

## Chapter CCXXXI.<sup>1</sup>

### GENERAL PRINCIPLES OF JURISDICTION OF COMMITTEES.

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1. Reference required to give jurisdiction. Sections 2101–2105.
  2. House may refer bill to any committee. Sections 2106, 2107.
  3. Erroneous reference of a public bill. Sections 2108–2116.
  4. Correction of errors in reference. Sections 2117–2128.
  5. Rule of reference of bills relating to claims. Section 2129.
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**2101. It has been generally held that a committee may not report a bill whereof the subject matter has not been referred to it by the House.<sup>2</sup>**

On January 4, 1917,<sup>3</sup> Mr. Robert L. Henry, of Texas, from the Committee on Rules, offered, as privileged, a resolution to discharge the Committee on Interstate and Foreign Commerce from further consideration of the joint resolution (H. J. Res. 323) to create a committee to investigate conditions relating to interstate and foreign commerce, and consider the joint resolution in the House as in Committee of the Whole.

Mr. James R. Mann, of Illinois, made the point of order that the Committee on Rules was without jurisdiction to report the resolution for the reason that it had never been referred to the committee.

The Speaker<sup>4</sup> sustained the point of order.

**2102. A decision holding that a committee may not report a bill the subject matter of which is not within its jurisdiction, and any item failing to comply with this requirement in a bill otherwise in order is subject to a point of order when the bill comes up for consideration in Committee of the Whole.**

On September 19, 1918,<sup>5</sup> the House was considering the revenue bill in the Committee of the Whole House on the state of the Union, when this section was reached:

That there is hereby created a legislative drafting service under the direction of two draftsmen, one of whom shall be appointed by the President of the Senate, and one by the Speaker of the House of Representatives, without reference to political affiliations and solely on the ground

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<sup>1</sup>Supplementary to Chapter CII.

<sup>2</sup>The Committee on Rules is an exception to this requirement to the extent that it may report special orders without awaiting the formality of reference of the subject matter. See section 10197 of this work.

<sup>3</sup>Second session Sixty-fourth Congress, Record, p. 841.

<sup>4</sup>Champ Clark, of Missouri, Speaker.

<sup>5</sup>Second session Sixty-fifth Congress, Record, p. 10524.

of fitness to perform the duties of the office. Each draftsman shall receive a salary of \$5,000 a year, payable monthly.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the item related to subject matter which was not within the jurisdiction of the Committee on Ways and Means reporting the bill.

The Chairman<sup>1</sup> sustained the point of order, saying:

This is a very important matter, and the Chair will make the following explanatory statement. Should a bill be erroneously referred, the rules provide the procedure by which that bill, as a whole, may be returned to the proper committee. If advantages is not taken in time of the rule, and the committee improperly in possession of the bill proceeds to consider it, and report the same to the House, it will then be too late to raise a point of order against the bill as a whole.

On such a case the committee entitled to jurisdiction is considered to have slept upon its rights. But when a bill is properly sent to a committee having jurisdiction over the subject matter, and it improperly includes in the bill reported to the House, matter not within its jurisdiction, then upon the consideration of the bill, the extraneous matter improperly included, can be objected to by a point of order. This is the first opportunity presented to object to the offending matter. Hence no one has slept on his rights and no one is estopped to make objection. There must be an opportunity afforded at some time to object to matter included in a bill in excess of the jurisdiction of a committee, and the first time that this opportunity is afforded, is when the bill is under consideration, and the objectionable matter is reached.

The Chair will read the following extract from the rules:

"All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating—

"1. To the election of Members—to the respective Committees on Elections.

"2. To the revenue and the bonded debt of the United States—to the Committee on Ways and Means."

The latter provision fixes the jurisdiction of the Ways and Means Committee, and delimits the matter appropriate for its consideration. Suppose the Committee on Ways and Means should report a bill dealing with the bonded debt, and as one paragraph of same should include matter properly belonging to the Elections Committee, or to the Committee on Foreign Affairs, or to the Committee on Appropriations, or to any other committee, how would this illegal assumption of jurisdiction be reached, save by a point of order directed to the offending matter?

**2102a. Prior to the election of committees, reference of bills is made as if committees were in existence, and when committees are elected such reference is effective without further formality.**

**In the absence of a committee exercising jurisdiction over the subject matter of a bill under consideration in the House, it is in order formally to move to recommit the bill with instructions to any committee in existence or to the Committee of the Whole House on the state of the Union or to a proposed select committee presumably to consist of Members serving on the committee having jurisdiction in the preceding Congress.**

On June 3, 1929,<sup>2</sup> and before the Committee on the Census had been elected, the House took up for consideration the resolution (H. Res. 49) for the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for the apportionment of Representatives in Congress.

During debate on the resolution, Mr. Cassius C. Dowell, of Iowa, as a parliamentary inquiry, asked how it would be possible, in the consideration of the bill to

<sup>1</sup>Mr. Edward W. Saunders, of Virginia, Chairman.

<sup>2</sup>First session Seventy-first Congress, Record, p. 2258.

invoke the motion to recommit with instruction, in the absence of any committee having jurisdiction to which it could be referred.

The Speaker<sup>1</sup> said:

The parliamentarian under the direction of the Speaker refers the bills to the committees that have jurisdiction of the subject matter. The bills are then delivered to the bill clerk, who numbers them and sends them to the Printing Office to be printed. The printed copies are then returned to the bill clerk to be by him delivered to the committee to which they were referred. In the present circumstance, all of the committees not being organized, the bill clerk retains the bill until the committees are organized. The practice is pursued in order to prevent confusion and as a mere method of orderly disposition of the bills introduced.

A motion to recommit with instructions to report forthwith is purely a formal motion. It does not mean that the committee is going to assemble and consider the question and formally report the bill—it is a pure formality. The Chair thinks under the present circumstances that it is in order to move to recommit the bill to any standing committee that is organized, or any select committee, or the Committee of the Whole House on the state of the Union, and there being no Census Committee in existence the Chair would hold that it is not in order to move to recommit the bill—provided such a motion is made—to the Committee on the Census, there being no such committee in existence. But it would be in order to move to recommit the bill to the former members, naming them, of the Committee on the Census, in the nature of a select committee, or to the Committee of the Whole House on the state of the Union.

