

Chapter C.

HISTORY AND JURISDICTION OF THE STANDING COMMITTEES—CONTINUED.

1. The Committee on Banking and Currency. Sections 4082–4089.
 2. The Committee on Coinage, Weights, and Measures. Sections 4090–4095.
 3. The Committee on Interstate and Foreign Commerce. Sections 4096–4117.¹
 4. The Committee on Rivers and Harbors. Sections 4118–4128.²
 5. The Committee on Merchant Marine and Fisheries. Sections 4129–4148.
 6. The Committee on Agriculture. Sections 4149–4161.
 7. The Committee on Foreign Affairs. Sections 4162–4178.
 8. The Committee on Military Affairs. Sections 4179–4188.
 9. The Committee on Naval Affairs. Section 4189.
 10. The Committee on Post-Office and Post-Roads. Sections 4190–4193.
 11. The Committee on Public Lands. Sections 4194–4203.
 12. The Committee on Indian Affairs. Sections 4204–4207.
 13. The Committee on Territories. Sections 4208–4212.
 14. The Committee on Insular Affairs. Sections 4213–4216.
 15. The Committee on Railways and Canals. Sections 4217–4220.
 16. The Committee on Manufactures. Sections 4221, 4222.
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4082. The creation and history of the Committee on Banking and Currency, section 5 of Rule XI.

The rule assigns to the Committee on Banking and Currency jurisdiction of subjects relating to “banking and currency.”

Section 5 of Rule XI provides for the reference of subjects relating—
to banking and currency: to the Committee on Banking and Currency.

This committee is composed of eighteen Members.

The form of rule dates from the revision of 1880,³ but the committee itself was established on March 2, 1865,⁴ to assume some of the burdens of the Ways and Means Committee.⁵

¹ See also sections 4135, 4137, 4144, 4146 of this volume.

² See also sections 4036, 4165, 4219 of this volume.

³ Second session Forty-sixth Congress, Record, p. 205.

⁴ Second session Thirty-eighth Congress, Globe, pp. 1312–1317.

⁵ See also section 4020 of this volume.

4083. The Committee on Banking and Currency has reported generally on the subject of national banks, and also on the subject of current deposit of public moneys.—In 1906¹ the Committee on Banking and Currency reported on the following subjects:

Current deposit of public moneys, national-bank loans, redemption of national bank notes, and verification of papers by national banks.

4084. The strengthening of public credit, issues of notes and taxation, redemption, etc., thereof, and authorization of bond issues in connection therewith have been considered by the Committee on Banking and Currency.—The Committee on Banking and Currency has reported on the following subjects:

In 1898,² the bill (H. R. 10289) to strengthen the public credit, relieve the United States Treasury, and to amend the national-banking laws.

In 1895,³ the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve and to redeem and retire United States notes.

In 1888,⁴ in relation to a limit to the issue of United States notes.

In 1893,⁵ on State bank failures.

In 1891⁶ and 1894,⁷ on State taxation of United States notes.

4085. The Committee on Banking and Currency has jurisdiction of subjects relating to the Freedman's Bank.—The Committee on Banking and Currency has reported bills as follows:

In 1888,⁸ the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company.

In 1898,⁹ the bill (H. R. 7343) authorizing the commissioner of the Freedman's Savings and Trust Company to pay certain dividends.

4086. A bill to incorporate an international bank was reported by the Committee on Banking and Currency.—The Committee on Banking and Currency in 1890,¹⁰ and several succeeding years reported bills providing for the incorporation of an International American Bank.

4087. The jurisdiction of the subject of the issue of silver certificates as currency was given to the Committee on Banking and Currency.—On January 9, 1882,¹¹ the House was considering in Committee of the Whole the resolutions distributing the President's message, among which was the following:

That so much as relates to refunding the public debt, to the national finances, to the abolition of internal-revenue taxes, and to the issue of silver certificates be referred to the Committee on Ways and Means.

¹ First session Fifty-ninth Congress, Reports Nos. 1109, 1835, 2284, 3349, 3617, 5043.

² Second session Fifty-fifth Congress, Report No. 1575.

³ Third session Fifty-third Congress, Report No. 1749.

⁴ First session Fiftieth Congress, Report, No. 115.

⁵ First session Fifty-third Congress, Report No. 147.

⁶ Second session Fifty-first Congress, Report No. 3277.

⁷ Second session Fifty-third Congress, Report No. 862.

⁸ First session Fiftieth Congress, House Report No. 3139.

⁹ Second session Fifty-fifth Congress, House Report No. 1641.

