one thousand nine hundred dollars already borrowed upon issues of two per cent bonds under section eight of the act of June twenty-eighth, nineteen hundred and two, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the Canal from its inception to its completion), and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, payable fifty years from the date of issue, and bearing interest payable quarterly in gold coin at a rate not exceeding three per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same; and the authority contained in section eight <sup>70</sup> of the act of June twenty-eighth, nineteen hundred and two, for the issue of bonds bearing interest at two per centum per annum, is hereby repealed.

\* \* \* \* \*

Approved, August 5, 1909. [36 Stat., 117.]

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and nine, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

\* \* \* \* \*

Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employe of the United States which shall cost more than thirty-five per centum in excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight: *Provided*, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employe of the United States.

That a joint commission consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall inquire into the rates of premium heretofore and now being charged as well as those proposed to be charged by surety or bonding companies for bonds of officers or employes of the United States and report to Congress by bill or otherwise at its next session what regulation, if any, should be exercised under law or otherwise over the same; for the expenses of said commission, including all necessary expert, clerical, and other personal services, there is appropriated the sum of ten thousand dollars, which expenses shall be paid upon vouchers approved jointly by the chairman of said commission.

\* \* \* \* \*

#### THE ISTHMIAN CANAL.

The President is hereby authorized to cause to be entered into such contract <sup>71</sup> or contracts, not to exceed the amount of the bond issue authorized in the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," enacted during the first session of the

<sup>70</sup> p. 30.

<sup>71</sup> Sec. 6, act of Mar. 4, 1907, p. 42, confirming right of President to construct the Canal by contract. See note thereunder on rejection of bids.

Sixty-first Congress,<sup>72</sup> and acts supplementary thereto, as may be deemed necessary for the proper excavation, construction, and completion of such canal and harbors, to be paid for as appropriations may from time to time be made by law.

Approved, August 5, 1909. [36 Stat., 126, 130.]

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and ten, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and ten, and for other purposes, namely:

ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President, in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and acts amendatory thereof or supplementary thereto:

For pay of officers and employees, Canal Zone, Isthmian Canal: For pay of the member of the commission in charge, of officers and employees, other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the department of civil administration, including those necessarily and temporarily detailed for duty away from the Isthmus, seventy-six thousand dollars.

Approved, February 25, 1910. [36 Stat., 211.]

An Act To amend an Act entitled "An Act relating to the liability of common carriers by railroad to their employees in certain cases," approved April twenty-second, nineteen hundred and eight.<sup>73</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April twenty-second, nineteen hundred and eight, be amended in section six so that said section shall read:

"SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

"Under this act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States."

SEC. 2. That said act be further amended by adding the following section as section nine of said act:

"Sec. 9. That any right of action given by this act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury."

Approved, April 5, 1910. [36 Stat., 291.]

<sup>72</sup> Act of Aug. 5, 1909, p. 55.

<sup>73</sup> pp. 45-46.

58 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eleven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eleven, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

ANNUAL PAYMENT TO COLOMBIA UNDER TREATIES.

For the payment of the annual installment for the calendar year nineteen hundred and ten, under the assignment and transfer made by the Republic of Panama to the Republic of Colombia, in manner and form as contained in the treaty between the Republic of Colombia and the Republic of Panama of January ninth, nineteen hundred and nine, the recognition of which assignment and acceptance of notice thereof are given by the United States in Article V of the treaty between the United States and the Republic of Colombia, concluded January ninth, nineteen hundred and nine, two hundred and fifty thousand dollars.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, Panama Canal Zone, and the Philippine Islands, thirty thousand dollars, or so much thereof as may be necessary.

\* \* \* \* \*

FOREIGN HOSPITALS IN PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, May 6, 1910. [36 Stat., 345, 346, 347.]

An Act For the relief of earthquake sufferers in Costa Rica.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to use and distribute among the suffering and destitute people of Costa Rica such tents, blankets, and other necessary articles belonging to the stores of the military establishment, the naval establishment, and the Isthmian Canal Commission, as may be required for the purpose of succoring the people who are in peril in Costa Rica in consequence of the recent earthquake.

Approved, May 13, 1910. [36 Stat., 367.]

An Act To further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.<sup>74</sup>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "interstate commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

<sup>74</sup> See also secs. 232-235 of Penal Code (L. C. Z. 129), relative to prostitution and disorderly houses, and sec. 4 of act of Aug. 21, 1916, p. 130, relating to indecent or immoral conduct in the Canal Zone.

SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. That any violation of any of the above sections two, three, and four shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections.

SEC. 6. That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July twenty-fifth, nineteen hundred and two, for submission to their respective governments by the delegates of various powers represented at the Paris conference and confirmed by a formal agreement signed at Paris on May eighteenth, nineteen hundred and four, and adhered to by the United States on June sixth, nineteen hundred and eight, as shown by the proclamation of the President of the United States, dated June fifteenth, nineteen hundred and eight, the Commissioner-General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procurement of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner-General of Immigration to receive and keep on file in his

office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.

Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, shall file with the Commissioner-General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procurement to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner-General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procurement to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner-General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.

SEC. 7. That the term "Territory," as used in this Act, shall include the district of Alaska, the insular possessions of the United States, and the Canal Zone. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself.

SEC. 8. That this Act shall be known and referred to as the "White-slave traffic Act."

Approved, June 25, 1910. [36 Stat., 825.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and eleven, namely:

\* \* \* \* \*

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President, in accordance with an act entitled "An act to provide

for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and acts amendatory thereof or supplementary thereto.

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, one hundred and forty thousand dollars.

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, seven thousand five hundred dollars, text-books and books of reference, one thousand dollars, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal, one thousand dollars), seventy thousand dollars.

Third. For pay of members of the commission and officers and employees on the Isthmus, other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, quartermasters, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, wagon masters, watchmen and stewards, including those temporarily detailed for duty away from the Isthmus, in the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, three million nine hundred thousand dollars: *Provided*, That not more than five thousand dollars of this appropriation shall be paid as compensation to the secretary of the commission.

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the department of construction and engineering, quartermaster's, disbursements and examination of accounts, thirteen million five hundred thousand dollars.

Fifth. For purchase and delivery of material, supplies and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, fifteen million dollars.

Sixth. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay-train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, nine hundred thousand dollars.

Seventh. For pay of the member of the commission in charge, of officers and employees, other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the department of civil administration, including those necessarily and temporarily detailed for duty away from the Isthmus, six hundred thousand dollars.

Eighth. For skilled and unskilled labor for the department of civil administration, twenty thousand dollars.

Ninth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the department of civil administration, one hundred thousand dollars.

Tenth. For survey of lands in the Canal Zone, seventy-five thousand dollars.

Eleventh. For pay of the member of the commission in charge, of officers and employees other than skilled and unskilled labor, including hospital dispensers, internes, nurses, attendants, messengers, office boys, foremen, and subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, six hundred thousand dollars.

Twelfth. For skilled and unskilled labor of every grade and kind, for the department of sanitation on the Isthmus, two hundred thousand dollars.

Thirteenth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the department of sanitation on the Isthmus, seven hundred and fifty thousand dollars.

Fourteenth. For the payment of the cost of relocating the Panama Railroad, including salaries, wages, material, and supplies, and all other expenses incident thereto, two million dollars.

In all, thirty-seven million eight hundred and fifty-five thousand dollars, the same to be available until expended: *Provided*, That all expenditures from the appropriations herein and hereafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff act approved August fifth, nineteen hundred and nine.

Ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation.

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service, or lay-over days other than such as may have accumulated under existing orders of the commission, prior to July first, nineteen hundred and nine.

SEC. 2. The foregoing appropriations shall be available to reimburse the Panama Railroad Company for marine losses and for losses due to destruction of or damage to its plant, equipment, or commissary supplies by fire: *Provided*, That the Panama Railroad Company shall carry no insurance against loss from causes covered by this appropriation: *Provided, further*, That hereafter payment by the Panama Railroad Company to the United States, in accordance with the treaty with Panama,<sup>75</sup> of the annual subsidy of two hundred and fifty thousand dollars, as provided by the concession granted by the United States of Colombia, shall not be required.

SEC. 3. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and eleven, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of ten thousand dollars, to the maintenance of the public school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph, shall be submitted to Congress after the close of the fiscal year nineteen hundred and eleven.

SEC. 4. All funds realized during the fiscal year nineteen hundred and eleven by the Isthmian Canal Commission from the performance of services by the commission, or from rentals, or from the sale of materials and supplies under the custody or control of the commission, are appropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering, and a full and separate report in detail of all transactions hereunder shall be made to Congress.

SEC. 5. Hereafter there shall be submitted under each item of appropriation, proposed in the annual estimates for construction of the Isthmian Canal, notes giving in parallel columns information which will show the number, by grade or classes, of officers, employees, and skilled and unskilled laborers proposed to be paid under each of said appropriations for the ensuing fiscal year and those being paid at the close of the fiscal year next preceding the period when said estimates are prepared and submitted; also, in connection with each item for material and miscellaneous purposes other than salaries or pay for personal services, the amounts actually expended or obligated for like purposes during the entire fiscal year next preceding the preparation and submission of said estimates.

SEC. 6. Hereafter the statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be submitted to Congress at the beginning of each regular session thereof as a separate communication and shall not hereafter be included in the annual Book of Estimates.

\* \* \* \* \*

<sup>75</sup> Arts. VIII and XXII of Hay-Varilla Treaty, pp. 20 and 23.

SEC. 10. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and eleven, and all laws or parts of laws in conflict with the provisions of this Act be, and the same is hereby, repealed.

Approved, June 25, 1910. [36 Stat., 771.]

Joint Resolution Authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in nineteen hundred and fifteen, at San Francisco, California.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected, and that the sum of not less than fifteen million dollars will be available to enable the Panama-Pacific International Exposition Company, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of inaugurating, carrying forward, and holding an exposition at the city and county of San Francisco, California, on or about the first day of January, nineteen hundred and fifteen, to celebrate the completion and opening of the Panama Canal,<sup>76</sup> and also the four hundredth anniversary of the discovery of the Pacific Ocean, the President of the United States be, and he hereby is, authorized and respectfully requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition, with a request that they participate therein.

Approved, February 15, 1911. [36 Stat., 1454.]

An Act To restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section thirty-nine of an Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August fifth, nineteen hundred and nine,<sup>77</sup> a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Approved, March 2, 1911. [36 Stat., 1013.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and twelve.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and twelve, out of any money in the Treasury not otherwise appropriated.

\* \* \* \* \*

#### RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, thirty thousand dollars, or so much thereof as may be necessary.

\* \* \* \* \*

<sup>76</sup> See last sentence, sec. 4, of Panama Canal Act, p. 80, providing for official opening of the Panama Canal.

<sup>77</sup> p. 55.

## FOREIGN HOSPITALS IN PANAMA.

Annual contributions toward the support of the foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

\* \* \* \* \*

Approved, March 3, 1911. [36 Stat., 1036.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and twelve, and for other purposes.

\* \* \* \* \*

By a joint resolution of Congress<sup>78</sup> the President of the United States has been authorized and respectfully requested, by a proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to attend and participate in an exposition at the city and county of San Francisco, California, on or about the first day of January, nineteen hundred and fifteen, to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean.

The President is further authorized and respectfully requested, in extending his invitation to the foreign nations in pursuance of the aforesaid joint resolution of Congress, to invite their representatives and their fleets to assemble at Hampton Roads, Virginia, and from thence come to the city of Washington, there to be formally welcomed by the President; and at the conclusion of the ceremonies at Washington, the President is requested to proceed to Hampton Roads and there review the assembled fleets as they start on their voyage to the city of San Francisco.

Approved, March 4, 1911. [36 Stat., 1289.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and twelve, namely:

\* \* \* \* \*

## THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President, in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, one hundred and thirty thousand dollars.

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, seven thousand five hundred dollars, textbooks and books of reference, one thousand dollars, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal one thousand dollars), fifty thousand dollars.

<sup>78</sup> p. 63—see note thereunder.

Third. For pay of members of the commission and officers and employees on the Isthmus, other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, time keepers, mechanical and electrical engineers, quartermasters, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, wagon masters, watchmen, and stewards, including those temporarily detailed for duty away from the Isthmus, in the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, three million nine hundred thousand dollars: *Provided*, That not more than five thousand dollars of this appropriation shall be paid as compensation to the secretary of the commission.

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, sixteen million five hundred thousand dollars.

Fifth. For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, nineteen million dollars.

Sixth. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay-train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus, and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, nine hundred and fifty thousand dollars.

Seventh. For pay of the member of the commission in charge, of officers and employees, other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the department of civil administration, including those necessarily and temporarily detailed for duty away from the Isthmus, five hundred and fifty thousand dollars;

Eighth. For skilled and unskilled labor for the department of civil administration, twenty thousand dollars;

Ninth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the department of civil administration, including not exceeding five hundred dollars for law books, one hundred and ten thousand dollars;

Tenth. For pay of the member of the commission in charge, of officers and employees other than skilled and unskilled labor, including hospital dispensers, internes, nurses, attendants, messengers, office boys, foremen and subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, six hundred thousand dollars;

Eleventh. For skilled and unskilled labor of every grade and kind, for the department of sanitation on the Isthmus, two hundred thousand dollars;

Twelfth. For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane, and of indigent persons permanently disabled,<sup>79</sup> while in the line of duty and in the employ of the Isthmian Canal Commission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, eight hundred thousand dollars.

Thirteenth. For the payment of the cost of relocating the Panama Railroad, including salaries, wages, material, and supplies, and all other expenses incident thereto, two million seven hundred and fifty thousand dollars.

In all, forty-five million five hundred and sixty thousand dollars, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the Isthmian Canal, exclusive of fortifications, shall be paid from, or reimbursed to the Treasury of the United States out of the proceeds of the sale of

<sup>79</sup> See the 625 series of circulars relating to the Corozal Farm for disabled employees.

bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and ten.<sup>60</sup>

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of the passage of this Act, there shall not be employed at any time during the fiscal year nineteen hundred and twelve, under any of the foregoing appropriations for the Isthmian Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual book of estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and ten, and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the chairman of the commission in his report for the fiscal year nineteen hundred and twelve.

Ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation.

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service, or lay-over days other than such as may have accumulated under existing orders of the commission, prior to July first, nineteen hundred and nine.

#### FORTIFICATIONS, ISTHMIAN CANAL.

For construction of seacoast batteries on the Canal Zone, two million dollars.

For the purchase, manufacture and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for the manufacture at the arsenals, to cost ultimately not to exceed one million nine hundred and sixty-six thousand dollars, one million dollars, the same to be immediately available and to continue available until expended.

SEC. 2. Hereafter the Panama Railroad Company shall carry no insurance to cover marine or fire losses, nor make any further payment on the principal or interest on notes heretofore given by it to the United States for moneys appropriated for its use.

SEC. 3. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and twelve, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding ten thousand dollars, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative district; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and twelve.

SEC. 4. All funds realized during the fiscal year nineteen hundred and twelve by the Isthmian Canal Commission from the performance of services by the commission, or from rentals, or from the sale of materials and supplies under the custody or control of the commission, are appropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering; and a full and separate report in detail of all transactions under this section shall be made to Congress.

That until the close of the fiscal year nineteen hundred and twelve, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Isthmian Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct, and without advertising in such classes of cases as may be authorized by him.

<sup>60</sup>Should be "nineteen hundred and nine."

SEC. 5. That hereafter the Act<sup>11</sup> granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment shall apply to all employees under the Isthmian Canal Commission, when injured in the course of their employment; and claims for compensation on account of injury or death resulting from an accident occurring hereafter shall be settled by the chairman of the Isthmian Canal Commission, who shall, as to such claims and under such regulations as he may prescribe, perform all the duties now devolving upon the Secretary of Commerce and Labor: *Provided*, That when an injury results in death, claim for compensation on account thereof shall be filed within one year after such death.<sup>12</sup>

SEC. 6. Hereafter the Panama Railroad Company shall not be required to give bond, either with or without surety, in contracts which it may make to furnish services, materials, or supplies to the Army, Navy, Marine Corps, or other departments of the Government, and such contracts may be made for periods less than one year, as may be agreed on, and formal contracts in writing shall not be required unless agreed on.

SEC. 7. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and twelve, and all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Approved, March 4, 1911. [36 Stat., 1449.]

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An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and thirteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and thirteen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, twenty thousand dollars.

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Approved, April 30, 1912. [37 Stat., 104.]

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An Act Limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of

<sup>11</sup> Act of May 30, 1908, p. 49, and act of Feb. 24, 1909, p. 50.

<sup>12</sup> See par. 5, sec. 5, Panama Canal Act, and notes thereunder, relative to injury compensation.

this Act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of the contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

SEC. 2. That nothing in this Act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this Act. The President, by Executive order, may waive the provisions and stipulations in this Act as to any specific contract or contracts during the time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal.<sup>83</sup> No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this Act shall be construed to repeal or modify the Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, as modified by the Acts of Congress approved February twenty-seventh, nineteen hundred and six, and June thirtieth, nineteen hundred and six,<sup>84</sup> or apply to contracts which have been or may be entered into under the provisions of appropriation Acts approved prior to the passage of this Act.

SEC. 3. That this Act shall become effective and be in force on and after January first, nineteen hundred and thirteen.

Approved, June 19, 1912. [37 Stat., 137.]

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Joint Resolution Extending appropriations for the necessary operations of the Government under certain contingencies.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That all appropriations for the necessary operation of the Government, and for the payment of pensions under existing laws, which shall remain unprovided for on the thirtieth day of June, nineteen hundred and twelve, be, and they are hereby, continued and made available for and during the month of July, nineteen hundred and twelve, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June thirtieth, nineteen hundred and thirteen; and a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise

<sup>83</sup> Executive Order of June 19, 1912 (E. O. 130) issued covering period to Jan. 1, 1915.

<sup>84</sup> pp. 37 and 40.

appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twelfth of the appropriations made for the fiscal year nineteen hundred and twelve bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year nineteen hundred and thirteen under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twelfth of the appropriations for the fiscal year nineteen hundred and twelve, and eleven-twelfths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any officer shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the same.

This joint resolution shall be construed as authorizing the continuance of the salaries and other expenses under the organization of the Bureau of the Census of the Department of Commerce and Labor as the latter existed June thirtieth, nineteen hundred and twelve, for the period of time and under the conditions provided herein for all other branches of the public service.

Approved, July 1, 1912. [36 Stat., 638.]

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An Act For the relief of the heirs of Robert S. Gill.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert S. Gill, of Memphis, Tennessee, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of twenty-five hundred and twenty dollars to compensate them for injuries received by Robert S. Gill while in the employ of the Government on the Panama Canal.

Approved, July 3, 1912. [37 Stat., 1239.]

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An Act For the relief of Douglas B. Thompson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of one thousand five hundred dollars to Douglas B. Thompson, late an employee in the service of the Isthmian Canal Commission, for the loss of a leg and consequent physical disability incident to said service.

Approved, July 3, 1912. [37 Stat., 1239.]

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An Act For the relief of Alessandro Comba.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alessandro Comba the sum of five hundred dollars, on account of injuries received while in the employ of the United States under the supervision and direction of the Isthmian Canal Commission, on the Isthmus of Panama, on the twenty-first day of September, nineteen hundred and seven.

SEC. 2. That there be, and there is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars for the purposes of this Act.

Approved, July 10, 1912. [37 Stat., 1261.]

Joint Resolution To continue the provisions of a joint resolution approved July first, nineteen hundred and twelve, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July first, nineteen hundred and twelve, be, and the same are, extended and continued in full force and effect for and during the first half of the month of August, nineteen hundred and twelve.

Approved, August 1, 1912. [37 Stat., 640.]

An Act To regulate radio communication.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the transmission of radiograms or signals the effect of which extends beyond the jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this Act shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce and Labor. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

SEC. 2. That every such license shall be in such form as the Secretary of Commerce and Labor shall determine and shall contain the restrictions, pursuant to this Act, on and subject to which the license is granted; that every such license shall be issued only to citizens of the United States or Porto Rico or to a company incorporated under the laws of some State or Territory or of the United States or Porto Rico, and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station, and, in case of a station in actual operation at the date of passage of this Act, shall contain the statement that satisfactory proof has been furnished that it was actually operating on the above-mentioned date; shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein, and such regulations as may be established from time to time by authority of this Act or subsequent Acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril or disaster may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

SEC. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce and Labor. Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this Act or subsequent Acts or treaties of the United

States, or any one of them, or who shall fail to enforce obedience thereto by an unlicensed person while serving under his supervision, in addition to the punishments and penalties herein prescribed, may suffer the suspension of the said license for a period to be fixed by the Secretary of Commerce and Labor not exceeding one year. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge or in supervision of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense: *Provided*, That in case of emergency the Secretary of Commerce and Labor may authorize a collector of customs to issue a temporary permit, in lieu of a license, to the operator on a vessel subject to the radio ship Act of June twenty-fourth, nineteen hundred and ten.

SEC. 4. That for the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section. These regulations shall be enforced by the Secretary of Commerce and Labor through the collectors of customs and other officers of the Government as other regulations herein provided for.

The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

The Secretary of Commerce and Labor may grant special temporary licenses to stations actually engaged in conducting experiments for the development of the science of radio communication, or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and under such conditions as will insure the least interference with the sending or receipt of commercial or Government radiograms, of distress signals and radiograms, or with the work of other stations.

In these regulations the naval and military stations shall be understood to be stations on land.

#### REGULATIONS.

##### NORMAL WAVE LENGTH.

First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed six hundred meters or it shall exceed one thousand six hundred meters. Every coastal station open to general public service shall at all times be ready to receive messages of such wave lengths as are required by the Berlin convention. Every ship station, except as hereinafter provided, and every coast station open to general public service shall be prepared to use two sending wave lengths, one of three hundred meters and one of six hundred meters, as required by the international convention in force: *Provided*, That the Secretary of Commerce and Labor may, in his discretion, change the limit of wave length reservation made by regulations first and second to accord with any international agreement to which the United States is a party.

##### OTHER WAVE LENGTHS.

Second. In addition to the normal sending wave length all stations, except as provided hereinafter in these regulations, may use other sending wave lengths: *Provided*, That they do not exceed six hundred meters or that they do exceed one thousand six hundred meters: *Provided further*, That the character of the waves emitted conforms to the requirements of regulations third and fourth following.

##### USE OF A "PURE WAVE."

Third. At all stations if the sending apparatus, to be referred to hereinafter as the "transmitter," is of such a character that the energy is radiated in two or more wave lengths, more or less sharply defined, as indicated by a sensitive wave meter, the energy in no one of the lesser waves shall exceed ten per centum of that in the greatest.

USE OF A "SHARP WAVE."

Fourth. At all stations the logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

USE OF "STANDARD DISTRESS WAVE."

Fifth. Every station on shipboard shall be prepared to send distress calls on the normal wave lengths designated by the international convention in force, except on vessels of small tonnage unable to have plants insuring that wave length.

SIGNAL OF DISTRESS.

Sixth. The distress call used shall be the international signal of distress

USE OF "BROAD INTERFERING WAVE" FOR DISTRESS SIGNALS.

Seventh. When sending distress signals, the transmitter of a station on shipboard may be tuned in such a manner as to create a maximum of interference with a maximum of radiation.

DISTANCE REQUIREMENT FOR DISTRESS SIGNALS.

Eighth. Every station on shipboard, wherever practicable, shall be prepared to send distress signals of the character specified in regulations fifth and sixth with sufficient power to enable them to be received by day over sea a distance of one hundred nautical miles by a shipboard station equipped with apparatus for both sending and receiving equal in all essential particulars to that of the station first mentioned.

"RIGHT OF WAY" FOR DISTRESS SIGNALS.

Ninth. All stations are required to give absolute priority to signals and radiograms relating to ships in distress; to cease all sending on hearing a distress signal; and, except when engaged in answering or aiding the ship in distress, to refrain from sending until all signals and radiograms relating thereto are completed.

REDUCED POWER FOR SHIPS NEAR A GOVERNMENT STATION.

Tenth. No station on shipboard, when within fifteen nautical miles of a naval or military station, shall use a transformer input exceeding one kilowatt, nor, when within five nautical miles of such a station, a transformer input exceeding one-half kilowatt, except for sending signals of distress, or signals or radiograms relating thereto.

INTERCOMMUNICATION.

Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively.

It shall be the duty of each such shore station, during the hours it is in operation, to listen in at intervals of not less than fifteen minutes and for a period not less than two minutes, with the receiver tuned to receive messages of three hundred meter wave lengths.

DIVISION OF TIME.

Twelfth. At important seaports and at all other places where naval or military and private or commercial shore stations operate in such close proximity that interference with the work of naval and military stations can not be avoided by the enforcement of the regulations contained in the foregoing regulations concerning wave lengths and character of signals emitted, such private or commercial shore stations as do interfere with the reception of signals by the naval and military stations

concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time. The Secretary of Commerce and Labor may, on the recommendation of the department concerned, designate the station or stations which may be required to observe this division of time.

#### GOVERNMENT STATIONS TO OBSERVE DIVISION OF TIME.

Thirteenth. The naval or military stations for which the above-mentioned division of time may be established shall transmit signals or radiograms only during the first fifteen minutes of each hour, local standard time, except in case of signals or radiograms relating to vessels in distress, as hereinbefore provided.

#### USE OF UNNECESSARY POWER.

Fourteenth. In all circumstances, except in case of signals or radiograms relating to vessels in distress, all stations shall use the minimum amount of energy necessary to carry out any communication desired.

#### GENERAL RESTRICTIONS ON PRIVATE STATIONS.

Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes shall use the transmitting wave length exceeding two hundred meters, or a transformer input exceeding one kilowatt, except by special authority of the Secretary of Commerce and Labor contained in the license of the station: *Provided*, That the owner or operator of a station of the character mentioned in this regulation shall not be liable for a violation of the requirements of the third or fourth regulations to the penalties of one hundred dollars or twenty-five dollars, respectively, provided in this section unless the person maintaining or operating such station shall have been notified in writing that the said transmitter has been found, upon tests conducted by the Government, to be so adjusted as to violate the said third and fourth regulations, and opportunity has been given to said owner or operator to adjust said transmitter in conformity with said regulations.

#### SPECIAL RESTRICTIONS IN THE VICINITIES OF GOVERNMENT STATIONS.

Sixteenth. No station of the character mentioned in regulation fifteenth situated within five nautical miles of a naval or military station shall use a transmitting wave length exceeding two hundred meters or a transformer input exceeding one-half kilowatt.

#### SHIP STATION TO COMMUNICATE WITH NEAREST SHORE STATION.

Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiogram transmitted. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

#### LIMITATIONS FOR FUTURE INSTALLATIONS IN VICINITIES OF GOVERNMENT STATIONS.

Eighteenth. No station on shore not in actual operation at the date of the passage of this Act shall be licensed for the transaction of commercial business by radio communication within fifteen nautical miles of the following naval or military stations, to wit: Arlington, Virginia; Key West, Florida; San Juan, Porto Rico; North Head and Tatoosh Island, Washington; San Diego, California; and those established or which may be established in Alaska and in the Canal Zone; and the head of the department having control of such Government stations shall, so far as is consistent with the transaction of governmental business, arrange for the transmission and receipt of commercial radiograms under the provisions of the Berlin convention of nineteen hundred and six and future international conventions or treaties to which the United States may be a party, at each of the stations above referred to, and shall fix the rates therefor, subject to control of such rates by Congress. At such stations and wherever and whenever shore stations open for general public

business between the coast and vessels at sea under the provisions of the Berlin convention of nineteen hundred and six and future international conventions and treaties to which the United States may be a party shall not be so established as to insure a constant service day and night without interruption, and in all localities wherever or whenever such service shall not be maintained by a commercial shore station within one hundred nautical miles of a naval radio station, the Secretary of the Navy shall, so far as is consistent with the transaction of governmental business, open naval radio stations to the general public business described above, and shall fix rates for such service, subject to control of such rates by Congress. The receipts from such radiograms shall be covered into the Treasury as miscellaneous receipts.

#### SECURITY OF MESSAGES.

Nineteenth. No person or persons engaged in or having knowledge of the operation of any station or stations, shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or their authorized agent, or to another station employee to forward such message to its destination, unless legally required so to do by the court of competent jurisdiction or other competent authority. Any person guilty of divulging or publishing any message, except as herein provided, shall, on conviction thereof, be punishable by a fine of not more than two hundred and fifty dollars or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the court.

#### PENALTIES.

For violation of any of these regulations, subject to which a license under sections one and two of this Act may be issued, the owner of the apparatus shall be liable to a penalty of one hundred dollars, which may be reduced or remitted by the Secretary of Commerce and Labor, and for repeated violations of any of such regulations, the license may be revoked.

For violation of any of these regulations, except as provided in regulation nineteenth, subject to which a license under section three of this Act may be issued, the operator shall be subject to a penalty of twenty-five dollars, which may be reduced or remitted by the Secretary of Commerce and Labor, and for repeated violations of any such regulations, the license shall be suspended or revoked.

SEC. 5. That every license granted under the provisions of this Act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not wilfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed five hundred dollars or imprisonment for not to exceed one year, or both.

SEC. 6. That the expression "radio communication" as used in this Act means any system of electrical communication by telegraphy or telephony without the aid of any wire connecting the points from and at which the radiograms, signals, or other communications are sent or received.

SEC. 7. That a person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent distress signal or call or false or fraudulent signal, call, or other radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent distress signal or call shall be a fine of not more than two thousand five hundred dollars or imprisonment for not more than five years or both, in the discretion of the court, for each and every such offense, and the penalty for so uttering or transmitting, or causing to be uttered or transmitted, any other false or fraudulent signal, call, or other radiogram shall be a fine of not more than one thousand dollars or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense.

SEC. 8. That a person, company, or corporation shall not use or operate any apparatus for radio communication on a foreign ship in territorial waters of the United States otherwise than in accordance with the provisions of sections four and seven of this Act and so much of section five as imposes a penalty for interference. Save as aforesaid, nothing in this Act shall apply to apparatus for radio communication on any foreign ship.

SEC. 9. That the trial of any offense under this Act shall be in the district in which it is committed, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district the trial shall be in the district where the offender may be found or into which he shall be first brought.

SEC. 10. That this Act shall not apply to the Philippine Islands.

SEC. 11. That this Act shall take effect and be in force on and after four months from its passage.

Approved, August 13, 1912. [37 Stat., 302.]

Joint Resolution To further continue the provisions of a joint resolution approved July first, nineteen hundred and twelve, entitled "Joint Resolution extending appropriations for the necessary operations of the Government under certain contingencies."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of a joint resolution entitled "Joint Resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July first, nineteen hundred and twelve, be, and the same are, further extended and continued in full force and effect for and during the last half of the month of August, nineteen hundred and twelve.

Approved, August 15, 1912. [37 Stat., 642.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and thirteen, and for other purposes:

\* \* \* \* \*

BUREAU OF EQUIPMENT.

\* \* \* \* \*

Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high-power radio stations (cost not to exceed one million dollars), to be located as follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, four hundred thousand dollars, to be available until expended.

\* \* \* \* \*

Approved, August 22, 1912. [37 U. S. Stats., 338.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and thirteen, namely:

\* \* \* \* \*

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President, in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June twenty-eighth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, \$150,000.

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, \$7,500, textbooks and books of reference, \$1,000, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal, \$1,000), \$50,000.

Third. For pay of members of the commission and officers and employees on the Isthmus, other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, quartermasters, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, wagon masters, watchmen, and stewards, including those temporarily detailed for duty away from the Isthmus, in the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and for those employed in connection with the preservation of plans, drawings, and other records, \$3,000,000: *Provided*, That not more than \$5,000 of this appropriation shall be paid as compensation to the secretary of the commission.

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$11,000,000.

Fifth. For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian Canal, including not exceeding \$50,000 for the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February twenty-sixth, nineteen hundred and four, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, which may be compromised by agreement between the claimant and the chairman of the commission without the intervention of a joint commission, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and for a permanent administration building, \$12,000,000.

Sixth. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay-train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; expenses incident to conducting hearings and examining estimates for appropriations of the Isthmus, and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$790,000.

Seventh. For pay of the member of the Commission in charge of the department of civil administration, of officers and employees, other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus, \$500,000;

Eighth. For skilled and unskilled labor for the department of civil administration, \$15,000;

Ninth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the departments of civil administration and law, including not exceeding \$500 for law books, \$75,000.

Tenth. For pay of the member of the commission in charge, of officers and employees other than skilled and unskilled labor, including hospital dispensers, internes, nurses, attendants, messengers, office boys, foremen and subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, \$700,000.

Eleventh. For skilled and unskilled labor of every grade and kind, for the department of sanitation on the Isthmus, \$200,000;

Twelfth. For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane, and of indigent persons permanently disabled, while in the line of duty and in the employ of the Isthmian Canal Com-

mission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, \$500,000; *Provided*, That no part of this appropriation shall be used for or toward the construction of a new quarantine station.

The foregoing sums, so far as necessary, shall be available for necessary dry dock, coaling plant, shops, and other facilities for repairing and supplying vessels and necessary wharves, sheds, and other terminal facilities, and for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest, as may be determined by the chairman of the Isthmian Canal Commission.<sup>45</sup>

In all, \$28,980,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Isthmian Canal, including any portion of such appropriations which may be used for the construction of the necessary dry dock, coaling plant, shops, and other facilities for repairing and supplying vessels, and all necessary wharves, sheds, and other terminal facilities, exclusive of fortifications, shall be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and nine.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of the passage of this Act, there shall not be employed at any time during the fiscal year nineteen hundred and thirteen under any of the foregoing appropriations for the Isthmian Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and ten, and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the chairman of the commission in his report for the fiscal year nineteen hundred and thirteen.

In cases of emergencies arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation.

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service, or lay-over days other than such as may have accumulated under existing orders of the commission, prior to July first, nineteen hundred and nine.

#### FORTIFICATIONS, ISTHMIAN CANAL.

For the following for fortifications and armament thereof for the Isthmian Canal, to be immediately available and to continue available until expended, namely:

Surveys: For detailed surveys of the areas on the Canal Zone required for military purposes, including the cost of marking permanently the boundaries of such areas, \$50,000;

Causeway: For the construction of a causeway or bridge for use in connection with fortifications, Isthmian Canal, \$150,000;

Seacoast batteries: For construction of seacoast batteries on the Canal Zone, \$1,000,000, and any balances of the appropriation for the construction of seacoast batteries on the Canal Zone made by the Act of March fourth, nineteen hundred and eleven;

Submarine mine structures: For the construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories on the Canal Zone, \$220,200;

Field fortifications and camps: For the construction of field fortifications and the preparation of camp sites on the Canal Zone, \$200,000;

Armament of fortifications: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for the manufacture at the arsenals, to cost ultimately not to exceed \$2,324,000, \$500,000;

<sup>45</sup> See sec. 5, this act, p. 76.

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$575,000;

Submarine mines: For the purchase of submarine mines and the necessary appliances to operate them for closing the channels leading to the Isthmian Canal, \$111,750;

In all, specifically for fortifications and armament thereof for the Isthmian Canal, \$2,806,950.

SEC. 2. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and thirteen, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding ten thousand dollars, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and thirteen.

SEC. 3. All funds realized during the fiscal year nineteen hundred and thirteen by the Isthmian Canal Commission from the performance of services by the commission, or from rentals, or from the sale of materials and supplies under the custody or control of the commission, are appropriated for expenditure under any of the foregoing classified appropriations for the department of construction and engineering, and a full and separate report in detail of all transactions under this section shall be made to Congress.