Since the Committee on the Census is nonexistent, it would be in order to recommit it to a select committee composed of the Members of the present House who were members of the Committee on the Census of the last Congress.

**2103. Before the appointment of the committee having jurisdiction it was held in order to offer for consideration a resolution not previously considered by such committee.**

On April 12, 1909,<sup>2</sup> and prior to the appointment of the Committee on Appropriations, Mr. James A. Tawney, of Minnesota, offered for consideration the joint resolution (H. J. Res. 45) making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress.

Mr. Robert B. Macon, of Arkansas, made the point of order that the resolution had not been considered by a committee of the House.

The Speaker<sup>3</sup> held that prior to the appointment of a committee having jurisdiction of the subject matter of the joint resolution there was no provision of the rules prohibiting its consideration, and overruled the point of order.

**2104. After the appointment of committee it is not in order to offer for consideration a legislative proposition not reported by a committee.**

On April 6, 1911,<sup>4</sup> Mr. Swagar Sherely, of Kentucky, asked unanimous consent for consideration of the joint resolution (H. J. Res. 68) to create a joint committee on revision and recodification of the laws.

Objection being made, Mr. Sherley then moved the adoption of the joint resolution.

Mr. Charles C. Carlin, of Virginia, made the point of that the motion was not in order because the joint resolution had not been referred to and reported by a committee of the House.

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<sup>1</sup>Nicholas Longworth, of Ohio, Speaker.

<sup>2</sup>First session Sixty-first Congress, Record, p. 1341.

<sup>3</sup>Joseph G. Cannon, of Illinois, Speaker.

<sup>4</sup>First session Sixty-second Congress, Record, p. 112.

The Speaker<sup>1</sup> sustained the point of order.

**2105. The House itself may refer a bill or resolution to any committee and jurisdiction is thereby conferred.**

On February 24, 1927,<sup>3</sup> during a call of the Private Calendar under a special order, the joint resolution (S. J. Res. 112) for the relief of Katherine Imbrie was reached.

Mr. Eugene Black, of Texas, made a point of order that the bill which had been reported by the Committee on Foreign Affairs was properly within the jurisdiction of the Committee on Claims.

The Speaker pro tempore<sup>3</sup> conceded that in compliance with the rules the bill would have been referred to the Committee on Claims, but directed the Clerk to read the proceedings on the occasion of the reference of the bill. The Clerk<sup>4</sup> read as follows:

THE SPEAKER. On February 2 the Senate passed Senate Joint Resolution 112 for the relief of Katherine Imbrie. The chairman of the Committee on Claims advises the Chair that in view of the fact that the Committee on Foreign Affairs has had extended hearings on this matter he prefers that the joint resolution be referred to the Committee on Foreign Affairs. The chairman of the latter committee also agrees to this reference. Therefore without objection the resolution will be referred to the Committee on Foreign Affairs.

There was no objection.

The Speaker pro tempore accordingly held:

The Chair construes that as the unanimous consent which is required under section 3 of Rule XXI, and therefore overrules the point of order.

**2106. The House may refer a bill to any committee and jurisdiction is thereby conferred, but such action is not irrevocable, and a motion to again change such reference is in order until the bill is reported.**

**The granting of indefinite leaves of absence to superannuated employees of the Post Office Department is a subject within the jurisdiction of the Committee on the Post Office and Post Roads and not the Committee on the Civil Service.**

**Discussion of instances in which Speakers have reserved rulings on points of order.**

On May 22, 1916,<sup>5</sup> on motion of Mr. William E. Cox, of Indiana, by unanimous consent, the Committee on the Post Office and Post Roads was discharged from the consideration of the bills (H. R. 6915) and (H. R. 10130) relative to granting of indefinite leaves to superannuated employees in the Post Office Department, and the bills were referred to the Committee on Reform in the Civil Service.

On the following day,<sup>6</sup> Mr. James R. Mann, of Illinois, as a parliamentary inquiry, asked if a motion to again change the reference of these bills would be in order.

<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Second session Sixty-ninth Congress, Record, p. 4720.

<sup>3</sup> Carl R. Chindblom, of Illinois, Speaker pro tempore.

<sup>4</sup> Second session Sixty-ninth Congress, Record, p. 3311.

<sup>5</sup> First session Sixty-fourth Congress, Record, p. 8456.

<sup>6</sup> Record, p. 8516.

The Speaker<sup>1</sup> ruled that it would.

Subsequently, on May 26,<sup>2</sup> Mr. Samuel W. Beakes, of Michigan, by direction of the Committee on the Post Office and Post Roads, moved to discharge the Committee on Reform in the Civil Service from the consideration of the bills and again refer them to the Committee on the Post Office and Post Roads.

Mr. Cox raised a question of order on the ground that the matter had been adjudicated by the House.

After exhaustive debate, the Speaker overruled the point of order.

Thereupon, the question being taken, and the yeas and nays being ordered, it was decided in the affirmative, yeas 177, nays 112, and the bills were referred to the Committee on the Post Office and Post Roads.

In passing upon the point of order, the Speaker digressed:

The Chair does not know whether the Record shows it or not, but the gentleman from Illinois, Mr. Mann, said, sotto voce—so that the Chair could hear it, at least—that the Chair had made two erroneous decisions at one time. [Laughter.] The Chair does not know whether that statement is correct or not. It may be.

If the Chair thought that he was wrong the other day in saying what he did to the gentleman from Illinois, Mr. Madden, the Chair would not have a particle of hesitancy in changing his mind and in frankly saying so.

Some of the Speakers, notably Speaker Carlisle, on several occasions—and they were fresher in the mind of the Chair four or five years ago than they are now—made erroneous rulings when matters sprang up suddenly, and within two or three days afterwards, or something like that, he would write out an opinion, stating that he was wrong on the day before and that he did not want the ruling on the occasion he was naming to be taken as having any force or effect. Other Speakers have done it. The present occupant of the chair has done it once or twice himself. A man who is not willing to change his mind when the argument is sufficient or on new and sufficient information is not fit to be the Speaker of the House or a Member of it. [Applause.]

