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William J. Kerr

1-1-1906

## H. R. 10501, A Bill

Mr. Southwick

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# H. R. 10501.

[Report No. 592.]

*Passed House Apr 2, 1906*

## IN THE HOUSE OF REPRESENTATIVES.

JANUARY 5, 1906.

Mr. SOUTHWICK introduced the following bill; which was referred to the Committee on Education and ordered to be printed.

JANUARY 27, 1906.

Reported with amendments, referred to the House Calendar, and ordered to be printed.

[Omit the part struck through and insert the part printed in italics.]

## A BILL

To incorporate the National Education Association of the United States.

1       *Be it enacted by the Senate and House of Representa*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following-named persons, who are now the officers  
4       and directors and trustees of the National Educational Asso-  
5       ciation, a corporation organized in the year eighteen hundred  
6       and eighty-six, under the Act of general incorporation of the  
7       revised statutes of the District of Columbia, namely: Nathan  
8       C. Schaeffer, Eliphalet Oram Lyte, John W. Lansing, of  
9       Pennsylvania; Isaac W. Hill, of Alabama; Arthur J. Mat-  
10      thews, of Arizona; John H. Hinemon, George B. Cook, of  
11      Arkansas; Joseph O'Connor, Josiah L. Pickard, Arthur H.  
12      Chamberlain, of California; Aaron Gove, Ezekiel H. Cook,  
13      Lewis C. Greenlee, of Colorado; Charles H. Keyes, of Con-



1 necticut; George W. Twitmyer, of Delaware; J. Ormond  
 2 Wilson, William T. Harris, Alexander T. Stuart, of the Dis-  
 3 trict of Columbia; Clem Hampton, of Florida; William M.  
 4 Slaton, of Georgia; Frances Mann, of Idaho; J. Stanley  
 5 Brown, Albert G. Lane, Charles I. Parker, John W. Cook,  
 6 Joshua Pike, Albert R. Taylor, Joseph A. Mercer, of Illinois;  
 7 Nebraska Cropsey, Thomas A. Mott, of Indiana; John D.  
 8 Benedict, of Indian Territory; John F. Riggs, Ashley V.  
 9 Storm, of Iowa; John W. Spindler, Jasper N. Wilkinson,  
 10 A. V. Jewett Luther D. Whittemore, of Kansas; William  
 11 Henry Bartholomew, of Kentucky; Warren Easton, of Loui-  
 12 siana; John S. Locke, of Maine; M. Bates Stephens, of Mary-  
 13 land; Charles W. Eliot, Mary H. Hunt, Henry T. Bailey, of  
 14 Massachusetts; Hugh A. Graham, Charles G. White, William H.  
 15 Elson, of Michigan; William F. Phelps, Irwin ~~Shepherd~~ *Shep-*  
 16 *ard*, John A. Cranston, of Minnesota; Robert B. Fulton, of  
 17 Mississippi; F. Louis Soldan, James M. Greenwood, William  
 18 J. Hawkins, of Missouri; Oscar J. Craig, of Montana; George  
 19 L. Towne, of Nebraska; Joseph E. Stubbs, of Nevada; James  
 20 E. Klock, of New Hampshire; James M. Green, John En-  
 21 right, of New Jersey; Charles M. Light, of New Mexico;  
 22 James H. Canfield, Nicholas Murray Butler, William H.  
 23 Maxwell, Charles R. Skinner, Albert P. Marble, James C.  
 24 Byrnes, of New York; James Y. Joyner, Julius Isaac Foust,  
 25 of North Carolina; Pitt Gordon Knowlton, of North Dakota;



