to see whether they are qualified above all other men for this special duty. The answer to all that is, "Is there any good reason for it."

Mr. WELKER. If this bill should become law, of course these appointments would have to be made under its provisions; and the question now arises whether the Secretary of the Treasury had authority to do it or not is a matter that should be stated against the appointments to be made under this bill.

Mr. POLAND. Mr. Speaker, this bill is a substitute for one which I myself prepared upon certain provisions of the law, and was introduced and referred to the Committee on Revision of the Laws, which had been under consideration the bill which I had introduced, and which proposed to abolish all these special agents.

Mr. FERRISS. A word in relation to the objection of my friend from New York, [Mr. Brookes.] He says there is no necessity for any of these agents abroad where we have consuls. What do you say to that?

Mr. WELKER. I now yield to the gentleman from Ohio [Mr. Wexzn] yield to me for a few moments?

Mr. WELKER. I will say that this special bill is a substitute for a bill which I myself prepared upon certain facts which came to my knowledge during the recess of the holidays. I then ascertained that all of these special agents, with the exception of two or three, were appointed without authority of law, in my judgment. They were appointed in pursuance of the provisions contained in the third section of the law of 1799, establishing the customs department. Those provisions have been read, giving only an implied authority for agents, and really did not contemplate their appointment as they are now appointed. I became satisfied that these agents are indispensable to the thorough and complete administration of the Treasury Department, but they are now appointed without authority of law. The attention of the Secretary having been called to the matter, he prepared this bill; and it was introduced and referred to the Committee on Revision of the Laws, which had been under consideration the bill which I had introduced, and which proposed to abolish all these special agents.

Mr. WELKER. I now yield to the gentleman from Vermont, [Mr. Poland,] chairman of the Committee on Revision of the Laws. I am instructed by the Secretary of the Treasury, with salaries fixed by him at just such rates as he may see fit to give them, whether they shall be limited, and the expenses of the Government out of duty, as they shall be by this bill, over a hundred dollars per day? That is the question to be determined by the House; whether this practice shall continue without authority of law or whether it shall continue with authority of law.

Mr. CULLOM. Will the gentleman from Ohio [Mr. Wenzen] yield to me for a few moments?

Mr. WELKER. I will hear it.

Mr. WELKER. I now move the previous question.

Mr. CULLOM. I ask the gentleman to allow me to offer an amendment, which I send to the Clerk's desk to be read.

Mr. WELKER. I will hear it.

Mr. CULLOM. Strike out all of section two after the enacting clause and insert the following: That said special agents shall each receive a per diem of six dollars per day in addition to expenses necessary for the discharge of their duties; and the number of agents under the law of 1799 shall be increased to at least this number is necessary. I also suggest that the country in these places would not make much difference in reference to the passage of this bill, because we suppose that the Secretary of the Treasury before the committee, and the Secretary of the Treasury before us, but we called the Secretary of the Treasury, and established that at least this number is necessary.

Mr. WELKER. I now move to reconsider the vote on the amendment.

Mr. WELKER. I now yield to the gentleman from Ohio [Mr. Wexzn] yield to me for an amendment.

Mr. WELKER. I will hear it.

Mr. WELKER. I do not yield to that gentleman to yield to me for an amendment.

Mr. WELKER. I now yield to my colleague on the committee, [Mr. Jenckes.]

Mr. JENCKES. I am instructed by the Committee on Revision of the Laws, that the number shall continue without authority of law and at the will and discretion of the Secretary of the Treasury in the making public of the names of those gentlemen. I think that, after this, I will hear it.

Mr. WELKER. I now yield to the gentleman from Ohio [Mr. Wexzn] yield to me for an amendment.

Mr. JENCKES. I am instructed by the Committee on Revision of the Laws, that the number shall continue without authority of law and at the will and discretion of the Secretary of the Treasury in the making public of the names of those gentlemen.

Mr. WELKER. I now yield to my colleague on the committee, [Mr. Jenckes.]

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The second section provides that there shall be in said department an officer learned in the law, to assist the Attorney General in the performance of his duties, to be called the solicitor general, and to hold his office during the existence of a vacancy in the office of Attorney General, or in his absence or disability, shall have power to exercise all the duties of that office. The solicitor general shall also be continued in said department the two other officers, learned in the law, called the assistants of the Attorney General, whose duty it shall be to assist the Attorney General in the performance of his duties, as now required by law.