**2107. An instance wherein, by unanimous consent, bills relating to private claims were transferred from the Committee on Claims to the Committee on Ways and Means, thereby conferring jurisdiction.**

On May 14, 1928,<sup>3</sup> on request of Mr. Charles L. Underhill, of Massachusetts, by unanimous consent, a number of bills pertaining to the refund of customs duties or internal-revenue taxes were referred from the Committee on Claims to the Committee on Ways and Means.

Whereupon, on motion of Mr. Underhill, by unanimous consent, the House agreed to the following order:

That any other private claim bills in respect of the refund of customs duties or internal-revenue taxes now pending before the Committee on Ways and Means by direct reference and all such bills which may so referred during the Seventieth Congress shall be considered as properly referred under clause 3 of Rule XXI.

In response to a parliamentary inquiry submitted by Mr. Fiorello H. LaGuardia, of New York, as to whether it was intended to make the order permanent the Speaker<sup>4</sup> interpreted the order as applying to the current session only.

<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Record, p. 8745.

<sup>3</sup> First session Seventieth Congress, Record, p. 8635.

<sup>4</sup> Nicholas Longworth, of Ohio, Speaker.

**2108. The erroneous reference of a public bill, if uncorrected, in effect gives jurisdiction to the committee receiving it.**

**A committee to which is referred a bill properly within its jurisdiction does not lose such jurisdiction when a change in the rules of the House confers jurisdiction over that subject matter upon another committee.**

On January 5, 1909,<sup>1</sup> Mr. Frank O. Lowden, of Illinois, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21491) providing for the purchase of consular buildings abroad, which had been referred to the Committee on Foreign Affairs and reported by that committee.

Mr. Richard Bartholdt, of Missouri, submitted that the bill was within the jurisdiction of the Committee on Public Buildings and Grounds, and the Committee on Foreign Affairs was not authorized to report it.

The Speaker<sup>2</sup> ruled:

The Chair will call the attention of the gentleman from Missouri to clause 22, rule 11, which provides:

“To the public buildings and occupied or improved grounds of the United States, other than appropriations therefor, to the Committee on Public Buildings and Grounds.”

If any morning after the reading of the Journal a motion had been made by the direction of the Committee on Public Buildings and Grounds to correct a reference under the rule, whatever the House might have done in such a case it is unnecessary to inquire. But here is a bill that seems to have been referred to the Committee on Foreign Affairs, and by that committee reported, and is now upon the Union Calendar, and being a public bill under the rule the Chair is of the opinion that when once reported from that committee it is too late to raise the question of jurisdiction. The rule is otherwise as to private bills.

**2109.** On May 3, 1916,<sup>3</sup> it being Calendar Wednesday, when the Committee on Flood Control was reached in the call of committees, Mr. Benjamin G. Humphreys, of Mississippi, called up the bill (H. R. 14777) to provide for control of floods of the Mississippi and Sacramento Rivers.

Mr. J. Hampton Moore, of Pennsylvania, made the point of order that the Committee on Flood Control has exceeded its power in reporting the bill as it was properly within the jurisdiction of the Committee on Rivers and Harbors.

The Speaker<sup>4</sup> said:

In the first place, the Chair will state again what he has stated frequently, that the reference of bills is the most difficult and delicate question that the Speaker has to decide. The committees frequently lap over into each other's jurisdiction. That is proposition No. 1. Bills are frequently drawn that way purposely, the Chair thinks; but that is neither here nor there.

The history of this discussion and the rights of everybody are these: This bill is a public bill. It was referred to the Committee on Flood Control. If the gentleman or any other gentleman felt aggrieved or thought his rights had been trampled on or the jurisdiction of the Committee on Rivers and Harbors was being usurped, the proper remedy was for the gentleman to come in here and ask unanimous consent that it be rereferred, or have one of the committees move it.

These gentlemen sinned away the day of grace, and the Flood Committee took charge of this bill and worked on it, and it was a matter of public notoriety that they were doing it. It was not done in a corner. They went to work and investigated the matter and made this report.

The point of order is overruled.

<sup>1</sup>Second session Sixtieth Congress, Record, p. 497.

<sup>2</sup>Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup>First session Sixty-fourth Congress, Record, p. 7319.

<sup>4</sup>Champ Clark, of Missouri, Speaker.

**2110.** On December 15, 1917,<sup>1</sup> Mr. John E. Raker, of California, by direction of the Committee on Woman Suffrage, offered a motion to take from the Committee on the Judiciary and refer to the Committee on Woman Suffrage certain joint resolutions proposing amendments to the Constitution extending the right of suffrage to women.

Mr. Finis J. Garrett, of Tennessee, made the point of order that such a joint resolution had been reported by the Committee on the Judiciary and was now on the calendar, and it was too late to offer a motion for a change of reference.

The Speaker<sup>2</sup> ruled:

In the proper conduct of the business of the House some months ago the Chair referred this constitutional amendment to the Judiciary Committee, were constitutional amendments have usually gone for the last 125 years. There was no Woman Suffrage Committee at that time. Very early in September, I think it was, they passed a resolution creating the committee. As a matter of fact it was appointed in the last two or three days. When the Chair refers a bill he parts company with it, for that purpose at least. The Chair has no more right to take a bill from a committee than any other Member of the House has.

Some months ago this resolution was introduced into the House, and undoubtedly under the rules and practice it ought to have gone to the Judiciary Committee. The thing dragged along, and we had an agreement that we would not pass anything except war measures, and the Judiciary Committee, acting under that understanding, did not report the resolution. In September the Rules Committee brought in a rule to create this new Committee on Woman Suffrage, but the committee was not appointed until three or four days ago. I did not have the remotest idea whether the Judiciary Committee were going to report the resolution or not, but they did report it after this and that changed the situation entirely. This new rule here about woman suffrage—

“All proposed action touching the question of woman suffrage, to the Committee on Woman Suffrage”—

undoubtedly applied to any business coming up after that rule was adopted, and not to the business that had been started before that, even by introduction into the House. After the Speaker assigns a bill to a committee he has no more control over it. I can not take a bill away from a committee, and the rule I have just read does not act automatically and is not retroactive. It would require exactly the motion that the gentleman from California, Mr. Raker, has made here. Inasmuch as the Committee on the Judiciary reported this resolution, that ended the matter. The decisions are numerous that when a committee has done that, even if it did not have original jurisdiction—which this Judiciary Committee did have in this case—it has the right to go on with it. The decisions are too numerous even to quote that where an erroneous reference is made—and the case is stronger where a correct reference was made—and the committee reports the matter referred to it, it has jurisdiction. The Chair would be compelled under the circumstances of this case to hold that, as far as committees are concerned, this thing was concluded when the Judiciary Committee made its report, and the Chair so holds.