1 Oscar T. Corson, Jacob A. Shawan, Wells L. Griswold, of  
2 Ohio; Edgar S. Vaught, Andrew R. Hickam, of Oklahoma;  
3 Charles Carroll Stratton, Edwin D. Ressler, of Oregon;  
4 Thomas W. Bicknell, Walter Ballou Jacobs, of Rhode Island;  
5 David B. Johnson, Robert P. Pell, of South Carolina; Moritz  
6 Adelbert Lange, of South Dakota; Eugene F. Turner, of Ten-  
7 nessee; Lloyd E. Wolfe, of Texas; David H. Christensen, of  
8 Utah; Henry O. Wheeler, Isaac Thomas, of Vermont; Joseph  
9 L. Jarman, of Virginia; Edward T. Mathes, of Washington;  
10 T. Marcellus Marshall, Miss Lucy Robinson, of West Virginia;  
11 Lorenzo D. Harvey, of Wisconsin; Thomas T. Tynan, of  
12 Wyoming; Cassia Patton, of Alaska; Frank H. Ball, of  
13 Porto Rico; Arthur F. Griffiths, of Hawaii; C. H. Maxson, of  
14 the Philippine Islands, and such other persons as now are or  
15 may hereafter be associated with them as officers or members  
16 of said association, are hereby incorporated and declared to be  
17 a body corporate *of the District of Columbia* by the name  
18 of the "National Education Association of the United States,"  
19 and by that name shall be known and have perpetual suc-  
20 cession with the powers, limitations, and restrictions herein  
21 contained.

22 SEC. 2. That the purpose and object of the said corpora-  
23 tion shall be to elevate the character and advance the interests  
24 of the profession of teaching, and to promote the cause of edu-  
25 cation in the United States. This corporation shall include the



1 National Council of Education and the following departments,  
2 and such others as may hereafter be created by organization  
3 or consolidation, to wit: The departments, first, of superin-  
4 tendence; second, of normal schools; third, of elementary  
5 education; fourth, of higher education; fifth, of manual  
6 training; sixth, of art education; seventh, of kindergarten  
7 education; eighth, of music education; ninth, of secondary  
8 education; tenth, of business education; eleventh, of child  
9 study; twelfth, of physical education; thirteenth, of natural  
10 science instruction; fourteenth, of school administration;  
11 fifteenth, the library department; sixteenth, of special edu-  
12 cation; seventeenth, of Indian education; *the powers and*  
13 *duties* and the number and names of these departments *and*  
14 *of the National Council of Education* may be changed or  
15 *abolished* at the pleasure of the corporation as provided in its  
16 by-laws.

17 SEC. 3. That the said corporation shall further have  
18 power to have and to use a common seal, and to alter and  
19 change the same at its pleasure, to sue or to be sued in any  
20 court of the United States, or other court of competent juris-  
21 diction; to make by-laws not inconsistent with the provisions  
22 of this Act or of the Constitution of the United States; to take  
23 or receive, whether by gift, grant, devise, bequest, or pur-  
24 chase, any real or personal estate, and to hold, grant, convey,  
25 hire, or lease the same for the purposes of its incorporation,



1 and to accept and administer any trust of real or personal  
2 estate for any educational purpose within the objects of the  
3 corporation.

4 SEC. 4. That all real property of the corporation within  
5 the District of Columbia, which shall be used by the corpora-  
6 tion for the educational or other purposes of the corporation as  
7 aforesaid, other than the purposes of producing income, and  
8 all personal property and funds of the corporation held, used,  
9 or invested for educational purposes aforesaid, or to produce  
10 income to be used for such purposes, shall be exempt from  
11 taxation: *Provided, however,* That this exemption shall not  
12 apply to any property of the corporation which shall not be  
13 used for or the income of which shall not be applied to the  
14 educational purposes of the corporation: *And provided*  
15 *further,* That the corporation shall annually file with the  
16 Commissioner of Education of the United States a report in  
17 writing stating in detail the property, real and personal, held  
18 by the corporation, and the expenditure or other use or dis-  
19 position of the same, or the income thereof, during the pre-  
20 ceding ~~year~~ year.

21 SEC. 5. That the membership of the said corporation  
22 shall consist of three classes of members, namely, active, asso-  
23 ciate, and corresponding, whose qualifications, terms of mem-  
24 bership, rights, and obligations shall be prescribed by the  
25 by-laws of the corporation.



