

Mr. MANN. That may be; but I submit that proposition does not come in connection with the erection of buildings, because where a man has constructed a building under the law Congress can not confiscate it and the State can not confiscate it.

Mr. STAFFORD. I am perfectly aware that we can not confiscate, although we can, as the gentleman has stated, make regulations by law that a building shall not be used for this purpose unless it conforms to certain regulations. I was making a query of the gentleman as to whether the committee in connection with this very important subject had given consideration to the question as to what should be done with the present structures that are so ill arranged as not to protect the lives of those who frequent these temporary shacks on the Avenue which are used for moving-picture shows.

Mr. CAMPBELL. I will state to the gentleman from Wisconsin that we have required fire escapes and additional exits.

Mr. STAFFORD. Fire escapes in these moving-picture-show buildings do not provide the required protection.

Mr. CAMPBELL. I am answering the gentleman's question. We have done that. The gentleman has not introduced a bill prohibiting these buildings being used for theaters. We have no right under the Constitution of the United States to require these people to tear down these buildings or to put up others.

Mr. STAFFORD. But the gentleman from Illinois and others—

Mr. CARLIN. This bill does not touch that question at all?

Mr. CAMPBELL. It does not touch that question at all. It requires buildings erected in the future to be fireproof.

Mr. STAFFORD. The gentleman from Illinois has suggested a way that you can make all buildings used for theatrical purposes fireproof.

Mr. KEIFER. The purpose for which I rose seems to have been passed by. I think it is now made clear that this bill only deals with the future structures and does not undertake to regulate theaters. As said by the gentleman from California [Mr. KAHN], we can not pass a retroactive act and require people to construct their buildings over again. But it may be well enough sometimes in some bill to have regulations that will regulate theaters and prevent performances being held in places that are not fireproof. That is another question altogether.

Mr. CAMPBELL. I quite agree with the gentleman from Ohio [Mr. KEIFER] and the gentleman from Wisconsin [Mr. STAFFORD].

Mr. KEIFER. This is not a bill to increase the height, but rather to regulate how they shall be built if above a certain number of stories.

Mr. CAMPBELL. That is the purpose of the bill.

Mr. KAHN. As a matter of fact, if the gentleman will allow me, this bill reduces the height of buildings that are not fireproof.

Mr. KEIFER. That is all right, too.

Mr. HINSHAW. I noticed in the paper a short time ago that a new theater is to be constructed in the city, supposed to be equal to or better than any now existing. I would like to know whether the provisions of this bill will require that that structure when completed will be fireproof.

Mr. CAMPBELL. It will. We want to get this bill through before they can get their plans approved by the commissioners under the present law. That is the purpose of the bill.

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

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

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to have the report in connection with this bill just passed printed in the RECOR.

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

The report is as follows:

[House Report No. 740, Sixty-first Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 19070) to regulate the height of buildings in the District of Columbia, report the same back to the House with the recommendation that it do pass.

The draft of this bill was submitted to this committee by the Commissioners of the District of Columbia and its passage recommended in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, January 22, 1910.

SIR: The Commissioners of the District of Columbia have the honor to submit herewith draft of a bill to regulate the height of buildings in the District of Columbia, and to request its enactment.

There are various laws now existing in relation to this matter, and the object of the proposed bill is to put in concrete form these various laws and the building regulations on the same subject, which are some-

what conflicting and obscure, and also to make other provisions designed to limit the construction of combustible buildings and to encourage the construction of fireproof buildings.

The changes, in detail, from the provision of existing law and regulations are indicated on the inclosed memorandum.

Very respectfully,

HENRY B. F. MACFARLAND,  
President of the Board of Commissioners  
of the District of Columbia.

Hon. SAMUEL W. SMITH,  
Chairman Committee on the District of Columbia,  
House of Representatives.

The following is the memorandum of the changes in detail proposed to be made in the present law by this bill, which is referred to in the last clause of the above letter:

"Section 1: Present act permits the erection of a nonfireproof building to a height of 5 stories, or 60 feet above the sidewalk.