That until the close of the fiscal year nineteen hundred and thirteen, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Isthmian Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him; and the President is authorized, in his discretion, to sell and convey to the Republic of Panama the building situated in the city of Panama known as "the Administration Building," together with the ground on which the same is located, for a sum of not less than \$80,000, and the proceeds of such sale, if made, shall be covered into the Treasury of the United States.<sup>86</sup>

SEC. 4. That hereafter no payments shall be made for maintenance or other charge in connection with the Toro Point Light, Isthmus of Panama, out of moneys of the United States or of the Panama Railroad Company.

SEC. 5. The chairman of the Isthmian Canal Commission is authorized to establish a division of records and, as the requirements of the service permit, to consolidate in the custody thereof the files of papers and other records which have accumulated or which may accumulate during the period of the construction of the Isthmian Canal; and he is directed to carefully preserve, properly index, and arrange for use all papers needed or useful in the transaction of current business or having a permanent value or historical interest; and he is authorized to destroy or otherwise dispose of duplications in the files and other papers which are not needed or useful in the transaction of current business and have no permanent value or historical interest and which have been recommended to him for destruction or other disposition by a committee<sup>87</sup> of three competent persons who have personally examined the papers and in connection with their recommendation have submitted a concise statement of the condition and character thereof.

SEC. 6. Hereafter there shall be submitted, in the annual Book of Estimates, following every estimate for a general or lump sum appropriation which exceeds \$250,000 in amount, a statement showing in parallel columns:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate; and

<sup>86</sup> Acquired under Art. VIII, Hay-Varilla Treaty, p. 20. See also pp. 81 and 91-93 of Annual Report of 1904, for other buildings belonging to Canal works located in Panama and Colon.

<sup>87</sup> See reference to this subject in Governor's Circular No. 615 of April, 1914.

Second, the number of persons, if any, employed and the rates of compensation paid each, and the amounts expended for each other object or class of expenditures out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

SEC. 7. No specific or indefinite appropriation made hereafter in any regular annual appropriation Act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in Act" approved June twentieth, eighteen hundred and seventy-four, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation Act in which it is contained makes provision.

\* \* \* \* \*

Approved, August 24, 1912. [37 Stat., 483.]

An Act To provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the zone of land and land under water of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea three marine miles from mean low water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November eighteenth, nineteen hundred and three,<sup>88</sup> but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and any lands and water outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, shall be known and designated as the Canal Zone,<sup>89</sup> and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal.<sup>90</sup> The President is authorized, by treaty with the Republic of Panama, to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purposes, for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.<sup>91</sup>

SEC. 2. That all laws, orders, regulations, and ordinances<sup>92</sup> adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide.<sup>93</sup> The existing courts<sup>94</sup> established in the Canal Zone by Executive order are recognized

<sup>88</sup> pp. 18-23.

<sup>89</sup> See p. 34, sec. 1, act of Apr. 28, 1904, referring to the zone as "Canal Zone."

<sup>90</sup> Heretofore referred to as "Isthmian Canal" in acts of Congress relating to Canal.

<sup>91</sup> Boundary Convention, pp. 25-29, includes transfer of the Gatun Lake and Sabanas areas.

<sup>92</sup> All such Executive Orders are included in volume of Executive Orders relating to the Panama Canal; acts and ordinances of the Isthmian Canal Commission are published in the volume "Laws of the Canal Zone." See notes under act of April 28, 1904, p. 34.

<sup>93</sup> See act of Aug. 21, 1916, pp. 130-131, authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes.

<sup>94</sup> District, Circuit, and Supreme Courts. The District and Circuit Courts ceased to operate on establishment of the magistrate courts and District Court provided for in secs. 7 and 8 of this act, effective Apr. 1, 1914. See Executive Order of Mar. 12, 1914 (E. O. 163). Under sec. 13 of that order the Supreme Court continued to operate until pending business was disposed of, the docket being finally cleared as of July 1, 1914.

and confirmed to continue in operation until the courts provided for in this act shall be established.

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants.<sup>95</sup> Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama,<sup>96</sup> or such modification of such treaty as may hereafter be made.

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive Order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist,<sup>97</sup> and the President is authorized thereafter to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed, governed, and operated, through a governor<sup>98</sup> of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone.<sup>99</sup> If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act.<sup>100</sup> The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of ten thousand dollars a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, operation, and protection of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per centum the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States.<sup>101</sup> That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.<sup>102</sup>

Before the completion of the canal, the Commission of Arts may make report to the President of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls<sup>103</sup> that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged

<sup>95</sup> Executive Order of Dec. 5, 1912 (E. O. 132) issued accordingly. By the Executive Order of Feb. 18, 1913 (E. O. 133) the Sabanas area was excepted from the operation of above order, and act of June 5, 1920, p. 223, withdraws a certain tract of land in Cristobal from the operation of these orders.

<sup>96</sup> See Art. VI, Hay-Varilla Treaty, p. 18, and notes thereunder.

<sup>97</sup> Executive Order of Jan. 27, 1914 (E. O. 155) established a permanent organization, and discontinued the Isthmian Canal Commission and existing organization.

<sup>98</sup> Sec. 7, p. 83, outlines jurisdiction and duties of the Governor of The Panama Canal. See also sec. 13, p. 87, providing for control by Army officer in time of war.

<sup>99</sup> Outlined in Executive Order of Jan. 27, 1914, *supra*.

<sup>100</sup> Same provision contained in original Canal Act, p. 38, sec. 7. See also act No. 16 of Isthmian Canal Commission (L. C. Z. 243).

<sup>101</sup> Executive Order of Feb. 2, 1914 (E. O. 158-163), effective Apr. 1, 1914, provides conditions of employment. See also 603 series of Governor's Circulars relating to employment, transfer, and promotion. See also act of Mar. 1, 1919, p. 206, and act of May 29, 1920, p. 219, relative to bonus not applying to Panama Canal employees on the Canal Zone.

<sup>102</sup> The Canal was informally opened to traffic in Aug., 1914, but the formal and official opening of the Panama Canal was announced by the Proclamation of the President of July 12, 1920 (T. & A. 274) in order to comply with the requirements of sec. 4 hereof.

<sup>103</sup> Prescribed by Executive Order of Nov. 13, 1912 (E. O. 131). Rules for measurement of vessels prescribed by Executive Order of Nov. 21, 1913 (E. O. 154). Regulations relative to payment of tolls and bills in general are prescribed by Executive Order of Apr. 16, 1914 (E. O. 172).

in the coastwise trade of the United States.<sup>104</sup> That section forty-one hundred and thirty-two of the Revised Statutes is hereby amended to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry,<sup>105</sup> wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this Act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section thirty-seven of the Act approved August fifth, nineteen hundred and nine, entitled 'An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the Act of March third, eighteen hundred and ninety-one, entitled 'An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said Act."

Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed one dollar and twenty-five cents per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal subject, however, to the provisions of article nineteen of the convention between the United States and the Republic of Panama, entered into November eighteenth, nineteen hundred and three.<sup>106</sup> If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of one dollar and twenty-five cents per net registered ton as nearly as the same may be determined, nor be less than the equivalent of seventy-five cents per net registered ton. The toll for each passenger shall not be more than one dollar and fifty cents. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.<sup>107</sup>

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may

<sup>104</sup> This sentence repealed and third sentence, third paragraph, this section amended by act of June 15, 1914, p. 100, with proviso that rights to exempt United States vessels under the Hay-Pauncefote Treaty and Hay-Varilla Treaty are not waived.

<sup>105</sup> The words "not more than five years old at the time they apply for registry" repealed by act of Aug. 18, 1914, p. 111. See also Executive Order of Apr. 7, 1915 (E. O. 212) authorizing Captains of Port to issue provisional certificates of registry.

<sup>106</sup> This sentence amended by act of June 15, 1914, see note 10, p. 100.

<sup>107</sup> Executive Order of July 9, 1914 (E. O. 178) prescribes navigation rules and regulations. See also 643 series of Governor's Circulars concerning aids to navigation.

be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation.<sup>108</sup>

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require.<sup>109</sup> And after such method and schedule shall be provided by the President, the provisions of the Act entitled "An Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen hundred and eight,<sup>110</sup> and of the Act entitled "An Act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine,<sup>111</sup> shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, subject to the International Convention and the Act of Congress to regulate radio-communication, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal, and for other purposes. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States. The President is also authorized to establish, maintain, and operate, through the Panama Railroad Company or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly

<sup>108</sup> Provided by pars. 57-60 of Navigation Rules and Regulations, *supra*.

<sup>109</sup> Under authority of this section Executive Order of Feb. 26, 1913, was issued, effective Mar. 1, 1913, but that order was suspended by Executive Order of Mar. 24, 1913, account of no appropriation, with proviso that existing methods as of Feb. 26, 1913, be continued; in other words, that the acts mentioned in last sentence of this paragraph remain in force. On Mar. 20, 1914, another Executive Order (E. O. 165) was issued providing a method that remained in force until the passage of the act of Sept. 7, 1916, p. 134, which repealed all acts or parts of acts inconsistent with that act, and, under sec. 42, authorizes the President to transfer the administration thereof so far as employees of The Panama Canal and the Panama Railroad are concerned to the Governor of The Panama Canal. This transfer was effected by Executive Order of Sept. 15, 1916 (E. O. 217). See also 668 series of Governor's Circulars on this subject. See also act of Apr. 22, 1908, p. 45, relating to liability of common carriers by railroad to their employees.

<sup>110</sup> p. 49.

<sup>111</sup> p. 50.

reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.<sup>112</sup>

SEC. 7. That the Governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government<sup>113</sup> of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this Act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined.<sup>114</sup> In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed three hundred dollars, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of one hundred dollars, or imprisonment not exceeding thirty days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section ten of this Act, and commit or bail in bailable cases to the district court.<sup>115</sup> A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts<sup>116</sup> and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, cost, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President.<sup>117</sup> The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.<sup>118</sup>

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in

<sup>112</sup> Executive Order of Apr. 16, 1914 (E. O. 172) provides regulations for payment of bills for materials and services. See 703-704 series of Governor's Circulars stating policy of Panama Canal on this subject.

<sup>113</sup> There are various Executive Orders setting apart areas in the Canal Zone for military and naval reservations, all of which orders contain a clause that the areas so set apart shall be subject to the civil jurisdiction of the Canal Zone authorities in conformity with the Panama Canal Act.

<sup>114</sup> Executive Order of Mar. 12, 1914 (E. O. 163) established towns of Balboa and Cristobal and subdivisions of same names, and defines territorial limits. There is a magistrate's court in each town.

<sup>115</sup> Compare with jurisdiction of the inferior courts in old municipalities and administrative districts, (L. C. Z. 16, sec. 31). Those courts had original jurisdiction in civil actions where amount claimed was less than \$20, and concurrent jurisdiction with the Circuit Court where principal sum claimed was \$20 or more, but less than \$100. The jurisdiction of all actions involving possession or title to personal property was not vested in the old inferior courts, but the municipal or district judge did have jurisdiction over actions for forcible entry into and unlawful detainer of real estate. With reference to the criminal cases, it will be noted that the magistrate's court has *exclusive* original jurisdiction within the limits defined in sec. 7 hereof, whereas under sec. 47 of Code of Criminal Procedure (L. C. Z. 180) in the old municipal or administrative District Court, the defendant had the right to waive trial and submit his case to the Circuit Court.

<sup>116</sup> Sec. 8, Executive Order of Mar. 12, 1914 (E. O. 163) provides: "The rules heretofore governing the District Courts of the Canal Zone and prescribing the duties of the judges there, and bailiffs, and those respecting the disposition of fines, costs, forfeitures, and enforcement of judgments in said courts and providing for appeals therefrom to the Circuit Court, shall apply to the magistrate courts established by this order and to the magistrates and constables thereof." See notes under aforesaid Executive Order.

<sup>117</sup> See Executive Order of May 13, 1914 (E. O. 174) empowering the Governor to grant pardons and reprieves, commute sentences, and remit fines and forfeitures; also to establish a system for paroling prisoners. Under sec. 2 of that order the Governor may establish regulations to provide awards for good behavior and regulations for other matters, provided that existing regulations remain in force until altered or amended by the Governor. See Executive Order of July 30, 1909 (E. O. 90) governing "good time."

<sup>118</sup> Regulations relating to notaries were contained in Act No. 2 of the Isthmian Canal Commission of Aug. 17, 1904 (L. C. Z. 20-22), as amended by the Executive Order of Nov. 18, 1911 (E. O. 122). But all previous regulations on this subject are superseded by Governor's Circular No. 125 of July 15, 1920, issued under authority of sec. 7 of The Panama Canal Act.

such district court shall be prescribed or amended by order of the President.<sup>119</sup> The said district court shall have original jurisdiction of all felony cases, of offenses arising under section ten of this Act,<sup>120</sup> all causes in equity; admiralty and all cases at law involving principal sums exceeding three hundred dollars and all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district court or the judge thereof shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof.<sup>121</sup> Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party.<sup>122</sup> There shall be a district attorney and a marshal for said district. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the Government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, and may appoint one assistant when necessary, who shall receive salaries to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of five thousand dollars per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this Act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the supreme court of the Canal Zone, shall cease to exist. The President may continue the supreme court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein.<sup>123</sup> All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this Act having jurisdiction of like cases, matters, and duties.<sup>124</sup>

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees

<sup>119</sup> See also par. 2, sec. 9, this act, and Executive Order of Mar. 12, 1914 (E. O. 163) relating to the Canal Zone judiciary. Also Executive Order of Dec. 30, 1921 (E. O. 294).

<sup>120</sup> Note provision in sec. 7 for preliminary hearing in these cases by magistrate.

<sup>121</sup> See act No. 1 of the Isthmian Canal Commission of Aug. 16, 1904, and notes under same (L. C. Z. 9-19). Compare with jurisdiction of magistrate defined under sec. 7 hereof.

<sup>122</sup> See sec. 9 of Executive Order of Mar. 12, 1914, *supra*, and Governor's Circulars No. 701 series relating to jurors. See also Executive Order of Feb. 6, 1908 (E. O. 76-78) relating to trials by jury.

<sup>123</sup> Continued by sec. 13 of Executive Order of Mar. 12, 1914, *supra*, until docket was cleared as of July 1, 1914.

<sup>124</sup> See act No. 1 of the Isthmian Canal Commission of Aug. 16, 1904. Also Executive Order of July 3, 1914 (E. O. 177) making clerk of the District Court registrar of property, and in charge of issuance of marriage licenses and record of marriages.

of the District Court of the Canal Zone<sup>125</sup> and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds one thousand dollars, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding ten thousand dollars or by imprisonment not exceeding twenty years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.<sup>126</sup>

SEC. 11. That section five of the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the first day of July, nineteen hundred and fourteen, it shall be unlawful for any railroad company or other common carrier subject to the Act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Com-

<sup>125</sup> There was no provision for appeals from decisions of the Supreme Court of the Canal Zone. But on Aug. 10, 1907, the Chief Justice of the Supreme Court of United States allowed a writ of error to reverse the judgment of the Supreme Court of the Canal Zone in the case of *Canal Zone v. Coulson*. The writ was dismissed on Nov. 9, 1908, for want of jurisdiction, and on same date motion for leave to file a petition for writs of *habeas corpus* and *certiorari* was denied.

<sup>126</sup> Compare sec. 10 this act with sec. 10 of act of Aug. 21, 1916, pp. 130-131, the latter act being effective as of date of approval (Aug. 21, 1916). See also provision in sec. 7 this act for preliminary investigation by magistrate of offenses under sec. 10 of this act.

merce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July first, nineteen hundred and fourteen. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July first, nineteen hundred and fourteen, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the Act of Congress approved July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections seventy-three to seventy-seven, both inclusive, of an Act approved August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other Act of Congress amending or supplementing the said Act of July second, eighteen hundred and ninety, commonly known as the Sherman Antitrust Act and amendments thereto, or said sections of the Act of August twenty-seventh, eighteen hundred and ninety-four. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section six of said Act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the Act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the Act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section fifteen of the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.<sup>127</sup>

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.<sup>128</sup>

SEC. 14. That this Act shall be known as, and referred to as, the Panama Canal Act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved.<sup>129</sup>

Approved, August 24, 1912. [37 Stat., 560, 569.]

An Act Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and thirteen.*

\* \* \* \* \*

#### PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, six million eight hundred and ninety-three thousand nine hundred and eight dollars.

For additional pay to officers for length of service, to be paid with their current monthly pay, one million five hundred and twenty-four thousand one hundred and twenty dollars: *Provided*, That hereafter in time of peace whenever any officer holding a permanent commission in the line of the Army with rank below that of major shall not have been actually present for duty for at least two of the last preceding six years with a troop, battery, or company, of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such troop, battery, or company, for duty of any kind;

<sup>127</sup> Executive Order of the Governor of the Canal Zone of Sept. 9, 1906, and Decree No. 118 of the President of Panama of Sept. 22, 1906, provide for extradition between Panama and the Canal Zone, based on Art. XVI of Hay-Varilla Treaty, p. 18. See also Malloy's compilation of treaties between United States and other powers (p. 1357, vol. 2) for extradition treaty between United States and the Republic of Panama, ratified April 8, 1905.

<sup>128</sup> See Executive Order of May 17, 1916 (E. O. 214) directing the military and naval forces in the Canal Zone to furnish assistance to the Governor. On April 9, 1917, the President by Executive Order designated the Army officer commanding the troops in the Canal Zone to have the exclusive authority and jurisdiction as provided in the above sec. 13 (E. O. 224). The latter order was declared terminated and no longer in force by the Executive Order of Jan. 25, 1919 (E. O. 251).

<sup>129</sup> See further powers to President provided by act of Aug. 21, 1916, p. 130.

and all pay and allowances shall be forfeited by any superior for any period during which, by his order, or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso; but nothing in this proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the troop, battery, or company, to which he shall belong in that branch in which he shall hold a permanent commission, nor shall anything in this proviso be held to apply to the detachment or detail of officers for duty in the Judge Advocate General's Department or in the Ordnance Department, or in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in the Philippine Constabulary until the first day of January, nineteen hundred and fourteen, or to any officer detailed, or who may be hereafter detailed, for aviation duty. And hereafter no officer holding a permanent commission in the Army with rank below that of major shall be detailed as assistant to the Chief of the Bureau of Insular Affairs with rank of colonel, or as commanding officer of the Porto Rico Regiment of Infantry, or as chief or assistant chief (Director or Assistant Director) of the Philippine Constabulary, and no other officers of the Army shall hereafter be detailed for duty with the said Constabulary except as specifically provided by law.

\* \* \* \* \*

Approved, August 24, 1912. [37 Stat., 571.]

Joint Resolution Amending the Army appropriation bill.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the "Act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes," there be substituted for the word "hereafter" where it first occurs in the first proviso under the heading "Pay of Officers of the Line," the words: on and after December fifteen, nineteen hundred and twelve.  
Approved, August 24, 1912. [37 Stat., 645.]

**An Act** To pay certain employees of the Government for injuries received while in the discharge of their duties.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That twenty thousand eight hundred and sixty-three dollars and ninety-eight cents be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in discharge of their duties, without any fault on their part, and to pay certain other claims for damages to, and loss of private property by the various departments of the Government, as hereinafter stated, the same being in full, and the receipt of the same being taken in each case as full and final release and discharge of the respective claims, namely:

- \* \* \* \* \*
- To pay five hundred dollars to Peter W. Wigginton for the crushing of his ankle joint while in the discharge of his duty on the Isthmus of Panama.
  - To pay five hundred dollars to Raymond R. Ridenour for injury to his hand while in the discharge of his duty on the Isthmus of Panama.
  - To pay one thousand five hundred dollars to the heirs of Charles E. Stump, who lost his life from injuries received while in discharge of his duties on the Isthmus of Panama.

\* \* \* \* \*

Approved, February 7, 1913. [37 Stat., 1361.]

An Act To pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That twenty-two thousand two hundred and thirty-one dollars and thirty-eight cents be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in the discharge of their duties, without any fault on their part; the same being in full, the receipt of the same to be taken in each case as full and final release and discharge of the respective claims, namely:

\* \* \* \* \*

To pay one thousand nine hundred and eighty dollars to John and Bessie Maher, dependent father and mother of Edward Maher, who lost his life on the Isthmus of Panama, said sum being equal to one year's pay at the rate of compensation being paid him at the time of his death.

To pay one thousand five hundred dollars to Oscar F. Lackey, for injuries received while in the employ of the Isthmian Canal Commission as assistant engineer in construction of the Panama Canal on November twenty-first, nineteen hundred and five.

To pay two thousand dollars to Pedro Sanchez, as compensation for the loss of both hands, which were blown off by a premature explosion of dynamite in Culebra Cut, Canal Zone, on March sixteenth, nineteen hundred and eight.

To pay one thousand nine hundred and fifty-one dollars and thirty-eight cents to John H. Cole, as compensation for severe personal injuries and the loss of his right hand while in the employ of the Isthmian Canal Commission in the Canal Zone on May seventh, nineteen hundred and eight.

\* \* \* \* \*

To pay one thousand five hundred dollars to Robert Coggan, dependent father of Clifford J. Coggan, who was killed in the line of his duty while in the employ of the United States Government on the Panama Canal.

\* \* \* \* \*

Approved, February 18, 1913. [37 Stat., 1373.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and fourteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and fourteen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, \$20,000.

\* \* \* \* \*

Approved, February 28, 1913. [37 Stat., 696.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby,

90 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and fourteen, and for other purposes:

\* \* \* \* \*

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

\* \* \* \* \*

Marine barracks, Isthmus of Panama: Erection of barracks, quarters, and other buildings for accommodation of marines, \$400,000.

\* \* \* \* \*

Approved, March 4, 1913. [37 Stat., 902.]

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and thirteen and for prior years, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for prior years, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

\* \* \* \* \*

PAYMENT TO PANAMA UNDER TREATY OF NOVEMBER EIGHTEENTH, NINETEEN HUNDRED AND THREE: To enable the Secretary of State to pay to the Government of Panama the first annual payment due on February twenty-sixth, nineteen hundred and thirteen, from the Government of the United States to the Government of Panama under treaty of November eighteenth, nineteen hundred and three, \$250,000.<sup>30</sup>

\* \* \* \* \*

Approved, March 4, 1913. [37 Stat., 913.]

An Act Making appropriations for certain expenses incident to the first session of the Sixty-third Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, namely:

\* \* \* \* \*

THE PANAMA CANAL.

SEC. 2. That during the fiscal year nineteen hundred and fourteen, all moneys received by the Isthmian Canal Commission, or the governor of the Panama Canal, from any services rendered or materials and supplies furnished employees, the Panama Railroad Company, the Canal Zone government, the Panama Government, and other departments of the United States Government, from hotel and hospital supplies and services; from rentals, wharfage, and so forth; from labor, materials, and supplies and other services furnished vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made; except that moneys received from the sale of material and equipment purchased and used for construction purposes, and as a reimburse-

<sup>30</sup> Art. XIV, p. 18. See also notes under act of Mar. 4, 1909, p. 54.

ment for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts; and except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section six of the Panama Canal Act.

That until the close of the fiscal year nineteen hundred and fourteen, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

\* \* \* \* \*

Approved, May 1, 1913. [38 Stat., 2.]

An Act Providing certain legislation for the Panama California Exposition to be held in San Diego, California, during the year nineteen hundred and fifteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to require the Panama California Exposition Company, of San Diego, California, to deposit with a depository, to be named by the Secretary of the Treasury, such sum or sums of money as in the discretion of the Secretary shall be necessary to cover awards, medals, certificates, prizes, and premiums, and all other obligations incurred by said corporation with exhibitors at the Panama California Exposition, which money shall be held by said depository as a pledge to the United States Government for a faithful fulfillment of the above obligations; or the Secretary of the Treasury may, in lieu of such pledge, accept a good and sufficient bond from said exposition company, to be approved by him and conditioned for the faithful performance of every liability or obligation incurred by said exposition company in respect to exhibitors at said exposition, to be held in San Diego, California, during the year nineteen hundred and fifteen.

SEC. 2. That all articles that shall be imported from foreign countries for the sole purposes of exhibition at the Panama California 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 or use 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 such 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 or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

Approved, May 22, 1913. [38 Stat., 3.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and fourteen, namely:

\* \* \* \* \*

## THE PANAMA CANAL.

To continue the construction of the Panama Canal, to be expended under the direction of the President, in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June twenty-eighth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, \$153,393;

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, \$7,500, textbooks and books of reference, \$1,000, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Panama Canal, \$1,000), \$63,000;

Third. For pay of members of the commission and officers and employees on the Isthmus, other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, quartermasters, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, wagon masters, watchmen, and stewards, including those temporarily detailed for duty away from the Isthmus, in the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and for those employed in connection with the preservation of plans, drawings, and other records, \$2,725,000: *Provided*, That not more than \$5,000 of this appropriation shall be paid as compensation to the secretary of the commission;

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$6,125,000;

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, including the construction in the United States in Government or private yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of twelve thousand tons of coal and a speed of at least fourteen knots per hour, two colliers to cost not exceeding \$1,000,000 each, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February twenty-sixth, nineteen hundred and four, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, whether compromised by agreement between the claimant and the chairman of the commission or allowed by a joint commission, and the payment for land and land under water as authorized in section three of the Panama Canal Act, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, \$5,000,000;

Sixth. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay-train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus, and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$725,000;

Seventh. For pay of the member of the commission in charge of the department of civil administration, of officers and employees, other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus, together with the

necessary portion of such sums as shall be paid as water rentals or directly by the Government of Panama for the maintenance of waterworks, sewers, and pavements in the cities of Panama and Colon, \$500,000;

Eighth. For skilled and unskilled labor for the department of civil administration, the necessary portion of such sums as shall be paid as water rentals or directly by the Government of Panama for the maintenance of waterworks, sewers, and pavements in the cities of Panama and Colon;

Ninth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the departments of civil administration and law, including not exceeding \$500 for law books, together with the necessary portion of such sums as shall be paid as water rentals or directly by the Government of Panama for the maintenance of waterworks, sewers, and pavements in the cities of Panama and Colon, \$74,000.

Tenth. For pay of the member of the commission in charge, of officers and employees other than skilled and unskilled labor, including hospital dispensers, internes, nurses, attendants, messengers, office boys, foremen and subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, \$450,000;

Eleventh. For skilled and unskilled labor of every grade and kind, for the department of sanitation on the Isthmus, \$150,000;

Twelfth. For materials, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane, and of indigent persons permanently disabled, while in the line of duty and in the employ of the Isthmian Canal Commission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, including not exceeding \$100,000 for the construction of a quarantine station, \$300,000;

The foregoing sums, so far as necessary, shall be available for the operation of the canal, for the permanent organization authorized to be established under the Panama Canal Act, for dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs and supplies, for office buildings, quarters, and other necessary buildings, for the payment of claims arising out of injuries or deaths of employees, and for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest;

In all, \$16,265,393, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications, and exclusive of the amount used for operating the canal and for the permanent organization after the canal is opened for use and operation, shall be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and nine.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of the passage of this Act, and except for those employed in connection with the construction of permanent quarters, offices and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purposes of providing coal and other materials, labor, repairs and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section four of the Panama Canal Act, there shall not be employed at any time during the fiscal year nineteen hundred and fourteen under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and twelve; and all employments made or compensa-

tion increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the chairman of the commission in his report for the fiscal year nineteen hundred and fourteen.

In cases of emergencies arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation.

No part of the foregoing appropriations for the Panama Canal shall be applied to the payment of allowances for longevity service, or lay-over days other than such as may have accumulated under existing orders of the commission, prior to July first, nineteen hundred and nine.

#### FORTIFICATIONS, PANAMA CANAL.

For the following for fortifications and armament thereof for the Panama Canal, to be immediately available and to continue available until expended, namely:

Surveys: For detailed surveys of the areas on the Canal Zone required for military purposes, including the cost of marking permanently the boundaries of such areas, \$12,000;

Purchase of land: For the purchase of land on the Canal Zone required for military purposes, \$50,000;

Seacoast batteries: For the construction of seacoast batteries on the Canal Zone, \$2,365,000;

Electric light and power plants: For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, \$173,000;

Searchlights: For the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, \$285,000;

Sanitary clearing: For sanitary clearing, filling, and drainage in vicinity of camps, posts, and defensive works on the Canal Zone, as follows:

Margarita Island—

For filling swamp in rear defensive works, \$180,000;

For clearing and improving permanent post site and drill ground at Miraflores, \$30,000;

Armament of fortifications: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, to cost ultimately not to exceed \$2,506,000, \$1,000,000: *Provided*, That the Chief of Ordnance is authorized to transfer to and use in the fortifications of the Panama Canal one sixteen-inch gun and carriage, procured, or to be procured, out of appropriations heretofore made under armament for fortifications for continental United States;

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$575,000;

Fire control: For the construction of fire-control stations and the purchase and installation of accessories therefor, \$200,000;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$4,870,000.

The Secretary of War is authorized and directed to cause to be prepared and submit to Congress on or before December fifteenth, nineteen hundred and thirteen, complete plans for, and detailed estimates of, barracks and quarters for the mobile army and seacoast artillery on the Canal Zone and in the Hawaiian Islands.

SEC. 2. That all funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and fourteen, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding ten thousand dollars, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; and for the expenses of the subdivisions of the Canal Zone after they are established under section seven of the Panama Canal Act; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and

expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and fourteen.

SEC. 3. That hereafter the head of each executive department and other Government establishment shall, on or before July first in every fiscal year, designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates to be submitted by such department or establishment. In the performance of their duties persons so designated shall have due regard for the requirements of all laws respecting the preparation of estimates, including the manner and time of their submission through the Treasury Department to Congress; they shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations.

\* \* \* \* \*

SEC. 6. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and fourteen, and all laws or parts of laws in conflict with the provisions of this Act are repealed.

SEC. 7. That section eight of the District of Columbia appropriation Act, approved June twenty-sixth, nineteen hundred and twelve, shall not take effect or be operative during the fiscal year nineteen hundred and fourteen except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year nineteen hundred and fourteen expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the Government of the District of Columbia; and a detailed statement of all such expenses incurred from June thirtieth until December first, nineteen hundred and thirteen, shall be submitted to Congress on or before January first, nineteen hundred and fourteen.

#### TO PROVIDE FOR THE PARTICIPATION OF THE UNITED STATES IN THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

There shall be exhibited at the Panama-Pacific International Exposition, to be held at San Francisco in nineteen hundred and fifteen, such articles and materials as illustrate the function and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and the President is authorized to provide for the collection and exhibition of such articles and materials under the direction of a board, which is hereby created, to be known as the Government Exhibit Board, which shall be composed of three members to be named by the President from persons in the executive departments, who after consultation with the heads of the executive departments and the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the Governor of Porto Rico, the Governor of Alaska, the Governor of Hawaii, and the United States Geographic Board, shall determine, the nature, character, and extent of the exhibits to be made, and shall be charged with the selection, purchase, preparation, safe-keeping, exhibition, and return of such articles and materials as said board may decide shall be exhibited. Before any obligations are incurred of any nature, said board shall have arranged the scope of such exhibits so as to provide for the collection, exhibition, and return of such articles and materials at a cost, which together with all other expenses herein authorized, shall not exceed the amount hereinafter appropriated. The President shall designate one member of said board as chairman, and from persons in the employ of the United States Government may designate a secretary and a disbursing officer for said board, and may also detail such other persons, including officers of the Army and Navy as he may deem necessary to assist said board. All officers and employees of the Government who may be detailed as aforesaid shall receive no compensation in addition to their regular salaries, but shall be allowed their actual and necessary expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, but in no case to exceed \$5 per day while necessarily absent from their homes engaged upon the business of the board. Any officer of the Army or Navy so detailed shall receive this allowance in lieu of the transportation

and mileage now allowed him by law. 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 to duty in connection with said Panama-Pacific International Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine: *Provided*, That compensation shall not be paid to any such employee at a rate in excess of \$3,000 per annum. The disbursing officer shall give bond in the sum of \$30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. 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 herein made for the governmental participation in the exposition, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibition as authorized by the exhibit board.

Suitable buildings for the housing of all said exhibits shall be provided by the Panama Pacific International Exposition Company without expense of any kind to the Government of the United States.

For the purpose of inaugurating, installing, maintaining, and returning said Government exhibits, together with all other expenses of every kind connected therewith, \$500,000. Said sum shall be paid by the Secretary of the Treasury from time to time under such regulations as he may prescribe.

The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission, one of said commissioners who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of \$10 per day in lieu of subsistence. Said commissioners may appoint a secretary at \$2,500 per annum, and the sum of \$15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission.

Said commission shall be authorized and empowered to act as a board of arbitration to settle and determine any and all disputes arising between the commissioners of foreign Governments and the directors of said Panama-Pacific International Exposition, whenever a formal request for such action is made by any foreign commissioner; and said National Exposition Commission shall represent the Government of the United States at said exposition in the reception and care of persons officially representing foreign Governments.

Said National Exposition Commissioners shall be detailed not earlier than July first, nineteen hundred and fourteen, and their term of service as said commissioners shall not extend beyond July first, nineteen hundred and sixteen, and the President may terminate said commission at any time after January first, nineteen hundred and sixteen.

Approved, June 23, 1913. [38 Stat., 71, 77.]

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes, namely:

\* \* \* \* \*

TREASURY DEPARTMENT.

OFFICE OF AUDITOR FOR WAR DEPARTMENT.

The money accounts of the Panama Canal, under the Panama Canal Act of August twenty-fourth, nineteen hundred and twelve (Statutes at Large, volume thirty-seven, page five hundred and sixty), shall continue to be audited by the Auditor for the War Department.

\* \* \* \* \*

Approved, October 22, 1913. [38 Stat., 209.]

Joint Resolution For recognition of the services of the late David Du B. Gaillard,<sup>131</sup> lieutenant colonel, Corps of Engineers, United States Army, as a member of the Isthmian Canal Commission, and for the relief of Mrs. Katherine Davis Gaillard.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized to pay, out of moneys appropriated for the salaries of the members of the Isthmian Canal Commission, to Katherine Gaillard, widow of David Du B. Gaillard, lieutenant colonel, Corps of Engineers, United States Army, late an Isthmian Canal commissioner, an amount equal to the salary for one year, as a member of the Isthmian Canal Commission, of the said David Du B. Gaillard, who died on December fifth, nineteen hundred and thirteen, from disease resulting from his long and arduous service in the construction of the Panama Canal.

Approved, December 22, 1913. [38 Stat., 1464.]

An Act To amend an Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," approved February ninth, nineteen hundred and nine.<sup>132</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," approved February ninth, nineteen hundred and nine, is hereby amended so as to read as follows:

\* \* \* \* \*

"SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States, or into any territory under the control or jurisdiction thereof, for transportation to another country, nor shall such opium be transferred or transhipped from one vessel to another vessel within any waters of the United States for immediate exportation or any other purpose.

"SEC. 6. That hereafter it shall be unlawful for any person subject to the jurisdiction of the United States to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, to any other country: *Provided,* That opium or cocaine, and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into such country, such regulations to be promulgated from time to time by the Secretary of State of the United States.<sup>133</sup>

"The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of laws and regulations promulgated in their respective countries which prohibit or regulate the importation of the aforesaid drugs, and when received advise the Secretary of the Treasury and the Secretary of Commerce thereof; whereupon the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall make and publish all proper regulations for carrying the provisions of this section into effect.