1        SEC. 6. That the officers of the said corporation shall  
2    be a president, twelve vice-presidents, a secretary, a treas-  
3    urer, a board of directors, an executive committee, and a  
4    board of trustees.

5        The board of directors shall consist of a president, the  
6    first vice-president, the secretary, the treasurer, the chairman  
7    of the board of trustees, and one additional member from each  
8    State, Territory, or District, to be elected by the active mem-  
9    bers for the term of one year, or until their successors are  
10   chosen, and of all life directors of the National Educational  
11   Association. The United States Commissioner of Education,  
12   and all former presidents of the said association now living,  
13   and all future presidents of the association hereby incorpora-  
14   ted, at the close of their respective terms of office, shall be  
15   members of the board of directors for life. The board of  
16   directors shall have power to fill all vacancies in their own  
17   body; shall have in charge the general interests of the cor-  
18   poration, excepting those herein intrusted to the board of  
19   trustees, and shall possess such other powers as shall be con-  
20   ferred upon them by the by-laws of the corporation.

21        The executive committee shall consist of five members, as  
22   follows: The president of the association, the first vice-president,  
23   the treasurer, the chairman of the board of trustees, and a  
24   member of the association, to be chosen annually by the  
25   board of directors, to serve one year. The said committee



1 shall have authority to represent and to act for the board of  
2 directors in the intervals between the meetings of that body,  
3 to the extent of carrying out the legislation adopted by the  
4 board of directors under general directions as may be given  
5 by said board.

6 The board of trustees shall consist of four members,  
7 elected by the board of directors for the term of four years,  
8 and the president of the association, who shall be a member  
9 ex officio during his term of office. At the first meeting of  
10 the board of directors, held during the annual meeting of the  
11 association at which they were elected, they shall elect one  
12 trustee for the term of four years. All vacancies occurring  
13 in said board of trustees, whether by resignation or otherwise,  
14 shall be filled by the board of directors for the unexpired  
15 term; and the absence of a trustee from two successive an-  
16 nual meetings of the board shall forfeit his membership.

17 SEC. 7. That the invested fund now known as the  
18 "Permanent fund of the National Educational Association,"  
19 when transferred to the corporation hereby created, shall be  
20 held by such corporation as a permanent fund and shall be  
21 in charge of the board or trustees, who shall provide for the  
22 safe-keeping and investment of such fund, and of all other  
23 funds which the corporation may receive by donation, be-  
24 quest, or devise. No part of the principal of such perma-  
25 nent fund or its accretions shall be expended, except by a two-



1 thirds vote of the active members of the association, *present*  
2 *at any annual meeting*, upon the recommendation of the board  
3 of trustees, after such recommendation has been approved by  
4 vote of the board of directors, and after printed notice of the  
5 proposed expenditure has been mailed to all active members of  
6 the association. The income of the permanent fund shall be  
7 used only to meet the cost of maintaining the organization of  
8 the association and of publishing its annual volume of proceed-  
9 ings, unless the terms of the donation, bequest, or devise shall  
10 otherwise specify, or the board of directors shall otherwise  
11 order. It shall also be the duty of the board of trustees to  
12 issue orders on the treasurer for the payment of all bills ap-  
13 proved by the board of directors, or by the president and  
14 secretary of the association acting under the authority of the  
15 board of directors. When practicable, the board of trustees  
16 shall invest, as part of the permanent fund, all surplus funds  
17 exceeding five hundred dollars that shall remain in the hands  
18 of the treasurer after paying the expenses of the association  
19 for the previous year, and providing for the fixed expenses  
20 and for all appropriations made by the board of directors for  
21 the ensuing year.

22 The board of trustees shall elect the secretary of the  
23 association, who shall also be secretary of the executive com-  
24 mittee, and shall fix the compensation and the term of his  
25 office for a period not to exceed four years.



