

[HOUSE BILL, No. 240--SECRET SESSION]

HOUSE OF REPRESENTATIVES, Nov. 30, 1864.—Referred to the Committee on Military Affairs and ordered to be printed.

[By Mr. CLARK.]

A BILL

To provide for the establishment of a Bureau of Special and Secret Service.

1 Whereas, There is now no efficient system for the encourage-
2 ment, development or application of new inventions or secret
3 agencies for the defence of the country; and whereas, it has
4 been shown that, by individual exertion and private enterprise,
5 many useful inventions have been made, which would be greatly
6 beneficial to the common defence, were they regularly and sys-
7 tematically applied; and whereas, there is now no department
8 authorized, under existing laws, to experiment upon and reduce
9 to system the operation of new and destructive modes of warfare,
10 or for the efficient direction of secret agencies, and to provide
11 for the perfection and application of the same—

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That a Bureau for the examination, experiment and appli-
3 cation of warlike inventions and direction of secret agencies is
4 hereby established, to consist of one chief of Bureau, and a board

5 of examiners, to consist of three members, to be composed of
6 competent scientific and mechanical persons, whose attainments
7 or experience may qualify them for the duty. The rank of the
8 chief of bureau, and of the board of examining officers, to be de-
9 termined by the President, who may assign officers, now in ser-
10 vice, to those duties, or make original appointments, as he may
11 deem best.

1 Sec. 2. It shall be the duty of the bureau hereby organized to
2 examine all inventions, plans and enterprises which may be of
3 value in offensive or defensive warfare, and to cause to be tested,
4 by actual experiment, such as may require it, and are so far
5 approved by the President or board of examining officers as to
6 warrant the expenditure for such practical test; and whenever
7 any invention, plan or enterprise shall have been so examined
8 and approved, it shall be the duty of the bureau to provide for
9 its efficient application; and for that purpose shall have power
10 and authority to make all necessary contracts for the construc-
11 tion or purchase of all necessary devices, materials and imple-
12 ments; and it shall be the duty of all other departments and
13 bureaus to answer all requisitions upon them by the proper
14 officers of the bureau of secret service, when it can be done with-
15 out serious detriment to other branches of the public service;
16 and to employ agents and experts in like manner as other de-
17 partments and bureaus of the Government, and the forms and

18 regulations of the engineer bureau, not inapplicable, shall be
19 those to be observed and conformed to by this bureau.

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21 SEC. 3. It shall be the duty of the board of examining officers,
22 who shall be under the orders of the chief of bureau, to examine and
23 ascertain the merit and practicability of such inventions, plans
24 and secret enterprises as may be submitted, as specified in the
25 second section, and the decision of a majority of their number
26 shall determine the adoption or rejection, subject to the approval
27 of the President, if disapproved by the chief of the bureau; and the
28 chief of bureau will appoint the proper persons and give the ne-
29 cessary orders for carrying into effect. It is, however, further
30 provided, that the President shall have the power to direct the
31 chief of bureau to carry into effect any plan or enterprise, or
32 secret service which he may approve, and to appropriate, if ne-
33 cessary, any of the secret-service funds, heretofore appropriated,
34 for defraying the necessary expenditures for carrying such plan
35 or service into effect.

36
37 SEC. 4. The chief of bureau shall have discretionary power,
38 subject to the approval of the President when the service is un-
39 usually important, to employ secret agents for service, either in
40 the Confederate States, or within the enemy's lines, or in any
41 foreign country; and for this purpose is empowered to make use
42 of any fund hereafter appropriated, and, if necessary, to draw
43 upon the secret-service fund already appropriated to defray the,

8 expenses of such service ; and he is also authorized to organize
9 such a system for the application of the new means of warfare, ap-
10 proved, and of secret-service agencies, as may tend best to secure
11 the objects of the establishment of the bureau herein provided for.

1 SEC. 5. There shall be organized, under and in connection with
2 this bureau, a *polytechnic corps*, to consist of one chief of corps,
3 commanders, captains, first lieutenants and second lieutenants,
4 with the necessary "superintendents of construction," to be
5 appointed by the President, and such number and grades of non-
6 commissioned officers and men as may be necessary for the
7 perfection and application of such plans and enterprises as may
8 be approved, whose rations and pay shall be the same as in the
9 corresponding grades of the engineer corps ; and who shall be
10 under the control and act under the orders of the chief of bureau,
11 who shall receive his orders from, and be under the control and
12 direction of, the President.

1 SEC. 6. The officers and men of this corps shall be assigned
2 and detailed from other branches of service, upon the requisition
3 of the chief of bureau, when this may be done without serious
4 detriment to the service to which they belong, or recruited in
5 like manner as for other branches of the military or naval service,
6 reference being had in the assignment, detail or recruiting of
7 men, to their fitness for the particular service for which they are
8 designed.