¹⁰ First session Fifty-first Congress, Report No. 2561; second session Fifty-fourth Congress, Report No. 3054; second session Fifty-fifth Congress, Report No. 1627.

¹¹ First session Forty-seventh Congress, Journal, p. 247; Record, pp. 297–299.

Mr. James B. Belford, of Colorado, at once raised a question that the portions of the message relating to "the issue of silver certificates" should be referred to the Committee on Coinage, Weights, and Measures. Mr. Aylett H. Buckner, of Missouri, made the point that the subject more properly belonged to the Committee on Banking and Currency. During the debate the Ways and Means Committee abandoned all pretensions to jurisdiction, and the question was taken as between the Committee on Coinage, Weights, and Measures and the Committee on Banking and Currency. On the vote the Committee on Banking and Currency won the jurisdiction by a vote of ayes 106, noes 45. The resolution was agreed to by the House as amended.

4088. On December 6, 1882,¹ during the consideration of the resolutions distributing the President's message, Mr. Richard P. Bland, of Missouri, took exceptions to the resolution referring the subject of the "issue of silver certificates" to the Committee on Banking and Currency, and moved to substitute instead the Committee on Coinage, Weights, and Measures. The amendment was disagreed to, ayes 51, noes 92, on a vote by tellers.

In 1888² the Committee on Banking and Currency reported the bill (H. R. 8004) authorizing the issue of fractional silver certificates.³

4089. A legislative proposition to maintain the parity of the money of the United States was reported by the Committee on Banking and Currency.—On January 29, 1901,⁴ the Committee on Banking and Currency reported the bill (H. R. 13769) "to maintain the parity of the money of the United States." This bill provided for the exchange of gold coin for standard silver dollars at the Treasury.

4090. The creation and history of the Committee on Coinage, Weights, and Measures, section 6 of Rule XI.

The rule gives to the Committee on Coinage, Weights, and Measures jurisdiction of the subject of "coinage, weights, and measures."

Section 6 of Rule XI provides for the reference of subjects relating—
to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures.

This committee consists of seventeen Members and one Delegate.

The form of the rule was made in the revision of 1880.⁵ The committee was established⁶ as a standing committee January 21, 1864,⁷ when it was called "Com-

¹ Second session Forty-seventh Congress, Record, p. 58.

² First session Fiftieth Congress, Report No. 838.

³ It is to be noted that in 1884 (first session Forty-eighth Congress, Report No. 1730) the Committee on Coinage, Weights, and Measures reported the bill (H. R. 7232) to retire the low denominations of Treasury notes and exchange the silver certificates of large denominations for ones of smaller denominations.

⁴ Second session Fifty-sixth Congress, Report No. 2535.

⁵ Second session Forty-sixth Congress, Record, p. 205.

⁶ In earlier days the subject was considered by select committees. Thus, on December 7, 1825, a Select Committee on Weights and Measures was appointed. (First session Nineteenth Congress, Journal, p. 30.)

⁷ First session Thirty-eighth Congress, Globe, p. 297.

mittee on a Uniform System of Coinage, Weights, and Measures." On March 2, 1867, on motion of Mr. John A. Kasson, of Iowa, the name was changed to the present form.¹

4091. Bills for the establishment of a standardizing bureau and the adoption of the metric system have been reported by the Committee on Coinage, Weights, and Measures.—The Committee on Coinage, Weights, and Measures have reported:

In 1900² the bill (H. R. 11350) to establish a national standardizing bureau.

In 1898³ a bill to fix the standard of weights and measures by the adoption of the metric system.

4092. A bill relating to Hawaiian coinage was reported by the Committee on Coinage, Weights, and Measures.—In 1892,⁴ the Committee on Coinage, Weights, and Measures reported a bill relating to Hawaiian silver coinage and silver certificates.

4093. Subjects relating to the coinage of silver and purchase of bullion have been within the jurisdiction of the Committee on Coinage, Weights, and Measures.—On November 3, 1877,⁵ Mr. Aylett H. Buckner, of Missouri, introduced a bill (H. R. 905) to authorize the free coinage of the standard silver dollar and to restore its legal tender character. He moved that the bill be referred to the Committee on Banking and Currency. Mr. Alexander H. Stephens, of Georgia, raised the question of order that the bill should, under the rules, go to the Committee on Coinage, Weights, and Measures.

The Speaker⁶ stated that when there was a dispute as to reference it was the custom of the Chair to submit the question to the House.

The House, after debate, in which the precedent of 1873 was cited as a case where the Committee on Coinage, Weights, and Measures reported a bill providing for the coinage of a special kind of silver dollar, the House voted, ayes 126, noes 34, that the bill should go to the Committee on Coinage, Weights, and Measures.