**2111.** On Wednesday, February 17, 1932,<sup>3</sup> when the Committee on Agriculture was reached in the call of committees under the Calendar Wednesday rule, Mr. Jones, from that committee, called up the joint resolution (H. J. Res. 292) authorizing the Secretary of Agriculture to make loans to individuals to encourage the forming of local agriculture-credit corporations, or like organizations.

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<sup>1</sup>Second session Sixty-fifth Congress, Record, p. 345.

<sup>2</sup>Champ Clark, of Missouri, Speaker.

<sup>3</sup>First session Seventh-second Congress, Record, p. 4149.

The House resolved automatically into the Committee of the Whole House on the state of the Union, and the Clerk having read the joint resolution, Mr. Robert Luce, of Massachusetts, rising to a parliamentary inquiry, said:

The law creating intermediate credit banks was the result of a bill introduced by the Committee on Banking and Currency. My query is whether this matter has been properly referred to and considered by the Committee on Agriculture?

The Chairman<sup>1</sup> ruled:

The Committee on Agriculture having reported it out, the Chair would say that it has jurisdiction of the joint resolution.

**2112. A public bill having been reported by a committee and being under consideration in Committee of the Whole, it was held that the question of jurisdiction might not then be considered.**

**It is for the House and not for the Speaker to decide on the legislative effect of a proposition.**

**The question of inconsistency of pending legislation with existing law is not passed upon by the Chair.**

On February 16, 1910,<sup>2</sup> this being Calendar Wednesday, the Committee on Library being reached, called up the resolution (H. Res. 163) directing the Committee on the Library to employ artists for painting pictures of former Speakers of the House of Representatives, and the House automatically resolved itself into the Committee of the Whole House on the state of the Union.

Thereupon Mr. James R. Mann, of Illinois, raised the point of order that the resolution provided for the payment of money from the contingent fund and should have been referred to the Committee on Accounts.

In the course of the debate on the point of order Mr. Mann said:

I put my point of order upon the ground that under the law the expenditures out of the contingent fund of the House could only be for certain things and matters approved by the Committee on Accounts, and that that law was binding on the House and binding on the Chair in the House, and that the House can not confer jurisdiction upon another committee of the House to appropriate money out of the contingent fund of the House. Now, whether that be correct or not I do not know. The point of order does not come too late, so far as being made at all is concerned. If a point of order can be made at all, it comes as soon as it can be made. This is the first opportunity of making the point of order. The House has automatically resolved itself into the Committee of the Whole House on the state of the Union without a motion. Now, whether no point of order can be made after the resolution is reported is the question before the Chair. Whether the reference of this resolution to pay out of the contingent fund of the House, contrary to the provisions of the statutes, which say that these payments shall be made and audited by the Committee on Accounts, whether that point of order can be made after the reference of the bill is the question, although the resolution, if passed, might not be effective, it makes no difference. The question is on the reference to the committee where the rule provides that these accounts shall go through the Committee on Accounts.

The Chairman<sup>3</sup> ruled:

Pending consideration by the committee of House resolution 163, the gentleman from Illinois, Mr. Mann, made a point of order as to the reference of the bill, which appears on its face

<sup>1</sup> Kent E. Keller, of Illinois, Chairman.

<sup>2</sup> Second session, Sixty-first Congress, Record, p. 1973.

<sup>3</sup> Mr. Charles G. Washburn, of Massachusetts, Chairman.

to be containing matter which might appropriately be referred to the Committee on the Library, and other matter which might be appropriately referred to the Committee on Accounts. It being a public resolution upon a public calendar, the Chair would rule that after the bill is reported it is too late to raise the question of jurisdiction as to reference. The gentleman raises the point that the House may not by a resolution change the effect of existing law as it appears in the statutes, but the Chair would upon that point state that this would seem to be a question for the House to determine rather than the Chair. The Chair would therefore overrule the point of order made by the gentleman from Illinois.

**2113. After a public bill has been reported it is not in order to raise a question of jurisdiction.**

**Propositions to amend the Federal reserve act are within the jurisdiction of the Committee on Banking and Currency.**

On Wednesday, February 1, 1928,<sup>1</sup> Mr. Louis T. McFadden, of Pennsylvania, by direction of the Committee on Banking and Currency, called up the bill (H. R. 6491) to amend the Federal reserve act.

Mr. Fiorello H. LaGuardia, of New York, made the point of order that the bill was not properly before the House in that it came within the jurisdiction of the Committee on the Judiciary and the Committee on Banking and Currency was without authority to report it or call it up.

The Speaker<sup>2</sup> said:

The Chair recalls when this bill was before him for reference that he examined into the matter and it was quite clear that the reference was correct, in view of the fact this is an amendment of the Federal reserve act, and under the rules the Committee on Banking and Currency has jurisdiction of questions arising under the Federal reserve act; but whether that be true or not, the point of order is evidently made too late. The precedents are uniform that after a public has been reported, it is too late to raise the point of order as to the jurisdiction of the committee.

**2114. After a public bill is under consideration in the Committee of the Whole it is too late to raise a question as to the jurisdiction of the committee reporting it.**

On January 21, 1920,<sup>3</sup> the day being Calendar Wednesday, Mr. Charles E. Fuller, of Illinois, from the Committee on Invalid Pensions, when that committee was reached, called up the bill (H.R. 11449) giving pensionable status to widows of soldiers killed in action.

After consideration had proceeded for some time, Mr. Ewin L. Davis, of Tennessee, raised a question of order against the bill on the ground that it related to wars other than the Civil War and was therefore within the jurisdiction of the Committee on Pensions and not the Committee on Invalid Pensions.