"SEC. 7. That any person who exports or causes to be exported any of the aforesaid drugs in violation of the preceding section shall be fined in any sum not exceeding \$5,000 nor less than \$50 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this Act may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this Act may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case: *Provided,* That no payment for giving information shall be made to any officer or employee of the United States.

\* \* \* \* \*

Approved, January 17, 1914. [38 Stat., 275.]

<sup>131</sup> Executive Order of Apr. 27, 1915 (E. O. 212) changed the name of "Culebra Cut" of the Panama Canal to "Gaillard Cut," in honor of the late Lieut. Col. Gaillard.

<sup>132</sup> Act of Dec. 17, 1914, pp. 111-114, provides for importation, sale and tax of medicinal opium, and the last paragraph, sec. 2 thereof, authorizes President to enforce in Canal Zone by Executive Order. See Executive Order of Mar. 1, 1915 (E. O. 210).

<sup>133</sup> Par. c, sec. 2, act of Dec. 17, 1914, p. 111, contains same provision.

An Act To authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby empowered, authorized, and directed \* \* \* to utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the Isthmian Canal Commission is hereby authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in this Act.

\* \* \* \* \*

Approved, March 12, 1914. [38 Stat., 305, 306.]

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and fourteen and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and fourteen, and for prior years, and for other purposes, namely:

\* \* \* \* \*

Payment to Panama: To enable the Secretary of State to pay to the Government of Panama the second annual payment due on February twenty-sixth, nineteen hundred and fourteen, from the Government of the United States to the Government of Panama under treaty of November eighteenth, nineteen hundred and three, \$250,000.

\* \* \* \* \*

On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties.

\* \* \* \* \*

PANAMA CANAL.

To continue the construction of the Panama Canal, to be expended under the direction of the President, in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June twenty-eighth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto, and to continue available until expended:

For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$2,250,000.

For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane, and of indigent persons permanently disabled, while in the line of duty and in the employ of the Isthmian Canal Commission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, \$2 00,000.

For the following for fortifications and armament thereof for the Panama Canal, to continue available until expended, namely:

Submarine-mine structures: For the construction of mining casemates, cable galleries, torpedo structures, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories on the Canal Zone, \$55,000.

For the construction of field fortifications, \$194,350.

Such portion of the appropriation of \$180,000, made in the sundry civil appropriation Act approved June twenty-third, nineteen hundred and thirteen, for filling swamp in rear of defensive works at Margarita Island as may not be required for that purpose may be applied to filling swamp land in the vicinity of the defensive works at Toro Point.

For the purpose of paying the expenses of formally and officially opening the Panama Canal as provided in section four of the Panama Canal Act,<sup>134</sup> including the compensation of such persons as may be appointed by the President to provide for such opening under the direction of the Governor of the Panama Canal, the President is authorized to use out of the moneys heretofore or hereafter appropriated for the construction, completion, operation, or maintenance of the Panama Canal the sum of \$25,000, or so much thereof as may be necessary. The appointment of persons in the military and naval service of the United States is hereby expressly authorized: *Provided*, That, if any person so appointed shall be employed in either the military or naval service of the United States, the amount of compensation fixed by the President under this resolution shall be in addition to the official salary paid to such person.

The wage scale of the persons employed in the construction of the Panama Canal in effect prior to April first, nineteen hundred and fourteen, shall continue unchanged during the period of actual construction, but not later than June thirtieth, nineteen hundred and sixteen; and no claim of any person employed in connection with the construction of the Panama Canal shall be recognized or paid by the United States for longevity service<sup>135</sup> or lay-over days accruing subsequently to June thirtieth, nineteen hundred and nine.

Authority is hereby given to employ and pay, from appropriations heretofore or hereafter made, an attorney versed in the Spanish law, and familiar with the conditions on the Isthmus in connection with the acquisition of privately owned lands in the Canal Zone, and in connection with the codification of the Canal Zone laws, at a salary not to exceed \$7,200 per annum.<sup>136</sup>

\* \* \* \* \*

SEC. 5. That no part of any money appropriated in this or any other Act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for employment of such services or payment of such expenses is stated in specific terms in the Act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons, aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed.

Approved, April 6, 1914. [38 Stat., 329, 335.]

An Act Making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and fifteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and fifteen, and for other purposes:

\* \* \* \* \*

<sup>134</sup> The Panama Canal was officially and formally opened by Proclamation of the President of July 12, 1920 (E. O. 274).

<sup>135</sup> See notes under act of Mar. 4, 1909, p. 52, relating to longevity increases.

<sup>136</sup> Governor's Circular No. 661-3 of Apr. 1, 1914, appointed a Special Attorney in agreement with this paragraph.

*And provided further*, That after September first, nineteen hundred and fourteen, in time of peace, whenever any officer holding a permanent commission in the line of the Army, with rank of colonel, lieutenant colonel, or major, shall not have been actually present for duty for at least two years of the last preceding six years with a command composed of not less than two troops, batteries, or companies of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such command for duty of any kind except as hereinafter specifically provided; and all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this Act; but nothing in this Act shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the organization or command to which he shall belong in that branch in which he shall hold a permanent commission; nor shall anything in this Act be held to apply to the detachment or detail of officers for duty in connection with the construction of the Panama Canal until after such canal shall have been formally opened.

\* \* \* \* \*

Approved, April 27, 1914. [38 U. S. Stats., 357.]

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An Act To amend section five<sup>117</sup> of "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August twenty-fourth, nineteen hundred and twelve.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the second sentence in section five of the Act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August twenty-fourth, nineteen hundred and twelve, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

SEC. 2. That the third sentence of the third paragraph of said section of said Act be so amended as to read as follows: "When based upon net registered tonnage for ships of commerce the tolls shall not exceed \$1.25 per net registered ton, nor be less than 75 cents per net registered ton, subject, however, to the provisions of article nineteen of the convention between the United States and the Republic of Panama, entered into November eighteenth, nineteen hundred and three<sup>118</sup>: *Provided*, That the passage of this Act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the twenty-first of February, nineteen hundred and two,<sup>119</sup> or the treaty with the Republic of Panama, ratified February twenty-sixth, nineteen hundred and four<sup>120</sup> or otherwise, to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaties, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Approved, June 15, 1914. [38 Stat., 385.]

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An Act To authorize and direct Colonel George W. Goethals, Governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Colonel George W. Goethals, Governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, is hereby authorized and directed to investigate the claims of the McClintic-Marshall Construction Company, a corporation of the State of Pennsylvania, having its principal office in the city of Pittsburgh, in said State, and to ascertain what

<sup>117</sup> pp. 79-86.

<sup>118</sup> pp. 16-17.

<sup>119</sup> pp. 18-23.

amount, if any, is in justice, equity, and fairness due and owing to the said McClintic-Marshall Construction Company from the Isthmian Canal Commission for work and labor done and materials furnished in connection with the construction and erection of lock gates and appurtenances for the Panama Canal, and in connection with or incidental to the doing of the work and furnishing of the materials provided for in a certain contract between the Isthmian Canal Commission and said McClintic-Marshall Construction Company, dated June twenty-first, nineteen hundred and ten, taking into consideration the claim of the contractors that the work was done under requirements as to character and finish not fairly within the meaning of the specifications.

The said Colonel George W. Goethals, Governor of the Canal Zone, is further authorized and empowered, either personally or through such commission as he may appoint, to investigate such claims and the various items thereof in such manner as to him may seem best, and either personally or through such commission is hereby empowered to administer oaths and affirmations to witnesses, and to issue subpoenas and to compel the attendance of witnesses. He shall report in detail to the Congress of the United States his findings.

Approved, June 24, 1914. [38 Stat., 388.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and fifteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and fifteen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

#### RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, \$20,000.

\* \* \* \* \*

Approved, June 30, 1914. [38 Stat., 452.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and fifteen, and for other purposes:

\* \* \* \* \*

That the sum of \$104,000, or so much thereof as may be necessary, be expended, on the approval and authority of the Secretary of the Navy, for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution of Congress approved February fifteenth, nineteen hundred and eleven, and of the authority contained in the Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes, approved March fourth, nineteen hundred and eleven, and for defraying such other expenses incident to the visit of the said foreign fleets as the Secretary of the Navy may deem proper, and the said sum shall be available until November fifteenth, nineteen hundred and fifteen.

That the tolls that have been or may be prescribed by the President, in pursuance of the authority contained in the Panama Canal Act, approved August twenty-fourth, nineteen hundred and twelve, to be levied by the Government of the United States for the use of the Panama Canal shall not be assessed against nor collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or in returning from the Panama-Pacific International Exposition: *Provided*, That such vessel has been sent by its Government to attend and participate in the said exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution of Congress approved February fifteenth, nineteen hundred and eleven; and of the authority contained in the Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes, approved March fourth, nineteen hundred and eleven.

The Secretary of the Navy is hereby authorized and empowered to define and establish suitable anchorage grounds in Hampton Roads, Virginia, and the adjacent waters for the combined fleets of the United States and foreign Governments which may rendezvous there prior to proceeding to the Panama-Pacific International Exposition, to be held at the city and county of San Francisco, California, in the year nineteen hundred and fifteen, as well as to define and establish suitable anchorage grounds in the Bay of San Francisco and the approaches and waters adjacent thereto during the continuance of the said Panama-Pacific International Exposition, and the Secretary of the Navy is hereby further authorized to make such rules and regulations regarding the movements of all vessels in all of the waters named as may be necessary in order to insure the proper and orderly conduct of such features as may be planned for the combined fleets and to provide for the safety of the vessels participating therein; and such rules and regulations when so issued and published shall have the force and effect of law.

\* \* \* \* \*

Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high power radio stations (cost not to exceed \$1,000,000), to be located as follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, \$400,000, to be available until expended.

\* \* \* \* \*

Approved, June 30, 1914. [38 Stat., 393, 407.]

Joint Resolution Extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That all appropriations for the necessary operations of the Government and of the District of Columbia which shall remain unprovided for on the thirtieth day of June, nineteen hundred and fourteen, are continued and made available for and during the first half of the month of July, nineteen hundred and fourteen, unless the regular appropriations provided therefor in bills now pending in Congress, shall have been previously made for the service of the fiscal year ending June thirtieth, nineteen hundred and fifteen; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one twenty-fourth of the appropriations made for the fiscal year nineteen hundred and fourteen bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year nineteen hundred and fifteen under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one twenty-fourth of the appropriations for the fiscal year nineteen hundred and fourteen, and twenty-three twenty-fourths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall

be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof:

\* \* \* \* \*

Approved, June 30, 1914. [38 Stat., 773.]

Joint Resolution To continue the provisions of a joint resolution approved June thirtieth, nineteen hundred and fourteen, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," approved June thirtieth, nineteen hundred and fourteen, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year nineteen hundred and fifteen; and to continue during the last half of the month of July, fiscal year nineteen hundred and fifteen, the operation of the Interstate Commerce Commission, in securing a valuation of the several classes of property of carriers, subject to the Act to regulate commerce, authorized by the Act of March first, nineteen hundred and thirteen, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$65,000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

Approved, July 16, 1914. [38 Stat., 774.]

An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and fifteen, for the objects hereinafter expressed, namely:

\* \* \* \* \*

The head of every executive department and other Government establishment shall transmit to Congress, on the first day of its next session, a statement showing, for the first three months of the fiscal year nineteen hundred and fifteen, the following relative to typewriting machines purchased during that period: The model, character, contract price, and make of each machine purchased; the relative cost of repairs and supplies for such makes of typewriters; the model, character, amount allowed, and make of each machine given in exchange; total number purchased and total number given in exchange; aggregate cost, aggregate allowance on exchanges, and aggregate net cost of all machines. And there shall be submitted to Congress, on the first day of the session following the close of the fiscal year nineteen hundred and fifteen, statements of all of the foregoing facts for the entire period of that fiscal year.

SEC. 5. No appropriation made in this or any other Act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year nineteen hundred and fifteen there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year nineteen hundred and sixteen and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.

\* \* \* \* \*

Approved July 16, 1914. [38 Stat., 508.]

104 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

An Act For the relief of Mary E. Goodley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Mary E. Goodley, mother of William Goodley, the sum of \$1,000 to compensate her for the death of her son, the said William Goodley, who was killed on October eighth, nineteen hundred and eight, while in the discharge of his duty as a cranesman on the Panama Canal in the employ of the Isthmian Canal Commission.

Approved, July 17, 1914. [38 Stat., 1306.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and fifteen, namely:

\* \* \* \* \*

COAST AND GEODETIC SURVEY.

\* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$25,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$65,000;

\* \* \* \* \*

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation Act, approved June twenty-third, nineteen hundred and thirteen shall install, display, and safeguard the exhibit of the Government of the United States at the Panama Pacific International Exposition, \$500,000: *Provided*, That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding \$50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

The provisions contained in the Act entitled "An Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fourteen," which provides for the participation of the United States in the Panama-Pacific International Exposition, be amended as follows: Under the head of "To provide for the participation of the United States in the Panama-Pacific International Exposition," the paragraph on page eighty-one, which reads as follows: "The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission, one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance

of \$10 per day in lieu of subsistence. Said commissioners may appoint a secretary at \$2,500 per annum, and the sum of \$15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission," and insert in lieu thereof the following: "The President of the United States is authorized to detail two civilian officers or employees from the executive departments, also one to be appointed from civil life, as members of the commission which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the commissioner appointed from civil life to receive a salary at the rate of \$5,000 per annum until the exposition closes. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of \$10 per day in lieu of subsistence while on duty in San Francisco. Said commissioners may appoint a secretary at \$2,500 per annum, and the sum of \$15,000, or so much thereof as may be necessary, may be expended for clerk hire and actual expenses of said commission."

Copyright and patent branch office, Panama-Pacific International Exposition: To defray all the expenses connected with the establishment, equipment, and maintenance (including necessary printing) of the branch office at San Francisco, California, provided for in section two of the Act approved September eighteenth, nineteen hundred and thirteen (Public, Numbered Fourteen), \$30,000, of which sum \$15,000, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of the Interior, and \$15,000, or so much thereof as may be necessary, shall be expended under the direction of the Librarian of Congress, each of whom is authorized to pay to the Public Printer the cost of any portion of such printing and binding required for the said branch office which may be ordered by him from the Government Printing Office; to designate from among the employees of the Patent Office and Copyright Office, respectively, such employees as may be actually necessary for the service of the respective divisions of the said branch office, one of the employees so designated from each of said bureaus to act as his disbursing officer; and to select and employ from time to time at San Francisco such additional persons as the exigencies of the work there may require. All persons from the Patent Office and Copyright Office thus designated for service at San Francisco shall receive no compensation other than their regular salaries, but while absent from Washington, District of Columbia, and engaged upon the business of the aforesaid branch office, shall be allowed their actual and necessary traveling expenses, together with a per diem allowance in lieu of the cost of subsistence to be fixed by the Secretary of the Interior or Librarian of Congress designating such persons, not to exceed \$3 per day.

The Government Exhibit Board, for which provisions was made in the sundry civil Act approved June twenty-third, nineteen hundred and thirteen, shall, after consultation by correspondence or otherwise with the heads of the executive departments and the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the Governor of Porto Rico, the Governor of Alaska, the Governor of Hawaii, and the United States Geographic Board, determine the nature, character, and extent of the exhibits of the United States Government to be made at the Panama-Pacific International Exposition, to be held at San Francisco, California, in nineteen hundred and fifteen, and shall be charged with the selection, purchase, preparation, safe-keeping, exhibition, and return of such articles and materials as said board may decide shall be exhibited; and the said board is empowered to select, purchase, and exhibit articles or materials representing the activities of any department, office, commission, or organization named in this paragraph.

#### THE PANAMA CANAL.

To continue the construction of the Panama Canal, to be expended under the direction of the President, in accordance with an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June twenty-eighth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto:

First. For salaries of officers and employees of the Panama Canal, including assistant purchasing and shipping agents, and all other employees in the United States, \$150,000;

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of offices in the District of Columbia not exceeding \$7,500, textbooks and books of reference, \$1,000, and additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal, \$1,000), \$62,000;

Third. For pay of the Governor of the Panama Canal and officers and employees on the Isthmus, other than skilled and unskilled labor, including civil engineers, superintendents, instrumentmen, transitmen, levelmen, rodmen, draftsmen, time-keepers, mechanical and electrical engineers, quartermasters, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, wagon masters, watchmen, and stewards, including those temporarily detailed for duty away from the Isthmus, in the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and for those employed in connection with the preservation of plans, drawings, and other records, \$2,414,000.

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$7,000,000;

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere; purchase, maintenance, and repair of motor cars, fire-fighting apparatus, towing locomotives, and other motor-propelled vehicles, and such other expenses not in the United States as the governor deems necessary to best promote the construction of the Panama Canal, and such expenses as are incurred in assembling, sorting, storing, repairing, and selling material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal, which are unserviceable or no longer needed, including the amount necessary to continue the construction of the two colliers provided for under the act approved June twenty-third, nineteen hundred and thirteen, subject to the limit of cost therein fixed, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February twenty-sixth, nineteen hundred and four, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, whether compromised by agreement between the claimant and the chairman of the commission or allowed by a joint commission, and the payment for land and land under water as authorized in section three of the Panama Canal Act, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, and including also payment to the Wheeling Mold and Foundry Company, of Wheeling, West Virginia, of the sum of \$9,076.21, to carry into effect an equitable settlement with that company which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts and being in excess of the actual damages to the commission, \$9,000,000;

Sixth. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay-train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus, and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, \$725,000;

Seventh. For pay of officers and employees of the department of civil administration, including foremen, subforemen, skilled and unskilled labor, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus and for expenses of the official representation of Congress attending the formal opening of the canal, \$500,000;

Eighth. For the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year nineteen

hundred and fifteen, the necessary portion of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses;

Ninth. For material, supplies, equipment, construction and repairs of buildings, and contingent expenses of the departments of civil administration and law, including not exceeding \$500 for law books, \$72,000;

Tenth. For pay of the officers and employees other than skilled and unskilled labor, including hospital dispensers, internes, nurses, attendants, messengers, office boys, foremen and subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, \$300,000;

Eleventh. For skilled and unskilled labor of every grade and kind, for the department of sanitation on the Isthmus, \$120,000;

Twelfth. For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane and of indigent persons permanently disabled while in line of duty and in the employ of the Panama Canal from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, including not exceeding \$75,000 for removal of quarantine station from Culebra Island to the vicinity of Balboa and for converting the hospital at Colon into a quarantine station and for new equipment for both, \$375,000;

The foregoing sums, so far as necessary, shall be available for the operation of the canal, for the permanent organization authorized to be established under the Panama Canal Act, for dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, including the collection of tolls, for the purpose of providing coal and other materials, labor, repairs, and supplies, for office buildings, quarters, and other necessary buildings, for the payment of claims arising out of injuries or deaths of employees; and for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest;

In all, \$20,718,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and nine.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section four of the Panama Canal Act, there shall not be employed at any time during the fiscal year nineteen hundred and fifteen under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and thirteen; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year nineteen hundred and fifteen.

In cases of emergencies arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, ten per centum of the foregoing amounts shall be available interchangeably for expenditure on objects named; but not more than ten per centum shall be added to any one item of the appropriation.

## FORTIFICATIONS, PANAMA CANAL.

For the following for fortifications and armament thereof for the Panama Canal, to be immediately available and to continue available until expended, namely:

Electric light and power plants: For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, \$33,550;

For buildings and material:

Toro Point—

One concrete storehouse, \$5,000;

Ten buildings, at \$900 each, \$9,000;

Miraflores or Gatun—

One storehouse, \$5,000;

Obstacles—

Two thousand five hundred coils of barbed wire, at \$3 each, \$7,500;

Two thousand five hundred pounds of staples, at \$0.03, \$75;

Telephone line—

Twenty-two miles, at \$1,400 per mile, \$30,800;

In all, \$57,375.

For maintenance of clearings and trails:

Clearings, four thousand three hundred and seventy acres, \$21,000;

Trails, seventy miles, \$900;

In all, \$21,900.

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$233,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$500,000, in addition to the appropriation herein made;

For the alteration, maintenance, and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay of enlisted men engaged thereon, \$26,000;

For alteration, maintenance, and repair of submarine mine matériel, \$2,700;

Fire control: For the construction of fire-control stations and the purchase and installation of accessories therefor, \$50,000;

For construction on the Panama Canal Zone of barracks, quarters, storehouses, and other buildings necessary for accommodating the mobile army and Coast Artillery troops to be stationed there, including water, sewer, and lighting systems, roads, walks, and so forth, and for repairing and remodeling existing buildings, to render them suitable for sheltering troops, \$700,000.

In all, specifically for fortifications and armament thereof for the Panama Canal, \$1,124,475.

SEC. 2. That all funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and fifteen, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding \$10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; and for the expenses of the subdivisions of the Canal Zone after they are established under section seven of the Panama Canal Act; to the maintenance of Canal Zone charity patients in the hospitals of the Panama Canal; and to the maintenance of administrative district prisoners: *Provided*, That, if the revenues of the Canal Zone government are not sufficient for the purposes herein specified, the necessary part of the amounts appropriated for the departments of civil administration and law, under items seven and nine, may be used therefor. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and fifteen.

SEC. 3. That during the fiscal year nineteen hundred and fifteen all moneys received by the governor of the Panama Canal, from any services rendered or materials and supplies furnished to employees of the United States or of the Panama Railroad Company, to the Panama Railroad Company, to the Canal Zone govern-

ment, to the Panama Government, and to other departments of the United States Government, from hotel and hospital supplies and services; from rentals, wharfage, and so forth; from labor, materials, and supplies and other services furnished to vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable material, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and from exchanges of type-writing, adding, and other machines, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made. Moneys heretofore or hereafter received from the sale of material, supplies, and equipment purchased or acquired for the construction of the Panama Canal, after deducting all expenses of assembling, sorting, storing, repairing, and selling such material, supplies, and equipment, which deductions shall be credited to the appropriations from which such expenses are paid, and the moneys received as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts. After the canal is opened for use and operation the net profits accruing during the fiscal year nineteen hundred and fifteen from the operations herein authorized shall be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section six of the Panama Canal Act.

SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the functions of receiving, disbursing, and accounting for the funds appropriated for the Panama Canal shall be and is hereby authorized in so far as may be practicable: *Provided*, That separate accounts shall be kept of the transactions under each fund.

SEC. 5. That the collecting officers of the Panama Canal shall render their accounts in such detail, and shall transmit with their accounts to the accounting officers of the Treasury charged with the settlement thereof all such papers, records, and copies relating to their transactions as collectors as shall be prescribed in regulations approved by the President,<sup>140</sup> and, in his judgment, not incompatible with the methods of accounting prescribed in the so-called Dockery Act, approved July thirty-first, eighteen hundred and ninety four.

SEC. 6. That for the fiscal year nineteen hundred and sixteen and annually thereafter the estimates of appropriations for the Panama Canal shall be submitted in detail, showing the amounts required for personal services and the amounts required for material including all supplies, under the heads of construction, maintenance, operation, sanitation, and civil government, and following each there shall be submitted notes giving in parallel columns information which will show the number, by grade or classes, of officers, employees, and skilled and unskilled laborers proposed to be paid under each of said appropriations for the ensuing fiscal year and those paid at the close of the fiscal year next preceding the period when said estimates are prepared and submitted; also, in connection with each item for material and miscellaneous purposes other than salaries or pay for personal services, the amounts actually expended or obligated, quantities purchased, and prices paid for material or supplies during the entire fiscal year next preceding the preparation and submission of said estimates.

There shall also be submitted in connection with the foregoing information statements of actual unit cost of all construction work done, and of estimated unit cost of work proposed to be done, for the fiscal years included in the notes so required to be submitted with the annual estimates.

SEC. 7. That the appropriations herein made for the Panama Canal, other than those for fortifications, or balances thereof, may be available, during the last half of the fiscal year nineteen hundred and fifteen, for expenditure for the purposes indicated by the several titles enumerated in the foregoing section, namely, construction, maintenance, operation, sanitation, and civil government, and be accounted for at the end of that year in such detail or classification, respectively, thereunder as may be determined by the Governor of the Panama Canal, or hereafter required by Congress; and such balances may, on and after January first, nineteen hundred and fifteen, constitute one fund for expenditure under said respective titles.

<sup>140</sup> Established by Executive Order of Feb. 4, 1915 (E. O. 208).

SEC. 8. That until the close of the fiscal year nineteen hundred and fifteen, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

SEC. 9. Appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the head of each executive department, or other branch of the public service, or the Commissioners of the District of Columbia making such a report shall furnish copy to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution.

SEC. 10. That section six of the sundry civil appropriation Act approved August twenty-fourth, nineteen hundred and twelve, is amended to read as follows:

"SEC. 6. That there shall be submitted hereafter, in the annual Book of Estimates following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

"First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

"Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

"Other notes shall not be submitted following any estimate embraced in the annual Book of Estimates other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes."

SEC. 11. That no part of any money appropriated by this Act shall be used during the fiscal year nineteen hundred and fifteen for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the period of the fiscal years nineteen hundred and thirteen and nineteen hundred and fourteen; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service.

SEC. 12. That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments.

SEC. 13. That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year nineteen hundred and sixteen and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances.

For the relief of the sufferers from the recent conflagration in Salem, Massachusetts, \$200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this provision shall be made under the direction of the Secretary of War.

SEC. 14. That all sums appropriated by this Act of salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and fifteen, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

An Act To provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the words "not more than five years old at the time they apply for registry," in section five <sup>141</sup> of the Act entitled "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," are hereby repealed.

SEC. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this Act.<sup>142</sup>

SEC. 3. This Act shall take effect immediately.

Approved, August 18, 1914. [38 Stat., 698.]

An Act To present the steam launch Louise, now employed in the construction of the Panama Canal, to the French Government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, as a mark of appreciation of the sacrifices and services of the French people in the construction of the Panama Canal, the steam launch Louise, built in France in eighteen hundred and eighty-five, and employed in the construction of the canal successively by the French Panama Canal Company and by the United States, be put in good condition and presented to the French Government.

SEC. 2. That the sum of \$6,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of executing this Act, to be disbursed by the Governor of the Canal Zone.

Approved, August 25, 1914. [38 Stat., 709.]

An Act To provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.<sup>143</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That on and after the first day of March, nineteen hundred and fifteen, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium or coca leaves or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on: *Provided,* That the office, or if none, then the residence of any person shall be considered for the purposes of this Act to be his place of business. At the time of such registry and on or before the first day of July, annually thereafter, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs shall pay to the said collector a special tax at the rate of \$1 per annum: *Provided,* That no employee of any person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs, acting within the scope of his employment, shall be required to register or to pay the special tax provided by this section: *Provided further,* That the person who employs him shall have registered and paid the special tax as required by this section: *Provided further,* That officers of the United States Government who are lawfully engaged in making purchases of the above-named drugs for the various departments of the Army and Navy, the Public Health Service, and for Government hospitals and prisons, and officers of any State government, or of any county or municipality therein, who are lawfully engaged in making purchases of the above-named drugs for

<sup>141</sup> p. 81.

<sup>142</sup> Executive Order of Aug. 8, 1919 (E. O. 254) suspends these provisions for 18 months from Sept. 1, 1919.

<sup>143</sup> Act of Jan. 17, 1914, p. 97, prohibits importation or exportation of smoking opium and the exportation of medicinal opium to foreign countries except under regulations to be established.

State, county, or municipal hospitals or prisons, and officials of any Territory or insular possession or the District of Columbia or of the United States who are lawfully engaged in making purchases of the above-named drugs for hospitals or prisons therein shall not be required to register and pay the special tax as herein required.

It shall be unlawful for any person required to register under the terms of this Act to produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away any of the aforesaid drugs without having registered and paid the special tax provided for in this section.

That the word "person" as used in this Act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, so far as applicable, including the provisions of section thirty-two hundred and forty of the Revised Statutes of the United States are hereby extended to the special tax herein imposed.

That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this Act into effect.

SEC. 2. That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs except in pursuance of a written order of the person to whom such article is sold, bartered, exchanged, or given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs, shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, municipal, and insular officials named in section five of this Act. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order, shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned. Nothing contained in this section shall apply—

(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this Act in the course of his professional practice only: *Provided*, That such physician, dentist, or veterinary surgeon shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist, or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in this Act.

(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under this Act: *Provided, however*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: *And provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

(c) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within the United States or any Territory or the District of Columbia or any of the insular possessions of the United States to any person in any foreign country, regulating their entry in accordance with such regulations for importation thereof into such foreign country as are prescribed by said country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(d) To the sale, barter, exchange, or giving away of any of the aforesaid drugs to any officer of the United States Government or of any State, territorial, district, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, territorial, district, county, or municipal or insular hospitals or prisons.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall cause suitable forms to be prepared for the purposes above

mentioned, and shall cause the same to be distributed to collectors of internal revenue for sale by them to those persons who shall have registered and paid the special tax as required by section one of this Act in their districts, respectively, and no collector shall sell any of such forms to any persons other than a person who has registered and paid the special tax as required by section one of this Act in his district. The price at which such forms shall be sold by said collectors shall be fixed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, but shall not exceed the sum of \$1 per hundred. Every collector shall keep an account of the number of such forms sold by him, the names of the purchasers, and the number of such forms sold to each of such purchasers. Whenever any collector shall sell any of such forms, he shall cause the name of the purchaser thereof to be plainly written or stamped thereon before delivering the same; and no person other than such purchaser shall use any of said forms bearing the name of such purchaser for the purpose of procuring any of the aforesaid drugs, or furnish any of the forms bearing the name of such purchaser to any person with intent thereby to procure the shipment or delivery of any of the aforesaid drugs. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said drugs or in the legitimate practice of his profession.

The provisions of this Act shall apply to the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the insular possessions of the United States, and the Canal Zone. In Porto Rico and the Philippine Islands the administration of this Act, the collection of the said special tax, and the issuance of the order forms specified in section two shall be performed by the appropriate internal-revenue officers of those governments, and all revenues collected hereunder in Porto Rico and the Philippine Islands shall accrue intact to the general governments thereof, respectively. The courts of first instance in the Philippine Islands shall possess and exercise jurisdiction in all cases arising under this Act in said islands. The President is authorized and directed to issue such Executive orders as will carry into effect in the Canal Zone the intent and purpose of this Act by providing for the registration and the imposition of a special tax upon all persons in the Canal Zone who produce, import, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations.<sup>144</sup>

SEC. 3. That any person who shall be registered in any internal-revenue district under the provisions of section one of this Act shall, whenever required so to do by the collector of the district, render to the said collector a true and correct statement or return, verified by affidavit, setting forth the quantity of the aforesaid drugs received by him in said internal-revenue district during such period immediately preceding the demand of the collector, not exceeding three months, as the said collector may fix and determine; the names of the persons from whom the said drugs were received; the quantity in each instance received from each of such persons, and the date when received.

SEC. 4. That it shall be unlawful for any person who shall not have registered and paid the special tax as required by section one of this Act to send, ship, carry, or deliver any of the aforesaid drugs from any State or Territory or the District of Columbia, or any insular possession of the United States, to any person in any other State or Territory or the District of Columbia or any insular possession of the United States: *Provided*, That nothing contained in this section shall apply to common carriers engaged in transporting the aforesaid drugs, or to any employee acting within the scope of his employment, or any person who shall have registered and paid the special tax as required by section one of this Act, or to any person who shall deliver any such drug which has been prescribed or dispensed by a physician, dentist, or veterinarian required to register under the terms of this Act, who has been employed to prescribe for the particular patient receiving such drug, or to any United States, State, county, municipal, District, Territorial, or insular officer or official acting within the scope of his official duties.

SEC. 5. That the duplicate-order forms and the prescriptions required to be preserved under the provisions of section two of this Act, and the statements or returns filed in the office of the collector of the district, under the provisions of section three of this Act, shall be open to inspection by officers, agents, and employees of the Treasury Department duly authorized for that purpose; and such officials of any State or Territory, or of any organized municipality therein, or of the District of Columbia, or any insular possession of the United States, as shall be charged

<sup>144</sup> Executive Order of Mar. 1, 1915 (E. O. 210) issued accordingly.

with the enforcement of any law or municipal ordinance regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs. Each collector of internal revenue is hereby authorized to furnish, upon written request, certified copies of any of the said statements or returns filed in his office to any of such officials of any State or Territory or organized municipality therein, or the District of Columbia, or any insular possession of the United States, as shall be entitled to inspect the said statements or returns filed in the office of the said collector, upon the payment of a fee of \$1 for each one hundred words or fraction thereof in the copy or copies so requested. Any person who shall disclose the information contained in the said statements or returns or in the said duplicate-order forms, except as herein expressly provided, and except for the purpose of enforcing the provisions of this Act, or for the purpose of enforcing any law of any State or Territory or the District of Columbia, or any insular possession of the United States, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs, shall, on conviction, be fined or imprisoned as provided by section nine of this Act. And collectors of internal revenue are hereby authorized to furnish upon written request, to any person, a certified copy of the names of any or all persons who may be listed in their respective collection districts as special-tax payers under the provisions of this Act, upon payment of a fee of \$1 for each one hundred names or fraction thereof in the copy so requested.

SEC. 6. That the provisions of this Act shall not be construed to apply to the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act. The provisions of this Act shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

SEC. 7. That all laws relating to the assessment, collection, remission, and refund of internal-revenue taxes, including section thirty-two hundred and twenty-nine of the Revised Statutes of the United States, so far as applicable to and not inconsistent with the provisions of this Act, are hereby extended and made applicable to the special taxes imposed by this Act.

SEC. 8. That it shall be unlawful for any person not registered under the provisions of this Act, and who has not paid the special tax provided for by this Act, to have in his possession or under his control any of the aforesaid drugs; and such possession or control shall be presumptive evidence of a violation of this section, and also of a violation of the provisions of section one of this Act: *Provided*, That this section shall not apply to any employee of a registered person, or to a nurse under the supervision of a physician, dentist, or veterinary surgeon registered under this Act, having such possession or control by virtue of his employment or occupation and not on his own account; or to the possession of any of the aforesaid drugs which has or have been prescribed in good faith by a physician, dentist, or veterinary surgeon registered under this Act; or to any United States, State, county, municipal, District, Territorial, or insular officer or official who has possession of any said drugs, by reason of his official duties, or to a warehouseman holding possession for a person registered and who has paid the taxes under this Act; or to common carriers engaged in transporting such drugs: *Provided further*, That it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, indictment, or other writ or proceeding laid or brought under this Act; and the burden of proof of any such exemption shall be upon the defendant.

SEC. 9. That any person who violates or fails to comply with any of the requirements of this Act shall, on conviction, be fined not more than \$2,000 or be imprisoned not more than five years, or both, in the discretion of the court.

SEC. 10. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint such agents, deputy collectors, inspectors, chemists, assistant chemists, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia as may be necessary to enforce the provisions of this Act.

SEC. 11. That the sum of \$150,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act.

SEC. 12. That nothing contained in this Act shall be construed to impair, alter, amend, or repeal any of the provisions of the Act of Congress approved June thirtieth, nineteen hundred and six, entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," and any amendment thereof, or of the Act approved February ninth, nineteen hundred and nine, entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," and any amendment thereof.<sup>145</sup>

Approved, December 17, 1914. [38 Stat., 785.]