On February 12, 1884,⁷ on motion of Mr. Richard P. Bland, of Missouri, and by a vote of ayes 84, noes 34, the House transferred from the Committee on Banking and Currency to the Committee on Coinage, Weights, and Measures the bill (H. R. 3356) to provide for the retirement of the trade dollar.

On December 10, 1890,⁸ the resolutions distributing the President's message provided for the reference of so much as referred to the "purchase and coinage of silver" to the Committee on Coinage, Weights, and Measures.

This committee also have reported:

In 1886⁹ (adversely), the bill (H. R. 5690) for the free coinage of silver.

¹ Second session Thirty-ninth Congress, Journal, p. 601.

² First session Fifty-sixth Congress, Report No. 1452.

³ Second session Fifty-fifth Congress, Report No. 1597.

⁴ First session Fifty-seventh Congress, Reports Nos. 260, 1180.

⁵ First session Forty-fifth Congress, Journal, p. 128; Record, pp. 232, 233.

⁶ Samuel J. Randall, of Pennsylvania, Speaker.

⁷ First session Forty-eighth Congress, Record, pp. 1057, 1058.

⁸ Second session Fifty-first Congress, Journal, p. 43; Record, p. 303.

⁹ First session Forty-ninth Congress, Report No. 524.

In 1892,¹ on the subject of the free coinage of silver.

In 1891,² on the subject of silver bullion deposits, the bill (H. R. 5381) authorizing the issue of Treasury notes on deposits of silver bullion.

In 1884,³ the bill (H. R. 4976) to retire and recoin the trade dollar.

4094. Subjects relating to mints and assay offices are within the jurisdiction of the Committee on Coinage, Weights, and Measures.—On December 6, 1882,⁴ the resolutions distributing the President's message referred to the Committee on Coinage, Weights, and Measures subjects relating to the mints of the United States.

The committee has reported:

In 1902,⁵ on the subject of a branch mint at Omaha, Nebr.

In 1884,⁶ the bill (H. R. 1689) to establish an assay office at Deadwood, S. Dak.

In 1898,⁷ as to an assay office at Seattle, Wash.

4095. Bills for defining and fixing the standard of value and regulating coinage and exchange of coin are within the jurisdiction of the Committee on Coinage, Weights, and Measures.—In 1899,⁸ the Committee on Coinage, Weights, and Measures reported the bill (H. R. 11917) to define and fix the standard of value and to regulate coinage and provide for redemption thereunder.

The committee also reported:

In 1891⁹ and 1900¹⁰ bills relating to exchange of gold coin for gold bars at the mints.

In 1888,¹¹ the bill (H. R. 7214) concerning the coinage of three-dollar gold pieces.

In 1888,¹² the bill (H. R. 7933) concerning the exchange of mutilated coin.

In 1887,¹³ the bill (H. Res. 255) relating to supplies of subsidiary coin; and also the bill (H. R. 11107) relating to the issue and redemption of minor coin.

4096. The creation and history of the Committee on Interstate and Foreign Commerce, section 7 of Rule XI.

The rule gives to the Committee on Interstate and Foreign Commerce jurisdiction of subjects relating to "commerce, Life-Saving Service, and light-houses," but not including appropriations therefor.

¹ First session Fifty-second Congress, Report Nos. 249, 1839.

² First session Fifty-first Congress, Report No. 1086.

³ First session Forty-eighth Congress, Report No. 324.

⁴ Second session Forty-seventh Congress, Journal, p. 40; Record, p. 56. Also in a later Congress similar action was taken. (Second session Fifty-fifth Congress, Record, p. 26.)

⁵ First session Fifty-seventh Congress, Report No. 2703.

⁶ First session Forty-eighth Congress, Report No. 969.

⁷ Second session Fifty-fifth Congress, Report No. 1110.

⁸ Third session Fifty-fifth Congress, Report No. 1876.

⁹ Second session Fifty-first Congress, Report No. 3330.

¹⁰ First session Fifty-sixth Congress, Report No. 1513.

¹¹ First session Fiftieth Congress, Report No. 781.

¹² First session Fiftieth Congress, Report No. 780.

¹³ Second session Forty-ninth Congress, Reports Nos. 3968, 3969.

Section 7 of Rule XI provides for the reference of subjects relating—
to commerce, Life-Saving Service, and light-houses, other than appropriations for Life-Saving Service and light-houses, to the Committee on Interstate and Foreign Commerce.

This committee has eighteen members.