"Proposed act permits 4 stories, or 50 feet in height.

"Section 2: Present act permits the erection of a building used for business purposes solely to a height of 75 feet, without being of fireproof construction.

"Proposed act reduces this height to 60 feet.

"Section 3: Proposed act requires all hotels, apartment houses, and tenement houses 3 stories in height or over to be of fireproof construction up to and including the main floor, and increases the floor area that must be inclosed by fireproof partition walls to 2,500 square feet.

"The present act has no requirement that this class of buildings shall be fireproof up to and including the main floor, but there is a building regulation (sec. 122a) requiring a subdivision of area not greater than 1,600 square feet to be completely inclosed by fireproof partition walls.

"Under the proposed act every building, including churches, with a hall having a seating capacity of more than 300 persons shall be of fireproof construction up to and including the auditorium floor.

"The present law makes this requirement for churches only, whatever their size.

"The present building regulations make this requirement for other buildings than churches.

"Section 4: Prohibits additions in height to combustible buildings, when such addition would raise the height of the combustible building to a greater limit than that permitted for combustible buildings.

"The present act makes this same requirement, but the wording has proved to be ambiguous.

"The proposed act provides towers, spires, and domes constructed more than 60 feet above the sidewalk must be fireproof throughout.

"The present act does not make this requirement.

"The proposed act requires every theater and any part of the building used as a theater to be of fireproof construction.

"The present building regulations require this, but not in such specific language.

"Section 5: The proposed act permits the erection of fireproof buildings on a business street to a height of 20 feet in excess of the limit permitted by the present law, except that no building is permitted to be erected to exceed in height the present extreme limit of 130 feet.

"The proposed act permits, on a residence street 90 feet or over in width, the erection of a building to a height of 85 feet at the highest part of the roof, whereas the present act does not permit the erection on a residence street 90 feet or over in width a building over 80 feet in height.

"The proposed act requires that on blocks immediately adjacent to public buildings the maximum height of a building to be erected shall be regulated by a schedule adopted by the Commissioners of the District of Columbia.

"The present act has no such provisions. The commissioners have found it advisable to make such regulations, and the present building regulations fix the height of buildings on G and F streets, between Seventh and Ninth, adjacent to the United States Patent Office, and on Fifteenth street, between Pennsylvania avenue and G street, adjacent to the Treasury. This clause is inserted in order that there may be no question as to the right of the commissioners to make such a regulation.

"The proposed act requires that buildings erected to front or abut on the plaza shall be fireproof and shall not be of a greater height than 80 feet. The present act has similar requirements.

"The proposed act permits spires, towers, penthouses, ventilation shafts, etc., to be erected to a greater height than any limit prescribed in this act when approved by the Commissioners of the District of Columbia, provided, however, that such structures shall be fireproof, not used for human occupancy, and they shall set back from the exterior walls distances equal to their respective heights above the adjacent roof.

"The present act permits the erection of these structures to a height greater than the permissible roof height of the building, but does not require them to be fireproof nor to set back from the exterior walls.

"Section 6 is not changed.

"Section 7: The proposed act fixes the height of buildings to be measured from the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front the height to be measured from the elevation of the sidewalk opposite the middle of the front that will permit the greater height.

"The present building regulations fix the height to be measured if the building has more than one front from the main elevation of the sidewalk at the street corners.

"Section 8: Makes buildings erected, altered, or raised or converted in violation of the provisions of this act a common nuisance, and fixes the manner of prosecution in such cases and fine for maintenance of the nuisance.

"The present act has no such provisions."

ST. VINCENT'S ORPHAN ASYLUM.

Mr. SMITH of Michigan. I call up the bill (H. R. 17871) to amend an act entitled "An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia."

The bill was read, as follows:

Whereas it appears that by an act of Congress approved February 25, 1851, William Matthews, Matthew Deagle, Peter S. Shreiber, Thomas Carbery, and William Hickey, and their successors in office, were constituted a body corporate in the District of Columbia under the name of "St. Vincent's Orphan Asylum," for the purpose of conducting a home for orphan and indigent children of the District of Columbia