The Chairman<sup>4</sup> said:

This bill was introduced in the House January 5 and referred to the Committee on Invalid Pensions. The House thereby had knowledge of the contents of the bill and its reference. No objection was made to the reference and there was no attempt to have it referred to any other committee. On January 12 the bill was reported back to the House by the Committee on Invalid Pensions, referred to the Committee of the Whole House on the state of the Union, and ordered

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<sup>1</sup>First session, Seventieth Congress, Record, p. 2338.

<sup>2</sup>Nicholas Longworth of Ohio, Speaker.

<sup>3</sup>Second session Sixty-sixth Congress, Record, p. 1851.

<sup>4</sup>Mr. Louis C. Cramton, of Michigan, Chairman.

to be printed. The House again had notice that the Committee on Invalid Pensions had been considering this bill, had ordered a favorable report on it, and that the bill in its present form had been referred to the Committee of the Whole House on the state of the Union for consideration. Still no objection or point of order was raised.

To-day, the calendar being called, the gentleman from Illinois rose in place and called up the bill. It was read in its entirety in the House. The House then went into Committee of the Whole House on the state of the Union for the consideration of the bill. In other words, the House ordered the Committee of the Whole House on the state of the Union to consider this bill. It was again read in its entirety before consideration was begun in Committee of the Whole House on the state of the Union, and yet no point of order was made against the bill.

Consideration of the bill was begun, debate was had pro and con in the committee, and the bill had been read in its entirety for amendment before the gentleman from Tennessee, Mr. Davis, made his point of order.

It seems to the Chair that so far as any point of order against the bill as a whole is concerned, the point of order comes too late, because it is undoubtedly the better practice of the House that after the consideration of a bill has begun in Committee of the Whole it is too late to raise the point of order as to the manner or form in which the bill was reported to the House.

It seems to the Chair that under the decisions of the House, and the universal practice so far as the present occupant of the chair has been able to find, the point of order of the gentleman from Tennessee is not well taken. The Chair, therefore, overrules the point of order.

**2115.** On February 21, 1922,<sup>1</sup> during consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 10193) relating to several Indian reservations, Mr. William B. Bankhead, of Alabama, made the point of order that the bill related to public lands and was not within the jurisdiction of the Committee on Indian Affairs.

Mr. James R. Mann, of Illinois, said:

Mr. Chairman, may I call the attention of the gentleman from Alabama to the fact that one can not make a point of order to a legislative item in a public bill which has been referred to a committee and reported back to the House by the committee? The only way you can raise that question is by a motion in the House to refer the bill to some other committee.

The Chairman<sup>2</sup> ruled:

The gentleman from Illinois states correctly the rule and the uniform practice in this House, so far as the present occupant of the chair recalls, that after a bill has been considered by a committee and reported to the House and is under consideration in the Committee of the Whole House on the state of the Union, the question of jurisdiction can not be raised. The Chair, therefore, overrules the point of order.

**2116. While a question as to jurisdiction of a committee over a public bill is not in order in the Committee of the Whole, the question as to the right of a committee to report a private bill may be raised at any time prior to passage.**

On January 8, 1919,<sup>3</sup> during the consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 13274) to provide relief in the absence of formal war contracts, Mr. Edward C. Little, of Kansas, raised the question of order that the bill was not within the jurisdiction of the Committee on Military Affairs which reported it but should have been referred to the Committee on Claims.

<sup>1</sup> Second session Sixty-seventh Congress, Record, p. 2865.

<sup>2</sup> Mr. John Q. Tilson, of Connecticut, Chairman.

<sup>3</sup> Third session Sixty-fifth Congress, Record, p. 1143.

The Chairman<sup>1</sup> held:

In the opinion of the Chair, the bill before the House is a public bill, and it is too late to raise a question of jurisdiction. The question of estoppel would apply. If the bill—a public one—had been improperly referred, any time before it was reported to the House by the committee a motion would have been in order to correct the reference. Not having been made, it is not too late to make it.

The Chair has not examined the precedents cited, but feels sure that if the gentleman will investigate it he will not find any of those bills were ordered considered under a special rule of the House providing for their consideration. The Chair believes that an investigation will show that in the cases cited the House was in the Committee of the Whole House considering the Private Calendar. That the bills were called up in regular order when reached on the calendar and the points of order then made. Under such circumstances it is undoubtedly in order to make a point of order as to jurisdiction of committee. Such a case is very different from the one at bar.

**2117. Motions to change the reference of public bills are not in order on Calendar Wednesday.**

On March 13, 1918,<sup>2</sup> it being Wednesday, immediately after the reading of the Journal, Mr. John E. Raker, of California, by direction of the Committee on Woman Suffrage, proposed to offer a motion to change the reference of a bill to that committee.

The Speaker<sup>3</sup> held that the motion was not in order on Calendar Wednesday and declined recognition for that purpose.

**2118.** On Wednesday, December 13, 1911,<sup>4</sup> immediately following the reading of the Journal, Mr. Joseph T. Robinson, of Arkansas, requested recognition to propose a change in the reference of the bill (H. R. 4112), relating to allotments of certain Indian lands, from the Committee on Public Lands to the Committee on Indian Affairs.

Mr. James R. Mann, of Illinois, as a parliamentary inquiry, submitted that the day being Calendar Wednesday, no business was in order except the call of the calendar.

The Speaker<sup>5</sup> sustained the point of order and declined recognition, and directed the Clerk to proceed with the call of committees.

**2119. Motion to change the reference of a public bill, to come within the privilege, must be offered immediately after the reading of the Journal and if the floor is yielded for other business the motion is not again privileged on that day.**

On December 18, 1917,<sup>6</sup> immediately after the reading of the Journal, Mr. John E. Raker, of California, proposed to offer a motion to change the reference of a bill, when Mr. Claude Kitchin, of North Carolina, asked him to withhold the motion temporarily in order to permit consideration of pressing business which could quickly be disposed of.

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<sup>1</sup> Charles R. Crisp, of Georgia, Chairman.

<sup>2</sup> Second session Sixty-fifth Congress, Record, p. 3443.

