

THE FIFTY-NINTH CONGRESS,
ITS ORGANIZATION, PERSONNEL,
AND ACTS.

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Organization.

The Fifty-ninth Congress began with a special session of the Senate on March 4, 1905, immediately after the adjournment of the Fifty-Eighth Congress. It is customary for the outgoing President to issue a call for a special session of the Senate to assemble on the day of the inauguration of a President. In this case the call was by President Roosevelt himself, as he was both the outgoing president and the President elect. The object of this session, as is usually the case at the inauguration, was to approve or reject the appointments to office made by the new Executive. It is only necessary for the Senate to approve of such appointments.

In the organization of a congress, the Senate and the House are organized separately. The Senate really requires no organization at the beginning of each Congress, as Senators are elected for six years and the life of a Congress is only two years. All that is necessary is the swearing in of the new Senators, which is one third of the total number, and the filling of the vacancies on the standing committees by election. The Fifty-eighth Congress adjourned sine die a little before noon of the day of the assembling of the Special session of the Senate. Owing to the Senate being a permanent organization, the Vice president elect, Mr. Fairbanks, took the oath of office before the Senate of the Fifty-Eighth Congress just before its adjournment sine die.

The order of procedure at this special session is characteristic of all sessions at the inaugurations. The Vice-President, Chas. W. Fairbanks of Indiana, having taken the oath of office called the Senate to order at twelve o'clock noon of March 4, 1905. Chaplain Rev. E. E. Hale lead a short devotional exercise after which Vice-President Fairbanks gave a short speech. Following the speech the proclamation of the President calling the special session was read. Then the oath of office was administered to the Senators elect, who were present. The Vice-President ordered the Sargeant-at-Arms to execute the order of the

Senate for the inauguration of the President of the United States. The Senate, the House of Representatives, the Cabinet, and the Justices of the Supreme Court all went with the committee on inaugural ceremonies and the President elect to the east front of the Capitol, where the oath was administered by the Chief Justice Fuller. After the inaugural ceremonies, the Senators returned to the Senate chamber. They set the daily hour of meeting as twelve o'clock noon and then adjourned. At their next meeting, March 6th, two Senators were appointed to wait on the President and inform him that a quorum had assembled and that they were ready to do business. The rest of the proceedings was principally executive business. This special session adjourned March 18, 1905.

A few words may be necessary in regard to the seating of Senators in the Chamber. There is not a reseating of the members at the beginning of each Congress as in the House, rather any Senator is allowed to keep his seat as long as he is a member, if he so desires. The practice at present is for a Senator who desires a certain seat, to file an application for said seat with the Door-Keeper of the Senate. The Door Keeper records the exact minute, hour, day, month, and year of application with the Senator's name. When this seat becomes vacant, either by death or non-membership, the Senator who first filed the application gets the seat. The Democrat's side of the Senate is to the right of the Vice-Presidents desk and the Republicans to the left.

The Constitution provides that Congress shall meet at least once a year and that such meeting shall be the first Monday in December unless a different day be appointed by law. Accordingly on December 4, 1905, both houses of Congress assembled in regular session at Washington. The necessary procedure for the organization of the Senate had been executed at its special session in March.

The House must be organized at the beginning of each Congress. The form of proceedings at the organization of this Congress are similar to those

usually gone through with in organizing a congress. The House was first called to order by Mr. Alexander McDowell, the clerk of the previous House. Devotional exercises were conducted by Rev. Henry Couden. The roll having been made up by the clerk was then called by states to ascertain if a quorum were present. All but fourteen of the three hundred and eighty-three representatives answered to their names, accordingly the clerk announced a quorum present. At this time the clerk presented a statement showing the changes that had taken place since the regular election of members of the Fifty-ninth Congress. There were six changes, four due to resignations and two to death. The clerk, still presiding, announced that nominations were in order for Speaker. Mr. Hepburn of Iowa, presented the name of J. G. Cannon of Illinois as a candidate for Speaker of the House. Mr. Henry of Texas, presented the name of John Sharp Williams of Mississippi as a candidate for Speaker of the House. No other nominations being made, the clerk appointed two Republicans and two Democrats as tellers and the roll was called, each person responding with the name of the man for whom he wished to vote. The nominations were made in party caucus before the opening of Congress. Cannon received 243 votes and Williams 128. Those not voting were fifteen. The clerk appointed two Democrats and two Republicans to escort the Speaker elect to his place. Mr. Williams, one of the men appointed, introduced Mr. Cannon to the House. Cannon responded with a short speech. Mr. Bingham of Pennsylvania, the member in longest continuous service in the House was named by the clerk to administer the oath of office to the Speaker. The newly elected Speaker directed the clerk to call the roll by states and each member to come forward to the clerk's desk as his name was called and take the prescribed oath of office. The Speaker then administered the oath of office to members presenting themselves in groups by states. In a few cases a member qualified by affirmation while in another case or so, unanimous consent was given that a member be allowed to take the oath of office, his credentials not having arrived.