1        SEC. 8. That the principal office of the said corporation  
 2 shall be in the city of Washington, District of Columbia:  
 3 *Provided*, That the meetings of the corporation, its officers,  
 4 committees, and departments, may be held, and that its busi-  
 5 ness may be transacted and an office or offices may be main-  
 6 tained elsewhere within the United States, as may be  
 7 determined by the board of directors, or otherwise, in accord-  
 8 ance with the by-laws.

9        SEC. 9. That the charter, constitution, and by-laws of  
 10 the National Educational Association shall continue in full  
 11 force and effect until *the charter granted by this Act shall be*  
 12 *accepted by such association at the next annual meeting of the*  
 13 *association* ~~appointed to be held thereunder~~, and until new by-  
 14 laws shall be adopted, and that the present officers, directors, and  
 15 trustees of said association shall continue to hold office and  
 16 perform their respective duties as such until the expiration of  
 17 the terms for which they were severally elected or appointed,  
 18 and until their successors are elected. That at such annual  
 19 meeting the active members of the National Educational  
 20 Association then present ~~shall~~ *may* organize and proceed to  
 21 ~~adopt~~ *accept the charter granted by this Act and adopt*  
 22 by-laws, to elect officers to succeed those whose terms have  
 23 expired or are about to expire, and generally to organize the  
 24 "National Education Association of the United States," and



1 that the board of trustees of the corporation hereby incor-  
2 porated shall thereupon, *if the charter granted by this*  
3 *Act be accepted*, receive, take over, and enter into pos-  
4 session, custody, and management of all property, real  
5 and personal, of the corporation heretofore known as the  
6 National Educational Association, incorporated as aforesaid  
7 under the Revised Statutes of the District of Columbia, and  
8 all its rights, contracts, claims, and property of every kind  
9 and nature whatsoever; and the several officers, directors, and  
10 trustees of such last-named association, or any other person  
11 having charge of any of the securities, funds, books, or  
12 property thereof, real or personal, shall on demand deliver  
13 the same to the proper officers, directors, or trustees of the  
14 corporation hereby created: *Provided, That a verified cer-*  
15 *tificate executed by the presiding officer and secretary of such*  
16 *annual meeting, showing the acceptance of the charter granted*  
17 *by this Act by the National Educational Association shall be*  
18 *legal evidence of the fact, when filed with the recorder of*  
19 *deeds of the District of Columbia: And provided further,*  
20 *That in the event of the failure of the association to accept*  
21 *the charter granted by this Act at said annual meeting, then*  
22 *the charter of the National Educational Association and its*  
23 *corporate existence shall be, and are hereby, extended until*  
24 *the first day of July, nineteen hundred and seven, and at any*  
25 *time before said date its charter may be extended in the man-*



1 *ner and form provided by the general corporation law of the*  
2 *District of Columbia.*

3       SEC. 10. That the rights of creditors of the said existing  
4 corporation, known as the National Educational Association,  
5 shall not in any manner be impaired by the passage of this  
6 Act, or the transfer of the property heretofore mentioned, nor  
7 shall any liability or obligation, or the payment of any sum  
8 due or to become due, or any claim or demand, in any manner,  
9 or for any cause existing against the said existing corporation,  
10 be released or impaired; and the corporation hereby incor-  
11 porated is declared to succeed to the obligations and liabilities,  
12 and to be held liable to pay and discharge all of the debts,  
13 liabilities, and contracts of the said corporation so existing,  
14 to the same effect as if such new corporation had itself incurred  
15 the obligation or liability to pay such debt or damages, and  
16 no action or proceeding before any court or tribunal shall be  
17 deemed to have abated or been discontinued by reason of  
18 this Act.

19       SEC. 11. That Congress may from time to time alter,  
20 repeal, or modify this Act of incorporation, but no contract or  
21 individual right made or acquired shall thereby be divested  
22 or impaired.



59TH CONGRESS, }  
1ST SESSION. } **H. R. 10501.**

[Report No. 592.]

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## **A BILL**

To incorporate the National Education Association  
of the United States.

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By Mr. SOUTHWICK.

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JANUARY 5, 1906.—Referred to the Committee on Education and ordered to be printed.

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