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An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and fifteen and prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and fifteen and prior years, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

Payment to Panama: To enable the Secretary of State to pay to the Government of Panama the third annual payment, due on February twenty-sixth, nineteen hundred and fifteen, from the Government of the United States to the Government of Panama under article fourteen of the treaty of November eighteenth, nineteen hundred and three, \$250,000.

\* \* \* \* \*

PANAMA CANAL.

The balances of the appropriations heretofore made under the heading "Fortifications, Panama Canal," are hereby consolidated so as to constitute one fund in the Treasury, to be disbursed and accounted for under the appropriation title of "Panama fortifications" for the object specified in the several appropriation Acts and in accordance with such allotments as may be authorized by the Secretary of War.

Approved, January 25, 1915.

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An Act For the relief of John Burrows.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Burrows, of New Orleans, Louisiana, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of \$1,433.33, to compensate him for injuries received while in the employ of the Government on the Panama Canal.

Approved, February 27, 1915. [38 Stat., 1512.]

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An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and sixteen, namely:

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<sup>145</sup> Act of Jan. 17, 1914, p. 97, is amendment of the act of Feb. 9, 1909, referred to in this section.

MISCELLANEOUS OBJECTS, TREASURY DEPARTMENT.

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Appropriations in this Act shall not be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year nineteen hundred and sixteen have been employed by or under said Secret Service Division.

\* \* \* \* \*

WAR DEPARTMENT.

\* \* \* \* \*

NATIONAL CEMETERIES:

\* \* \* \* \*

Disposition of remains of officers, soldiers, civilian employees, and so forth: For interment, or preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons, and enlisted men of the Army active list; interment, or preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field or at military posts within the limits of the United States; interment of military prisoners who die at military posts; removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines, interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July first, nineteen hundred and ten, \$57,500.

\* \* \* \* \*

COAST AND GEODETIC SURVEY.

\* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$25,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$65,000;

\* \* \* \* \*

THE PANAMA CANAL.

For every expenditure requisite for and incident to the construction, maintenance, and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding \$500, text books and books of reference; printing and binding, including printing of annual report, rents and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages caused to owners of private lands or private property of any kind by reason of the grants contained in the treaty between the United States and the Republic of Panama,

proclaimed February twenty-sixth, nineteen hundred and four, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the work of sanitation and protection therein provided for, whether such claims are compromised by agreement between the claimants and the Governor of the Panama Canal or allowed by a joint land commission; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section thirteen of the sundry civil appropriation Act approved August first, nineteen hundred and fourteen, and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary to best promote the construction, maintenance, and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For continuing the construction and equipment of the Panama Canal, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal, and not exceeding \$40,000 for establishing two lights on the Pacific coast, necessary as aids to navigation near the Pacific entrance to the Panama Canal, one at Bona Island and one at Cape Mala, said lights to be established and maintained as a part of the lighting system of the Panama Canal, \$10,500,000;

For maintenance and operation of the Panama Canal, salary of the Governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, \$5,200,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act;

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, \$700,000;

For civil government of the Panama Canal and Canal Zone, salaries of district judge, \$6,000, district attorney, \$5,000, marshal, \$5,000, and for gratuities and necessary clothing<sup>146</sup> for indigent discharged prisoners, \$540,000;

In all, \$16,940,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and exclusive of the amount expended for sanitation and civil government after January first, nineteen hundred and fifteen, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff act approved August fifth, nineteen hundred and nine.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section four of the Panama Canal Act, there shall not be employed at any time during the fiscal year nineteen hundred and sixteen under any

<sup>146</sup> See note under Executive Order of May 13, 1914 (E. O. 174) referring to gratuities and clothing for discharged convicts.

of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and fourteen; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year nineteen hundred and sixteen.

In addition to the foregoing sums there is appropriated, for the fiscal year nineteen hundred and sixteen, for expenditure and reinvestment under the several heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employes, respectively, or to the Panama Government; from hotel and hospital supplies and services; from rentals, wharfage, and like services; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable material, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year nineteen hundred and sixteen, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

#### FORTIFICATIONS, PANAMA CANAL.

For fortifications and armament thereof for the Panama Canal, to be immediately available and to continue available until expended, namely:

Electric light and power plants: For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, \$3,081.

Searchlights: For the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, \$79,666.

Clearings and trails: For maintenance of clearings and trails, \$45,000.

For protection, preservation, and repair of the fortifications of the Panama Canal, including structures erected for torpedo defense, and for maintaining channels for access to torpedo wharves, \$15,000.

For maintenance and repair of searchlights and electric light and power equipment for the fortifications of the Panama Canal, and for tools, electrical and other supplies, and appliances to be used in their operation, \$7,500.

For reserve equipment for the fortifications of the Panama Canal, \$50,000.

Where the expenses of persons engaged in field work or traveling on official business are chargeable to appropriations herein for fortifications or other works of defense for the Panama Canal, a per diem may be allowed in lieu of subsistence, pursuant to section thirteen of the sundry civil appropriation Act for the fiscal year nineteen hundred and fifteen.

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$733,000:

*Provided*, That if, in the opinion of the Secretary of War, it should be to the best interests of the United States, not to exceed \$50,000 of the foregoing appropriation may be expended for the erection of a building at the Watertown Arsenal for the installation of machinery to be used in the manufacture of projectiles.

For the alteration, maintenance, and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay of enlisted men engaged thereon, \$30,000.

For alteration, maintenance, and repair of submarine mine matériel, \$2,500;

Fire control: For the construction of fire-control stations and the purchase and installation of accessories therefor, \$383,301.30;

For continuing the construction on the Panama Canal Zone of barracks, quarters, storehouses, and other buildings necessary for accommodating the mobile army

and Coast Artillery troops to be stationed there, including water, sewer, and lighting systems, roads, walks, and so forth, and for repairing and remodeling existing buildings to render them suitable for sheltering troops, \$1,290,000;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$2,639,048.30.

SEC. 2. No part of the money appropriated by this Act shall be used for payment of salaries or expenses of the Joint Land Commission, established under article fifteen of the treaty between the United States and the Republic of Panama, in adjudicating or settling any claim originating under any lease or contract for occupancy, made by the Panama Railroad Company in the Canal Zone, or for the payment of any awards made by said commission on account of any such claims.

SEC. 3. That in prescribing regulations under the provisions of section five of the sundry civil Act of August first, nineteen hundred and fourteen, the President shall provide that in lieu of furnishing to the auditor individual detail collection vouchers, not provided for in said regulations, two competent persons, one from the office of the Auditor for the War Department, designated by the auditor, and one from the office of the Comptroller of the Treasury, designated by the comptroller, shall be sent semiannually, at such time as may be designated by the comptroller, to the Canal Zone, to examine the accounts and vouchers and verify the submitted schedules of collections and report in triplicate to the Auditor for the War Department, the Comptroller of the Treasury, and the auditor of the Panama Canal; and such persons shall make such other examination into the accounts of the Panama Canal as may be directed by the comptroller, and for all such purposes they shall have access to all records and papers pertaining thereto. Such examination and inspection shall be made for the period covered by the persons designated as soon as practicable, and the report of such persons shall be promptly filed. Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of \$4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses, out of such appropriation for the Panama Canal as may be designated by the governor.

SEC. 4. That appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, or the Comptroller of the Currency.

SEC. 5. That no part of any money appropriated by this Act shall be used during the fiscal year nineteen hundred and sixteen for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the period of the fiscal years nineteen hundred and thirteen and nineteen hundred and fourteen; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service.

SEC. 6. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and sixteen, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

Approved, March 3, 1915. [38 Stat., 836, 843, 883.]

An Act To authorize aids to navigation and other works in the Lighthouse Service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce, in accordance with the respective limits of costs hereinafter respectively set forth, which shall in no case be exceeded.

\* \* \* \* \*

PANAMA CANAL.

Two lights on the Pacific coast, necessary as aids to navigation near the Pacific entrance to the Panama Canal, at a total cost not exceeding \$48,000; one of them at Punta Mala, the other at Bona Island.

And for the construction of these two aids the Secretary of Commerce may, by satisfactory arrangement with the Governor of the Panama Canal, have them constructed and maintained through the Panama Canal force.

\* \* \* \* \*

Approved, March 3, 1915. [38 Stat., 927.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and sixteen, and for other purposes:

\* \* \* \* \*

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

\* \* \* \* \*

That the appropriation of \$400,000 for erection on the Isthmus of Panama of barracks, quarters, and other buildings for accommodation of marines, contained in the Act of March fourth, nineteen hundred and thirteen, is hereby reappropriated, and \$200,000 thereof made available for the erection of marine barracks at Mare Island, California and \$200,000 thereof made available for the erection of marine barracks at Norfolk, Virginia.

\* \* \* \* \*

BUREAU OF STEAM ENGINEERING.

\* \* \* \* \*

High-power radio stations: Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high-power radio stations (cost not to exceed \$1,500,000), to be located as follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, \$400,000, to be available until expended.

\* \* \* \* \*

Approved, March 3, 1915. [38 Stat., 937, 946.]

An Act For the relief of F. W. Theodore Schroeter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. W. Theodore Schroeter, out of any funds in the Treasury not otherwise appropriated, the sum of \$1,397.66, to compensate him for injuries received while in the employ of the Government of the United States on the Panama Canal September twenty-eighth, nineteen hundred and seven: *Provided,* That in case of the death of the claimant, payment of such claim shall be made to the legal representatives.

Approved, March 3, 1915. [38 Stat., 1545.]

TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL 121

An Act For the relief of L. V. Thomas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. V. Thomas the sum of \$1,680, out of any money not otherwise appropriated, for personal injuries received while working on the Panama Canal in the employ of the Panama Canal Commission as a carpenter.

Approved, March 3, 1915. [38 Stat., 1546.]

An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

\* \* \* \* \*

SEC. 5. That hereafter subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, may be paid in advance from appropriations available therefor.

\* \* \* \* \*

Approved, March 4, 1915. [38 Stat., 1049.]

An Act Making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and sixteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and sixteen.

\* \* \* \* \*

BARRACKS AND QUARTERS, PHILIPPINE ISLANDS:

\* \* \* \* \*

Provided further, That on and after October first, nineteen hundred and fifteen, no officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities:

\* \* \* \* \*

MEDICAL DEPARTMENT.

\* \* \* \* \*

HOSPITAL CARE, CANAL ZONE GARRISONS: For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority: Provided, That the subsistence of the said patients, except commissioned officers and acting dental surgeons, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, \$45,000.

\* \* \* \* \*

Approved, March 4, 1915. [38 Stat., 1078, 1080.]

## 122 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and sixteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

### RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, \$20,000.

\* \* \* \* \*

### EXPOSITION IN CITY OF PANAMA.

That the President be, and he is hereby, authorized to accept an invitation extended by the Government of Panama to the Government of the United States to participate in an exposition to be held in the city of Panama; and the sum of \$25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable suitable participation in said exposition by this country, for an appropriate exhibit of the arts, industries, manufactures, products of the soil, mines, and waters of the United States, and, as far as practicable, of the functions of the General Government, and an exhibit of such other articles as the President may direct, including an exhibit relating to the Panama Canal.

\* \* \* \* \*

Approved, March 4, 1915. [38 Stat., 1125, 1127.]

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An Act Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and fifteen and for prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year nineteen hundred and fifteen and for prior years, and for other purposes, namely:

\* \* \* \* \*

### MEDICAL DEPARTMENT.

Hospital care, Canal Zone garrisons: For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, \$45,000: *Provided*, That the subsistence of the said patients, except commissioned officers and acting dental surgeons, shall be paid to said hospitals out of the appropriations for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals: *Provided further*, That of this sum \$2,000 shall be available to pay the canal for similar services rendered during the month of June, nineteen hundred and fourteen.

\* \* \* \* \*

SEC. 5. That the executive departments and other Government establishments and all branches of the public service may hereafter exchange typewriters, adding machines, and other similar labor saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. There shall be submitted to Congress on the first day of the session following the close of each fiscal year, a report showing, as to each exchange hereunder, the make of the article, the

period of its use, the allowance therefor, and the article, make thereof, and price, including exchange value, paid or to be paid for each article procured through such exchange.

Approved, March 4, 1915. [38 Stat., 1144, 1161.]

An Act To provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered distinguished service in constructing the Panama Canal, to wit: Colonel George W. Goethals, chairman and chief engineer; Brigadier General William C. Gorgas, sanitary expert; Colonel H. F. Hodges, Lieutenant Colonel William L. Sibert, and Commander H. H. Rousseau.<sup>47</sup>*

SEC. 2. That the President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank Colonel George W. Goethals to the grade of major general of the line, United States Army; Brigadier General William C. Gorgas to the rank of major general in the Medical Department, United States Army; Colonel H. F. Hodges and Lieutenant Colonel William L. Sibert to the grade of brigadier general of the line, United States Army; and Commander H. H. Rousseau to the grade of rear admiral of the lower Nine, United States Navy.

SEC. 3. That such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank by any other provision of this bill, shall be advanced one grade in rank upon retirement: *Provided*, That any officer of the Army or Navy now on the retired list with similar service shall be immediately advanced one grade in rank on the retired list of the Army or Navy.

SEC. 4. That the President is further authorized, by and with the advice and consent of the Senate, to appoint such officers of the Public Health Service as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years to the grade next above that at present held by such officers.<sup>48</sup>

SEC. 5. That the numbers in such grades provided for in sections two and four of this Act, except where vacancies occurring in any grade by the provisions of this Act can be filled by such officers in a lower grade as are entitled to the benefits of this Act, shall be temporarily increased during the time such offices may be held: *Provided*, That the officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section twenty-six of the Act of February second, nineteen hundred and one, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this Act: *Provided*, That whenever the head of the Medical Department appointed under the provisions of this Act shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general: *Provided further*, That nothing in this Act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this Act shall be junior to the officers who now rank them under existing law when these officers have reached the same grade.

SEC. 6. That at any time after the passage of this Act any officer of the Army or Navy to be benefited by the provisions of this Act may, on his own application, be retired by the President at seventy-five per centum of the pay of the rank upon which he is retired.<sup>49</sup>

Approved, March 4, 1915. [38 Stat., 1190, 1191.]

<sup>47</sup> See Jt. Res. of Dec. 22, 1913, p. 97, for recognition of services of the late Lieut. Col. David Du B. Gaillard as a member of the Isthmian Canal Commission, and for relief of Mrs. Katherine Davis Gaillard; see also Executive Order of Apr. 27, 1915 (E. O. 212) changing name of "Culebra Cut" to "Gaillard Cut" in honor of the late Lieut. Col. Gaillard.

<sup>48</sup> See notes under act of Mar. 4, 1909, p. 52, relating to longevity increases and "Canal Medals."

<sup>49</sup> Act of Feb. 23, 1917, p. 150, provides for return to active list of officers retired under this section.

124 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

An Act Making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and prior years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply further urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and prior years, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

FOREIGN INTERCOURSE.

\* \* \* \* \*

Payment to Panama: To enable the Secretary of State to pay to the Government of Panama the fourth annual payment, due on February twenty-sixth, nineteen hundred and sixteen, from the Government of the United States to the Government of Panama under article fourteen of the treaty of November eighteen, nineteen hundred and three, \$250,000.

\* \* \* \* \*

Approved, February 28, 1916. [39 Stat., 15.]



An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

\* \* \* \* \*

SEC. 4. That no part of any money appropriated by this or any other Act shall be used during the fiscal year nineteen hundred and seventeen for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the fiscal year nineteen hundred and fifteen; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools: *Providing*, That in construing this section the Commissioner of Patents shall advise the Comptroller of the Treasury as to whether the changes in any typewriter are of such structural character as to constitute a new machine not within the limitations of this section.

\* \* \* \* \*

SEC. 6. That unless otherwise specially authorized by law no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps, whenever they may be appointed or elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia.

\* \* \* \* \*

Approved, May 10, 1916. [39 Stat., 120.]

An Act For making further and more effectual provision for the national defense, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

\* \* \* \* \*

SEC. 62. NUMBER OF THE NATIONAL GUARD.—

\* \* \* \* \*

*Provided further,* That the word Territory as used in this Act and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this Act, as the President may prescribe.

\* \* \* \* \*

Approved, June 3, 1916. [39 Stat., 198.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and seventeen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

PAYMENT TO THE GOVERNMENT OF PANAMA: To enable the Secretary of State to pay to the Government of Panama the fifth annual payment due on February twenty-sixth, nineteen hundred and seventeen, from the Government of the United States to the Government of Panama under article fourteen of the treaty of November eighteenth, nineteen hundred and three, \$250,000.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$40,000.

\* \* \* \* \*

Approved, July 1, 1916. [39 Stat., 259, 262.]

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and seventeen, namely:

\* \* \* \* \*

WAR DEPARTMENT.

\* \* \* \* \*

QUARTERMASTER CORPS.

\* \* \* \* \*

NATIONAL CEMETERIES:

\* \* \* \* \*

Disposition of remains of officers, soldiers, civilian employees, and so forth: For interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons and enlisted men of the Army active list; interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field or at military posts within the limits of the United States; interment of military prisoners who die at military posts; removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines, interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July first, nineteen hundred and ten, \$57,500.

\* \* \* \* \*

DEPARTMENT OF COMMERCE.

\* \* \* \* \*

COAST AND GEODETIC SURVEY.

\* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$25,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$90,000;

\* \* \* \* \*

THE PANAMA CANAL.

For every expenditure requisite for and incident to the construction, maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding \$500, text books and books of reference; printing and binding, including printing of annual report, rents and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages caused to owners of private lands or private property of any kind by reason of the grants contained in the treaty between the United States and the Republic of Panama, proclaimed February twenty-sixth, nineteen hundred and four, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the

said canal or of the work of sanitation and protection therein provided for, whether such claims are compromised by agreement between the claimants and the Governor of the Panama Canal or allowed by a joint land commission; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section thirteen of the sundry civil appropriation Act approved August first, nineteen hundred and fourteen, and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary to best promote the construction, maintenance, and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For continuing the construction and equipment of the Panama Canal, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; equipping of colliers Ulysses and Achilles with self-discharging equipment at not exceeding \$125,000 each and not exceeding \$50,000 for covering certain unprotected surfaces of said colliers with bitumastic enamel; toward construction by contract or in navy yards complete in every detail, including self-discharging equipment and all other necessary apparatus, of two colliers at a total cost not exceeding \$1,300,000 each under a contract or contracts hereby authorized therefor; also toward construction of one dock at Cristobal (numbered six) at a total cost not exceeding \$1,500,000 under a contract or contracts hereby authorized therefor, \$9,750,000. No part of this sum or of any unexpended balance of appropriations for construction and equipment of the Panama Canal shall be expended for construction or establishment of new quarantine stations.

For maintenance and operation of the Panama Canal, salary of the Governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, \$5,750,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportations when practicable, \$700,000.

For civil government of the Panama Canal and Canal Zone, salaries of district judge \$6,000, district attorney \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners, \$600,000.

In all, \$16,800,000, to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications, colliers, dock six at Cristobal, and reboiling of steamships "Ancon" and "Cristobal," which steamships shall not be transferred to the Secretary of the Navy, as provided in the Act of May twenty-seventh, nineteen hundred and eight, and exclusive of the fair value of the American legation building in Panama,<sup>159</sup> as approved by the Secretary of War and Secretary of State, which building is authorized to be transferred without charge to the jurisdiction of the Secretary of State, and exclusive of the amount used for operating and maintaining the canal, and exclusive of the amount expended for sanitation and civil government after January first, nineteen hundred and fifteen, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and nine.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those

<sup>159</sup> Acquired under Hay-Varilla Treaty, Art. VIII, p. 20.

employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section four of the Panama Canal Act, there shall not be employed at any time during the fiscal year nineteen hundred and seventeen under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and fifteen; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year nineteen hundred and seventeen.

In addition to the foregoing sums there is appropriated, for the fiscal year nineteen hundred and seventeen, for expenditure and reinvestment under the several heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like services; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable material, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year nineteen hundred and seventeen, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

#### FORTIFICATIONS, PANAMA CANAL.

For fortifications and armament thereof for the Panama Canal, to be immediately available and to continue available until expended, namely:

For maintenance of clearings and trails, \$30,000.

For protection, preservation, and repair of fortifications, including structures erected for torpedo defense, and for maintaining channels for access to torpedo wharves, \$15,000.

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$7,500.

For the construction of seacoast batteries, \$400,000;

For the construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories on the Canal Zone, \$47,000.

For purchase of submarine mines and the necessary appliances to operate them for closing channels leading to the Panama Canal, \$240,000.

For alteration, maintenance, and repair of submarine mine matériel, \$2,500;

For operation and maintenance of fire-control installations at seacoast defenses, \$5,000.

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$120,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purpose above mentioned not to exceed \$180,000 in addition to the appropriations herein and heretofore made.

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$1,600,000.

For the alteration, maintenance, and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay of enlisted men engaged thereon, \$68,000.

For continuing the construction of barracks, quarters, storehouses, and other buildings necessary for accommodating the mobile army and Coast Artillery troops to be stationed there, including water, sewer, and lighting systems, roads, walks, and so forth, and for repairing and remodeling existing buildings to render them suitable for sheltering troops, \$2,000,000;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$4,535,000.

*Provided*, That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employec of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such works; nor shall any part of the appropriations made in this Act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

SEC. 2. That the Joint Land Commission established under article fifteen<sup>151</sup> of the treaty between the United States and the Republic of Panama, proclaimed February twenty-sixth, nineteen hundred and four, shall not have jurisdiction to adjudicate or settle any claim originating under any lease or contract for occupancy heretofore or hereafter made by the Panama Railroad Company of lands or property owned by said Panama Railroad Company in the Canal Zone, and no part of the moneys appropriated by this or any other Act shall be used to pay such claims.

SEC. 3. That appropriations herein and hereafter made for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of November of each year; complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively; and all of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, or the Comptroller of the Currency.

SEC. 4. That the information required in connection with estimates for general or lump-sum appropriations by section ten of the sundry civil appropriation Act, approved August first, nineteen hundred and fourteen, shall be submitted hereafter according to uniform and concise methods which shall be prescribed by the Secretary of the Treasury, but with reference to estimates for pay of mechanics and laborers there shall be submitted in detail only the ratings and trades and the rates per diem paid or to be paid.

SEC. 5. That hereafter at the termination of each fiscal year each Auditor of the Treasury shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to such auditor, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. And such reports shall be in lieu of the returns required of disbursing officers by section three hundred and ten of the Revised Statutes.

SEC. 6. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and seventeen, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

Approved, July 1, 1916. [39 Stat., 287, 318, 332.]

<sup>151</sup> p. 22. See notes thereunder.

An Act For the relief of Joseph A. Buckholdt.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph A. Buckholdt, of San Antonio, Texas, the sum of \$3,000, in full compensation for injuries received by him by reason of an accident which occurred on January twenty-sixth, nineteen hundred and fourteen, while in the employ of the United States Government on the Panama Canal.

Approved, August 4, 1916. [39 Stat., 145.]

An Act For the relief of Olaf Nelson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Olaf Nelson, out of any money in the Treasury not otherwise appropriated, the sum of \$1,200, in compensation for injuries sustained on the Panama Canal while in the discharge of his duties.

Approved, August 8, 1916. [39 Stat., 150.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and seventeen, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

\* \* \* \* \*

GENERAL EXPENSES, WEATHER BUREAU: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an Act approved October first, eighteen hundred and ninety, so far as they relate to the weather service transferred thereby to the Department of Agriculture,

\* \* \* \* \*

Total for Weather Bureau, \$1,747,260.

\* \* \* \* \*

Approved, August 11, 1916. [39 Stat., 448.]

An Act Extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes including provision as to certain fees, money orders, and interest deposits.<sup>152</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, until otherwise provided by Congress, the President is authorized to make rules and regulations in matters of sanitation, health, and quarantine for the Canal Zone or to modify or change existing rules and

<sup>152</sup> The Panama Canal Act, sec. 2, p. 79, ratified and confirmed as valid and binding until Congress should otherwise provide, all laws, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal. The more important Executive Orders issued under the first five sections of this act, and in effect as of June 1, 1921, are: Order of Oct. 9, 1918 (E. O. 247) relating to chauffeur license regulations; order of Mar. 6, 1920 (E. O. 267) relating to the carrying and keeping of arms; order of Mar. 31, 1920 (E. O. 268) providing maritime quarantine rules and regulations; order of Feb. 26, 1921 (E. O. 277) providing maximum rates of fare and governing transportation of passengers for hire; order of Apr. 14, 1921 (E. O. 283) relating to the operation of vehicles, licensing of vehicles, road rules, etc. See also notes under other sections of this act.

regulations and those hereafter made from time to time. Violations of any quarantine regulations provided for herein shall be punished by fine not to exceed \$500 or by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment, in the court's discretion; and a violation of any sanitary regulations hereunder shall be punished by a fine not to exceed \$25 or by imprisonment in jail not to exceed thirty days, or by both such fine and imprisonment, in the court's discretion. Each day such violation may continue shall constitute a separate offense.

SEC. 2. That, until otherwise provided by Congress, the President is hereby authorized to make and from time to time change rules and regulations for levying, assessing, and collecting ad valorem, excise, license, and franchise taxes in the Canal Zone, or to modify or change existing rules or regulations for that purpose. Ad valorem taxes imposed shall not exceed one per centum of the value of the property, nor shall franchise or excise taxes exceed two per centum of gross earnings.

SEC. 3. That, until otherwise provided by Congress, it shall be lawful for the President to make, publish, and enforce all rules and regulations for the use of the public roads and highways in the Canal Zone, and also for regulating, licensing, and taxing the use and operation of all self-propelled vehicles using the public highways, including speed limit, signals, tags, license fees, and all detailed regulations which may be from time to time deemed necessary in the exercise of the authority hereby conferred. The taxes on automobiles may be graded according to the value or the power of the machine, and such rules and regulations as now exist may be changed by such order from time to time, and any that may be hereafter made may be changed from time to time. The President may make mutual agreements with the Republic of Panama touching the reciprocal use of the highways of the Canal Zone and the Republic of Panama by self-propelled vehicles touching taxes and license fees, and any other matter of regulation to establish comity for the convenience of the residents of the two jurisdictions.

SEC. 4. That it shall be unlawful to commit any breach of the peace or engage in or permit any disorderly, indecent, or immoral conduct in the Canal Zone. The President is authorized to enforce this provision by making rules and regulations to assert and exercise the police power in the Canal Zone, or for any portion or division thereof, and he may amend or change any such regulation now existing or hereafter made.<sup>153</sup>

SEC. 5. That any person who commits any act or who carries on any business, trade, or occupation in the Canal Zone without complying with the rules and regulations established by the President for the levying, assessing, and collecting of taxes, or who violates any rules or regulations for the use of the public roads and highways, or who violates any rules and regulations touching the licensing, taxes, operation, and use of self-propelled vehicles, or who violates any of the police regulations authorized hereunder, shall be punished by fine not to exceed \$25 or by imprisonment in jail not to exceed thirty days, or by both such fine and imprisonment, in the court's discretion.

SEC. 6. That deposit money orders issued in the Canal Zone in lieu of postal savings certificates in accordance with the rules and regulations heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding two per centum per annum.<sup>154</sup>

SEC. 7. That the interest received from the Canal Zone money-order funds deposited in banks under Canal Zone regulations shall be available to pay the interest on deposit money orders authorized by the preceding section. Such interest shall also be available to pay any losses which are chargeable to the Canal Zone postal service.

SEC. 8. That whenever a customs officer of the Canal Zone shall certify an invoice, landing certificate, or other similar document, or shall register a marine note of protest, or shall perform any notarial services, he shall be authorized to collect a fee equivalent to the fee prescribed by the United States consular regulations for the same act or service when performed by consular officials.

SEC. 9. The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such seamen of such vessels bestowed by law upon consular officers of

<sup>153</sup> See Title XIV, secs. 280-293, Penal Code (L. C. Z. 136-139) of crimes against the public peace; also Executive Order of Jan. 9, 1908 (E. O. 74) making "any kind of disorderly conduct or breach or disturbance of the peace" a misdemeanor.

<sup>154</sup> Deposit money orders provided under Executive Order of Sept. 5, 1914 (E. O. 199), which order repealed the Postal Savings System in the Canal Zone established under Executive Order of Sept. 8, 1911. See rules relating to deposit money orders provided by Executive Order of Oct. 22, 1916 (E. O. 218).

the United States in foreign ports and upon shipping commissioners in ports of the United States are hereby bestowed upon the shipping commissioner and deputy shipping commissioners on the Panama Canal Zone.<sup>155</sup>

SEC. 10. The President is hereby authorized to make rules and regulations, and to alter or amend the same from time to time, touching the right of any person to enter or remain upon or pass over any part of the Canal Zone; for the detention of any person entering the Canal Zone in violation of such rules and regulations, and return of such person to the country whence he or she came, on the vessel bringing such person to the Canal Zone, or any other vessel belonging to the same owner or interest, and at the expense of such owner or interest; and in addition to the punishment prescribed by this section for violation of any such rules and regulations, the authorities of the Canal Zone may withhold the clearance of such vessel from any port in the Canal Zone until any fine imposed and the cost of maintenance of such person are paid. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding a year, or both in the discretion of the court. It shall be unlawful for any person, by any means or in any way to injure or obstruct or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the district court of the Canal Zone, shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding twenty years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.<sup>156</sup>

SEC. 11. That all laws, orders, or ordinances in conflict with this Act are hereby repealed.

Approved, August 21, 1916. [39 Stat., 528.]

An Act Making appropriations for the support of the Army, for the fiscal year ending June thirtieth nineteen hundred and seventeen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and seventeen.

\* \* \* \* \*

PAY OF OFFICERS OF THE LINE.

\* \* \* \* \*

*And provided further,* That the general officers of the line who were appointed as such pursuant to the Act of March fourth, nineteen hundred and fifteen (Thirty-eight Statutes at Large, page eleven hundred and ninety-one), shall take rank in their present grades over all officers hereafter appointed to like grades.

\* \* \* \* \*

BARRACKS AND QUARTERS:

\* \* \* \* \*

*Provided further,* That the Secretary of War is authorized to expend from the above amount not to exceed \$110,000 for the purpose of providing temporary shelter on the Canal Zone for one regiment of Infantry and one company of Engineers.

\* \* \* \* \*

<sup>155</sup> See Executive Order of May 6, 1911 (E. O. 108) relating to arrest and discharge of deserting seamen. See also 679 series Governor's Circulars, relating to customs, shipping commissioner, manifests, crew and passenger lists, etc., and Circular No. 660-48, authorizing a Bureau of Shipping Commissioner.

<sup>156</sup> Compare this section (No. 10) with section 10 of the Panama Canal Act, p. 85. See Executive Order of Feb. 6, 1917 (E. O. 220) issued under authority of this section, providing for exclusion and deportation of undesirables; and other order of same date (E. O. 222) relating to the exclusion of Chinese.

See also notes under order of July 25, 1910 (E. O. 98) empowering the Commission to make rules and regulations to protect construction of Canal.

MEDICAL DEPARTMENT.

**MEDICAL AND HOSPITAL DEPARTMENT:** For the purchase of medical and hospital supplies, including motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the exchange of typewriting machines, for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone:

\* \* \* \* \*

**HOSPITAL CARE, CANAL ZONE GARRISONS.** For paying the Panama Canal such reasonable charges exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided*, That the subsistence of the said patients, except commissioned officers and acting dental surgeons, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, \$45,000.

\* \* \* \* \*

Approved, August 29, 1916. [39 Stat., 623, 636, 639, 640.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and seventeen, and for other purposes:

\* \* \* \* \*

Section six of an Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seventeen, namely:" approved May tenth, nineteen hundred and sixteen, is hereby amended so as to read as follows:

"SEC. 6. That unless otherwise specially authorized by law, no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia: *Provided*, That no such retired officer, officer, or enlisted man shall be denied or deprived of any of his pay, salary, or compensation as such, or of any other salary or compensation for services heretofore rendered, by reason of any decision or construction of said section six."

\* \* \* \* \*

BUREAU OF CONSTRUCTION AND REPAIR.

\* \* \* \* \*

**CONSTRUCTION AND REPAIR OF VESSELS:** \* \* \* installing gun foundations on Panama Canal colliers Ulysses and Achilles,

\* \* \* \* \*

BUREAU OF STEAM ENGINEERING.

High-power radio stations: For the completion of high-power radio stations (cost not to exceed \$1,500,000), to be located as follows: One in the Isthmian Canal

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Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, \$300,000, to be available until expended.

\* \* \* \* \*

Approved, August 29, 1916. [39 Stat., 582, 607.]

An Act To provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.<sup>157</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the wilful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

SEC. 2. That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period.

SEC. 3. That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided.

SEC. 4. That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.

SEC. 5. That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation.

SEC. 6. That the monthly compensation for total disability shall not be more than \$66.67 nor less than \$33.33, unless the employee's monthly pay is less than \$33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than \$66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 7. That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States.

SEC. 8. That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased.

SEC. 9. That immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable

<sup>157</sup> See notes after last section this act, p. 139.

time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

SEC. 10. That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen

years of age or over that age and incapable of self support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than \$100 nor less than \$50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 11. That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed \$100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.

SEC. 12. That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

SEC. 13. That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

SEC. 14. That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than \$5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 15. That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 16. That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

SEC. 17. That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.

SEC. 18. That no compensation under this Act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

SEC. 19. That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

SEC. 20. That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year.

SEC. 21. That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

SEC. 22. That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.

SEC. 23. That fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission.

SEC. 24. That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

SEC. 25. That any assignment of a claim for compensation under this Act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

SEC. 26. If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this Act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

SEC. 27. That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury.

SEC. 28. That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of \$4,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this Act.

SEC. 28a. Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this Act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section twenty-four, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, shall be transferred to, and become employees of, the commission at their present grades and salaries.

SEC. 29. That the commission, or any commissioner by authority of the commission, shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission.

SEC. 30. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed from lists of eligibles to be supplied by the Civil Service Commission, and in accordance with the civil-service law.

SEC. 31. That the commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

SEC. 32. That the commission is authorized to make necessary rules and regulations for the enforcement of this Act, and shall decide all questions arising under this Act.

SEC. 33. That the commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

SEC. 34. That for the fiscal year ending June thirtieth, nineteen hundred and seventeen, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections twenty-one and twenty-two,

reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses.

SEC. 35. That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

SEC. 36. The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this Act. Compensation when awarded shall be paid from the employees' compensation fund.

SEC. 37. That if the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

SEC. 38. That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

SEC. 39. That whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 40. That wherever used in this Act -

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

SEC. 41. That all Acts or parts of Acts inconsistent with this Act are hereby repealed;<sup>158</sup> *Provided, however,* That for injuries occurring prior to the passage of this Act compensation shall be paid under the law in force at the time of the passage of this Act;<sup>159</sup> *And provided further,* That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States<sup>160</sup> or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company.

SEC. 42. That the President may, from time to time, transfer the administration of this Act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal,<sup>161</sup> and so far as

<sup>158</sup> Repeals acts of May 30, 1908, and Feb. 24, 1909, pp. 49-51. See also par. 5. sec. 5, Panama Canal Act, and notes thereunder, relating to this subject, p. 82.