1 SEC. 7. The chief of bureau shall be, and is hereby, authorized
2 to make such contracts for the purchase of, or right to use, any
3 patented invention applicable to and valuable in this branch of
4 service, or to the Confederate States: *Provided*, That such contract
5 or purchase shall be subject to the approval of the President or
6 board of examining officers, and that in the case of such inventions
7 as are intended to receive the benefits of the act of Congress,
8 approved April 21, 1862, giving one half of the armed vessels
9 of the enemy which may be destroyed by any new invention or
10 contrivance, or the benefit of any act which may hereafter be
11 passed, giving compensation for the destruction of property of
12 the enemy in similar cases, the cost of the construction and
13 application of such invention or contrivance incurred by the
14 Government, shall be deducted from the amount authorized to be
15 paid under said act, or as authorized under this act.

1 SEC. 8. The bureau is hereby authorized to employ such clerks,
2 draughtsmen and others as may be necessary for the business of
3 the bureau, with the same pay as is received by like employees
4 of the engineer bureau, and to make such other incidental
5 disbursements as may be necessary to carry into effect the objects
6 of this act; and the officers and men and employees shall have
7 the same rights and immunities, and be subject to the same pen-
8 alties, as those of other branches of service in the army of the
9 Confederate States.

1 SEC. 9. The companies and parties now irregularly organized
2 for the application of submerged or other defences, and known
3 as torpedo corps, and for the construction and use of new warlike
4 inventions, or for secret service, shall be incorporated into, and
5 form a part of, the organization contemplated by this act:
6 *Provided*, That in such incorporation, the terms and conditions
7 of persons heretofore organizing or joining such organizations
8 shall not be invalidated thereby.

1 SEC. 10. The valuation of the property of the enemy destroyed,
2 and for which compensation is provided in the acts approved
3 April 21, 1862, or which may be provided in any act which may
4 hereafter be passed, giving compensation in like cases, shall be
5 made by the board of examining officers, subject to the approval
6 of the President; and their award be immediately paid to the
7 claimants whose claims are approved; and the examining officers
8 shall take evidence as to the originality and priority of inventions,
9 in cases of claims for compensation, and also as to the claims of
10 different parties claiming the bounty for the same work performed,
11 the claimant being allowed counsel and a reasonable time to pro-
12 duce his evidence, and examination and valuation by experts
13 being authorized when necessary, and the decision and award of
14 the examining board, when asked by the claimants, shall be final
15 and binding; and should it appear from the testimony that the
16 parties using any particular invention or device, in whole or in

17 part, were not the original inventors, a portion of the award, to
18 be determined by the board of examining officers, shall be made
19 to the party who shall prove his priority to the invention; which
20 rule shall also apply when an old invention is successfully adapted
21 to a new and valuable use.

1 SEC. 11. When it shall be proven to the satisfaction of the
2 board of examining officers, by the evidence of patents or other-
3 wise, that the right of priority or ownership of any patented in-
4 vention is rightfully possessed, and that the Government has ap-
5 propriated and is using such patented invention, a fair compen-
6 sation shall be awarded for such appropriation and use, the award
7 to be in proportion to the extent and value of its use to the
8 Government, such award to be determined by a majority of the
9 board of examining officers, and approved by the President.

1 SEC. 12. The operations of the corps, hereby organised, shall
2 be, when in the limits of the Confederate States, under the con-
3 trol of the commander of the department where they may be de-
4 signed to act, as to the proper *time* and *place* for such action.

1 SEC. 13. All bounties and awards authorised to be paid under
2 the provisions of this act, shall be paid in the currency of the
3 Confederate [States,] at its current value, if the claimant shall so
4 elect, in lieu of bonds, as heretofore provided for in previous
5 acts.

1 SEC. 14. For the encouragement of the inventive talent of the

2 officers and men of the polytechnic corps, provided for in the
3 fifth and sixth sections of this act, it is hereby expressly declared
4 that the right of compensation for any new invention or contriv-
5 ance, or the application thereof, shall be in no-wise invalidated
6 by reason of the inventor being in the service of the Confederate
7 States.

1 Sec. 15. As an inducement for the undertaking of daring and
2 hazardous enterprises by the officers and men in this service, it
3 is provided that they shall receive a percentage of all materials
4 of war, belonging to or in use of the United States Government,
5 which may be destroyed or captured within the enemy's lines,
6 by whatever means that may be used; such percentage in no
7 case to exceed twenty-five per cent. of the assessed value of the
8 property so destroyed or captured.

1 Sec. 16. The officers and men of this bureau and corps shall
2 be subject only to the orders and direction of their superiors in
3 this service, and shall not be amenable, under the Articles of
4 War and Army Regulations, in any respect, to the officers and
5 authority of any other branch of service.

1 Sec. 17. All the accounts and claims, settled and pending,
2 and all information necessary to the effective organization of the
3 bureau and service, in possession of the different Departments,
4 will be turned over to the secret-service bureau, for proper ar-
5 rangement and classification, to afford the necessary information
6 for the settlement of claims, and for the continuance of the ser-
7 vice which is now being performed; subject, however, to the de-
8 cision of the President, as to *what* service and business of this
9 character shall be placed under the control of the secret-service
10 bureau.