

course I did not suggest any, but I voted for the bill which provides for duties upon the articles which I have stated.

Mr. McRAE. Mr. Speaker—

The SPEAKER. The question is—

Mr. PAYNE. Mr. Speaker, the gentleman from Arkansas desires to make a statement.

Mr. McRAE. I hope the gentleman will modify the bill and limit the number of officers to be employed. I do not think that he should give to an executive officer the right to appoint as many as he may deem necessary, without any maximum limitation.

Mr. PAYNE. I think that is the provision of the general law.

Mr. McRAE. I think not.

Mr. PAYNE. It is the same provision that was in the bill two years ago.

Mr. McRAE. Then the bill was wrong two years ago. There ought not to be any law allowing to an Executive Department the right to fix the number of officers without some limit. I do not know in this case how many they ought to have; but the Department ought to have some idea of the number of people that will be necessary to perform the work, and the committee should have obtained such information and made a limit.

Mr. HOPKINS. Does not the gentleman think his own statement refutes his position?

Mr. McRAE. It does; but if I had charge of the bill, I would know more about it than it appears is known by the gentleman in charge of it.

Mr. HOPKINS. You say you do not know the number required. Now, do you not believe that the Secretary of the Treasury is better capable of determining that than a member of the House?

Mr. McRAE. He ought to be able to tell the committee what the public service requires.

Mr. HOPKINS. It might require five men at one time and ten men at another. It all depends upon the amount of commerce.

Mr. PAYNE. I want to say to the gentleman from Arkansas that it is within the discretion of the Secretary of the Treasury as to how many officials he will appoint at nearly every subport in the United States—where there are subports of entry. I know it is so in my district, and under one Administration there were more officials than under another, without any change of law, and it was found to be lawful in each case. It depends entirely upon the Administration; and it is a matter that you can not fix a hard and fast rule about, especially in regard to this country, as we have to go there and try and find out what is necessary.

Mr. McRAE. Does the gentleman mean to tell me that at all the ports of the United States the Secretary of the Treasury has power to employ, without limit, such officials as he may see fit?

Mr. PAYNE. Well, I did not say quite that much. A part of the ports of the United States he has the power to appoint deputies and inspectors, and without limit, so far as practical observations have been concerned. In some ports in my own district, subports, one Secretary of the Treasury would sometimes allow more than another.

Mr. McRAE. I do not want any statute passed that has not the number fixed. Of course I am not familiar with the requirements of this case, but I would not give this unlimited power to an executive officer in any permanent statute like this. We should not at this time, when Congress is just about to adjourn, a resolution having already been passed to adjourn, in a Presidential year, give an Executive Department the right to fix the number of officers. The temptation is too great. I think it is without precedent, so far as I know, and unless the gentleman will suggest some number, I will move to insert "not exceeding five in number."

Mr. PAYNE. Mr. Speaker, I will simply say this, before moving the previous question on the amendment and the bill, that it is impossible to fix the number in a matter of this kind; otherwise I will have no objection. We do not know how many men are needed. This bill was carefully considered two years ago by the Committee on Ways and Means of the House and adopted. A similar provision was adopted in the Senate on the Porto Rican bill, if my recollection is right, when it came from the Senate. Therefore I move the previous question on the bill and amendment.

The SPEAKER. The gentleman from Arkansas offers the amendment which the Clerk will read.

The Clerk read as follows:

Insert after the word "collectors," in line 6, the words "not exceeding five in number."

Mr. PAYNE. The gentleman does not mean that.

Mr. McRAE. I have not a copy of the bill, and have not been able to get one, so as to see the proper place to insert the amendment. I want to limit the officers not named.

The Clerk read as follows:

So that it will read, "and such deputy collectors, not exceeding five in number."

The SPEAKER. Upon the bill and amendment the gentleman from New York asks the previous question.