It dates from December 14, 1795, when the number of standing committees was increased from two to four, "Commerce and Manufactures" and "Revisal and Unfinished Business" being added to "Elections" and "Claims."¹ In 1819 the subjects of Commerce and Manufactures were separated.² In early times the committee was sometimes in conflict with the Ways and Means over the jurisdiction of subjects relating to duties.³ In the revision of 1880 the Committee on Rules reported in favor of restoring to the Appropriations Committee the river and harbor bill, which had more recently been reported from the Committee on Commerce, allowing the Committee on Commerce to frame the bill, but requiring it to be reported to the Committee on Appropriations.⁴

The House dissented from this plan, and after long debate agreed to a rule⁵ in this form:

To commerce, Life-Saving Service, and light-houses, other than appropriations for Life-Saving Service and light-houses: to the Committee on Commerce. And the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

On December 19, 1883, the Committee on Rivers and Harbors was established, and took the jurisdiction of the river and harbor bill, with its privileges.⁶ In 1892 the present name of "Interstate and Foreign Commerce"⁷ was adopted.⁸

4097. The Committee on Interstate and Foreign Commerce has jurisdiction of bills affecting domestic and foreign commerce, except such as may affect the revenue.—The jurisdiction of the Committee on Interstate and Foreign Commerce includes "subjects relating to the commerce of the United States, domestic and foreign, except so far as it affects the revenue."⁹

4098. Bills establishing the Department of Commerce and Labor and relating to the Interstate Commerce Commission were reported by the Committee on Interstate and Foreign Commerce.—In 1903,¹⁰ the Committee on Interstate and Foreign Commerce reported the bill establishing the Department of Commerce and Labor; and in 1906¹¹ on the Interstate Commerce Commission.

¹Third and Fourth Congress, Journal, p. 375 (Gales and Seaton ed.).

²See Journal, first session Sixteenth Congress, pp. 9, 22; Annals, pp. 708, 709. (See also sec. 4221 of this volume.)

³First session Seventeenth Congress, Annals of Congress, Vol. I, p. 530.

⁴Second session Forty-sixth Congress, Record, p. 200.

⁵Second session Forty-sixth Congress, Record, pp. 663, 1261.

⁶First session Forty-eighth Congress, Record, pp. 196, 214.

⁷On December 14, 1847 (First session Thirtieth Congress, Journal, pp. 76, 82; Globe, pp. 25, 27–30), a proposition was made to divide the old Committee on Commerce into two committees, one to have interstate commerce and the other foreign commerce; but it was not acted on at that time.

⁸First session Fifty-second Congress, Record, p. 653.

⁹Resolutions distributing the President's message (third session Fifty-fifth Congress, Record, p. 25).

¹⁰Second session Fifty-seventh Congress, Report No. 2970.

¹¹First session Fifty-ninth Congress, Report No. 591.

¹¹First session Fifty-ninth Congress, Report No. 591.

4099. Legislation relating to the construction of bridges over navigable waters belongs to the jurisdiction of the Committee on Interstate and Foreign Commerce.—On April 1, 1884,¹ the Committee on Commerce² reported the bill (H. R. 6100) making general provisions of law in regard to the erection of bridges over navigable waters; and the Committee on Interstate and Foreign Commerce has exercised continuously jurisdiction on this subject, both for general and special bills.³

In 1898⁴ the committee reported a resolution of inquiry relating to obstructions in Niagara River which might have a bearing on a pending proposition for the authorization of a bridge.

4100. The Committee on Interstate and Foreign Commerce considers bills relating to dams in navigable streams unless they are related to improvements under jurisdiction of the Committee on Rivers and Harbors.—On April 15, 1884,⁵ the Committee on Commerce⁶ reported the bill (H. R. 6657) authorizing the construction of a dam across the Mississippi River at St. Cloud, Minn. And this general jurisdiction of the subject of dams across navigable rivers has remained with the Committee on Interstate and Foreign Commerce and has been exercised with great frequency.⁷

On December 11, 1902,⁸ on motion of Mr. Theodore E. Burton, of Ohio, chairman of the Committee on Rivers and Harbors, the reference of House bills 15605 and 15606, providing, respectively, for the construction of a lock or locks and a dam in Bayou Vermilion and the Mermentau River, in the State of Louisiana, was changed from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors. But Mr. William P. Hepburn, of Iowa, chairman of the Committee on Interstate and Foreign Commerce, said:

I do not want to consent by this action to the idea that jurisdiction ordinarily in cases of this kind is lodged with the Committee on Rivers and Harbors, but in this instance, this stream being now in process of improvement and being the subject of appropriation, I think it would be better that the subject of this bill should be considered by that committee.