The election of the officers of the House with the exception of Speaker seems to be principally by resolution. The Republicans introduced a resolution resolving that the officers be certain men. The Democrats likewise introduced a similar resolution. These resolutions are also made up in party caucus. The minority nominee in the caucus becomes the minority leader. The Democrats being in the minority, the Republican resolution passed.

The officers being now elected the House notified the President and the Senate of the election of a Speaker and Clerk. A resolution was at this time received from the Senate stating that a quorum had assembled and resolving that a committee of four, two from each house, be appointed to wait upon the President and to inform him that a quorum of both houses had assembled and that they were ready to do business. The House passed a resolution to the effect suggested and the committee was appointed to wait upon the President. A motion was made and passed which fixed the rules of the House for the Fifty-ninth Congress the same as those of the Fifty-eighth. The time of meeting was set for twelve o'clock noon. The special employees of the house and the wages of the same were fixed by resolution. The drawing of the seats of the House were made in accordance with rule 32 of the House. The clerk places in a box a number of numbered marbles equal to the number of Members and Delegates. These marbles are thoroughly intermingled and at the time set by the House are drawn out by the hand of a page. The Member or Delegate whose number on an alphabetical list corresponds with the number drawn out advances and chooses his seat for the term for which he is elected. He must occupy his seat until the drawing is finished or his seat is forfeited. The preference for seats in the House is next to the main aisle near the front. Of course the best seats are selected by those whose names are first called. It usually occurs that the majority is seated in a solid body on one side and scattered through the minority on the other.

After the drawing of seats was finished the Speaker announced the appoint-

ment of a committee on Rules and another on Mileage. Out of respect to the late members of Congress who had recently died, Congress adjourned till twelve o'clock noon of the next day. The preliminary exercises of organization having been gone through with as stated above, the rest of the business of the Congress was the regular routine of work which consisted principally of considering bills, *resolutions*, acts, and committee reports.

The Personnel.

The Fifty-ninth Congress was composed of ninety Senators, three hundred eighty-six Representatives, four Delegates and one Resident Commissioner from Porto Rico. Of the ninety Senators, fifty-seven were Republicans, thirty-two Democrats and one vacancy. This vacancy was due to the failure of the Legislature of Delaware to elect. Two hundred forty-nine of the Representatives were Republicans, and one hundred thirty-seven were Democrats. The Delegates from New Mexico, Hawaii, and Oklahoma were Republicans, the one from Arizona was a Democrat. The Resident Commissioner from Porto Rico was a Republican.

In the Senate of this Congress, were several men who had been in continuous service as Senators for over a quarter of a century. One gentleman, the Hon. William B. Allison of Iowa, has been in continuous service since 1873 and prior to that time had served eight years in the House of Representatives. The Hon. J. I. Morgan of Alabama has been a member of the Senate since 1877. At his last election in 1900 he had the undivided support of all political parties and was elected by a unanimous vote of the State Legislature for a fifth term as U. S. Senator. Chauncy M. Depew, who had been prominent in public affairs since 1860 especially in his own state, New York, was also a member of the Senate. A man who has recently been brought before the public eye is R. M. LaFollette, of Wisconsin. Mr. La Follette began his career as a Senator with this Congress. Presiding at the chair in the Senate was Chas. W. Fairbanks, of Indiana, Vice-President of the United States. At the time of his election to this office he

was serving his second term in the Senate.

In the House there were a number of influential men. The Honored Speaker, J. G. Cannon of Illinois was serving in his sixteenth Congress at this time. He was elected Speaker of the Fifty-eighth and Fifty-ninth Congresses and is now serving in that capacity for the sixtieth. The leader of the Minority in the House was John Sharp Williams of Mississippi. He was at this time serving his seventh term as a representative and is at present in that capacity and leader of his party. It is useless to enumerate the members of this congress. For a complete list of the members and a biographical sketch of each we refer you to the "Official Congressional Directory of the Fifty-ninth Congress". The same reference will give you a list of all committees and the members of the same. In all important cases the majority party has the chairman of the committees and a majority of each committee.

The Acts.

For references on the Acts of the Fifty-ninth Congress we refer you to the United States Statutes at Large, Volume 34, Parts 1 to 3 inclusive. Part 1 contains the general Acts; Part 2 the private Acts and Resolutions, and Part 3, the Treaties, and the Proclamations of the President.

There were a number of treaties acted on during this Congress. There were supplementary extradition treaties between the United States and Japan; the United States and Panama; and the United States and Denmark; the United States and Great Britain; and the United States and Haiti. There was also an amendment to an extradition treaty between the United States and Norway. We might state that the difference between a supplementary treaty and an amendment, as far as we are able to find, is that a supplementary treaty simply adds something more to the treaty that already exists, while an amendment may change the original treaty as well as add more to it. The making of treaties is done by the President with the advice and consent of the Senate. It is noticeable that in the

above cases the Senate just "advised" the ratification of the treaties.