<sup>159</sup> See also Sundry Civil Bill for 1918, p. 157, authorizing payment of lump sums to alien cripples injured while employed in the construction of the Canal.

<sup>160</sup> Act of Apr. 22, 1908, pp. 45-46, and amendatory act of Apr. 5, 1910, p. 57, relate to liability of common carriers by railroad (including Panama Railroad) to their employees.

<sup>161</sup> Administration of this act transferred to the Governor of The Panama Canal by Executive Order of Sept. 15, 1916 (E. O. 217-218). See also the 668 series of Governor's Circulars relating to this subject.

employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this Act shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of the appropriation for the work of the commission.

In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section eighteen. In the case of alien employees of the Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section six on the monthly compensation for disability and the minimum limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the chairman of the Alaskan Engineering Commission to pay the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

Approved, September 7, 1916. [39 Stat., 742.]

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An Act To establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when used in this Act:

The term "common carrier by water in foreign commerce" means a common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade: *Provided*, That a cargo boat commonly called an ocean tramp shall not be deemed such "common carrier by water in foreign commerce."

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "common carrier by water" means a common carrier by water in foreign commerce, or a common carrier by water in interstate commerce on the high seas or the Great Lakes on regular routes from port to port.

The term "other person subject to this Act" means any person not included in the term "common carrier by water," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

SEC. 2. That within the meaning of this Act no corporation, partnership, or association shall be deemed a citizen of the United States, unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

The provisions of this Act shall apply to receivers and trustees of all persons to whom the Act applies, and to the successors or assignees of such persons.

SEC. 3. That a board is hereby created, to be known as the United States Shipping Board, and hereinafter referred to as the board. The board shall be composed of five commissioners, to be appointed by the President, by and with the advice and consent of the Senate; said board shall annually elect one of its members as chairman and one as vice chairman.

The first commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this Act, and to a fair representation of the geographical divisions of the country. Not more than three of the commissioners shall be appointed from the same political party. No commissioner shall be in the employ of or hold any official relation to any common carrier by water or other person subject to this Act, or own any stocks or bonds thereof, or be pecuniarily interested therein. No commissioner shall actively engage in any other business vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

SEC. 4. That each member of the board shall receive a salary of \$7,500 per annum. The board shall appoint a secretary, at a salary of \$5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military, naval, or other services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law.

The expenses of the board, including necessary expenses for transportation, incurred by the members of the board, or by its employees under its orders, in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

Until otherwise provided by law the board may rent suitable offices for its use.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

SEC. 5. That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes, and to make necessary repairs on and alterations of such vessels: *Provided*, That neither the board nor any corporation formed under section eleven in which the United States is then a stockholder shall purchase, lease, or charter any vessel—

(a) Which is then engaged in the foreign or domestic commerce of the United States, unless it is about to be withdrawn from such commerce without any intention on the part of the owner to return it thereto within a reasonable time;

(b) Which is under the registry or flag of a foreign country which is then engaged in war;

(c) Which is not adapted, or can not by reasonable alterations and repairs be adapted, to the purposes specified in this section;

(d) Which, upon expert examination made under the direction of the board, a written report of such examination being filed as a public record, is not without alteration or repair found to be at least seventy-five per centum as efficient as at the time it was originally put in commission as a seaworthy vessel.

SEC. 6. That the President may transfer either permanently or for limited periods to the board such vessels belonging to the War or Navy Department as are suitable

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for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Company and not required in its business.<sup>162</sup>

SEC. 7. That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased, constructed, or transferred.

SEC. 8. That when any vessel purchased or constructed by or transferred to the board as herein provided, and owned by the United States, becomes, in the opinion of the board, unfit for the purposes of this Act, it shall be appraised and sold at public or private competitive sale after due advertisement free from the conditions and restrictions of this Act.

SEC. 9. That any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this Act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this Act, may engage in the coastwise trade of the United States.

Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein. No such vessel, without the approval of the board, shall be transferred to a foreign registry or flag, or sold; nor, except under regulations prescribed by the board, be chartered or leased.

When the United States is at war,<sup>163</sup> or during any national emergency the existence of which is declared by proclamation of the President, no vessel registered or enrolled and licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States, or transferred to a foreign registry or flag. No vessel registered or enrolled and licensed under the laws of the United States, or owned by any person a citizen of the United States, except one which the board is prohibited from purchasing, shall be sold to any person not a citizen of the United States or transferred to a foreign registry or flag, unless such vessel is first tendered to the board at the price in good faith offered by others, or, if no such offer, at a fair price to be determined in the manner provided in section ten.

Any vessel sold, chartered, leased, transferred, or operated in violation of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000 or to imprisonment of not more than five years, or both such fine and imprisonment.

SEC. 10. That the President, upon giving to the person interested such reasonable notice in writing as in his judgment the circumstances permit, may take possession, absolutely or temporarily, for any naval or military purpose, of any vessel purchased, leased, or chartered from the board: *Provided*, That if in the judgment of the President, an emergency exists requiring such action he may take possession of any such vessel without notice.

Thereafter, upon ascertainment by agreement or otherwise, the United States shall pay the person interested the fair actual value based upon normal conditions at the time of taking of the interest of such person in every vessel taken absolutely, or if taken for a limited period, the fair charter value under normal conditions for such period. In case of disagreement as to such fair value it shall be determined by appraisers, one to be appointed by the board, one by the person interested, and a third by the two so appointed. The finding of such appraisers shall be final and binding upon both parties.

SEC. 11. That the board, if in its judgment such action is necessary to carry out the purposes of this Act, may form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States. The total capital stock thereof shall not exceed \$50,000,000. The board may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation, and do all other things in re-

<sup>162</sup> Jt. Res. Cong. of May 12, 1917, p. 154, authorizes President to operate war prizes through Shipping Board.

<sup>163</sup> Sec Jt. Res. of Mar. 3, 1921, p. 231, relating to termination of present war.

gard thereto necessary to protect the interests of the United States and to carry out the purposes of this Act. The board, with the approval of the President, may sell any or all of the stock of the United States in such corporation, but at no time shall it be a minority stockholder therein: *Provided*, That no corporation in which the United States is a stockholder, formed under the authority of this section, shall engage in the operation of any vessel constructed, purchased, leased, chartered, or transferred under the authority of this Act unless the board shall be unable, after a bona fide effort, to contract with any person a citizen of the United States for the purchase, lease, or charter of such vessel under such terms and conditions as may be prescribed by the board.

The board shall give public notice of the fact that vessels are offered and the terms and conditions upon which a contract will be made, and shall invite competitive offerings. In the event the board shall, after full compliance with the terms of this provision, determine that it is unable to enter into a contract with such private parties for the purchase, lease, or charter of such vessel, it shall make a full report to the President, who shall examine such report, and if he shall approve the same he shall make an order declaring that the conditions have been found to exist which justify the operation of such vessel by a corporation formed under the provisions of this section.

At the expiration of five years from the conclusion of the present European war<sup>186</sup> the operation of vessels on the part of any such corporation in which the United States is then a stockholder shall cease and the said corporation stand dissolved. The date of the conclusion of the war shall be declared by proclamation of the President. The vessels and other property of any such corporation shall revert to the board. The board may sell, lease, or charter such vessels as provided in section seven and shall dispose of the property other than vessels on the best available terms and, after payment of all debts and obligations, deposit the proceeds thereof in the Treasury to its credit. All stock in such corporations owned by others than the United States at the time of dissolution shall be taken over by the board at a fair and reasonable value and paid for with funds to the credit of the board. In case of disagreement, such value shall be determined in the manner provided in section ten.

SEC. 12. That the board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. It shall examine the rules under which vessels are constructed abroad and in the United States, and the methods of classifying and rating same, and it shall examine into the subject of marine insurance, the number of companies in the United States, domestic and foreign, engaging in marine insurance, the extent of the insurance on hulls and cargoes placed or written in the United States, and the extent of reinsurance of American maritime risks in foreign companies, and ascertain what steps may be necessary to develop an ample marine insurance system as an aid in the development of an American merchant marine. It shall examine the navigation laws of the United States and the rules and regulations thereunder, and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws, and for the development of the American merchant marine. It shall investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping.

It shall, on or before the first day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this Act, and of the operations of any corporations in which the United States is a stockholder, and the names and compensation of all persons employed by the board.

SEC. 13. That for the purpose of carrying out the provisions of sections five and eleven no liability shall be incurred exceeding a total of \$50,000,000 and the Secretary of the Treasury, upon the request of the board, approved by the President, shall from time to time issue and sell or use any of the bonds of the United States now available in the Treasury under the Acts of August fifth, nineteen hundred and nine, February fourth, nineteen hundred and ten, and March second, nineteen hundred and eleven, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed \$50,000,000. *Provided*, That any bonds issued and sold or used under the provisions of this section may be made payable at such time within fifty years after issue as the Secretary of the Treasury may fix, instead of fifty years after the date of issue, as prescribed in the Act of August fifth, nineteen hundred and nine.

The proceeds of such bonds and the net proceeds of all sales, charters, and leases of vessels and of sales of stock made by the board, and all other moneys received by

it from any source, shall be covered into the Treasury to the credit of the board, and are hereby permanently appropriated for the purpose of carrying out the provisions of sections five and eleven.

SEC. 14. That no common carrier by water shall directly or indirectly—

First. Pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow, a deferred rebate to any shipper. The term "deferred rebate" in this Act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term "fighting ship" in this Act means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

Third. Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

Fourth. Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$25,000 for each offense.

SEC. 15. That every common carrier by water, or other person subject to this Act, shall file immediately with the board a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this Act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term "agreement" in this section includes understandings, conferences, and other arrangements.

The board may by order disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of this Act, and shall approve all other agreements, modifications, or cancellations.

Agreements existing at the time of the organization of the board shall be lawful until disapproved by the board. It shall be unlawful to carry out any agreement or any portion thereof disapproved by the board.

All agreements, modifications, or cancellations made after the organization of the board shall be lawful only when and as long as approved by the board, and before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the Act approved July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and amendments and Acts supplementary thereto, and the provisions of sections seventy-three to seventy-seven, both inclusive, of the Act approved August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," and amendments and Acts supplementary thereto.

Whoever violates any provision of this section shall be liable to a penalty of \$1,000 for each day such violation continues, to be recovered by the United States in a civil action.

SEC. 16. That it shall be unlawful for any common carrier by water, or other person subject to this Act, either alone or in conjunction with any other person, directly or indirectly—

First. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Second. To allow any person to obtain transportation for property at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

Third. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this Act.

SEC. 17. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

Every such carrier and every other person subject to this Act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

SEC. 18. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the board and after ten days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made; but the board for good cause shown may waive such notice.

Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

SEC. 19. That whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not increase such rates unless after hearing the board finds that such proposed increase rests upon changed conditions other than the elimination of said competition.

SEC. 20. That it shall be unlawful for any common carrier by water or other person subject to this Act, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier or other person subject to this Act for transportation in interstate or foreign commerce, which informa-

tion may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

Nothing in this Act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States, or of any State, Territory, District, or possession thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

SEC. 21. That the board may require any common carrier by water, or other person subject to this Act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this Act. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of \$100 for each day of such default.

Whoever wilfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum shall be guilty of a misdemeanor, and subject upon conviction to a fine of not more than \$1,000, or imprisonment for not more than one year, or to both such fine and imprisonment.

SEC. 22. That any person may file with the board a sworn complaint setting forth any violation of this Act by a common carrier by water, or other person subject to this Act, and asking reparation for the injury, if any, caused thereby. The board shall furnish a copy of the complaint to such carrier or other person, who shall, within a reasonable time specified by the board, satisfy the complaint or answer it in writing. If the complaint is not satisfied the board shall, except as otherwise provided in this Act, investigate it in such manner and by such means, and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers, investigate any violation of this Act.

SEC. 23. Orders of the board relating to any violation of this Act shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion.

All orders of the board other than for the payment of money made under this Act shall continue in force for such time, not exceeding two years, as shall be prescribed therein by the board, unless suspended, modified, or set aside by the board or any court of competent jurisdiction.

SEC. 24. That the board shall enter of record a written report of every investigation made under this Act in which a hearing has been held, stating its conclusions, decision, and order, and, if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

The board may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof.

SEC. 25. That the board may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it. Upon application of any party to a decision or order it may grant a rehearing of the same or any matter determined therein, but no such application for or allowance of a rehearing shall, except by special order of the board, operate as a stay of such order.

SEC. 26. The board shall have power, and it shall be its duty whenever complaint shall be made to it, to investigate the action of any foreign Government with respect to the privileges afforded and burdens imposed upon vessels of the United States engaged in foreign trade whenever it shall appear that the laws, regulations, or practices of any foreign Government operate in such a manner that vessels of the United States are not accorded equal privileges in foreign trade with vessels of such

foreign countries or vessels of other foreign countries, either in trade to or from the ports of such foreign country or in respect of the passage or transportation through such foreign country of passengers or goods intended for shipment or transportation in such vessels of the United States, either to or from ports of such foreign country or to or from ports of other foreign countries. It shall be the duty of the board to report the results of its investigation to the President with its recommendations and the President is hereby authorized and empowered to secure by diplomatic action equal privileges for vessels of the United States engaged in such foreign trade. And if by such diplomatic action the President shall be unable to secure such equal privileges then the President shall advise Congress as to the facts and his conclusions by special message, if deemed important in the public interest, in order that proper action may be taken thereon.

SEC. 27. That for the purpose of investigating alleged violations of this Act, the board may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence from any place in the United States at any designated place of hearing. Subpoenas may be signed by any commissioner, and oaths or affirmations may be administered, witnesses examined, and evidence received by any commissioner or examiner, or, under the direction of the board, by any person authorized under the laws of the United States or of any State, Territory, District, or possession thereof to administer oaths. Persons so acting under the direction of the board and witnesses shall, unless employees of the board, be entitled to the same fees and mileage as in the courts of the United States. Obedience to any such subpoena shall, on application by the board, be enforced as are orders of the board other than for the payment of money.

SEC. 28. That no person shall be excused on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpoena of the board or of any court in any proceeding based upon or growing out of any alleged violation of this Act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 29. That in case of violation of any order of the board, other than an order for the payment of money, the board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

SEC. 30. That in case of violation of any order of the board for the payment of money the person to whom such award was made may file in the district court for the district in which such person resides, or in which is located any office of the carrier or other person to whom the order was directed, or in which is located any point of call on a regular route operated by the carrier, or in any court of general jurisdiction of a State, Territory, District, or possession of the United States having jurisdiction of the parties, a petition or suit setting forth briefly the causes for which he claims damages and the order of the board in the premises.

In the district court the findings and order of the board shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor shall he be liable for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner in a district court finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the costs of the suit.

All parties in whose favor the board has made an award of reparation by a single order may be joined as plaintiffs, and all other parties to such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against any such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

No petition or suit for the enforcement of an order for the payment of money shall be maintained unless filed within one year from the date of the order.

SEC. 31. That the venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the board shall, except as herein otherwise provided, be the same as in similar suits in regard

to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties.

SEC. 32. That whoever violates any provision of this Act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by fine of not to exceed \$5,000.

SEC. 33. That this Act shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission, nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission; nor shall this Act be construed to apply to interstate commerce.

SEC. 34. That if any provision of this Act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the Act, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby.

SEC. 35. That for the fiscal year ending June thirtieth, nineteen hundred and seventeen, the sum of \$100,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the board, including the payment of salaries herein authorized.

SEC. 36. The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port whenever he shall have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refuses or declines to accept or receive freight or cargo in good condition tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor, by any citizen of the United States, unless the same is fully laden and has no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle, or unless such freight or cargo consists of merchandise for which such vessel or vehicle is not adaptable.

Approved, September 7, 1916. [39 Stat., 728.]

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and prior fiscal years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and prior fiscal years, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

\* \* \* \* \*

Relief and protection of American seamen: For relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, \$15,000.

\* \* \* \* \*

PANAMA CANAL.

The authorized cost of construction, by contract or in navy yards, complete in every detail, including self-discharging equipment and all other necessary apparatus, of two colliers for the Panama Canal provided for in the sundry civil appropriation Act for the fiscal year nineteen hundred and seventeen, is increased from \$1,300,000 each to \$1,500,000 each.

FORTIFICATIONS.

- Ordnance depot:
- For three storehouses, \$90,000;
- For two magazine buildings, \$20,000;
- For one magazine building, \$6,000;

For one shop building, \$17,000;  
 For one office building, \$4,000;  
 For one barrack, \$17,350;  
 For one set of field officers' quarters, \$16,800;  
 For one set of captains' quarters, \$15,750;  
 For one set of double noncommissioned officers' quarters, \$12,600;  
 For seven sets of family quarters for personnel of Ordnance depot, \$18,200;  
 For one stable, with carriage house, \$5,000;  
 For three sets of family quarters for Ordnance machinists, one each at Forts Randolph, Sherman, and Grant, \$7,800;  
 For one dock, \$160,000;  
 For necessary dredging, \$100,000;  
 For necessary railroad tracks and connections, \$17,500;  
 For roads, walks, sewers, water, light, and power, \$25,000;  
 In all, \$533,000, to continue available until expended.

\* \* \* \* \*

#### UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

For expenses under an Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September [seventh], nineteen hundred and sixteen, namely:

**MISCELLANEOUS EXPENSES:** For salaries of the commissioners, and for such assistants, clerks, and other employees, as the Commission may deem necessary, and for traveling expenses, expenses of medical examinations, and for reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, for rent in the District of Columbia and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses, for the fiscal year nineteen hundred and seventeen, \$50,000. Estimates in detail shall hereafter be annually submitted hereunder.

**EMPLOYEES' COMPENSATION FUND:** For the payment of compensation provided by said Act, including medical, surgical, and hospital services, and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven, for the fiscal year nineteen hundred and seventeen, \$500,000.

\* \* \* \* \*

Approved, September 8, 1916. [39 Stat., 802, 811, 821.]

An Act To regulate the immigration of aliens to, and the residence of aliens in, the United States.<sup>64</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the word "alien" wherever used in this Act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States. That the term "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone or any insular possession of the United States and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

\* \* \* \* \*

*Provided further,* That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions

<sup>64</sup> Repeals sec. 33 of act of Feb. 20, 1907, p. 41. See Executive Order of Mar. 14, 1907 (E. O. 63) and Executive Order of Feb. 24, 1913 (E. O. 134). See also act of May 10, 1920, p. 217, relating to deportation of certain undesirable aliens and denying readmission to those deported, and act of May 9, 1918, amending naturalization laws as to aliens who have served in the military or naval forces of the United States (p. 188).

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therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone.

\* \* \* \* \*

SEC. 38. That this Act, except as otherwise provided in section three, shall take effect and be enforced on and after May first, nineteen hundred and seventeen.

\* \* \* \* \*

Passage after veto; by the House of Representatives, February 1, 1917; by the Senate, February 5, 1917. [39 Stat., 874, 878, 897.]

An Act Making appropriation for fortifications and other works of defense, for the armament thereof for the procurement of heavy ordnance for trial and service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to continue available until expended, namely:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

\* \* \* \* \*

UNDER THE CHIEF SIGNAL OFFICER.

\* \* \* \* \*

The Secretary of War is directed to submit to Congress on or before January first, nineteen hundred and eighteen, a detailed statement of the land, buildings, and other facilities now available and to be required for the accommodation of airships and other aerial machines to be used in connection with the seacoast defenses of the continental United States, the insular possessions, and the Panama Canal.

\* \* \* \* \*

Approved, February 14, 1917. [39 Stat., 909, 910.]

An Act Authorizing transfer of certain retired Army officers to the active list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the President be, and he is hereby, authorized, within one year of the approval of this Act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under fifty years of age who may have been transferred heretofore from the active to the retired list of the Army under the Act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March fourth, nineteen hundred and fifteen:<sup>65</sup> *Provided*, That such officers shall take rank at the foot of the respective grades which they held at the time of their retirement and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: *Provided further*, That such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: *And provided further*, That any officer transferred to the active list under this Act shall not again be entitled to the benefits of the Panama Canal Act described above, except when retired for age or for physical disability incurred in the line of duty.

Approved, February 23, 1917. [39 Stat., 937.]

An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eighteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby,

<sup>65</sup> p. 123.

severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eighteen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

PAYMENT TO THE GOVERNMENT OF PANAMA.

To enable the Secretary of State to pay to the Government of Panama the sixth annual payment due on February twenty-sixth, nineteen hundred and eighteen, from the Government of the United States to the Government of Panama under article fourteen of the treaty of November eighteenth, nineteen hundred and three, \$250,000.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$40,000.

\* \* \* \* \*

Approved, March 3, 1917. [39 Stat., 1047, 1055, 1058 ]

An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes.

\* \* \* \* \*

*Provided*, That on and after July first, nineteen hundred and nineteen, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine.

\* \* \* \* \*

SEC. 4. That no part of any money appropriated by this or any other act shall be used during the fiscal year nineteen hundred and eighteen for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the fiscal year nineteen hundred and sixteen; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools; *Provided*, That in construing this section the Commissioner of Patents shall advise the Comptroller of the Treasury as to whether the changes in any typewriter are of such structural character as to constitute a new machine not within the limitations of this section.

\* \* \* \* \*

Approved, March 3, 1917. [39 Stat., 1070, 1106, 1121.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eighteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby,

appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and eighteen, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

\* \* \* \* \*

GENERAL EXPENSES, WEATHER BUREAU: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an Act approved October first, eighteen hundred and ninety, so far as they relate to the weather service transferred thereby to the Department of Agriculture,

\* \* \* \* \*

Total for Weather Bureau, \$1,783,140.

\* \* \* \* \*

Approved, March 4, 1917. [39 Stat., 1134, 1136, 1137.]

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An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and eighteen, and for other purposes:

\* \* \* \* \*

That in case of national emergency the President is authorized to suspend provisions of law <sup>166</sup> prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States: *Provided further,* That the wages of persons employed upon such contracts shall be computed on a basic day rate of eight hours work, with overtime rates to be paid for at not less than time and one-half for all hours work in excess of eight hours.

\* \* \* \* \*

NAVAL EMERGENCY FUND.

\* \* \* \* \*

(a) That the word "person" as used in paragraphs (b), (c), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

(b) That in time of war, or of national emergency arising prior to March first, nineteen hundred and eighteen, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law.<sup>167</sup>

First. Within the limits of the amounts appropriated therefor, to place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts

<sup>166</sup> p. 38.

<sup>167</sup> See Jt. Res. of Mar. 3, 1921, p. 231, relating to termination of present war.

therefore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Second. Within the limits of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and, within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

That all authority granted to the President in this paragraph to be exercised in time of national emergency, shall cease on March first, nineteen hundred and eighteen.

(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per centum shall make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.

That section forty-four of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, be, and the same is hereby, amended to read as follows:

"SEC. 44. Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which the offender is first brought, by a fine of not more than \$5,000 or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court."<sup>168</sup>

Approved, March 4, 1917. [39 Stat., 1168, 1192, 1193.]

<sup>168</sup> Amended by act of May 22, 1917, p. 155, giving District Court of Canal Zone jurisdiction of offenses under this section. Executive Order of Aug. 27, 1917 (E. O. 227) establishes defensive sea areas at terminal ports of the Canal. See also act of Apr. 20, 1918, p. 187, relating to destruction of war materials

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An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and prior fiscal years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and prior fiscal years, and for other purposes, namely:

\* \* \* \* \*

### PANAMA CANAL.

For the fortification of the Panama Canal as follows: For the operation and maintenance of fire-control installations at seacoast defenses, Panama Canal, under the Chief Signal Officer of the Army, \$5,000.

\* \* \* \* \*

Approved, April 17, 1917. (40 Stat., 2, 28.)

An Act To amend section ten of chapter two of the Criminal Code.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10 of chapter two of an Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, be amended so as to read as follows:

"SEC. 10. Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, State, colony, district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque or privateer shall be fined not more than \$1,000 and imprisoned not more than three years: *Provided,* That this section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War."

Approved, May 7, 1917. [40 Stat., 39.]

Joint Resolution Authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof;<sup>169</sup> and, through the United States Shipping Board,<sup>170</sup> or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall

<sup>169</sup> Possession and title taken over in all such vessels by Executive Order of Nov. 24, 1919 (E. O. 255).

<sup>170</sup> Shipping Board established by act of Sept. 7, 1916, p. 140. See Executive Order of June 30, 1917, p. 226-(a-b), ordering Shipping Board to take over vessels listed in that order.

preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.  
 Approved, May 12, 1917. [40 Stat., 75.]

An Act Making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and eighteen:

\* \* \* \* \*

MEDICAL DEPARTMENT.

MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies, including motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the purchase and exchange of typewriting machines for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about military posts in the Canal Zone: \* \* \* \$1,000,000.

HOSPITAL CARE, CANAL ZONE GARRISONS: For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided,* That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, \$35,000.

\* \* \* \* \*

RESERVE CORPS.

\* \* \* \* \*

*Provided further,* That all officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year.

*Provided further,* That members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty.

\* \* \* \* \*

Approved, May 12, 1917. [40 Stat., 40, 60, 61, 72.]

An Act To temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

\* \* \* \* \*

SEC. 19. That section forty-four of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by an Act entitled "An Act making appropriation for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," approved March fourth, nineteen hundred and

seventeen, be, and is hereby, amended by adding the following to said section:<sup>172</sup>  
 "Provided, That offenses hereunder committed within the Canal Zone or within any defensive sea areas which the President is authorized to establish by said section shall be cognizable in the District Court <sup>173</sup> of the Canal Zone, and jurisdiction is hereby conferred upon said court to hear and determine all such cases arising under said section and to impose the penalties therein provided for the violation of any of the provisions of said section."<sup>173</sup>

\* \* \* \* \*  
 Approved, May 22, 1917. (40 Stat., 89.)

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and eighteen, namely:

\* \* \* \* \*  
 WAR DEPARTMENT.  
 \* \* \* \* \*  
 NATIONAL CEMETERIES.  
 \* \* \* \* \*

Disposition of remains of officers, soldiers, civilian employees, and so forth: For interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons and enlisted men of the Army active list; interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field or at military posts within the limits of the United States; interment of military prisoners who die at military posts; removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines, interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July first, nineteen hundred and ten, \$60,000.

\* \* \* \* \*  
 DEPARTMENT OF COMMERCE.  
 \* \* \* \* \*  
 COAST AND GEODETIC SURVEY.  
 \* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$25,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$115,000;

\* \* \* \* \*

<sup>172</sup> p. 152.  
<sup>173</sup> Special jurisdiction also conferred upon the District Court of the Canal Zone under the Espionage Act, p. 161, and Trading with the Enemy Act, p. 174.  
<sup>173</sup> Act of May 10, 1920, p. 217, provides for deportation of aliens convicted under this section.

## THE PANAMA CANAL.

For every expenditure requisite for and incident to the construction, maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding \$500, textbooks and books of reference; printing and binding, including printing of annual report, rents and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages caused to owners of private lands or private property of any kind by reason of the grants contained in the treaty between the United States and the Republic of Panama, proclaimed February twenty-sixth, nineteen hundred and four, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the work of sanitation and protection therein provided for, whether such claims are compromised by agreements between the claimants and the Governor of the Panama Canal or allowed by a joint land commission; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section thirteen of the sundry civil appropriation Act approved August first, nineteen hundred and fourteen, and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary to best promote the construction, maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For continuing the construction and equipment of the Panama Canal, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; for the completion of one dock at Cristobal (numbered six) at a total cost not exceeding \$1,500,000; and toward construction by contract or in navy yards complete in every detail of two sea-going coal barges at a total cost not exceeding \$800,000 each under a contract or contracts hereby authorized therefor: *Provided*, That the authority contained in the Act approved July first, nineteen hundred and sixteen, for the construction of two colliers is repealed and the sum of \$1,100,000 appropriated therein toward the construction of the said colliers, or so much thereof as is unexpended, is made available for use in the construction of the coal barges authorized herein, \$2,755,000.

For maintenance and operation of the Panama Canal, salary of the governor, \$100,000;<sup>174</sup> purchase, inspection, delivery, handling, and storing of material, supplies and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation Act approved September seventh, nineteen hundred and sixteen,<sup>175</sup> to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, \$9,000,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act;

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation from May tenth, nineteen hundred and sixteen, to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$700,000;

<sup>174</sup> Amended to read \$10,000 by act of June 21, 1917, p. 172.

<sup>175</sup> pp. 140-147.

For civil government of the Panama Canal and Canal Zone, salaries of district judge \$6,000, district attorney, \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners, \$700,000;

In all, \$13,155,000, to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications, colliers, dock six at Cristobal, coal barges, and repairs, alterations, and reboiling of steamships Ancon and Cristobal, and exclusive of the fair value of the American Legation building in Panama, as approved by the Secretary of War and Secretary of State, and exclusive of the amount used for operating and maintaining the canal, and exclusive of the amount expended for sanitation and civil government after January first, nineteen hundred and fifteen, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and nine.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section four of the Panama Canal Act, there shall not be employed at any time during the fiscal year nineteen hundred and eighteen under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted respectively in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and sixteen; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year nineteen hundred and eighteen.

In addition to the foregoing sums there is appropriated, for the fiscal year nineteen hundred and eighteen, for expenditure and reinvestment under the several heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like services; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year nineteen hundred and eighteen, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

In addition to the foregoing amounts there is appropriated, out of any money hereafter received as tolls, before such money is covered into the Treasury as miscellaneous receipts, amounts necessary to refund to the parties entitled thereto amounts which heretofore or may hereafter be erroneously received as tolls and covered into the Treasury as miscellaneous receipts.

Upon the application of the governor of the Panama Canal, the Secretary of the Interior is authorized to transfer to Saint Elizabeths Hospital, in the District of Columbia, for treatment all American citizens legally adjudged insane in the Canal

Zone <sup>176</sup> whose legal residence in one of the States and Territories or the District of Columbia it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

#### FORTIFICATIONS, PANAMA CANAL.

For fortifications and armament thereof for the Panama Canal, to be immediately available and to continue until expended, namely:

For maintenance of clearings and trails, \$20,000;

For protection, preservation, and repair of fortifications, including structures erected for torpedo defense, and for maintaining channels for access to torpedo wharves, \$10,000;

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$7,500;

For the construction of seacoast batteries, \$332,000;

Submarine base (Coco Solo Point): For dredging inner basin and channel to same, concrete dock, containing walls, finger docks, tracks, dry fill, electrical work, shops, storehouses, stationary crane, magazines and torpedo storage, shop and power tools, and plant equipment, \$750,000: *Provided*, That the construction work hereunder shall be performed under the direction of the governor of the Panama Canal;

For the construction and development of an aeronautic station on the Canal Zone, \$250,000;

For alteration, maintenance, and repair of submarine mine matériel, \$2,500;

For operation and maintenance of fire-control installations at seacoast defenses, \$10,000;

For the purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines, buildings for equipment, and other accessories necessary in the aviation section for use in connection with the seacoast defenses of the Panama Canal, \$500,000: *Provided*, That the construction of buildings hereunder shall be performed under the direction of the Governor of the Panama Canal;

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$468,000;

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$1,985,000; *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$700,000 in addition to the appropriations, herein and heretofore made:

For the alteration, maintenance, and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay of enlisted men engaged thereon, \$335,000;

Ordnance Depot: For a building for storing artillery vehicles, \$8,500;

For the necessary equipment, including machinery and its installation, for the ordnance repair shops, \$40,000;

For two magazines, \$34,000;

For a building for storing lumber, targets, and so forth, \$4,000;

The appropriations of \$160,000 for one dock and \$100,000 for necessary dredging for the Ordnance Depot for the Panama Canal, contained in the general deficiency appropriation Act, approved September eighth, nineteen hundred and sixteen, are repealed;

In all, \$86,500;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$1,756,500.

*Provided*, That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion

<sup>176</sup> The insane asylum of the Canal Zone is governed by the Executive Order of May 10, 1911 (E. O. 109). See also the 619 series of Governor's Circulars relating to treatment in hospitals.

thereof, or of the movements of any such employee while engaged upon such works; nor shall any part of the appropriations made in this Act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

SEC. 2. That to provide, during the fiscal year nineteen hundred and eighteen, for increased compensation at the rate of ten per centum per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of five per centum per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this Act specifically and under lump sums or whose employment is authorized herein, but shall not include employees of the Panama Canal on the Canal Zone:<sup>177</sup> *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

SEC. 3. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and eighteen, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

Approved, June 12, 1917. [40 Stat., 105, 162, 176.]

An Act Making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes, namely:

\* \* \* \* \*

MILITARY ESTABLISHMENT.

\* \* \* \* \*

MEDICAL DEPARTMENT.

MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies, including gas masks, motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the purchase and exchange of typewriting machines for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone \* \* \* \$29,780,000.

\* \* \* \* \*

PANAMA CANAL FORTIFICATIONS.

For fortifications and armament thereof for the Panama Canal, namely:  
 For the construction of seacoast batteries on the Canal Zone, \$5,000;  
 For land defenses, Panama Canal, including the procurement and installation of searchlight, purchase of armored cars and locomotives, construction of roads and surveys incidental thereto, \$29,500;  
 For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, \$55,000;  
 For the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, \$78,774;  
 For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$1,775,000;

<sup>177</sup> See similar provision in act of July 3, 1918, p. 196; act of Mar. 1, 1919, p. 206; act of May 29, 1920, p. 219.

For the purchase, manufacture, and test of ammunition for seacoast and land-defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$1,415,000;

For alteration, maintenance, and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay for enlisted men engaged thereon, \$665,000;

For the purchase of submarine mines and nets and the necessary appliances to operate them for closing the channels leading to the Panama Canal, \$250,000;

For alteration, maintenance, and repair of submarine mine matériel, \$47,500;

Ordnance depot, Panama Canal: For an additional amount for a building for storing lumber, targets, and so forth, \$200;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$4,320,974.

\* \* \* \* \*

SEC. 2. That the appropriations contained in this Act, unless otherwise specified herein, shall be available during the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen.

SEC. 3. That the appropriations contained herein shall be available for the payment of obligations on account of the existing emergency incurred prior to the passage of this Act and which are properly chargeable to such appropriations.

SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen, shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war,<sup>178</sup> the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said Act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect.

SEC. 5. That, in addition to the reports now required by law, the Secretaries of the Treasury, War, and Navy shall each on the first Monday in December, nineteen hundred and seventeen, and annually thereafter, transmit to the Congress a detailed statement of all expenditures under this Act.

Approved June 15, 1917. [40 Stat., 182, 196, 201, 217.]

An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.<sup>179</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

## TITLE I.

### ESPIONAGE.

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control

<sup>178</sup> See Jt. Res. of Mar. 3, 1921, p. 231, providing that the "termination of the present war" shall be construed as of Mar. 3, 1921.

<sup>179</sup> Act of May 10, 1920, p. 217, provides for deportation of aliens convicted under this act.

of the United States or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States or any prohibited place within the meaning of section six of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, or anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both.

SEC. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.<sup>180</sup>

<sup>180</sup> Sec. 3 amended by act of May 16, 1918, p. 190, but the latter act was repealed and the original section 3 revived and restored with the same force and effect as originally enacted, by Jt. Res. of Mar. 3, 1921, p. 231.

SEC. 4. If two or more persons conspire to violate the provisions of sections two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine.

SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

SEC. 6. The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section one hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

SEC. 7. Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections thirteen hundred and forty-two, thirteen hundred and forty-three, and sixteen hundred and twenty-four of the Revised Statutes as amended.