The third section provides that from and after the time when said department, the Solicitor of the Treasury and his assistants, the Solicitor of internal revenue, the Naval Solicitor and Judge Advocate General, and the clerks, messengers, and laborers employed in the office of the Attorney General, and in the offices of the Solicitor of the Treasury, Naval Solicitor, and Solicitor of internal revenue, and the law office in the department of State, now designated as the examiner of claims in said Department, shall be transferred from the departments with which they are now associated to the department of justice; and said officers shall exercise their functions under the supervision and control of the head of the department of justice.

The fourth section provides that questions of law submitted to the Attorney General for his opinion, except questions involving a construction of the Constitution of the United States, may, be by him referred to such of his other officers, learned in the law, called the solicitor general, and counselors employed in any cases or business, as he may deem proper, and he may require the written opinion thereon of the officer to whom the same may be referred; and the solicitor general, and counselors, shall be appointed and removable by the Attorney General, with the advice and consent of the Senate, and the salaries of such officers shall be as now provided by law.

The fifth section provides that whenever the Attorney General deems it necessary, he may require the solicitor general to argue any case in which the Government is interested; and to the same extent as he may appoint attorneys and counselors to act in the Courts of the United States, the solicitor general shall have power to conduct and argue before the Supreme Court of the United States, or any Circuit Court of the United States, any cases which may be submitted to him, and in which the United States are interested. And the solicitor general, or any officer of the department of justice, may be sent by the Attorney General to any State or district in the United States, in order to attend to the interests of the United States in any suit pending in any of the courts of the United States in said State or district, or in any other court in the United States; for which service they shall receive, in addition to their salaries, their actual and necessary expenses while so engaged, which expenses shall be verified by affidavit.

The sixth section provides that whenever a question of law arises in the administration of the department of justice, or in any other department, or any other officer of the Government, the Attorney General, to be by him referred to the proper officer in his department or to any other officer of the Government, or in any other department, or any other officer thereof; and the officers of the law department, under the direction of the Attorney General, shall give all opinions and render all services required by law, and any other persons learned in the law necessary to enable the President and heads of the Executive Department, or any other officer thereof, to discharge their respective duties and shall, for and on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court of the United States, and in the Court of Claims in which the United States, or any officer thereof, is a party or may be interested. And no fees shall be allowed or paid to any other attorney or counsel at law for any service herein required of the officers of the department of justice.

The fifth section provides that the salaries of all officers in the Government, in any cases or business, as shall be exercised by the Attorney General, who shall sign all requisitions for the advancement or payment of moneys out of the Treasury, or estimates for such, and may exercise such control as now exercised on estimates or accounts by the First Auditor or First Commissioner of the Treasury.

The sixteenth section provides that the Attorney General shall have supervision of the conduct and proceedings of the various attorneys for the United States in the respective judicial districts, who shall make reports to him of their proceedings, and also of all other attorneys and counselors employed in any cases or business in which the United States may be concerned.

The seventeenth section provides that it shall not be lawful for the Secretary of either of the Executive Departments to employ attorneys or counsellors at law, for the purpose of aiding or assisting the officers in such Departments in their respective duties, but such Departments, when in need of counsel or advice, shall call upon the department of justice, the officers of which shall attend to their duties, and the officers in such Departments shall hereafter be allowed to any person or persons, besides the respective district attorneys and assistant district attorneys, for services rendered by them, as such, or any branch or department of the Government thereof, unless authorized by law, and then only on the certificate of the Attorney General that such services were rendered in the interest of the United States, or any branch or department of the Government thereof, unless authorized by law, and then only on the certificate of the Attorney General that such services were rendered in the interest of the United States.

The eighteenth section provides that the Attorney General shall have supervision of the conduct and proceedings of the various attorneys for the United States in the respective judicial districts, who shall make reports to him of their proceedings, and also of all other attorneys and counselors employed in any cases or business in which the United States may be concerned.

The nineteenth and last section provides that the Attorney General shall from time to time cause an edition to be printed at the expense of the Government, of copies of the opinions of the law officers herein authorized to be given as they may deem valuable for preservation, in volumes which shall be as to the size, quality of paper, printing and binding, of uniform style and appearance, as nearly as practicable, with the eighth volume of the printed opinion of the Attorney General in the year 1888.