There was a convention between the United States and Mexico, which provided for the equitable distribution of the water of the Rio Grande River for irrigation purposes. There was also a convention between the United States and Great Britain which provided for the survey and marking out on the ground of the one hundred and forty-first degree of west longitude where said meridian forms the boundary line between Alaska and the British possessions in America.

The latter part of Part 3 of Volume 34 referred to above gives a list of Proclamations issued by the President during this Congress. It is not necessary for the Senate to approve a Proclamation by the President. It is interesting to note there were over a hundred proclamations issued by the President establishing forest reserves, forest reserve boundaries, game preserves, etc. The President issues all the Proclamations in regard to the observance of holidays. The President seems to have considerable power through the Proclamation. In a few cases, laws or bills have given the President power to make certain Proclamations, for instance, a Proclamation was issued by the President acting under the authority conferred by the third section of the Tariff Act of the United States approved July 24, 1907, whereby reciprocal and equivalent concessions were made with Bulgaria on certain products of the soil. In making such Proclamations, the President generally refers to the bill or Act giving him his authority.

The private Acts and Resolutions are Acts referring to the personal affairs of men. There were several hundred such acts granting pensions, increase in pensions, honorable discharge from military service, etc. A Joint Resolution granting permission to Rear-Admiral B. H. McCalla to accept a medal from the King of Great Britain and the Order of the Red Eagle from the Emperor of Germany shows how a citizen in the employ of the Government may lawfully receive presents from a foreign power. Resolution may be found in Statutes at Large, Volume 34, Part 2, page 2825. We have stated above the principal contents of Parts 2 and

3 of Volume 34. The Acts recorded in Part one are listed as Public Acts and Resolutions.

It requires an Act of Congress to authorize the construction of a bridge or dam across a navigable stream. A navigable stream is one that the Government has at any time declared navigable. A great many such Acts were passed. The Panama Canal which has been watched by the people with considerable interest received an appropriation in the form of an act supplemental to an Act of 1902, which provided for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans. A National Bank of West Virginia, which wished to change its location and name received permission through an Act of this Congress. The Act stated that a change in name and location was not construed to relinquish the Bank from any debts or contracts which it had contracted under its former name and at its former location. Act may be found in Statutes at Large, Volume 34, Part 1, page 13.

Congress makes the laws which govern the District of Columbia. This Congress passed an Act creating a Juvenile Court in the District. A few other Acts relating to the District were also passed. The Territories are also governed by Congress and organized Territories are entitled to Delegates in Congress. An act providing for the election of a Delegate by the people to the House of Representatives from the Territory of Alaska passed this Congress. The term of office and pay of the Delegate was to be the same as a Representative except that he was to receive \$1500.00 per annum for mileage. Act found in Statutes at Large, Volume 34, Part 1, page 169. There was also an enabling Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States. Passed June 16, 1906. Act found in Statutes at Large, Volume 34, Part 1, page 267. The sixteenth, seventeenth and eighteenth

sections of this Act were amended March 4, 1907. The Amendment pertained to the trial of cases pending in the courts of the Territories. Amendment found in Statutes at Large, Volume 34, Part 1, page 1286. The original act provided that Oklahoma should comprise both Oklahoma and Indian Territories, and that the Indian rights should be unimpaired. It also provided that Delegates should be elected to meet at the seat of government of Oklahoma Territory to draw up a constitution which must be republican in form and provide for religious freedom and prohibition of polygamy, etc. The Act provided for the State organization in detail. The part of the Act relating to Arizona and New Mexico was similar to that about Oklahoma except that it provided that a vote should be taken in the Territory of Arizona and New Mexico as to whether or not Arizona and New Mexico should be united to form one state. If the results of the vote should favor union a convention should be called but if the vote should show that a majority are not in favor of union then there should be no convention for State organization.

An Act of Congress is necessary for the creation, or the change in the boundary of a judicial district of the United States district court. Several such acts were passed by this Congress. An Act which caused considerable comment was one regarding denatured alcohol. The Act provided for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverages or liquid medical uses by mixture with suitable denaturing materials. A great many people seemed to think this would open a large field for manufacturing.

It is useless to enumerate the acts of this Congress. They may be found in the Statutes at Large, Volume 34, Parts 1 to 3 inclusive where they are arranged according to index with marginal notes. For reference on the speeches made on any of the Acts or for any business transacted or any speeches made in either the House or the Senate during this Congress we refer you to the Congressional Records of the Fifty-ninth Congress, Volume 40, Parts 1 to 10 inclusive for the first session; Volume 41 Parts one to five inclusive for the second ses-

sion. For farther information concerning Congressmen or Senators or Justices of the Supreme Court, etc., we refer you to the Official Congressional Directory of the Fifty-ninth Congress.