<sup>3</sup> Champ Clark, of Missouri, Speaker.

<sup>4</sup> Second session Sixty-second Congress, Record, p. 308.

<sup>5</sup> Champ Clark, of Missouri, Speaker.

<sup>6</sup> Second session Sixty-fifth Congress, Record, p. 514.

Mr. Raker, as a parliamentary inquiry, asked if the temporary waiving of his right to offer the motion would preclude its consideration as a privileged matter later in the day.

The Speaker<sup>1</sup> held that the motion was privileged under rule immediately after the reading of the Journal and at no other time, and that yielding the floor for other business, however brief, destroyed the privilege of the motion for that day.

**2120.** On December 8, 1908,<sup>2</sup> after the consideration and disposition of several bills, Mr. Henry M. Goldfogle, of New York, proposed to offer a motion to change the reference of the bill (H. R. 22320), to fix the fees of bailiffs in the United States courts of Alabama, from the Committee on the Judiciary to the Committee of Expenditures in the Department of Justice.

The Speaker<sup>3</sup> said:

The Chair will call the attention of the gentleman from New York making the motion to Rule XXII, clause 3:

“And corrections in case of error of reference may be made by the House without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.”

It seems to the Chair that this is not immediately after the reading of the Journal. After the reading of the Journal there was also a call of committees. The Chair is of opinion that the gentleman's motion is not in order at this time, under the rules. The Chair will call the attention of the gentleman to the rule itself. It is very explicit and plain. It is so plain that it does not need any interpretation by the Chair.

**2121.** Motions to change the reference of public bills are privileged only when formally authorized by the committee to which referred or the committee claiming jurisdiction.

On December 17, 1912,<sup>4</sup> Mr. James L. Slayden, of Texas, asked recognition to offer a motion for the correction of an erroneous reference of a concurrent resolution, when Mr. William P. Borland, of Missouri, raised the point of order that the motion had not been authorized by the committee claiming jurisdiction.

In response to an inquiry from the Speaker, Mr. Slayden replied that while the committee favored the change in reference, no formal action had been taken authorizing the motion.

The Speaker<sup>1</sup> said:

The present occupant of the chair ruled last summer, after a good deal of debate and after examining the authorities, that the sanction of the committee must be had.

**2122.** On April 29, 1910,<sup>5</sup> Mr. Henry M. Goldfogle, of New York, moved that the reference of the resolution (H. Res. 556) relative to fees and salaries in the Department of Justice, be changed from the Committee on the Judiciary to the Committee on Expenditures in the Department of Justice.

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Second session Sixtieth Congress, Record, p. 52.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>4</sup> Third session Sixty-second Congress, Record, p. 794.

<sup>5</sup> Second session Sixty-first Congress, Record, p. 5570.

The Speaker inquired if the Committee on Expenditures in the Department of Justice had authorized the motion.

Mr. Goldfogle said:

The committee agreed in the last session to take charge of that resolution, but added that he had not been authorized by the committee to offer the motion.

The Speaker<sup>1</sup> ruled:

Then the Chair does not recognize the gentleman to make that motion, because, under the rule, he must be authorized by the action of the committee.

**2123.** On December 17, 1908,<sup>2</sup> Mr. Thetus W. Sims, of Tennessee, asked unanimous consent that the Committee on the District of Columbia be discharged from the consideration of the joint resolution (H. J. Res. 202) making an appropriation for inaugural ceremonies, and that the joint resolution be referred to the Committee on Appropriations.

Objection being made, Mr. Sims proposed to offer a motion to that effect.

The Speaker<sup>1</sup> inquired:

Is that made on behalf of the committee?

Mr. Sims replied in the negative. Whereupon the Speaker said:

This motion would be in order on behalf of either committee immediately after the reading of the Journal, but it is not in order unless it voices the committee action.

**2124. Privileged motions to change the reference of public bills have precedence of motions to go into Committee of the Whole to consider general appropriation bills.**

**Motions to change the reference of public bills, when privileged under the rule, take precedence of conference reports.**

**Legislative propositions relating to woman suffrage in the Territories were held to come within the jurisdiction of the Committee on Woman Suffrage and not the Committee on Territories.**

On March 14, 1918,<sup>3</sup> immediately after the reading of the Journal, Mr. John E. Raker, of California, by authorization of the Committee on Woman Suffrage, moved that the Committee on Territories be discharged from further consideration of the bill (H. R. 4665) relating to the extension of woman suffrage in the Territory of Hawaii, and that the same be referred to the Committee on Woman Suffrage.

Mr. Swagar Sherley, of Kentucky, proposed to offer, as preferential, a motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

In debating the parliamentary question presented, Mr. Edward W. Saunders, of Virginia said:

If this situation presents a question of preferential consideration, then the preference should be given to the motion of the gentleman from California to correct an erroneous reference of a public

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<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> Second session Sixtieth Congress, Record, p. 375.

<sup>3</sup> Second session Sixty-fifth Congress, Record, p. 3491.

bill. Rule XXII, subsection 3, provides specifically for this motion, and prescribes that it may be made on any day after the reading of the Journal, by unanimous consent, or on motion of committee claiming jurisdiction. the gentleman from California makes his motion on the authority of his committee claiming jurisdiction. The rule contemplates immediate action, since it excludes debate. Moreover, the motion can be made at only one moment of time, that is, the moment immediately succeeding the reading of the Journal. These circumscriptions about the motion indicate that the time given is sacred to this motion, and that a Member in a position to make the motion under the rule, and appearing at the prescribed time, should be protected in his right and have his motion submitted. There is no provision in the rules or in the precedents of which I am aware which gives a Member rising to make a motion to go into the Committee of the Whole to consider a general appropriation bill the right to displace a Member proceeding under the rule to correct an erroneous reference and have his motion submitted in preference to the prior motion intended to correct the reference complained of. The House can decline to make the correction, and then go into the Committee of the Whole if it so desires. But this is a matter in the direction of the House. The Member who has secured recognition to make the motion to correct an erroneous reference is entitled to have his motion submitted as a matter of right. He is not subject to displacement by the motion to go into Committee of the Whole.