SEC. 8. The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

SEC. 9. The Act entitled "An Act to prevent the disclosure of national defense secrets," approved March third, nineteen hundred and eleven, is hereby repealed.

## TITLE II.

### VESSELS IN PORTS OF THE UNITED STATES.

SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.<sup>181</sup>

SEC. 2. If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

SEC. 3. It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit

<sup>181</sup> Authority given Governor to exercise these powers by Executive Order of May 28, 1918 (E. O. 239).

said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

SEC. 4. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

### TITLE III.

#### INJURING VESSELS ENGAGED IN FOREIGN COMMERCE.

SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section three hundred and ten of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

### TITLE IV.

#### INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENT MEANS.

SECTION 1. Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

### TITLE V.

#### ENFORCEMENT OF NEUTRALITY.

SECTION 1. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance of not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart.

SEC. 2. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the

person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

SEC. 3. During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

SEC. 4. During a war in which the United States is a neutral nation, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transhipped on the high seas and, if it is to be so delivered or transhipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transhipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

SEC. 5. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart.

SEC. 6. Whoever, in violation of any of the provisions of this title, shall take or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

SEC. 7. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SEC. 8. Section thirteen of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, is hereby amended so as to read as follows:

"SEC. 13. Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 or imprisoned not more than three years, or both."

SEC. 9. That the President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

SEC. 10. Section fifteen of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, is hereby amended so as to read as follows:

"SEC. 15. It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart."

SEC. 11. The joint resolution approved March fourth, nineteen hundred and fifteen, "To empower the President to better enforce and maintain the neutrality of the United States," and any Act or parts of Acts in conflict with the provisions of this title are hereby repealed.

## TITLE VI.

### SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT.

SECTION 1. Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States.

SEC. 2. It shall be the duty of the person making any seizure under this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding ten days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of this title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided.

SEC. 3. The owner or claimant of any property seized under this title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible

dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States.

SEC. 4. Whenever the person making any seizure under this title applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within thirty days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury.

SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States. *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

SEC. 6. Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section one of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this title.

SEC. 8. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

## TITLE VII.

### CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

SECTION 1. Whenever during the present war<sup>182</sup> the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

SEC. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

SEC. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation

<sup>182</sup> See Jt. Res. of Mar. 3, 1921, p. 231, providing that the "termination of the present war" shall be construed as of Mar. 3, 1921.

of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

## TITLE VIII.

### DISTURBANCE OF FOREIGN RELATIONS.

SECTION 1. Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 2. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEC. 4. The words "foreign government," as used in this Act and in sections one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty-one, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, and two hundred and twenty of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," shall be deemed to include any Government, faction, or body of insurgents within a country with which the United States is at peace, which Government, faction, or body of insurgents may or may not have been recognized by the United States as a Government.

SEC. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign Government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

## TITLE IX.

### PASSPORTS.

SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every

matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

SEC. 2. Whoever shall willfully and knowingly make any false statements in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years or both.

SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully or knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

## TITLE X.

### COUNTERFEITING GOVERNMENT SEAL.

SECTION 1. Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

SEC. 3. Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

## TITLE XI.

## SEARCH WARRANTS.

SECTION 1. A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located.

SEC. 2. A search warrant may be issued under this title upon either of the following grounds:

1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2. When the property was used as a means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When the property, or any paper, is possessed, controlled, or used in violation of section twenty-two of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed.

SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

SEC. 4. The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

SEC. 5. The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

SEC. 6. If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner.

SEC. 7. A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

SEC. 8. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

SEC. 9. He may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

SEC. 10. The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

SEC. 11. A search warrant must be executed and returned to the judge or commissioner who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

SEC. 12. When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

SEC. 13. The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time,

to the following effect: "I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

SEC. 14. The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

SEC. 15. If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness.

SEC. 16. If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken; but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

SEC. 17. The judge or commissioner must annex the affidavits, search warrants, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of his proceedings, with the clerk of the court having power to so inquire.

SEC. 18. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than \$1,000 or imprisoned not more than two years.

SEC. 19. Sections one hundred and twenty-five and one hundred and twenty-six of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this title, and such persons shall be subject to all the pains and penalties of said sections.

SEC. 20. A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than \$1,000 or imprisoned not more than one year.

SEC. 21. An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than \$1,000 or imprisoned not more than one year.

SEC. 22. Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

SEC. 23. Nothing contained in this title shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants.

## TITLE XII.

### USE OF MAILS.<sup>185</sup>

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of this Act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this Act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be non-

<sup>185</sup> Title XII amended by addition of sec. 4, see act of May 16, 1918, p. 190. But the act of May 16, 1918, is repealed by Jt. Res. of Mar. 3, 1921, p. 231, construing the termination of the war as of Mar. 3, 1921.

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ailable, shall be fined not more than \$5,000 or imprisoned not more than five years or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

### TITLE XIII.

#### GENERAL PROVISIONS.

SECTION 1. The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

SEC. 2. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts,<sup>184</sup> and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of said section, for the purpose of this Act, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this Act for United States attorneys.

SEC. 3. Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by any chapter of this Act may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this Act had not been passed.

SEC. 4. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved, June 15, 1917. [40 Stat., 217.]

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JOINT RESOLUTION To correct an error in the sundry appropriation act for the fiscal year nineteen hundred and eighteen.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That that portion of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," which reads: "For maintenance and operation of the Panama Canal, salary of the governor, \$100,000;" is amended to read as follows: "For maintenance and operation of the Panama Canal, salary of the governor, \$10,000;"

Approved, June 21, 1917. [40 Stat., 240.]

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AN ACT Making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes, namely:

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<sup>184</sup> Special jurisdiction also given District Court of Canal Zone by act of May 22, 1917, p. 155 (defensive sea areas), and Trading with Enemy Act, p. 174.

DEPARTMENT OF STATE.

\* \* \* \* \*

FOREIGN INTERCOURSE.

\* \* \* \* \*

For relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, fiscal year nineteen hundred and seventeen, \$40,000.

\* \* \* \* \*

PANAMA CANAL.

FORTIFICATIONS.

For extraordinary expenses heretofore and hereafter incurred by the governor of the Panama Canal in protecting the canal and canal structures, \$300,000.

For extraordinary expenses for military purposes heretofore and hereafter incurred in protecting the Panama Canal and canal structures, \$150,000.

Ordnance Depot: For additional amount for a building for storing artillery vehicles, \$5,500;

For a set of quarters, single family cottage for armament machinist at Fort Grant, \$2,700.

Submarine base (Coco Solo Point): For dredging inner basin and channel to same, concrete dock, containing walls, finger docks, tracks, dry fill, municipal works, electrical work, officers' quarters, barracks, shops, storehouses, stationary crane, magazines and torpedo storage, shop and power tools, furniture, and plant equipment, \$902,625: *Provided*, That the construction work hereunder shall be performed under the direction of the governor of the Panama Canal.

\* \* \* \* \*

MEDICAL DEPARTMENT.

MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies; gas masks; motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation: *Provided*, That the Secretary of War may in his discretion select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and material for the Army; disinfectants; typewriting machines for military posts, camps, hospitals, hospital ships, and transports; supplies required for mosquito destruction in and about the military posts in the Canal Zone; \* \* \* \$100,000,000.

\* \* \* \* \*

SEC. 6. That section five of the Act of June twenty-second, nineteen hundred and six, prohibiting the transfer of employees from one executive department to another, shall apply with equal force and effect to the transfer of employees from executive departments to independent establishments and vice versa and to the transfer of employees from one independent establishment to another: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section.

SEC. 7. That no civil employee in any of the executive departments or other Government establishments, or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Government establishment, shall be employed hereafter and paid from a lump-sum appropriation in any other executive department or other Government establishment at an increased rate of compensation. And no civil employee in any of the executive departments or other Government establishments or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Government establishment and who may be employed in another executive department

or other Government establishment shall be granted an increase in compensation within the period of one year following such reemployment: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section: *Provided further*, That this section shall not be construed to repeal section five of the Act of June twenty-second, nineteen hundred and six, which prohibits the transfer of employees from one department to another.

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Approved, October 6, 1917. [40 Stat., 345, 347, 355, 365, 383.]

AN ACT To define, regulate, and punish trading with the enemy, and for other purposes.<sup>185</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act shall be known as the "Trading with the enemy Act."<sup>186</sup>

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may by proclamation, include within the term "enemy."

The words "ally of enemy," as used herein, shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

<sup>185</sup> District Court of the Canal Zone given jurisdiction of offenses under this act, by sec. 18 hereof, p. 185.

<sup>186</sup> This act and amendments thereto specifically excepted from provisions of Jt. Res. of Mar. 3, 1921, p. 231, which provided that the termination of the war with Germany be construed as of Mar. 3, 1921.

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act.

The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States.

The words "to trade," as used herein, shall be deemed to mean—

(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

(b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

(c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.

(d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

(e) To have any form of business or commercial communication or intercourse with.

SEC. 3. That it shall be unlawful—

(a) For any person in the United States, except with the license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this Act, to trade, or attempt to trade, either directly or indirectly, with, to, or from, or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

(b) For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place, any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.<sup>187</sup>

(c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; and it shall be unlawful for any person to send, take, or transmit, or attempt to send, take, or transmit out of the United States, any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* That any person may send, take, or transmit out of the United States anything herein forbidden if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

(d) Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act.

SEC. 4. (a) Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within thirty days after the passage

<sup>187</sup> See proclamation of Aug. 8, 1918 (E. O. 240) relating to entry and departure control. Proclamations issued under authority of this act specifically excepted from provisions of act of Mar. 3, 1921, construing the termination of the present war.

of this Act, apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine: *Provided, however,* That reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States, and known to the President to be doing business with such reinsurance company: *Provided further,* That no insurance company, organized within the United States, shall be obligated to continue any existing contract, entered into prior to the beginning of the war, with any enemy or ally of enemy insurance or reinsurance company, but any such company may abrogate and cancel any such contract by serving thirty days' notice in writing upon the President of its election to abrogate such contract.

For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made by any enemy or ally of enemy insurance or reinsurance company, within such thirty days as above provided, the provisions of the President's proclamation of April sixth, nineteen hundred and seventeen, relative to agencies in the United States of certain insurance companies, as modified by the provisions of the President's proclamation of July thirteenth, nineteen hundred and seventeen, relative to marine and war-risk insurance, shall remain in full force and effect so far as it applies to such German insurance companies, and the conditions of said proclamation of April sixth, nineteen hundred and seventeen, as modified by said proclamation of July thirteenth, nineteen hundred and seventeen, shall also during said period of thirty days after the passage of this Act, and pending the order of the President as herein provided, apply to any enemy or ally of enemy insurance or reinsurance company, anything in this Act to the contrary notwithstanding. It shall be unlawful for any enemy or ally of enemy insurance or reinsurance company, to whom license is granted, to transmit out of the United States any funds belonging to or held for the benefit of such company or to use any such funds as the basis for the establishment directly or indirectly of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made within such thirty days by any enemy or ally of enemy, other than an insurance or reinsurance company as above provided, it shall be lawful for such enemy or ally of enemy to continue to do business in this country and for any person to trade with, to, from, for, on account of, on behalf of or for the benefit of such enemy or ally of enemy, anything in this Act to the contrary notwithstanding: *Provided, however,* That the provisions of sections three and sixteen hereof shall apply to any act or attempted act of transmission or transfer of money or other property out of the United States and to the use or attempted use of such money or property as the basis for the establishment of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

If no license is applied for within thirty days after the passage of this Act, or if a license shall be refused to any enemy or ally of enemy, whether insurance or reinsurance company or other person, making application, or if any license granted shall be revoked by the President, the provisions of sections three and sixteen hereof shall forthwith apply to all trade or to any attempt to trade with, to, from, for, by, on account of, or on behalf of, or for the benefit of such company or other person: *Provided, however,* That after such refusal or revocation, anything in this Act to the contrary notwithstanding, it shall be lawful for a policyholder or for an insurance company, not an enemy or ally of enemy, holding insurance or having effected reinsurance in or with such enemy or ally of enemy insurance or reinsurance company, to receive payment of, and for such enemy or ally of enemy insurance or reinsurance company to pay any premium, return premium, claim, money, security, or other property due or which may become due on or in respect to such insurance or reinsurance in force at the date of such refusal or revocation of license; and nothing in this Act shall vitiate or nullify then existing policies or contracts of insurance or reinsurance, or the conditions thereof; and any such policyholder or insurance company, not an enemy or ally of enemy, having any claim to or upon money or other

property of the enemy or ally of enemy insurance or reinsurance company in the custody or control of the alien property custodian, hereinafter provided for, or of the Treasurer of the United States, may make application for the payment thereof and may institute suit as provided in section nine hereof.

(b) That, during the present war, no enemy, or ally of enemy, and no partnership of which he is a member or was a member at the beginning of the war, shall for any purpose assume or use any name other than that by which such enemy or partnership was ordinarily known at the beginning of the war, except under license from the President.

Whenever, during the present war, in the opinion of the President the public safety or public interest requires, the President may prohibit any or all foreign insurance companies from doing business in the United States, or the President may license such company or companies to do business upon such terms as he may deem proper.

SEC. 5. (a) That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act; and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

(b) That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or ear-markings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed.

SEC. 6. That the President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed \$5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act. The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act: *Provided*, That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law: *Provided further*, That the President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act during the year preceding. Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof.

SEC. 7. (a) That every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act, and at such other times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

The President may also require a similar list to be transmitted of all stock or shares owned on February third, nineteen hundred and seventeen, by any person now defined as an enemy or ally of enemy, or in which any such person had any interest; and he may also require a list to be transmitted of all cases in which said corporation, association, company, or trustee, has reasonable cause to believe that the stock or shares on February third, nineteen hundred and seventeen, were owned or are owned by such enemy or ally of enemy, though standing on the books in the name of another: *Provided, however,* That the name of any such officer, director, or stockholder shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy.

Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require. The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts so owed to, any person now defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen: *Provided,* That the name of any person shall be stricken from the said report by the alien-property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy. The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days.

(b) Nothing in this Act contained shall render valid or legal, or be construed to recognize as valid or legal, any act or transaction constituting trade with, to, from, for or on account of, or on behalf or for the benefit of any enemy performed or engaged in since the beginning of the war and prior to the passage of this Act, or any such act or transaction hereafter performed or engaged in except as authorized hereunder, which would otherwise have been or be void, illegal, or invalid at law. No conveyance, transfer, delivery, payment, or loan of money or other property, in violation of section three hereof, made after the passage of this Act, and not under license as herein provided shall confer or create any right or remedy in respect thereof; and no person shall by virtue of any assignment, indorsement, or delivery to him of any debt, bill, note, or other obligation or chose in action by, from, or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy have any right or remedy against the debtor, obligor, or other person liable to pay, fulfill, or perform the same unless said assignment, indorsement, or delivery was made prior to the beginning of the war or shall be made under license as herein provided, or unless, if made after the beginning of the war and prior to the date of passage of this Act, the person to whom the same was made shall prove lack of knowledge and of reasonable cause to believe on his part that the same was made by, from or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy; and any person who knowingly pays, discharges, or satisfies any such debt, note, bill, or other obligation or chose in action shall, on conviction thereof, be deemed to violate section three hereof: *Provided,* That nothing in this Act contained shall prevent the carrying out, completion, or performance of any contract, agreement, or obligation originally made with or entered

into by an enemy or ally of enemy where, prior to the beginning of the war and not in contemplation thereof, the interest of such enemy or ally of enemy devolved by assignment or otherwise upon a person not an enemy or ally of enemy, and no enemy or ally of enemy will be benefited by such carrying out, completion, or performance otherwise than by release from obligation thereunder.

Nothing in this Act shall be deemed to prevent payment of money belonging or owing to an enemy or ally of enemy to a person within the United States not an enemy or ally of enemy, for the benefit of such person or of any other person within the United States, not an enemy or ally of enemy, if the funds so paid shall have been received prior to the beginning of the war and such payments arise out of transactions entered into prior to the beginning of the war, and not in contemplation thereof: *Provided*, That such payment shall not be made without the license of the President, general or special, as provided in this Act.

Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof: *Provided, however*, That an enemy or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect: *And provided further*, That an enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him.

Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. In any prosecution under section sixteen hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof.

(c) If the President shall so require, any money or other property owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the alien property custodian.

(d) If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) hereof, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe.

(e) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act.

Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner

as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States.

SEC. 8. (a) That any person not an enemy or ally of enemy holding a lawful mortgage, pledge, or lien, or other right in the nature of security in property on an enemy or ally of enemy which, by law or by the terms of the instrument creating such mortgage, pledge, or lien, or right, may be disposed of on notice or presentation or demand, and any person not an enemy or ally of enemy who is a party to any lawful contract with an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice or for acceleration of maturity on presentation or demand, may continue to hold said property, and, after default, may dispose of the property in accordance with law or may terminate or mature such contract by notice or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon the enemy or ally of enemy personally: *Provided*, That no such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act, required; and that in case where, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required: *Provided further*, That if, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order.

(b) That any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract.

(c) The running of any statute of limitations shall be suspended with reference to the rights or remedies on any contract or obligation entered into prior to the beginning of the war between parties neither of whom is an enemy or ally of enemy, and containing any promise to pay or liability for payment which is evidenced by drafts or other commercial paper drawn against or secured by funds or other property situated in an enemy or ally of enemy country, and no suit shall be maintained on any such contract or obligation in any court within the United States until after the end of the war, or until the said funds or property shall be released for the payment or satisfaction of such contract or obligation: *Provided, however*, That nothing herein contained shall be construed to prevent the suspension of the running of the statute of limitations in all other cases where such suspension would occur under existing law.

SEC. 9. That any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may, with the assent of the owner of said property and of all persons claiming any right, title, or interest therein, order the payment, conveyance, transfer, assignment or delivery to said claimant of the money or other property so held by the alien property custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled: *Provided*, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application, or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may, at any time before the expiration of six months after the end of the war, institute a suit in equity in the dis-

trict court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if suit shall be so instituted then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated.

Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

This section shall not apply, however, to money paid to the alien property custodian under section ten hereof.

SEC. 10. That nothing contained in this Act shall be held to make unlawful any of the following Acts:

(a) An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law and fees for attorneys or agents for filing and prosecuting such applications. Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the period prescribed by law, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States.

(b) Any citizen of the United States, or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President.

(c) Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on, or to use any trade-mark, print, label or cause to be carried on, a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is hereby authorized to grant such a license, nonexclusive or exclusive as he shall deem best, provided he shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or carry on, or cause to be carried on, the process or to use the trade-mark, print, label or copyrighted matter. The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefor, not exceeding \$100, and not exceeding one per centum of the fund deposited as hereinafter provided. Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trade-mark, print, label or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) hereof.

(d) The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the

licensee shall pay at such times as may be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trade-mark, print, label or copyrighted matter or, if the President shall so order, five per centum of the value of the use of such inventions, trade-marks, prints, labels or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in subdivision (f) of this section, or upon the direction of the alien property custodian.

(e) Unless surrendered or terminated as provided in this Act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trade-mark, print, label, or copyright registration under which it is granted. Upon violation by the licensee of any of the provisions of this Act, or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him.

(f) The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the district court of the United States, for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States, shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter: *Provided, however,* That whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit: *Provided further,* That the licensee may make any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian. If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the President shall cease.

If suit is brought as above provided, the court may, at any time, terminate the license, and may, in such event, issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee, prior to suit, shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable.

(g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this Act to enjoin infringement of letters patent, trade-mark, print, label, and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war: *Provided,* That no final judgment or decree shall be entered in favor of such enemy or ally of enemy by any court except after thirty days' notice to the alien property custodian. Such notice shall be in writing and shall be served in the same manner as civil process of Federal courts.

(h) All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

(i) Whenever the publication of an invention by the granting of a patent may, in the opinion of the President, be detrimental to the public safety or defense, or may assist the enemy or endanger the successful prosecution of the war, he may order that the invention be kept secret and withhold the grant of a patent until the end of the war: *Provided,* That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner of

Patents that, in violation of said order, said invention has been published or that an application for a patent therefor has been filed in any other country, by the inventor or his assigns or legal representatives, without the consent or approval of the commissioner or under a license of the President.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government.

SEC. 11. Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except as such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

SEC. 12. That all moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this Act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the President shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the President shall deem practicable, such securities shall be sold and the proceeds deposited in the Treasury.

All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held and administered by him except as hereinafter provided; and the President is authorized to designate as a depository, or depositaries, of property of an enemy or ally of enemy, any bank, or banks, or trust company, or trust companies, or other suitable depository or depositaries, located and doing business in the United States. The alien property custodian may deposit with such designated depository or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury) and such depository or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said accounts shall be paid and deposited forthwith by said depository or by the alien property custodian into the Treasury of the United States as hereinbefore provided.

The President shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct.

The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which shall come into his possession in pursuance of the provisions of this Act, and, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, may manage such property and do any act or things in respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights which may be or become appurtenant thereto or to the ownership thereof, if and when necessary to prevent waste and protect such property and to the end that interests of the United States in such property and rights or of such person as may ultimately become entitled thereto, or to the proceeds thereof, may be preserved and safeguarded. It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent such shares or beneficial interests. The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him.

Any money or property required or authorized by the provisions of this Act to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if such custodian shall so direct by written order, be paid, conveyed, transferred, assigned, or delivered to the Treasurer of the United States with the same effect as if to the alien property custodian.

After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct: *Provided, however*, That an order of the President as set forth in section nine hereof, or of the court, as set forth in sections nine and ten hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court: *And provided further*, That the Treasurer of the United States, on order of the alien property custodian shall, as provided in section ten hereof, repay to the licensee any funds deposited by said licensee.

SEC. 13. That, during the present war, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes, as amended by the Act of June fifteenth, nineteen hundred and seventeen, to be set out in the master's and shipper's manifests before clearance will be issued to vessels bound to foreign ports, the master or person in charge of any vessel, before departure of such vessel from port, shall deliver to the collector of customs of the district wherein such vessel is located a statement duly verified by oath that the cargo is not shipped or to be delivered in violation of this Act, and the owners, shippers, or consignors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's, shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen.

SEC. 14. That, during the present war, whenever there is reasonable cause to believe that the manifest or the additional statements under oath required by the preceding section are false or that any vessel, domestic or foreign, is about to carry out of the United States any property to or for the account or benefit of an enemy, or ally of enemy, or any property or person whose export, taking out, or transport will be in violation of law, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the President, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart.

The collector of customs shall, during the present war, in each case report to the President the amount of gold or silver coin or bullion or other moneys of the United States contained in any cargo intended for export. Such report shall include the names and addresses of the consignors and consignees, together with any facts known to the collector with reference to such shipment and particularly those which may indicate that such gold or silver coin or bullion or moneys of the United States may be intended for delivery or may be delivered, directly or indirectly, to an enemy or an ally of enemy.

SEC. 15. That the sum of \$450,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used in the discretion of the President for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for the payment of salaries of all persons employed under this Act, together with the necessary expenses for transportation, subsistence, rental of quarters in the District of Columbia, books of reference, periodicals, stationery, typewriters and exchanges thereof, miscellaneous supplies, printing to be done at the Government Printing Office, and all other necessary expenses not included in the foregoing.

SEC. 16. That whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in

such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.

SEC. 17. That the district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act, with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary."

SEC. 18. That the several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas and of conspiracies to commit such offenses as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act are hereby extended to the Philippine Islands and to the Canal Zone.<sup>108</sup>

SEC. 19. That ten days after the approval of this Act and until the end of the war, it shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Government of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at \_\_\_\_\_ on \_\_\_\_\_ (naming the post office where the translation was filed, and the date of filing thereof), as required by the Act of \_\_\_\_\_ (here giving the date of this Act).

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same, or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the Act relating to espionage, approved June fifteenth, nineteen hundred and seventeen: *Provided further*, That upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication, granted the permit is to emanate. All matter printed, published and distributed under permits shall bear at the head thereof in plain type in the English language, the words, "Published and distributed under permit authorized by the Act of \_\_\_\_\_ (here giving date of this Act), on file at the post office of \_\_\_\_\_ (giving name of office)."

Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section one hundred and twenty-five of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association, violating any other requirement of this section shall,

<sup>108</sup> Special jurisdiction also given District Court of Canal Zone of offenses under Defensive Area Act of May 22, 1917, p. 153, and the Espionage Act, p. 161

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on conviction thereof, be punished by a fine of not more than \$500, or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned.<sup>19</sup>

Approved, October 6, 1917. [40 Stat., 411.]

AN ACT Making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes, namely:

\* \* \* \* \*

## DEPARTMENT OF STATE.

\* \* \* \* \*

### FOREIGN INTERCOURSE.

Relief and protection of American seamen: For relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$60,000.

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## MILITARY ESTABLISHMENT.

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### MEDICAL DEPARTMENT.

Hospital care, Canal Zone garrisons: For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided,* That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, \$20,000.

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## PANAMA CANAL.

### CONSTRUCTION.

For continuing the construction and equipment of the Panama Canal, to be expended under the direction of the governor: For completing dock numbered six at Cristobal, \$593,190, to continue available until expended; and the limit of cost fixed by the sundry civil appropriation Act approved July first, nineteen hundred and sixteen, is increased from \$1,500,000 to \$2,093,190.

### FORTIFICATIONS, PANAMA CANAL.

For protection, preservation, and repair of fortifications, for which there may be no special appropriation available, and for maintaining channels for access to torpedo wharves, \$9,400.

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Approved, March 28, 1918. [40 Stat., 459, 463, 480, 482.]

<sup>19</sup> Although the above act was specifically excepted from the operation of Jt. Res. of Mar. 3, 1921, p. 231, providing that the "termination of the present war" shall be construed as of Mar. 3, 1921, still there are certain references in the act to the present war, and attention is called, therefore, to the opinion of the Attorney General relative to the construction of the aforesaid joint resolution. See 32, Op. Att'y. Gen., 505.

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AN ACT Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and nineteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated in full compensation for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and nineteen, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

PAYMENT TO THE GOVERNMENT OF PANAMA.

To enable the Secretary of State to pay to the Government of Panama the seventh annual payment due on February twenty-sixth, nineteen hundred and nineteen, from the Government of the United States to the Government of Panama under article fourteen of the treaty of November eighteenth, nineteen hundred and three, \$250,000.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$80,000.

\* \* \* \* \*

Approved, April 15, 1918. [40 Stat., 519, 527, 529.]

AN ACT To punish the wilful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes.<sup>199</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the words "war material," as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, wherein or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

<sup>199</sup> See pp. 153 and 156 for punishment for injury to harbor defenses and violation of rules governing defensive sea areas.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this Act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war,<sup>191</sup> whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than thirty years, or both.<sup>192</sup>

Approved, April 20, 1918. [40 Stat., 533.]

AN ACT To amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section four of the Act entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," approved June twenty-ninth, nineteen hundred and six, be, and is hereby, amended by adding seven new subdivisions as follows:

"Seventh. \* \* \* or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within

<sup>191</sup> See Jt. Res. Mar. 3, 1921, p. 231, providing that the "termination of the present war" shall be construed as of Mar. 3, 1921.

<sup>192</sup> Act of May 10, 1920, p. 217, provides for deportation of aliens convicted under this act.

the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section three of the Act of June twenty-ninth, nineteen hundred and six, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. Any alien, who, at the time of the passage of this Act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section seventeen hundred and fifty of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section eleven of the Act of June twenty-nine, nineteen hundred and six. Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section ten of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section fifteen of the Act of June twenty-ninth, nineteen hundred and six (Thirty-fourth Statutes at Large, part one, page five hundred and ninety-six), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding any election in the jurisdiction of the court: *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purpose during service upon vessels of foreign registry.

During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section thirteen of the Act of June twenty-ninth, nineteen hundred and six.

"Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: *Provided*, That nothing contained in this Act shall be taken or construed to repeal or modify any portion of the Act approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, part one, page eleven hundred and sixty-four, chapter one hundred and fifty-three), being an Act to promote the welfare of American seamen.

\* \* \* \* \*

"Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law."<sup>196</sup>

\* \* \* \* \*

Approved, May 9, 1918. [40 Stat., 542.]

AN ACT To amend section three, title one, of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June fifteenth, nineteen hundred and seventeen, and for other purposes.<sup>197</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section three of title one<sup>195</sup> of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June fifteenth, nineteen hundred and seventeen, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause, or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States,

<sup>197</sup> See notes under Immigration Act of Feb. 20, 1907, p. 41. See also Jt. Res. of Mar. 3, 1921, p. 231, providing that certain acts shall be construed as if the existing war had ended as of Mar. 3, 1921.

<sup>195</sup> See Jt. Res. of Mar. 3, 1921, p. 231, which construes Mar. 3, 1921, as date of termination of war as relates to certain acts and resolutions, and specifically repeals the above act of May 16, 1918, and revives original sec. 3.

<sup>196</sup> p. 162.

or the uniform of the Army or Navy of the United States, or any language intended to bring reform of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of anything or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both: *Provided*, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official."

SEC. 2. That section one of Title XII<sup>196</sup> and all other provisions of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June fifteenth, nineteen hundred and seventeen, which apply to section three of Title I thereof shall apply with equal force and effect to said section three as amended.

Title XII of the said Act of June fifteenth, nineteen hundred and seventeen,<sup>196</sup> be, and the same is hereby, amended by adding thereto the following section:

"SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this Act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words 'Mail to this address undeliverable under Espionage Act' plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe."

Approved, May 16, 1918. [40 Stat., 553.]

AN ACT To prevent in time of war departure from or entry into the United States contrary to the public safety.<sup>197</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof,<sup>198</sup> it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this Act;

<sup>196</sup> p. 171.

<sup>197</sup> See act to further regulate entry of aliens into the United States, p. 216, sec. 5 of which provides that said act will take effect when above act of May 22, 1918, shall cease to be operative, and shall continue in force and effect until and including the 4th day of March, 1921. The above act of May 22, 1918, was considered still in effect on May 12, 1921, as evidenced by the Executive Order of that date to amend order of Aug. 8, 1918, allowing stop-overs at ports of United States without the requirement of visaed passports. However, reference should also be made to the Jt. Res. of Mar. 3, 1921, providing that the "termination of the present war" shall be construed as of Mar. 3, 1921 (T. & A. 231).

<sup>198</sup> By proclamation of Aug. 8, 1918 (E O. 242).

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(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe,<sup>199</sup> be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

SEC. 3. That any person who shall willfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.<sup>200</sup>

SEC. 4. That the term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

Approved, May 22, 1918. [40 Stat., 559.]

AN ACT Making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, on account of war expenses and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply additional urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, on account of war expenses and for other purposes, namely:

\* \* \* \* \*

PANAMA CANAL.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$150,000, to continue available until expended.

\* \* \* \* \*

Approved, June 4, 1918. [40 Stat., 594, 597.]

<sup>199</sup> See Title 2, Executive Order of Aug. 18, 1918, pp. 240-242.

<sup>200</sup> Act of May 10, 1920, p. 217, provides for deportation of aliens convicted under this act.

TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL 193

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and nineteen, namely:

\* \* \* \* \*

WAR DEPARTMENT.

\* \* \* \* \*

QUARTERMASTER CORPS.

\* \* \* \* \*

Disposition of remains of officers, soldiers, civilian employees, and so forth: For interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy, including acting assistant surgeons and enlisted men in active service; interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, \* \* \* \* \* \$250,000: *Provided,* That during the continuance of the present war the above provisions shall be applicable in the cases of officers and enlisted men on the retired list of the Army who have died or may hereafter die while on active duty by proper assignment.

\* \* \* \* \*

DEPARTMENT OF THE INTERIOR.

\* \* \* \* \*

SAINT ELIZABETHS HOSPITAL.

For support, clothing, and treatment in Saint Elizabeths Hospital of the insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster's service of the Army, persons transferred from the Canal Zone, who have been admitted to the hospital and who are indigent, \* \* \* \* \* \$426,750;

\* \* \* \* \*

DEPARTMENT OF COMMERCE.

\* \* \* \* \*

COAST AND GEODETIC SURVEY.

\* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided,* That not more than \$45,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$101,500;

\* \* \* \* \*

THE PANAMA CANAL.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees, including \$1,000 additional compensation to the Auditor for the War Department for extra services in

auditing accounts for the Panama Canal; foreign and domestic newspapers and periodicals; law books not exceeding \$500; textbooks and books of reference; printing and binding, including printing of annual reports; rents and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein: per diem allowance in lieu of subsistence, when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section thirteen of the sundry civil appropriation Act approved August first, nineteen hundred and fourteen; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal, salary of the governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation Act approved September seventh, nineteen hundred and sixteen, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, \$9,000,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act;

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$900,000;

For civil government of the Panama Canal and Canal Zone, salaries of district judge \$6,000, district attorney \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners, \$750,000;

In all, \$10,650,000, to be immediately available and to continue available until expended.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section four of the Panama Canal Act, there shall not be employed at any time during the fiscal year nineteen hundred and nineteen under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the first day of July, nineteen hundred and seventeen; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year nineteen hundred and nineteen.

In addition to the foregoing sums there is appropriated, for the fiscal year nineteen hundred and nineteen for expenditure and reinvestment under the several

heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like services; from labor, materials and supplies and other services furnished to vessels other than those passing through the canal; and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year nineteen hundred and nineteen, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and nineteen, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

Approved, July 1, 1918. [40 Stat., 634, 656, 679, 688, 702.]

AN ACT Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and nineteen, and for other purposes:

\* \* \* \* \*

(a) That the word "person" as used in paragraph (b), (c), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

(b) The President is hereby authorized and empowered, within the limits of the amounts appropriated therefor:

First. To place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such persons. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war materials so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified, the President may take immediate possession of any factory of such

contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof, without taking possession of the entire factory, whether the United States has or has not any contract with the owner or occupier of such factory.

That all authority granted to the President herein or by him delegated shall cease six months after a final treaty of peace shall be proclaimed between this Government and the German Empire.<sup>201</sup>

(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said seventy-five per centum shall make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.

\* \* \* \* \*

Approved, July 1, 1918. [40 Stat., 704, 719.]

AN ACT Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and nineteen, namely:

\* \* \* \* \*

#### NAVY DEPARTMENT.

##### HYDROGRAPHIC OFFICE.

\* \* \* \* \*

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, and Galveston, including furniture, fuel, lights, works, and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent, and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$12,500.

\* \* \* \* \*

SEC. 6. That all civilian employees of the Government of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this section, shall receive, during

<sup>201</sup> See Jt. Res. of Mar. 3, 1921, p. 231, declaring that certain acts, joint resolutions, and proclamations shall be construed as if the war had ended as of Mar. 3, 1921.

the fiscal year ending June thirtieth, nineteen hundred and nineteen, additional compensation at the rate of \$120 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,620 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,620 per annum, and no employee shall receive additional compensation under this section at a rate which is more than thirty per centum of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rates of five and ten per centum for the fiscal year ending June thirtieth, nineteen hundred and eighteen, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June thirtieth, nineteen hundred and seventeen, has received during the fiscal year nineteen hundred and eighteen, or shall receive during the fiscal year nineteen hundred and nineteen an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June thirtieth, nineteen hundred and seventeen, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone;<sup>202</sup>

\* \* \* \* \*

Approved, July 3, 1918. [40 Stat., 757, 789, 814.]

AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes, namely:

\* \* \* \* \*

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

\* \* \* \* \*

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery;

\* \* \* \* \*

including \$150,166.82 for services rendered and supplies furnished on the Isthmus of Panama for the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen, \$27,767,860.32.

\* \* \* \* \*

<sup>202</sup> See similar provision in act of June 12, 1917, p. 156; act of Mar. 1, 1919, p. 206; act of May 29, 1920, p. 219.

198 TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL

Roads, walks, wharves, and drainage: For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; pay of employees; disposal of drainage; dredging channels; and care and improvement of grounds at military posts and stations, including \$7,879.01 for services rendered and supplies furnished on the Isthmus of Panama for the fiscal years nineteen hundred and sixteen and nineteen hundred and seventeen, \$7,177,183.01.

\* \* \* \* \*

FORTIFICATIONS.

PANAMA CANAL.

For continuing the construction of barracks, quarters, storerooms, and other buildings, necessary for accommodating the troops stationed there, including water, sewer, and lighting systems, roads, walks, and so forth, and for repairing and remodeling existing buildings to render them suitable for sheltering troops, \$71,220.70.

For land defenses, Panama Canal, including the procurement and installation of searchlights, purchase of armored cars and locomotives, construction of roads and surveys incidental thereto, \$1,600.

\* \* \* \* \*

Approved, July 8, 1918. [40 Stat., 821, 829, 830, 831.]

AN ACT Making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to be available immediately and to continue available until expended, namely:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

ENGINEER DEPARTMENT.

\* \* \* \* \*

The unexpended balances of appropriations heretofore made for "installation and replacement of electric-light and power plants at seacoast fortifications," for "purchase and installation of searchlights for seacoast defenses, including searchlights for antiaircraft defenses and accessories therefor," and for "purchase and installation of searchlights for seacoast defenses" in the United States are consolidated and made available for the following purposes: For the installation and replacement of electric-light and power plants at seacoast fortifications in the United States; the purchase and installation of searchlights for seacoast defenses in the United States, including searchlights for antiaircraft defenses and accessories therefor; and the procurement and installation of sound-ranging equipment for use in the United States, the insular possessions, and the Panama Canal, and for salaries of electrical experts, engineers, and other employees necessary to procure and install the same.

\* \* \* \* \*

PANAMA CANAL FORTIFICATIONS.

For fortifications and armament thereof for the Panama Canal:

For maintenance of clearings and trails, \$30,000;

For protection, preservation, and repair of fortifications, including structures for torpedo defense, and for maintaining channels for access to torpedo wharves, \$25,000;

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$15,000;

For the construction of seacoast batteries, \$210,000;

For the construction of sea walls and embankments, \$63,000;

For the purchase or reclamation of land required for the defense of the Panama Canal, \$155,000;

For the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, \$158,400;

For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, \$17,000;

For operation and maintenance of fire-control installations at seacoast defenses, \$15,000;

For the construction of fire-control stations and the purchase and installation of accessories therefor, \$342,888.85;

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$470,000;

The following portions of the unexpended balances of appropriations heretofore made for fortification of the Panama Canal, respectively, shall be carried to the surplus fund and covered into the Treasury, namely: \$1,500,000 for the purchase, manufacture, and test of seacoast cannon for coast defense, and so forth; and \$600,000 for the alteration, maintenance, and installation of the seacoast artillery, and so forth; in all, \$2,100,000;

Ordnance Depot: For facilities for fire protection, \$3,000; telephone system, \$2,500; painting buildings to reduce their visibility, \$7,000; fence surrounding the depot reservation, \$9,000; and additional for an office building, \$3,000; in all, \$24,500;

For cantonment camp construction including necessary buildings, water and sewer systems, roads, walks, and so forth, and for repairing and remodeling existing buildings to render them suitable for sheltering troops, \$500,000: *Provided*, That the construction of buildings hereunder shall be performed under the direction of the Governor of the Panama Canal;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$2,025,788.85.

#### BOARD OF ORDNANCE AND FORTIFICATION.

SEC. 4. That expenditures for carrying out the provisions of this Act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate: *Provided*, That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

Approved, July 8, 1918. [40 Stat., 815, 816, 819, 820.]

AN ACT Providing for the protection of the uniform of friendly nations, and for other purposes.<sup>293</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be unlawful for any person, with intent to deceive or mislead, within the United States or Territories, possessions, waters, or places subject to the jurisdiction of the United States, to wear any naval, military, police, or other official uniform, decoration, or regalia of any foreign State, nation, or Government with which the United States is at peace, or any uniform, decoration, or regalia so nearly resembling the same as to be calculated to deceive, unless such wearing thereof be authorized by such State, nation, or Government.

Any person who violates the provisions of this Act shall upon conviction be punished by a fine not exceeding \$300 or imprisonment for not exceeding six months, or by both such fine and imprisonment.

Approved, July 8, 1918. [40 Stat., 821.]

<sup>293</sup> See Executive Order of Nov. 15, 1911 (E. O. 121), to prevent unauthorized purchase of supplies and equipment from persons in the Army or Navy of the United States.

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AN ACT Making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nineteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and nineteen:

\* \* \* \* \*

PAY, AND SO FORTH, OF THE ARMY.

QUARTERMASTER CORPS.

\* \* \* \* \*

HOUSING OF OFFICERS SERVING IN THE CANAL ZONE: Hereafter officers of the Army pertaining to the United States troops serving in the Canal Zone shall not be required to pay rent for the occupancy of houses of the Panama Canal to which they may be assigned.<sup>204</sup>

\* \* \* \* \*

MEDICAL DEPARTMENT.

¶ MEDICAL AND HOSPITAL DEPARTMENT: For the manufacture and purchase of medical and hospital supplies, including gas masks, motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the purchase and exchange of typewriting machines for military posts, camps, hospitals, hospital ships, and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone: \* \* \* \$267,408,948.

\* \* \* \* \*

HOSPITAL CARE, CANAL ZONE GARRISONS: For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War, for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, \$60,000.

\* \* \* \* \*

Approved, July 9, 1918. [40 Stat., 845, 855, 865, 866.]

AN ACT To confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

(a) The term "United States" includes any State, Territory, or District of the United States, the insular possessions, the Canal Zone, and all lands or waters subject to the jurisdiction of the United States.

(b) The term "person" includes corporations, partnerships, associations, and States, municipalities, and other subdivisions thereof.

(c) The term "charter" means any agreement, contract, lease, or commitment by which the possession or services of a vessel are secured for a period of time, or for one or more voyages, whether or not a demise of the vessel.

SEC. 2. That the President may exercise the power and authority hereby vested in him through such agency or agencies as he shall determine from time to time.

<sup>204</sup> See Executive Order of July 25, 1916 (E. O. 215) rescinding and abrogating the order of Jan. 15, 1915 (E. O. 207) which had provided for rent charge against employees of the Panama Canal.

SEC. 3. That all power and authority hereby vested in the President or by him delegated and all restrictions imposed in this Act shall cease upon the proclamation of the final treaty of peace between the United States and the Imperial German Government: *Provided*, That if, in the judgment of the President, the tonnage shortage at such time is so severe that national interests of the United States are jeopardized, he may, by proclamation, extend the provisions of this Act for a further period of not exceeding six months.<sup>295</sup>

SEC. 4. That the powers herein conferred shall be without prejudice to any power heretofore conferred on the President, or by him delegated.

SEC. 5. That the President may, by proclamation, require that vessels of the United States of any specified class or description, or in any specified trade or trades, shall not be chartered unless the instrument in which such charter is embodied, and the rates, terms, and conditions thereof are first approved by him. Whenever any vessel is comprised in any such proclamation, it shall be unlawful to make any charter thereof, or comply with or perform any of the rates, terms, or conditions of any charter thereof, or to operate such vessel under any charter, without first obtaining the approval thereof by the President.

Whenever any charter of such vessel is approved, it shall be unlawful, without the approval of the President first obtained, to make any alterations in such charter, or additions thereto or deletions therefrom, or to make or receive any payment or do any act with respect to such vessel, except in accordance with such charter.

SEC. 6. That the President shall have power to determine, prescribe, and enforce reasonable freight rates and the terms and conditions of affreightment which shall govern the transportation of goods on vessels of the United States, which shall be filed with the United States Shipping Board and open to public inspection. It shall be unlawful to charge or collect any compensation for the transportation of goods on any such vessel, or to enforce or attempt to enforce any terms or conditions of affreightment, or to make or receive any payment or do any act with respect to such transportation, not in accordance with the rates, terms, and conditions so prescribed, anything in any contract, whether heretofore or hereafter made, to the contrary notwithstanding.

SEC. 7. That the President shall have power to prescribe the order of priority in which goods shall be carried or other services performed by any vessel of the United States and to specify goods which shall be carried or to direct the voyage or employment of any such vessel and to make such rules, regulations, and orders, with respect to any such vessel, relating to the loading, discharging, lighterage, or storage of goods, or the procurement of bunker fuel, or any other matter relating to the receiving, handling, transporting, storing, or delivering of goods, as may in his judgment be necessary and proper for the efficient utilization of transportation facilities and the effective conduct of the war.

SEC. 8. That the President may by proclamation extend the provisions of sections five, six, and seven, or any of them, to any vessel of foreign nationality under charter to a citizen of the United States or other person subject to the jurisdiction thereof.

SEC. 9. That the President shall have power to make such rules, regulations, and orders regarding voyages, courses, the use of protective devices, and any other matters affecting the navigation, equipment, fueling, painting, or arming of vessels of the United States as may, in his judgment, be conducive to the protection of such vessels from submarines, mines, or other war perils, any expense so incurred to be allowed for in determining freight and charter rates under this Act. If in his judgment any vessel or class of vessels on account of size, speed, structure, method of propulsion, or for any other reason is unfit for service in any waters which he may declare to be a danger zone, he may, by order, exclude such vessel or vessels from such danger zone. It shall be unlawful to violate any order, rule, or regulation made under this section. Rules, regulations, or orders issued under this section may, in the discretion of the President, be issued confidentially, in which event they shall be binding only on such persons as have notice thereof.

SEC. 10. That the President may by proclamation require that no citizen of the United States, or other person subject to the jurisdiction thereof, shall charter any vessel of foreign nationality unless the instrument in which such charter is embodied and the rates, terms, and conditions thereof are first approved by the President. After the making of such proclamation it shall be unlawful for any such citizen or person to make any charter of any such vessel, or comply with or perform any of

<sup>295</sup> See Jt. Res. of Mar. 3, 1921, p. 231, declaring that certain acts, resolutions, and proclamations shall be construed as if the war had ended Mar. 3, 1921.

the rates, terms, or conditions of any charter thereof, or to operate any such vessel under any charter, without first obtaining the approval thereof by the President.

Whenever any such charter is approved it shall be unlawful, without the approval of the President first obtained, to make any alterations in such charter or additions thereto or deletions therefrom, or to make or receive any payment or do any act with respect to such vessel, except in accordance with such charter.

SEC. 11. That the President shall have power to requisition for military purposes, or for any other national purpose connected with or arising out of the present war, the temporary possession of any vessel, or, without taking actual possession, to requisition the services of any vessel and to require the person entitled to the possession thereof to issue to the master such instructions as may be necessary to place the vessel at the service of the United States.

Upon requisitioning such possession or services, or as soon thereafter as the exigencies of the situation may permit, the President shall transmit to the person entitled to the possession of such vessel a charter setting forth the terms which, in his judgment, should govern the relations between the United States and such person and a statement of the rental or rate of hire which, in his judgment, will be just compensation for the use of such vessel and for the services required under the terms of such charter. If such person does not execute and deliver such charter and accept such rental or rate of hire, the President shall pay to such person a sum equal to seventy-five per centum of such rental or rate of hire as the same may from time to time be due under the terms of the charter, and such person shall be entitled to sue the United States to recover such further sum as added to such seventy-five per centum will make up such amount as will be just compensation for the use of the vessel and for the services required. In the event of loss of or damage to such vessel, due to the operation of a risk assumed by the United States under the terms of such charter (in the event that no valuation of such vessel or mode of compensation has been agreed to), the United States shall pay just compensation for such loss or damage, to be determined by the President; and if the amount so determined is not satisfactory to the person entitled to receive just compensation, the President shall pay to such person seventy-five per centum of the amount so determined, and such person shall be entitled to sue the United States to recover such further sum as added to such seventy-five per centum will make up such amount as will be just compensation.

SEC. 12. That the President shall have power to prescribe the order of priority in which persons in possession of dry docks, wharves, lighterage systems, or loading or discharging terminal facilities in any port of the United States, or warehouses, equipment or terminal railways connected therewith, shall serve vessels and shippers, and to determine, prescribe, and enforce the rates, terms, and conditions charged or required for the furnishing of such services, including stevedoring and handling of cargo, and the handling, dispatching, and bunkering of vessels, and to make such rules and regulations with respect to the conduct of any such business as may be necessary and proper. It shall be unlawful to charge, collect, or claim any compensation, or to enforce or attempt to enforce any terms or conditions, or to make or receive any payment or do any act, with respect to any such service not in accordance with the rates, terms, and conditions so prescribed, any thing in any contract, whether heretofore or hereafter made, to the contrary notwithstanding.

SEC. 13. That the President shall have power to lease or requisition the use or temporary possession of, or to assume temporary control of, any dry docks, wharves, or loading or discharging terminal facilities, in any port of the United States, or warehouses, equipment, or terminal railways connected therewith.

Whenever the President requisitions or assumes control of any such property, the United States shall pay just compensation therefor, to be determined by the President. If the amount so determined is not satisfactory to the person entitled to receive just compensation, the President shall pay to such person seventy-five per centum of the amount so determined and such person shall be entitled to sue the United States to recover such further sum as added to such seventy-five per centum will make up such amount as will be just compensation.

Whenever the President acquires by purchase, lease, or requisition, or assumes control of any such property immediate possession may be taken thereof to the extent of the interest acquired therein, and such property may be immediately occupied and used without regard to the provisions of section three hundred and fifty-five of the Revised Statutes.

Nothing in this section shall authorize the President to requisition the title to any such property owned by any State, municipality, or subdivision thereof.

SEC. 14. That whenever by this Act permission is given to sue the United States such suit shall be brought in the manner provided in section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.

SEC. 15. That all vessels of which the possession or services are requisitioned under this Act, and all dry docks, wharves, loading or discharging terminal facilities, warehouses, equipment, or terminal railways, of which the President may acquire the title or possession or of which he may assume control under this Act, may be operated and managed as the President may from time to time direct. The net proceeds derived from any activity authorized in this Act or the joint resolution of May twelfth, nineteen hundred and seventeen (Public Numbered Two), or the division entitled "Emergency shipping fund" of the Act of June fifteenth, nineteen hundred and seventeen (Public Numbered Twenty-three), shall be deposited in the Treasury in a separate and distinct fund and may be expended by the President in carrying out the purposes of this Act, and within the limits of the amounts heretofore or hereafter authorized, for the construction, requisitioning, or purchasing of vessels: *Provided*, That none of the provisions of this Act shall apply to vessels plying exclusively on the inland rivers and canals of the United States.

SEC. 16. That whoever does or attempts to do anything this Act declares to be unlawful, or willfully violates any rule, regulation, or order issued under authority conferred herein, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both: *Provided*, That the district court of the Canal Zone shall have jurisdiction of offenses committed against the provisions of this Act within the Canal Zone.

SEC. 17. That if any provision of this Act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the Act, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby.

Approved, July 18, 1918. [40 Stat., 913.]

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nineteen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and nineteen, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

\* \* \* \* \*  
WEATHER BUREAU.  
\* \* \* \* \*

GENERAL EXPENSES, WEATHER BUREAU: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an Act approved October first, eighteen hundred and ninety, so far as they relate to the weather service transferred thereby to the Department of Agriculture,

\* \* \* \* \*  
Total for Weather Bureau, \$1,912,930.  
\* \* \* \* \*

Approved, October 1, 1918. [40 Stat., 973, 975.]

AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, on account of war expenses, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money

in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years on account of war expenses, and for other purposes, namely:

\* \* \* \* \*

FORTIFICATIONS.

\* \* \* \* \*

PANAMA CANAL.

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$350,000.

For purchase of submarine mines and nets and the necessary appliances to operate them for closing the channels leading to the Panama Canal, \$2,000, to be available for the fiscal years 1918 and 1919.

For alteration, maintenance, and repair of submarine-mine material, \$6,866, to be available for the fiscal years 1918 and 1919.

\* \* \* \* \*

Approved, November 4, 1918. [40 Stat., 1020, 1032.]

AN ACT To provide revenue, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

\* \* \* \* \*

TITLE X.—SPECIAL TAXES.

\* \* \* \* \*

SEC. 1006. That section 1 of the Act of Congress approved December 17, 1914, is hereby amended to read as follows:

SECTION 1. That on or before July 1 of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, or gives away opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business and place or places where such business is to be carried on, and pay the special taxes hereinafter provided;

Every person who on January 1, 1919, is engaged in any of the activities above enumerated, or who between such date and the passage of this Act first engages in any of such activities, shall within 30 days after the passage of this Act make like registration, and shall pay the proportionate part of the tax for the period ending June 30, 1919; and

Every person who first engages in any of such activities after the passage of this Act shall immediately make like registration and pay the proportionate part of the tax for the period ending on the following June 30th;

Importers, manufacturers, producers, or compounders, \$24 per annum; wholesale dealers, \$12 per annum; retail dealers, \$6 per annum; physicians, dentists, veterinary surgeons, and other practitioners lawfully entitled to distribute, dispense, give away, or administer any of the aforesaid drugs to patients upon whom they in the course of their professional practice are in attendance, shall pay \$3 per annum.

Every person who imports, manufactures, compounds, or otherwise produces for sale or distribution any of the aforesaid drugs shall be deemed to be an importer, manufacturer, or producer.

Every person who sells or offers for sale any of said drugs in the original stamped packages, as hereinafter provided, shall be deemed a wholesale dealer.

Every person who sells or dispenses from original stamped packages, as herein-after provided, shall be deemed a retail dealer: *Provided*, That the office, or if none, the residence, of any person shall be considered for the purpose of this Act his place

of business; but no employee of any person who has registered and paid special tax as herein required, acting within the scope of his employment, shall be required to register and pay special tax provided by this section: *Provided further*, That officials of the United States, Territorial, District of Columbia, or insular possession, State or municipal governments, who in the exercise of their official duties engage in any of the business herein described, shall not be required to register, nor pay special tax, nor stamp the aforesaid drugs as hereinafter prescribed, but their right to this exemption shall be evidenced in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe.

It shall be unlawful for any person required to register under the provisions of this Act to import, manufacture, produce, compound, sell, deal in, dispense, distribute, administer, or give away any of the aforesaid drugs without having registered and paid the special tax as imposed by this section.

That the word "person" as used in this Act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, as far as necessary, are hereby extended and made applicable to this section.

That there shall be levied, assessed, collected, and paid upon opium, coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal-revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce, such tax to be paid by the importer, manufacturer, producer, or compounder thereof, and to be represented by appropriate stamps, to be provided by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the stamps herein provided shall be so affixed to the bottle or other container as to securely seal the stopper, covering, or wrapper thereof.

The tax imposed by this section shall be in addition to any import duty imposed on the aforesaid drugs.

It shall be unlawful for any person to purchase, sell, dispense, or distribute any of the aforesaid drugs except in the original stamped package or from the original stamped package; and the absence of appropriate tax-paid stamps from any of the aforesaid drugs shall be prima facie evidence of a violation of this section by the person in whose possession same may be found; and the possession of any original stamped package containing any of the aforesaid drugs by any person who has not registered and paid special taxes as required by this section shall be prima facie evidence of liability to such special tax: *Provided*, That the provisions of this paragraph shall not apply to any person having in his or her possession any of the aforesaid drugs which have been obtained from a registered dealer in pursuance of a prescription, written for legitimate medical uses, issued by a physician, dentist, veterinary surgeon, or other practitioner registered under this Act; and where the bottle or other container in which such drug may be put up by the dealer upon said prescription bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person writing said prescription; or to the dispensing, or administration, or giving away of any of the aforesaid drugs to a patient by a registered physician, dentist, veterinary surgeon, or other practitioner in the course of his professional practice, and where said drugs are dispensed or administered to the patient for legitimate medical purposes, and the record kept as required by this Act of the drugs so dispensed, administered, distributed, or given away.

And all the provisions of existing laws relating to the engraving, issuance, sale, accountability, cancellation, and destruction of tax-paid stamps provided for in the internal-revenue laws are, in so far as necessary, hereby extended and made to apply to stamps provided by this section.

That all unstamped packages of the aforesaid drugs found in the possession of any person, except as herein provided, shall be subject to seizure and forfeiture, and all the provisions of existing internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are hereby extended to and made to apply to the articles taxed under this Act and the persons upon whom these taxes are imposed.

Importers, manufacturers, and wholesale dealers shall keep such books and records and render such monthly returns in relation to the transactions in the aforesaid drugs as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations require.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this Act into effect.

SEC. 1007. That section 6 of such Act of December 17, 1914, is hereby amended to read as follows:

SEC. 6. That the provisions of this Act shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt, or derivative of any of them in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act: *Provided further*, That any manufacturer, producer, compounder, or vendor (including dispensing physicians) of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall direct. Such record shall be preserved for a period of two years in such a way as to be readily accessible to inspection by any officer, agent or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, municipal, and insular officers named in section 5 of this Act, and every such person so possessing or disposing of such preparations and remedies shall register as required in section 1 of this Act and, if he is not paying a tax under this Act, he shall pay a special tax of \$1 for each year, or fractional part thereof, in which he is engaged in such occupation, to the collector of internal revenue of the district in which he carries on such occupation as provided in this Act. The provisions of this Act as amended shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

\* \* \* \* \*

Approved, February 24, 1919.

AN ACT Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1920, namely:

\* \* \* \* \*

NAVY DEPARTMENT.

\* \* \* \* \*

HYDROGRAPHIC OFFICE.

\* \* \* \* \*

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, and Galveston, including furniture, fuel, lights, works, and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent, and care of offices, care of time balls, car fare and ferrriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$12,500.

\* \* \* \* \*

SEC. 7. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1920, additional compensation at the rate of \$240 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,740 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than sixty per centum of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of \$120 per annum for the fiscal year ending June 30, 1919, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1918, has received during the fiscal year 1919, or shall receive during the fiscal year 1920 an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1918, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone;<sup>206</sup>

\* \* \* \* \*

Approved, March 1, 1919. [40 Stat., 1213, 1243, 1267.]

AN ACT To provide for the fourteenth and subsequent decennial censuses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a census of the population, agriculture, manufactures, forestry and forest products, and mines and quarries of the United States shall be taken by the Director of the Census in the year nineteen hundred and twenty and every ten years thereafter. The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, and Porto Rico. A census of Guam and Samoa shall be taken in the same year by the respective governors of said islands and a census of the Panama Canal Zone by the governor of the Canal Zone<sup>207</sup> in accordance with plans prescribed or approved by the Director of the Census.

\* \* \* \* \*

Approved, March 3, 1919. [40 Stat., 1291.]

AN ACT Making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1920, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fortifications and other works of

<sup>206</sup> Similar provision in acts of June 12, 1917, p. 156; July 3, 1918, p. 196; and May 29, 1920, p. 219. See compensation fixed under sec. 5 of Panama Canal act, p. 82.

<sup>207</sup> This census was completed during the month of January, 1920, showing a total civilian population of the Canal Zone of 17,964. Separate figures of the military population, as taken by the Army and Navy organizations on the Zone, gave the Army personnel as 4,243, and that of the Navy as 594.

The usual annual census of the civil population of the Canal Zone was taken by the Police and Fire Division between June 10 and 30, 1920, and showed a total civil population of 21,650. That total showed a decrease of 109 as compared with the police census taken between August 20 and 31, 1919.

See Executive Order of Jan. 12, 1912 (E. O. 124) providing for a census of the Canal Zone. That census was taken as of Feb. 1, 1912, and showed a total population of the Canal Zone of 61,279.

defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1920, and for other purposes, to be available immediately, namely:

### FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

#### ENGINEER DEPARTMENT.

\* \* \* \* \*

The sum of \$1,250,000 of the unexpended balance of the appropriation "For the installation and replacement of electric light and power plants at seacoast fortifications in the United States; the purchase and installation of searchlights for seacoast defenses in the United States, including searchlights for anti-aircraft defenses and accessories therefor; and the procurement and installation of sound-ranging equipment for use in the United States, the insular possessions and the Panama Canal, and for salaries of electrical experts, engineers, and other employees necessary to procure and install the same," shall be covered into the Treasury immediately upon the approval of this Act.

#### PANAMA CANAL FORTIFICATIONS.

For fortifications and armament thereof for the Panama Canal:  
 For maintenance of clearings and trails, \$30,000;  
 For protection, preservation, and repair of fortifications, including structures erected for torpedo defense, and for maintaining channels for access to torpedo wharves, \$25,000;  
 For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$20,000;  
 For the construction of seacoast batteries, \$135,500;  
 For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, \$20,000;  
 For land defenses, Panama Canal, including the procurement and installation of searchlights, purchase of armored cars and locomotives, construction of roads and surveys incidental thereto, \$14,000;  
 For reserve engineer equipment for the Panama Canal, \$7,500;  
 For operation and maintenance of fire-control installations at seacoast defenses, \$10,000;  
 For the alteration and maintenance of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay of enlisted men engaged thereon, \$100,000;  
 The sum of \$14,000 of the unexpended balance of appropriations heretofore made "for the alteration, maintenance, and repair of submarine mine material," for the Panama Canal shall be covered into the Treasury immediately upon the approval of this Act;  
 For the construction of barracks, quarters, and other necessary buildings for the accommodation of two regiments of Infantry, including water and sewer systems, roads, walks, and so forth, \$3,986,849;  
 For the construction of barracks, quarters, and other necessary buildings for Coast Artillery troops at Fort Sherman, including water and sewer systems, roads, walks, and so forth, \$149,000;  
 No part of the two foregoing appropriations shall be expended for the construction of officers' quarters to cost in excess of the limits established by the sundry civil appropriation Act, approved June 25, 1910;  
 For the construction of a new wharf at Fort Sherman, \$35,000;  
 The Governor of the Panama Canal, so far as the expenditure of appropriations contained in this Act may be under his direction, shall purchase needed materials, supplies, and equipment from available surplus stocks of the War Department;  
 In all, specifically for fortifications and armament thereof for the Panama Canal, \$4,523,849.

SEC. 2. That all material purchased under the provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

SEC. 3. That except as expressly otherwise authorized herein no part of the sums appropriated by this Act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per centum more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per centum more than the estimated cost of manufacture by the Government: *Provided*, That whenever in the opinion of the President the situation is such as to justify such action he may waive the limitations contained in this section.

SEC. 4. That expenditures for carrying out the provisions of this Act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate: *Provided*, That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

SEC. 5. That appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, heretofore made in fortifications or sundry civil appropriation Acts shall not be available for obligation after June 30, 1920, and all unexpended balances of such appropriations which remain upon the books of the Treasury Department on June 30, 1921, shall be covered into the Treasury and carried to the surplus fund.

SEC. 6. That estimates of appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service shall be submitted to Congress in the Book of Estimates for the fiscal year 1921 and each fiscal year thereafter upon an annual basis. And section 5 of the legislative, executive, and judicial appropriation Act approved June 20, 1874, and section 7 of the sundry civil appropriation Act approved August 24, 1912, so far as they except appropriations for "fortifications" from the operations thereof, are repealed.

\* \* \* \* \*

SEC. 8. That no part of the moneys appropriated in each or any section of this Act shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured or produced in each or any of the Government arsenals of the United States for a sum less than it can be purchased or procured otherwise.

Approved, March 3, 1919. [40 Stat., 1305, 1307.]

AN ACT Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

PAYMENT TO THE GOVERNMENT OF PANAMA.

To enable the Secretary of State to pay to the Government of Panama the eighth annual payment due on February 26, 1920, from the Government of the United States to the Government of Panama under article 14 of the treaty of November 18, 1903, \$250,000.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$100,000.

\* \* \* \* \*

Approved, March 4, 1919. [40 Stat., 1325, 1333, 1335.]

AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

\* \* \* \* \*

FOREIGN INTERCOURSE.

\* \* \* \* \*

For relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$60,000.

\* \* \* \* \*

DEPARTMENT OF THE INTERIOR.

\* \* \* \* \*

SAINT ELIZABETHS HOSPITAL.

For support, clothing, and treatment in Saint Elizabeths Hospital of the insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the Quartermaster's service of the Army, persons, transferred from the Canal Zone, who have been admitted to the hospital and who are indigent, \* \* \* \$100,000, to be available until expended.

\* \* \* \* \*

Approved, July 11, 1919. [41 Stats., 35, 43, 51.]

AN ACT Making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1920:

\* \* \* \* \*

## MEDICAL DEPARTMENT.

## MEDICAL AND HOSPITAL DEPARTMENT.

For the manufacture and purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone: \* \* \* \$4,500,000.

\* \* \* \* \*

## HOSPITAL CARE, CANAL ZONE GARRISONS.

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War, for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon request of proper military authority: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, \$50,000.

\* \* \* \* \*

Approved, July 11, 1919. [41 Stat., 104, 121.]

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1920, namely:

\* \* \* \* \*

## WAR DEPARTMENT.

\* \* \* \* \*

## QUARTERMASTER CORPS.

\* \* \* \* \*

Disposition of remains of officers, soldiers, and civilian employees: For interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy, including acting assistant surgeons and enlisted men in active service; interment, or of preparation and transportation to their homes, of the remains of civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, \* \* \* \$8,451,000: *Provided*, That during the continuance of the present war the above provisions shall be applicable in the cases of officers and enlisted men on the retired list of the Army who have died or may hereafter die while on active duty by proper assignment.

## DEPARTMENT OF THE INTERIOR.

\* \* \* \* \*

## SAINT ELIZABETH'S HOSPITAL.

For support, clothing, and treatment in Saint Elizabeths Hospital of the insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against

the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster's service of the Army, persons transferred from the Canal Zone, who have been admitted to the hospital and who are indigent, \* \* \* \$1,000,000; \* \* \*

\* \* \* \* \*

DEPARTMENT OF COMMERCE.

\* \* \* \* \*

COAST AND GEODETIC SURVEY.

\* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$45,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$115,000;

\* \* \* \* \*

THE PANAMA CANAL.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; foreign and domestic newspapers and periodicals; law books not exceeding \$500, textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal, salary of governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, \$7,547,939, together with all money arising from the conduct of business operations authorized by the Panama Canal Act;

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$850,000;

TREATIES AND ACTS OF CONGRESS RELATING TO PANAMA CANAL 213

For civil government of the Panama Canal and Canal Zone, district judge at the rate of \$7,500 per annum from March 1, 1919, district attorney, \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners, \$702,000;

For completing in every detail two sea-going coal barges now under construction by contract entered into by the United States Shipping Board Emergency Fleet Corporation acting for the Panama Canal, to the extent that it was acting within the limits of the authority of the Panama Canal under the act approved June 12, 1917 (Fortieth Statutes at Large, page 177), \$364,949 each, or so much thereof as may be necessary, in addition to \$800,000 each appropriated for two sea-going barges in said Act: *Provided*, That the limitation contained in said Act that the total cost of each barge shall not exceed \$800,000 each is hereby removed, \$729,898.

In all, \$9,829,837, to continue available until expended.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal Act, there shall not be employed at any time during the fiscal year 1920 under any of the foregoing appropriations for the Panama Canal any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on July 1, 1918; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year 1920.

In addition to the foregoing sums there is appropriated, for the fiscal year 1920 for expenditures and reinvestment under the several heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1920, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1920, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

\* \* \* \* \*

Approved, July 19, 1919. [41 Stat., 163, 184, 205, 214. 230.]

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1920, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

\* \* \* \* \*

WEATHER BUREAU.

\* \* \* \* \*

General Expenses, Weather Bureau: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an Act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture. \* \* \*

Total for Weather Bureau, \$1,880,210.

\* \* \* \* \*

Approved, July 24, 1919. [41 Stat., 234, 236.]

Joint Resolution to ratify and confirm from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That appropriations for the service of the fiscal year 1920, contained in the Agricultural, Army, District of Columbia, Navy, and Sundry Civil Appropriations Acts, and the "Third Deficiency Appropriation Act, fiscal year 1919," shall be available from and including July 1, 1919, for the purposes respectively provided in the said appropriations for the service of the said fiscal year. And all obligations incurred pursuant to the terms of such appropriations in the aforesaid Acts as approved are ratified and confirmed from and including July 1, 1919.

Approved, July 31, 1919. [41 Stat., 272.]

AN ACT To prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.<sup>298</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the short title of this act shall be the "National Prohibition Act."

\* \* \* \* \*

TITLE III.

\* \* \* \* \*

GENERAL PROVISIONS.

\* \* \* \* \*

SEC. 20. That it shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt, or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President,<sup>299</sup> and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: *Provided,* That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad.

<sup>298</sup> Isthmian Canal Commission ordinance of Apr. 27, 1907 (L. C. Z. 257) with various amendments regulated the sale of intoxicating liquors in the Canal Zone, but no licenses have been issued for such sale since July 1, 1913. The manufacture of distilled spirits was regulated by Executive Order of May 13, 1911 (E. O. 112), but all stills were closed Jan. 1, 1913, by provisions of Executive Order of May 21, 1912 (E. O. 130).

<sup>299</sup> Established under Executive Order of Jan. 7, 1920 (E. O. 261).

That each and every violation of any of the provisions of this section shall be punished by a fine of not more than \$1,000 or imprisonment not exceeding six months for a first offense, and by a fine not less than \$200 nor more than \$2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.

That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this act had not been passed.

SEC. 21. Titles I and III and sections 1, 27, 37, and 38 of Title II of this act shall take effect and be in force from and after the passage and approval of the act. The other sections of Title II shall take effect and be in force from and after the date when the eighteenth amendment of the Constitution of the United States goes into effect.

F. H. GILLETT,  
*Speaker of the House of Representatives.*

THOS. R. MARSHALL,  
*Vice President of the United States and President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,  
October 27, 1919.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 6810) entitled "An Act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

WM. TYLER PAGE, *Clerk.*

IN THE SENATE OF THE UNITED STATES,  
*Legislative day, October 22, 1919; calendar day, October 28, 1919.*

The Senate having proceeded to reconsider the bill (H. R. 6810), "An Act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

GEORGE A. SANDERSON, *Secretary.*

3.40 p. m. [41 Stat., 305, 322.]

AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, namely:

\* \* \* \* \*

PANAMA CANAL.

For civil government of the Panama Canal and Canal Zone, salaries of district judge \$7,500, district attorney \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners, \$150,000, to continue available until expended.

\* \* \* \* \*

SEC. 6. That this Act hereafter may be referred to as the "First Deficiency Appropriation Act, fiscal year 1920."

Approved, November 4, 1919. [41 Stat., 327, 334.]

AN ACT To regulate further the entry of aliens into the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this Act;

(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé, or other permit or evidence of permission to enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That any person who shall willfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 3. That the term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

SEC. 4. That in order to carry out the purposes and provisions of this Act the sum of \$600,000 is hereby appropriated.

SEC. 5. That this Act shall take effect upon the date when the provisions of the Act of Congress approved the 22d day of May, 1918,<sup>210</sup> entitled "An Act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and shall continue in force and effect until and including the 4th day of March, 1921.

Received by the President, October 29, 1919.

(Note by State Department.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.)

[41 Stat., 353.]