The Speaker<sup>1</sup> held that the motion to change the reference of a public bill when offered by authorization of the proper committee and made immediately after the reading of the Journal took precedence of the motion to go into the Committee of the Whole to consider a general appropriation bill, and declined to recognize Mr. Sherley.

Thereupon, Mr. Thetus W. Sims, of Tennessee, proposed to call up a conference report on the bill (S. 3752), the railroad control bill.

The Speaker declined recognition for that purpose and put the question on the motion to change reference, when Mr. Joseph Walsh, of Massachusetts, moved to lay the motion on the table.

The yeas and nays being demanded and ordered, it was decided in the negative, yeas 64, nays 268, and the House declined to lay the motion on the table.

The question recurring on the motion for a change of reference, it was decided in the affirmative without division and the bill was referred to the Committee on Woman Suffrage.

**2125. In order to come within the privilege of the rule, motions to change the reference of public bills must apply to a single bill and not to a class of bills.**

**The motion to change the reference of a public bill may not be divided and is not debatable.**

**A motion to change the reference of a public bill identical with one already reported is not in order.**

**The motion for a change of reference of a public bill is not privileged under the rule when the original reference was not erroneous.**

On December 18, 1917,<sup>2</sup> Mr. John E. Raker, of California, offered a motion to change the reference of sundry bills relating to woman suffrage from the Committee on the Election of President, Vice President, and Representatives in Congress to

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Second session Sixty-fifth Congress, Record, p. 514.

the Committee on Woman Suffrage, which had been created subsequent to the date on which the bills were originally referred.

Mr. William W. Rucker, of Missouri, rising to a parliamentary inquiry, asked if the motion was debatable.

The Speaker<sup>1</sup> replied that the motion was not debatable.

Mr. Swagar Sherley, of Kentucky, as a point of order, submitted that the motion was not in order for the reason that a bill identical in terms with one of the bills designated in the motion had been reported by the Committee on the Judiciary and was on the calendar, and the motion was not divisible.

The Speaker held that such motions must apply to single bills and not to a class of bills, and that the motion was not divisible, and sustained the point of order.

Mr. Finis J. Garrett, of Tennessee, made the further point of order that the rule conferred a privileged status on the motion to change the reference of public bills only when the reference was erroneous and as the original reference referred to in the pending motion was made prior to the creation of the Committee on Woman Suffrage and was properly made at that time, the motion did not come within the rule.

The Speaker said:

The Chair does sustain the point of order although it is exceedingly narrow, because the gentleman from California has his remedy. He can reintroduce these resolutions in two minutes and a half and get them referred to his committee.

**2126. Motions to change the reference of public bills are not debatable.**

On May 24, 1910,<sup>2</sup> following the reading of the Journal, Mr. Edward L. Hamilton, of Michigan, by direction of the Committee on the Territories, moved to change the reference of the bill (H. R. 26153) to amend the mining laws with reference to the Territory of Alaska, from the Committee on the Public Lands to the Committee on Territories.

Mr. Frank W. Mondell, of Wyoming, inquired if the motion was debatable.

The Speaker<sup>3</sup> held:

Under the rule it is not debatable. Clause 3 of Rule XXII reads as follows:

“All other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.”

Now, in the opinion of the Chair, this motion is not subject to debate. But, pending this motion, the gentleman who makes the motion asks unanimous consent that he may address the House for two minutes.

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Second session Sixty-first Congress, Record, p. 6797.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speaker.

**2127. A motion for a change in the reference of a public bill may be amended but the amendment, like the original motion, is subject to the requirement that it be authorized by the proper committee.**

**Motions to change the reference of public bills are not debatable.**

**A committee may be discharged from the consideration of a public bill at any time before it has been reported, although the committee to which referred may have held hearings and have given the bill extended consideration.**

**A bill to provide housing for Government employees in the District of Columbia was held by the House to belong to the jurisdiction of the Committee on Public Buildings and Grounds and not the Committee on Labor.**

On February 13, 1918,<sup>1</sup> Mr. Frank Clark, of Florida, under authorization from the Committee on Public Buildings and Grounds, moved that the bill (H. R. 9642) authorizing the Secretary of Labor to provide housing for war needs, be taken from the Committee on Labor to which originally referred and rereferred to the Committee on Public Buildings and Grounds.

Mr. John I. Nolan, of California, made the point of order that the motion could not be entertained for the reason that the Committee on Labor had already begun consideration and had held extensive hearings on the bill:

After debate the Speaker<sup>2</sup> said:

The House, of course, is the highest parliamentary authority, higher than any Speaker or than all the Speakers, and it takes a majority of this House present to make the transfer and the House has the absolute right to refer any bill to any committee. The authorities cited convince the Speaker that the point of order ought to be overruled.

Mr. Swagar Sherley, of Kentucky, thereupon offered an amendment proposing that the bill be referred to the Committee on Appropriations.

Mr. Edward W. Saunders, of Virginia, made the point of order that an amendment to a motion for a change of reference was subject to the same requirement imposed upon the original motion in that it required the sanction of the proper committee to come within the rule, and as Mr. Sherley had not been authorized by the Committee on Appropriations to offer the amendment, it was not in order.

The speaker held that a motion to amend was in order if properly authorized, but that in the absence of express authorization from the Committee on Appropriations, Mr. Sherley could not be recognized for that purpose, and sustained the point of order.

The question on the pending motion being taken, on a division, it was decided in the affirmative, yeas 173, nays 59, and the bill was referred to the Committee on Public Buildings and Grounds.

**2128. Consideration by a committee to which erroneously referred does not preclude consideration of a motion to change the reference of a bill when properly offered.**

**The motion to change the reference of a public bill is not debatable.**

**A motion to change the reference of a public bill when made immediately after the reading of the Journal is in order on Friday, as on other days.**

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<sup>1</sup> Second session Sixty-fifth, Congress, Record, p. 2070.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

On February 9, 1912,<sup>1</sup> by direction of the Committee on Labor, Mr. William B. Wilson, of Pennsylvania, moved to discharge the Committee on Interstate and Foreign Commerce from consideration of the bill (S. 252), to establish a children's bureau in the Department of Commerce and Labor, and refer the bill to the Committee on Labor.