<sup>210</sup> p. 191. See proclamation of Aug. 8, 1918 (E. O. 240-242) issued under authority thereof. See also Jt. Res. of Mar. 3, 1921, p. 231, declaring that certain acts, etc., shall be construed as if the present war had ended as of Mar. 3, 1921. See also Executive Order of May 12, 1921 (E. O. 287) quoting authority of said act of May 22, 1918, and amending above Executive Order to permit stop-overs at ports of United States without requirement of viséed passports.

AN ACT To deport certain undesirable aliens and to deny readmission to those deported.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917,<sup>211</sup> entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor after hearing, finds that such aliens are undesirable residents of the United States, to wit:

(1) All aliens who are now interned under section 4067 of the Revised Statutes of the United States and the proclamations issued by the President in pursuance of said section under date of April 6, 1917, November 16, 1917,<sup>212</sup> December 11, 1917, and April 19, 1918, respectively.

(2) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following Acts or parts of Acts, the judgment on such conviction having become final, namely:

(a) An Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917,<sup>213</sup> or the amendment thereof approved May 16, 1918;

(b) An Act entitled "An Act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917;

(c) An Act entitled "An Act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918;<sup>214</sup>

(d) An Act entitled "An Act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918;<sup>215</sup>

(e) An Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917,<sup>216</sup> or any amendment thereof or supplement thereto;

(f) An Act entitled "An Act to punish persons who make threats against the President of the United States," approved February 14, 1917;

(g) An Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917,<sup>217</sup> or any amendment thereof;

(h) Section 6 of the Penal Code of the United States.

(3) All aliens who have been or may hereafter be convicted of any offense against section 13 of the said Penal Code committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13, or of any offense committed during said period against the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in aid of a belligerent in the European war.

SEC. 2. That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this Act the decision of the Secretary of Labor shall be final.

SEC. 3. That in addition to the aliens who are by law now excluded from admission into the United States all persons who shall be expelled under any of the provisions of this Act shall also be excluded from readmission.

Approved, May 10, 1920. [41 Stat., 593.]

AN ACT Making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in

<sup>211</sup> p. 149.

<sup>212</sup> (E. O. 230.)

<sup>213</sup> p. 161.

<sup>214</sup> p. 191.

<sup>215</sup> p. 187.

<sup>216</sup> See Act of May 22, 1917, p. 153.

<sup>217</sup> p. 174.

the Treasury not otherwise appropriated, for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, namely:

\* \* \* \* \*

PANAMA CANAL FORTIFICATIONS.

For fortifications and armament thereof for the Panama Canal:

For maintenance of clearings and trails, \$30,000;

For protection, preservation, and repair of fortifications, of the Panama Canal, including structures erected for torpedo defense, and for maintaining channels for access to torpedo wharves, \$25,000;

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$20,000;

For the construction of seacoast batteries on the Canal Zone, \$20,000;

For reserve engineer equipment for the fortifications of the Panama Canal, \$7,500;

For the purchase or reclamation of land required for the defenses of the Panama Canal, \$6,250;

For the construction of fire-control stations, the purchase and installation of accessories therefor, and for subaqueous, sound and flash ranging apparatus, including their development, \$474,000;

For operation and maintenance of fire-control installations at sea-coast defenses, \$15,000;

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$1,000,000;

For the alteration and maintenance and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, and extra-duty pay of enlisted men engaged thereon, \$104,546;

For alteration, maintenance, and repair of submarine mine matériel, \$1,138;

For continuing the construction of barracks, quarters, storehouses, and other buildings necessary for accommodating the Coast Artillery troops to be stationed in the vicinity of the Panama Canal, including water, sewer, and electrical systems, roads, walks, and so forth, \$40,000;

The Governor of the Panama Canal, so far as the expenditure of appropriations contained in this Act may be under his direction, shall purchase needed materials, supplies, and equipment from available surplus stocks of the War Department;

For the purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines, buildings, for equipment, and other accessories necessary in the Air Service for use in connection with the seacoast defenses of the Panama Canal, \$100;

For the establishment, construction, enlargement, or improvement of the aviation station at France Field, Canal Zone, for use in connection with the seacoast defenses of the Panama Canal, including the acquisition of land or any interest in land by purchase, lease, condemnation, or otherwise, and the preparation necessary to make the same suitable for the purpose intended, and for the acquisition and improvement of emergency landing fields in the Canal Zone, \$239,000.

In all, specifically for fortifications and armament thereof for the Panama Canal, \$1,985,534.

SEC. 2. That all material purchased under the provisions of this Act shall be of American manufacture except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

SEC. 3. That except as expressly otherwise authorized herein no part of the sums appropriated by this Act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per centum more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per centum more than the estimated cost of manufacture by the Government.

SEC. 4. That expenditures for carrying out the provisions of this Act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate: *Provided*, That no part of the appropriations made in this Act shall be available for the salary or pay of

any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

SEC. 5. That no part of the moneys appropriated in each or any section of this Act shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured or produced in each or any of the Government arsenals of the United States for a sum less than it can be purchased or procured otherwise.

SEC. 6. That all orders or contracts for manufacture of material pertaining to approved projects, which are placed with arsenals or other ordnance establishments and which are chargeable to armament of fortifications appropriations, shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers.

SEC. 7. That whenever any Government bureau or department procures, by purchase or manufacture, stores or materials of any kind, or performs any service for another bureau or department, the funds of the bureau or department for which the stores or materials are to be procured or the service performed may be placed subject to the requisitions of the bureau or department making the procurement or performing the service for direct expenditure: *Provided*, That funds so placed with the procuring bureau shall remain available for a period of two years for the purposes for which the allocation was made unless sooner expended;

SEC. 8. That the following unexpended balances, or portions of the unexpended balances, or combined unexpended balances, or portions of combined unexpended balances of appropriations for fortifications and other works of defense, as set forth in this section, shall be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act, namely:

\* \* \* \* \*

Sea walls and embankments, Panama Canal, \$3,000.  
 Submarine mine structures, \$15,200.  
 Armament of fortifications, Panama Canal, \$2,306,481.73.  
 Submarine mines, Panama Canal, \$231,082.21.

\* \* \* \* \*

Approved, May 21, 1920. [41 Stat., 611.]

AN ACT Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1921, namely:

\* \* \* \* \*

NAVY DEPARTMENT.

\* \* \* \* \*

HYDROGRAPHIC OFFICE.

\* \* \* \* \*

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, and Galveston, including furniture, fuel, lights, works, and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent, and care of offices, care of time balls, car fare and ferrage in visiting merchant vessels, freight and express

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charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$15,000.

\* \* \* \* \*

SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1921, additional compensation at the rate of \$240 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,740 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 60 per centum of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of \$240 per annum for the fiscal year ending June 30, 1920, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1919, has received during the fiscal year 1920 or shall receive during the fiscal year 1921, an increase of salary at a rate in excess of \$200 per annum, or where an employee, whether previously in the service or not, has entered the service since June 30, 1919, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone;<sup>218</sup>

\* \* \* \* \*

Approved, May 29, 1920. [41 Stat., 665, 689.]

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1921, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

\* \* \* \* \*

WEATHER BUREAU.

\* \* \* \* \*

General Expenses, Weather Bureau: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an Act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture,

Total for Weather Bureau, \$1,876,550.

\* \* \* \* \*

Approved, May 31, 1920. [41 Stat., 696.]

<sup>218</sup> Similar provision in acts of June 12, 1917, p. 156; July 3, 1918, p. 196; and Mar. 1, 1919, p. 206. See compensation fixed under sec. 5, Panama Canal Act, p. 82.

AN ACT Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

\* \* \* \* \*

PAYMENT TO THE GOVERNMENT OF PANAMA.

To enable the Secretary of State to pay to the Government of Panama the ninth annual payment, due on February 26, 1921, from the Government of the United States to the Government of Panama under article 14 of the treaty of November 18, 1903, \$250,000.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$100,000.

\* \* \* \* \*

Approved, June 4, 1920. [41 Stat., 748, 749.]

AN ACT To remove a certain tract or lots of land in Cristobal, Canal Zone, from the operation and effect of the Executive Order of the President of December 5, 1912, pursuant to the Act of Congress of August 24, 1912 (Thirty-seventh Statutes, chapter 390, page 565).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following tract of land situated within the Canal Zone, and more particularly described as lots numbered six hundred and forty-one, six hundred and forty-three, six hundred and forty-five, and six hundred and forty-seven, in the town of Cristobal, Canal Zone, the same being bounded on the north by Eleventh Street, on the east by Bolivar Street, on the south by lot numbered six hundred and forty-nine, and on the west by a vacant lot, the said lots or tract of land having an extension from north to south of one hundred and twenty feet and from east to west of one hundred feet, and measuring in superficial area twelve thousand square feet, be, and the same is hereby, withdrawn from the operation and effect of the Act of Congress approved August 24, 1912, known as the Panama Canal Act <sup>219</sup> (Thirty-seventh Statutes, chapter 390, page 565), and the subsequent Executive order of the President, issued pursuant to the said Act of Congress under date of December 5, 1912.<sup>220</sup>

SEC. 2. The Panama Railroad Company is hereby authorized to sell, transfer, and convey said lots or tracts of land with all improvements thereon to any other person or persons or association of persons and retain the consideration therefor for its own use.

Approved, June 5, 1920. [41 Stat., 948.]

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1921, namely:

\* \* \* \* \*

<sup>219</sup> Sec. 3, p. 80.

<sup>220</sup> (E. O. 132.)

WAR DEPARTMENT.

\* \* \* \* \*

QUARTERMASTER CORPS.

\* \* \* \* \*

NATIONAL CEMETERIES: \* \* \* Disposition of remains of officers, soldiers, and civilian employees: For interment, cremation (only upon request from relatives of the deceased), or preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy, including acting assistant surgeons and enlisted men in active service, and accepted applicants for enlistment; interment, or preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, \* \* \* \$21,549,000; *Provided*, That the above provisions shall be applicable in the cases of officers and enlisted men on the retired list of the Army who have died or may hereafter die while on active duty by proper assignment and also to citizens of the United States who may have died while serving in the armies of the Allies associated with the American forces: *Provided further*, That, in addition to the foregoing sum, the unobligated balance of the appropriation "Disposition of Remains of Officers, Soldiers, and Civil Employees," for the fiscal year 1920 is made available during the fiscal year 1921 for the care and maintenance of graves of officers, soldiers, and civilian employees of the Army abroad, and for the preparation and shipment of their remains to their homes, or to national cemeteries: *Provided further*, That there may be expended from and after the approval of this Act and until June 30, 1921, from this appropriation and the appropriation for this purpose for the fiscal year 1920, a total amount not exceeding \$250,000 for personal services in the Cemeterial Division, Office of the Quartermaster General, War Department, for compiling, recording, preparing, and transmitting data incident to the disposition of the remains referred to herein; this sum may be expended notwithstanding the third proviso of the paragraph entitled "Temporary employees, War Department," contained in the Legislative, Executive, and Judicial Appropriation Act for the fiscal year 1921

\* \* \* \* \*

DEPARTMENT OF THE INTERIOR.

\* \* \* \* \*

SAINT ELIZABETHS HOSPITAL.

For support, clothing, and treatment in Saint Elizabeths Hospital of the insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster's service of the Army, persons transferred from the Canal Zone, who have been admitted to the hospital and who are indigent, \* \* \* \$1,000,000;

\* \* \* \* \*

DEPARTMENT OF COMMERCE.

\* \* \* \* \*

COAST AND GEODETIC SURVEY.

\* \* \* \* \*

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$45,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$104,000;

\* \* \* \* \*

## THE PANAMA CANAL.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; foreign and domestic newspapers and periodicals; law books not exceeding \$500, textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal, salary of the governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation Act approved September 7, 1916, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, \$7,531,851, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act;

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$850,000;

For civil government of the Panama Canal and Canal Zone, salaries of district judge \$7,500, district attorney \$5,000, marshal \$5,000, and for gratuities and necessary clothing for indigent discharged prisoners, \$900,000;

In all, \$9,281,851, to be available until expended.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal Act, there shall not be employed at any time during the fiscal year 1921 under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on July 1, 1919; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year 1921.

In addition to the foregoing sums there is appropriated, for the fiscal year 1921 for expenditures and reinvestment under the several heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of water works, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1921, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1921, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

\* \* \* \* \*

SEC. 4. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

\* \* \* \* \*

SEC. 7. Hereafter no department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years.

Approved, June 5, 1920. [41 Stat., 895, 919, 928, 944.]

AN ACT Making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1921:

\* \* \* \* \*

#### MEDICAL DEPARTMENT.

##### MEDICAL AND HOSPITAL DEPARTMENT.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone, \$3,500,000:

\* \* \* \* \*

##### HOSPITAL CARE, CANAL ZONE GARRISONS.

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, \$60,000: *Provided,* That the subsistence

of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

\* \* \* \* \*

Approved, June 5, 1920. [41 Stat., 967, 968.]

AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, namely:

\* \* \* \* \*

DEPARTMENT OF STATE.

FOREIGN INTERCOURSE.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN: Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, \$35,000.

\* \* \* \* \*

GOVERNMENT PRINTING OFFICE.

\* \* \* \* \*

Hereafter the head of each department and independent establishment of the Government shall on the first day of each regular session submit in writing a report to the Congress giving the aggregate number of the various publications it has issued during the preceding fiscal year giving same in detail, and shall also report the cost of paper used for such publications, cost of printing, and the cost of preparation of each publication, and the number of each which has been distributed.

\* \* \* \* \*

SEC. 5. That this Act hereafter may be referred to as the "Third Deficiency Act, fiscal year 1920."

Approved, June 5, 1920. [41 Stat., 1022, 1037.]

An Act Authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided,* That this Act shall not apply to the Panama Railroad Company.

SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a

libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tug boat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libellant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per centum per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libellant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libellant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this Act.

SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libellant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this Act.

SEC. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this Act shall be brought within one year after this Act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises.

SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this Act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any

appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however,* That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this Act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this Act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this Act.

SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel.

SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this Act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

SEC. 13. That the provisions of all other Acts inconsistent herewith are hereby repealed.

Approved, March 9, 1920.

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AN ACT Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in

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the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, namely:

\* \* \* \* \*

PANAMA CANAL.

For civil government of the Panama Canal and Canal Zone, including the same objects specified under this head in the Sundry Civil Appropriation Act for the fiscal year 1921, \$24,670.

For the payment to the McClintic-Marshall Construction Company, as recommended in the report made to Congress under date of February 11, 1916, by the commission appointed under the Act of June 24, 1914, and approved by the Governor of The Panama Canal (House Document Numbered 906, Sixty-fourth Congress, first session), \$714,007.39; said amount to be chargeable as part of the construction of the Panama Canal and reimbursed to the Treasury of the United States out of the proceeds of the sale of the bonds authorized by section 8 of the Act approved June 28, 1902, and section 39 of the Tariff Act approved August 5, 1909.

\* \* \* \* \*

SEC. 4. That this Act hereafter may be referred to as the "First Deficiency Act," fiscal year 1921."

Approved, March 1, 1921.

AN ACT Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, for the objects hereinafter expressed, namely:

\* \* \* \* \*

PAYMENT TO THE GOVERNMENT OF PANAMA.

To enable the Secretary of State to pay to the Government of Panama the tenth annual payment, due on February 26, 1922, from the Government of the United States to the Government of Panama under article 14 of the treaty of November 18, 1903, \$250,000.

\* \* \* \* \*

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Philippine Islands, and the Virgin Islands, \$150,000.

\* \* \* \* \*

Approved, March 2, 1921.

AN ACT Making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1922, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1922, and for other purposes, namely:

\* \* \* \* \*

## PANAMA CANAL FORTIFICATIONS.

For fortifications and armament thereof for the Panama Canal:

## ENGINEER DEPARTMENT.

For protection, preservation, and repair of fortifications of the Panama Canal, for which there may be no special appropriation available, including structures erected for submarine-mine defense, and for maintaining channels for access to submarine-mine wharves, \$25,000;

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$30,000;

For preparation of plans for fortifications and other works of defense, including surveys for roads, Canal Zone, \$3,000;

For the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, \$6,250;

For the purchase or reclamation of land required for the defenses of the Panama Canal, \$80,000;

## CHIEF OF COAST ARTILLERY.

For the construction of fire-control stations, the purchase and installation of accessories therefor, and for subaqueous, sound, and flash ranging apparatus, including their development, \$25,000;

For alteration, maintenance, and repair of submarine mine matériel, \$10,000;

## CHIEF SIGNAL OFFICER.

For operation and maintenance of fire-control installations at seacoast defenses, \$15,000;

## ARMAMENT OF FORTIFICATIONS.

For the purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$250,000;

For the alteration and maintenance and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, \$75,000;

## BARRACKS AND QUARTERS.

For continuing the construction of barracks, quarters, storehouses, and other buildings necessary for accommodating the Coast Artillery troops to be stationed in the vicinity of the Panama Canal, including water, sewer, and electrical systems, roads, walks, and so forth, \$100,000;

The Governor of the Panama Canal, so far as the expenditure of appropriations contained in this Act may be under his direction, shall purchase needed materials, supplies, and equipment from available surplus or reserve stocks of the War Department;

In all, specifically for fortifications and armament thereof for the Panama Canal, \$619,250.

SEC. 2. That all material purchased under the provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

SEC. 3. That except as expressly otherwise authorized herein, no part of the sums appropriated by this Act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per centum more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per centum more than the estimated cost of manufacture by the Government.

SEC. 4. That expenditures for carrying out the provisions of this Act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate: *Provided*, That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman or other person having charge

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of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

SEC. 5. That no part of the moneys appropriated in each or any section of this Act shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured or produced in each or any of the Government arsenals of the United States for a sum less than it can be purchased or procured otherwise.

SEC. 6. That the Secretary of War is authorized to proceed with the installation of guns and howitzers in such order of priority as he may deem expedient, at places for which appropriations have been, or hereafter may be, made for emplacements for such guns and howitzers.

SEC. 7. That so much of the Fortification Appropriation Act approved July 5, 1884, as pertains to the appointment of a board for the purpose of testing rifled cannon is hereby rescinded.

\* \* \* \* \*

Approved, March 3, 1921.

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JOINT RESOLUTION Declaring that certain Acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the interpretation of any provision relating to the duration or date of the termination of the present war or of the present or existing emergency, meaning thereby the war between the Imperial German Government and the Imperial and Royal Austro-Hungarian Government and the Government and people of the United States, in any Acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the duration or the date of the termination of such war or of such present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any Act of Congress or joint resolution providing any other mode of determining the date of such termination.<sup>221</sup> Any Act of Congress, or any provision of any such Act, that by its terms is in force only during the existence of a state of war, or during such state of war and a limited period of time thereafter,<sup>222</sup> shall be construed and administered as if such war between the Governments and people aforesaid terminated on the date when this resolution becomes effective, any provision of such law to the contrary notwithstanding; excepting, however, from the operation and effect of this resolution the following Acts and proclamations, to wit: Title 2 of the Act entitled "The Food Control and District of Columbia Rents Act," approved October 22, 1919 (Forty-first Statutes, page 297), the Act known as the Trading with the Enemy Act, approved October 6, 1917<sup>223</sup> (Fortieth Statutes, page 411), and all amendments thereto, and the First, Second, Third, and Fourth Liberty Bond Acts, the Supplement to the Second Liberty Bond Act, and the Victory Liberty Loan Act; titles 1 and 3 of the War Finance Corporation Act (Fortieth Statutes, page 506), as amended by the Act approved March 3, 1919 (Fortieth Statutes, page 1313), and Public Resolution Numbered 55, Sixty-Sixth Congress, entitled "Joint resolution directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes," passed January 4, 1921; also the proclamations issued under the authority conferred by the Acts herein excepted from the effect and operation of this resolution: *Provided, however,* That nothing herein contained shall be construed as effective to terminate the military status of any person now in desertion from the military or naval

<sup>221</sup> See following acts referring to "present war or existing emergency": act of May 9, 1918, p. 188, amending naturalization laws; act of July 1, 1918, p. 195, relating to manufacture of war materials; and act of July 18, 1918, p. 200, relating to charter rates and freight rates.

<sup>222</sup> See following acts referring to "a state of war" or "a time of war": Secs. 9 and 11 of act of Sept. 7, 1916, p. 140, establishing a Shipping Board; sec. (a) of act of Mar. 4, 1917, p. 152, relating to priority of orders for war materials; various provisions of the Espionage Act of June 15, 1917, pp. 161-172; act of Apr. 20, 1918, p. 187, relating to destruction of war materials; act of May 22, 1918, p. 191, relating to departure and entry control; and act of Oct. 29, 1919, p. 216, further regulating entry of aliens into the United States. See also proclamation of Aug. 8, 1918 (E. O. 240-242) relating to departure and entry control.

<sup>223</sup> pp. 174-185.

service of the United States, nor to terminate the liability to prosecution and punishment under the selective service law, approved May 18, 1917 (Fortieth Statutes, page 76), of any person who failed to comply with the provisions of said Act or of Acts amendatory thereof: *Provided further*, That the Act entitled "An Act to amend section 3, title 1, of the Act entitled 'An Act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917 <sup>224</sup> (Fortieth Statutes, page 217), and for other purposes," approved May 16, 1918 <sup>225</sup> (Fortieth Statutes, page 553), be, and the same is hereby repealed, and that said section 3 of said Act approved June 15, 1917, is hereby revived and restored with the same force and effect as originally enacted.

Nothing herein contained shall be held to exempt from prosecution or to relieve from punishment any offenses heretofore committed in violation of any Act hereby repealed, or which may be committed while it remains in force as herein provided.<sup>226</sup>

Approved, March 3, 1921.

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1922, namely:

\* \* \* \* \*

WAR DEPARTMENT.

\* \* \* \* \*

QUARTERMASTER CORPS.

\* \* \* \* \*

NATIONAL CEMETERIES: \* \* \* Disposition of remains of officers, soldiers, and civilian employees: For interment, cremation (only upon request from relatives of the deceased), or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy, including acting assistant surgeons and enlisted men in active service, and accepted applicants for enlistment; interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who died abroad, in Alaska, in the Canal Zone, or on Army transports, \* \* \* \$1,000,000: *Provided*, That the above provisions shall be applicable in the cases of officers and enlisted men on the retired list of the Army who have died or may hereafter die while on active duty by proper assignment and also to citizens of the United States who may have died while serving in the armies of the Allies associated with the American forces: *Provided further*, That, in addition to the foregoing sum, the unobligated balance of the appropriation "Disposition of remains of officers, soldiers, and civil employees," for the fiscal year 1921, is made available during the fiscal year 1922 for the above purposes and for the care and maintenance of graves of officers, soldiers, and civilian employees of the Army abroad, and for the preparation and shipment of their remains to their homes, or to national cemeteries.

\* \* \* \* \*

DEPARTMENT OF THE INTERIOR.

SAINT ELIZABETHS HOSPITAL.

For support, clothing, and treatment in Saint Elizabeths Hospital of the insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against

<sup>224</sup> p. 161.

<sup>225</sup> p. 190.

<sup>226</sup> See opinion of Attorney General as to effect of above joint resolution (32 Op. Atty.-Gen. 505), opinion rendered Apr. 11, 1921.

the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster's service of the Army, persons transferred from the Canal Zone, who have been admitted to the hospital and who are indigent. \* \* \* \$1,000,000;

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DEPARTMENT OF COMMERCE.

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COAST AND GEODETIC SURVEY.

Field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than \$45,000 of this amount shall be expended on the coasts of said outlying islands, and the Atlantic entrance to the Panama Canal, \$104,000;

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THE PANAMA CANAL.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; foreign and domestic newspapers and periodicals; law books not exceeding \$500, textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business, pursuant to section 13 of the Sundry Civil Appropriation Act, approved August 1, 1914; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal: Salary of the Governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation act approved September 7, 1916, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, \$7,250,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act;

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service, detailed with the Panama Canal as chief quarantine officer, \$850,000;

For civil government of the Panama Canal and Canal Zone: Salaries of district judge, \$7,500; district attorney, \$5,000; marshal, \$5,000; and for gratuities and necessary clothing for indigent discharged prisoners, \$900,000;

In all, \$9,000,000, to be available until expended.

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal Act, there shall not be employed at any time during the fiscal year 1922, under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on July 1, 1920; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the Governor in his report for the fiscal year 1922.

In addition to the foregoing sums there is appropriated, for the fiscal year 1922 for expenditures and reinvestment under the several heads of appropriation aforesaid without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1922, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

To enable the President to cause an investigation to be made as to the petroleum resources and the production of petroleum in other countries, \$35,000.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1922, and all laws or parts of laws to the extent they are in conflict with the provisions of this Act are repealed.

SEC. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government, may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

Approved, March 4, 1921.

AN ACT Relating to the landing and operation of submarine cables in the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States: *Provided,* That any such cable now laid within the United States without a license granted by the President may continue to operate without such license for a period of 90 days from the date this Act takes effect: *And provided further,* That the conditions of this Act shall not apply to cables, all of which, including both terminals, lie wholly within the Continental United States.

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SEC. 2. That the President may withhold or revoke such license when he shall be satisfied after due notice and hearing that such action will assist in securing rights for the landing or operation of cables in foreign countries, or in maintaining the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States, or may grant such license upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed: *Provided*, That the license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States: *And provided further*, That nothing herein contained shall be construed to limit the power and jurisdiction heretofore granted the Interstate Commerce Commission with respect to the transmission of messages.

SEC. 3. That the President is empowered to prevent the landing of any cable about to be landed in violation of this Act. When any such cable is about to be or is landed or is being operated, without a license, any district court of the United States exercising jurisdiction in the district in which such cable is about to be or is landed, or any district court of the United States having jurisdiction of the parties, shall have jurisdiction, at the suit of the United States, to enjoin the landing or operation of such cable or to compel, by injunction, the removal thereof.

SEC. 4. That whoever knowingly commits, instigates, or assists in any act forbidden by section 1 of this Act shall be guilty of a misdemeanor and shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

SEC. 5. That the term "United States" as used in this Act includes the Canal Zone, the Philippine Islands, and all territory, continental or insular, subject to the jurisdiction of the United States of America.

SEC. 6. That no right shall accrue to any Government, person, or corporation under the terms of this Act that may not be rescinded, changed, modified, or amended by the Congress.

Approved, May 27, 1921.

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AN ACT To provide a national budget system and an independent audit of Government accounts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I.

#### DEFINITIONS.

SECTION 1. This Act may be cited as the "Budget and Accounting Act, 1921."

SEC. 2. When used in this Act—

The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the Legislative Branch of the Government or the Supreme Court of the United States;

The term "the Budget" means the Budget required by section 201 to be transmitted to Congress;

The term "Bureau" means the Bureau of the Budget;

The term "Director" means the Director of the Bureau of the Budget; and

The term "Assistant Director" means the Assistant Director of the Bureau of the Budget.

### TITLE II.

#### THE BUDGET.

SEC. 201. The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the Legislative Branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15th of each year, and shall be included by him in the Budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government.

SEC. 202. (a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require.

SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation.

SEC. 204. (a) Except as otherwise provided in this Act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character now required by law.

SEC. 205. The President, in addition to the Budget, shall transmit to Congress on the first Monday in December, 1921, for the service of the fiscal year ending June 30, 1923, only, an alternative budget, which shall be prepared in such form and amounts and according to such system of classification and itemization as is, in his opinion, most appropriate, with such explanatory notes and tables as may be necessary to show where the various items embraced in the Budget are contained in such alternative budget.

SEC. 206. No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress.

SEC. 207. There is hereby created in the Treasury Department a Bureau to be known as the Bureau of the Budget. There shall be in the Bureau a Director and an Assistant Director, who shall be appointed by the President and receive salaries of

\$10,000 and \$7,500 a year, respectively. The Assistant Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, the alternative Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments.

SEC. 208. (a) The Director, under such rules and regulations as the President may prescribe, shall appoint and fix the compensation of attorneys and other employees and make expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, within the appropriations made therefor.

(b) No person appointed by the Director shall be paid a salary at a rate in excess of \$6,000 a year, and not more than four persons so appointed shall be paid a salary at a rate in excess of \$5,000 a year.

(c) All employees in the Bureau whose compensation is at a rate of \$5,000 a year or less shall be appointed in accordance with the civil-service laws and regulations.

(d) The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years shall not apply during the fiscal years ending June 30, 1921, and June 30, 1922, to the transfer of employees to the Bureau.

(e) The Bureau shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of Section 6 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal years ending June 30, 1921, and June 30, 1922, if otherwise entitled thereto.

SEC. 209. The Bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby.

SEC. 210. The Bureau shall prepare for the President a codification of all laws or parts of laws relating to the preparation and transmission to Congress of statements of receipts and expenditures of the Government and of estimates of appropriations. The President shall transmit the same to Congress on or before the first Monday in December, 1921, with a recommendation as to the changes which, in his opinion, should be made in such laws or parts of laws.

SEC. 211. The powers and duties relating to the compiling of estimates now conferred and imposed upon the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury are transferred to the Bureau.

SEC. 212. The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request.

SEC. 213. Under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the Bureau such information as the Bureau may from time to time require, and (2) the Director and the Assistant Director, or any employee of the Bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment.

SEC. 214. (a) The head of each department and establishment shall designate an official thereof as budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work.

SEC. 215. The head of each department and establishment shall revise the departmental estimates and submit them to the Bureau on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment.

SEC. 216. The departmental estimates and any supplemental or deficiency estimates submitted to the Bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe.

SEC. 217. For expenses of the establishment and maintenance of the Bureau there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$225,000, to continue available during the fiscal year ending June 30, 1922.

### TITLE III.

#### GENERAL ACCOUNTING OFFICE.

SEC. 301. There is created an establishment of the Government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the Comptroller General of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1921. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the General Accounting Office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment and other property of the office of the Comptroller of the Treasury shall become the property of the General Accounting Office. The Comptroller General is authorized to adopt a seal for the General Accounting Office.

SEC. 302. There shall be in the General Accounting Office a Comptroller General of the United States and an Assistant Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The Assistant Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General or during a vacancy in that office, shall act as Comptroller General.

SEC. 303. Except as hereinafter provided in this section, the Comptroller General and the Assistant Comptroller General shall hold office for 15 years. The Comptroller General shall not be eligible for reappointment. The Comptroller General or the Assistant Comptroller General may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Comptroller General or Assistant Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Comptroller General or Assistant Comptroller General removed in the manner herein provided shall be ineligible for reappointment to that office. When a Comptroller General or Assistant Comptroller General attains the age of 70 years, he shall be retired from his office.

SEC. 304. All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this Act, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921.

The administrative examination of the accounts and vouchers of the Postal Service now imposed by law upon the Auditor for the Post Office Department shall be performed on and after July 1, 1921, by a bureau in the Post Office Department to be known as the Bureau of Accounts, which is hereby established for that purpose. The Bureau of Accounts shall be under the direction of a Comptroller, who shall be appointed by the President with the advice and consent of the Senate, and shall receive a salary of \$5,000 a year. The Comptroller shall perform the administrative duties now performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct. The appropriation of \$5,000 for the salary of the Auditor for the Post Office Department for the fiscal year 1922 is transferred and made available for the salary of the Comptroller, Bureau of Accounts, Post Office Department. The officers and employees of the Office of the Auditor for the Post Office Department engaged in the administrative examination of accounts shall become officers and employees of the Bureau of Accounts at their

grades and salaries on July 1, 1921. The appropriations for salaries and for contingent and miscellaneous expenses and tabulating equipment for such office for the fiscal year 1922, and all books, records, documents, papers, furniture, office equipment, and other property shall be apportioned between, transferred to, and made available for the Bureau of Accounts and the General Accounting Office, respectively, on the basis of duties transferred.

SEC. 305. Section 236 of the Revised Statutes is amended to read as follows:

"Sec. 236. All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

SEC. 306. All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the General Accounting Office. Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, when certified by the Comptroller General or the Assistant Comptroller General under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes.

SEC. 307. The Comptroller General may provide for the payment of accounts or claims adjusted and settled in the General Accounting Office, through disbursing officers of the several departments and establishments, instead of by warrant.

SEC. 308. The duties now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury, so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment, shall be performed by the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury.

SEC. 309. The Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States.

SEC. 310. The offices of the six auditors shall be abolished, to take effect July 1, 1921. All other officers and employees of these offices except as otherwise provided herein shall become officers and employees of the General Accounting Office at their grades and salaries on July 1, 1921. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants, so far as they relate to the work of such division transferred by section 304, shall become the property of the General Accounting Office. The General Accounting Office shall occupy temporarily the rooms now occupied by the office of the Comptroller of the Treasury and the six auditors.

SEC. 311. (a) The Comptroller General shall appoint, remove, and fix the compensation of such attorneys and other employees in the General Accounting Office as may from time to time be provided for by law.

(b) All such appointments, except to positions carrying a salary at a rate of more than \$5,000 a year, shall be made in accordance with civil-service laws and regulations.

(c) No person appointed by the Comptroller General shall be paid a salary at a rate of more than \$6,000 a year, and not more than four persons shall be paid a salary at a rate of more than \$5,000 a year.

(d) All officers and employees of the General Accounting Office, whether transferred thereto or appointed by the Comptroller General, shall perform such duties as may be assigned to them by him.

(e) All official acts performed by such officers or employees specially designated therefor by the Comptroller General shall have the same force and effect as though performed by the Comptroller General in person.

(f) The Comptroller General shall make such rules and regulations as may be necessary for carrying on the work of the General Accounting Office, including rules and regulations concerning the admission of attorneys to practice before such office.

SEC. 312. (a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursements, and application of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

(e) He shall furnish such information relating to expenditures and accounting to the Bureau of the Budget as it may request from time to time.

SEC. 313. All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes.

SEC. 314. The Civil Service Commission shall establish an eligible register for accountants for the General Accounting Office, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the Comptroller General.

SEC. 315. (a) All appropriations for the fiscal year ending June 30, 1922, for the offices of the Comptroller of the Treasury and the six auditors, are transferred to and made available for the General Accounting Office, except as otherwise provided herein.

(b) During such fiscal years the Comptroller General, within the limit of the total appropriations available for the General Accounting Office, may make such changes in the number and compensation of officers and employees appointed by him or transferred to the General Accounting Office under this Act as may be necessary.

(c) There shall also be transferred to the General Accounting Office such portions of the appropriations for rent and contingent and miscellaneous expenses, including allotments for printing and binding, made for the Treasury Department for the fiscal year ending June 30, 1922, as are equal to the amounts expended from similar appropriations during the fiscal year ending June 30, 1921, by the Treasury Department for the offices of the Comptroller of the Treasury and the six auditors.

(d) During the fiscal year ending June 30, 1922, the appropriations and portions of appropriations referred to in this section shall be available for salaries and expenses of the General Accounting Office, including payment for rent in the District of Columbia, traveling expenses, the purchase and exchange of law books, books of reference, and for all necessary miscellaneous and contingent expenses.

SEC. 316. The General Accounting Office and the Bureau of Accounts shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ending June 30, 1922, if otherwise entitled thereto.

SEC. 317. The provision of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years shall not apply during the fiscal year ending June 30, 1922, to the transfer of employees to the General Accounting Office.

SEC. 318. This Act shall take effect upon its approval by the President, *Provided*, That sections 301 to 317, inclusive, relating to the General Accounting Office and the Bureau of Accounts, shall take effect July 1, 1921.

Approved, June 10, 1921.



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