In response to an inquiry from Mr. William C. Adamson, of Georgia, as to whether the motion was debatable, the Speaker<sup>2</sup> decided it was not debatable.

Whereupon Mr. Adamson raised the question of order against the motion that the bill had already been considered by the Committee on Interstate and Foreign Commerce and it was therefore too late to entertain the motion for a change of reference.

The Speaker overruled the point of order and said:

It is within the province of the House to discharge a committee even if another committee has started to investigate the subject matter of the bill concerning which a change of reference is sought to be made.

Mr. William Richardson, of Alabama, then submitted as a point of order that this day being Friday no business was in order except that upon the Private Calendar.

The Speaker overruled the point of order and put the question, when the yeas and nays being ordered, the yeas were 175, the nays were 113, and the motion was agreed to.

**2129. A bill for the payment or adjudication of any private claim against the Government must be referred to one of these committees: Invalid Pensions, Pensions, Claims, War Claims, Public Lands, Accounts.**

**History of section 3 of Rule XXI.**

Section 3 of Rule XXI provides:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.

This rule has been amended but once since its original adoption in 1885.<sup>3</sup> In the revision of 1911<sup>4</sup> the Committee on Public Lands was substituted for the Committee on Private Land Claims in the list of committees to which private claims might be referred, in order to conform to a similar change in the rule outlining the jurisdiction of the committees.

The committees enumerated in the rule may report appropriations within the limits of their jurisdiction.<sup>5</sup>

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<sup>1</sup> Second session Sixty-second Congress, Record, p. 1872.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> First session Forty-ninth Congress, Record, p. 170.

<sup>4</sup> First session Sixty-second Congress, Record, pp. 16, 80.

<sup>5</sup> First session Sixty-seventh Congress, Record, p. 3050.

**2130. Although proposing a direct appropriation, a bill for the adjudication of any private claim against the Government must be referred to the Committee on Claims.**

On Friday, April 4, 1930,<sup>1</sup> the House was considering bills on the Private Calendar, when the title of the bill (H. R. 9092) for the relief of the estate of William Bardel was read.

Under reservation of the right to object to the consideration of the bill, Mr. Ross A. Collins, of Mississippi, submitted that the bill had been improperly referred to the Committee on Claims and should have been referred to the Committee on Foreign Affairs, which held hearings<sup>2</sup> on claims of a similar nature arising out of damage to the consulate at Epernay, France, in 1915, due to invasions by hostile armies.

The Speaker<sup>3</sup> dissented and said:

The Chair is inclined to think the bill is properly referred, for the reason that this bill not only authorizes a payment, but contains a direction to pay out of any money in the Treasury not otherwise appropriated. It is a straight appropriation of money, which the Committee on Foreign Affairs has no authority to make.

An actual appropriation must go to the Committee on Claims. It can not go to a legislative committee. The rule—clause 3, Rule XXI—is as follows:

“No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.”

This bill provides for a direct payment of the Treasury, over which the Committee on Foreign Affairs has no jurisdiction.

**2131. When the House itself refers a private House bill to a committee the point of order as to jurisdiction does not avail.**

On February 24, 1927,<sup>4</sup> while the House, proceeding under a special order, was considering bills on the Private Calendar, the bill (H. R. 15855) for the relief of Clifford J. Sanghove, was taken up.

Mr. Eugene Black, of Texas, made the point of order that the bill had been improperly referred and that the Committee on Naval Affairs was without jurisdiction to report it.

The Speaker pro tempore<sup>5</sup> said:

The Chair will state that the Manual contains this language:

“In cases wherein the House itself refers a private bill, a point of order may not be raised as to jurisdiction.”

The Chair therefore overrules the point of order as to jurisdiction.

<sup>1</sup> Second session Seventy-first Congress, Record, p. 6545.

<sup>2</sup> House Report No. 665.

<sup>3</sup> Nicholas Longworth, of Ohio, Speaker.

<sup>4</sup> Second session Sixty-ninth Congress, Record, p. 4719.

<sup>5</sup> Carl R. Chindblom, of Illinois, Speaker pro tempore.

**2132. The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration either in the House or in the Committee of the Whole.**

On Friday, January 25, 1929,<sup>1</sup> during the consideration of business on the Private Calendar, the Clerk read the title of the bill (H. R. 15279) for the relief of the family of Wang Erh-Ko.

Mr. Grant M. Hudson, of Michigan, under reservation of the right to object to the consideration of the bill, said:

Mr. Speaker, I reserve the right to object—and I do not intend to do so—to call attention to a matter of procedure of the House. This bill was referred to the Committee on Naval Affairs when it should have been referred to the Committee on Claims.

Following the passage of the bill, the Speaker<sup>2</sup> announced:

The Chair desires to refer to the suggestion made by the gentleman from Michigan a short time ago in regard to the bill H. R. 15279. The Chair thinks the gentleman was entirely correct.

Clause 3 of Rule XXI of the House provides that—

“no bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.”

This is evidently a private claim, and should have gone to some committee other than the Committee on Naval Affairs.

The Chair will remind the House that the Chair has no control over the reference of private bills by members.

Under clause 1 of Rule XXII, Members have the sole right of reference of private bills. This right, however, is dependent upon the rules, so that if a committee reports a private bill over which it has no jurisdiction it is subject to the point of order as provided in clause 2 of Rule XXII.

As to private bills the rule is this, quoting from page 375 of the manual in connection with clause 2 of Rule XXII:

“Errors in reference of petitions, memorials, or private bills are corrected at the Clerk’s table, without action by the House, at the suggestion of the committee holding possession. But in cases where the House itself refers a private House or Senate bill a point of order may not be raised as to jurisdiction.”

The rule provides that—

“An erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.”

Section 4382 of Hinds’ Precedents, volume 4, reads as follows:

“The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration either in the House or in the Committee of the Whole.

So that is the rule in the case of private bills. The Chair thinks that the gentleman from Michigan is correct.

Mr. Hudson inquired if it would yet be in order to raise a question of order against the bill.

The speaker replied:

No; it would not. The bill has been passed.

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<sup>1</sup> Second session Seventieth Congress, Record, p. 2246.

<sup>2</sup> Nicholas Longworth, of Ohio, Speaker.