On May 22, 1906,⁹ on motion of Mr. Frederick C. Stevens, of Minnesota, by direction of the Committee on Interstate and Foreign Commerce, the reference of the following bill was changed from that committee to the Committee on Rivers and Harbors:

A bill (H. R. 17138) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River going over the dams between St. Paul and Minneapolis, Minn.

¹ First session Forty-eighth Congress, Report No. 1041.

² The name of the committee has been changed since that date.

³ See index of Journal for first session Fifty-ninth Congress, p. 1366, for illustration of this.

⁴ Second session Fifty-fifth Congress, Report No. 663.

⁵ First session Forty-eighth Congress, Report No. 1303.

⁶ This was before the change of name of the committee.

⁷ See especially index of Journal, first session Fifty-ninth Congress, p. 1366. (Reports Nos. 337, 2177, 3396, etc.)

⁸ Second session Fifty-seventh Congress, Record, p. 246.

⁹ First session Fifty-ninth Congress, Record, p. 7236.

In 1906,¹ under the same principle of jurisdiction, the Committee on Rivers and Harbors reported the bill relating to a dam² across Rock River, Illinois.

4101. Bills declaring as to whether or not streams are navigable and for preventing hindrances to navigation are reported by the Committee on Interstate and Foreign Commerce.—On January 23, 1902,³ the bill (H. R. 9213) declaring the St. Joseph River to be not a navigable stream was, by order of the House, referred from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce.

The Committee on Interstate and Foreign Commerce reported in 1894⁴ on bill relating to licenses for persons residing on boats on navigable rivers.

4102. The regulation of harbors, and the placing of works likely to be obstructive to navigation, such as pipes and tunnels, are subjects within the jurisdiction of the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has reported as follows:

In 1888,⁵ the bill (H. R. 3333) to enable the city of Chicago to construct a crib in the navigable waters of Lake Michigan in order to get a city water supply.

In 1891,⁶ a bill relating to the crib work of Chicago water works in Lake Michigan.

In 1890,⁷ on bills relating to a tunnel under the Detroit River; also bill relating to a tunnel under New York Harbor between Long Island and Staten Island.

In 1891,⁸ a bill relating to pipes under navigable rivers.

In 1902⁹ and 1903,¹⁰ on the tunnels under Chicago River; and in 1906¹¹ on a tunnel under Lake Erie and Niagara River.

In 1900,¹² the bill (H. R. 8777) to confer certain powers on supervisor of New York Harbor.

In 1893,¹³ a bill relating to anchorage of vessels in Chicago Harbor.

In 1906,¹⁴ on movements and anchorage of vessels in Hampton Roads, Virginia.

4103. The subject of a canal between the Atlantic and Pacific, and to a limited extent the general subject of canals in the United States, have been considered by the Committee on Interstate and Foreign Com-

¹ First session Fifty-ninth Congress, Report No. 692.

² Occasional instances are found where the Committee on Rivers and Harbors have reported bills which more properly belonged to the jurisdiction of the Interstate and Foreign Commerce Committee as to dams. See instances in 1892 and 1893. (First session Fifty-second Congress, Report No. 557; second session Fifty-second Congress, Report No. 2555.)

³ First session Fifty-seventh Congress, Journal, p. 256.

⁴ Second session Fifty-third Congress, Report No. 1211.

⁵ First session Fiftieth Congress, Report No. 729.

⁶ Second session Fifty-first Congress, Report No. 3659.

⁷ First session Fifty-first Congress, Reports Nos. 786, 1977, 3221.

⁸ Second session Fifty-first Congress, Report No. 3354.

⁹ Second session Fifty-second Congress, Report No. 3746.

¹⁰ Second session Fifty-eighth Congress, Report No. 1855.

¹¹ First session Fifty-ninth Congress, Report No. 4981.

¹² First session Fifty-sixth Congress, Report No. 478.

¹³ Second session Fifty-second Congress, Report No. 2373.

¹⁴ First session Fifty-ninth Congress, Report No. 5020.

merce.—In 1888¹ and 1890,² the Committee on Interstate and Foreign Commerce reported generally on the subject of the proposed Nicaragua Canal, to connect the waters of the Atlantic and Pacific oceans. On April 28, 1894,³ the reference of the bill (H. R. 6053) to amend the act incorporating the Maritime Canal Company of Nicaragua was changed from the Committee on Foreign Affairs to the Committee on Interstate and Foreign Commerce. In 1899,⁴ in the resolutions distributing the President's message, the jurisdiction was confirmed, and in 1900⁵ the Committee on Interstate and Foreign Commerce reported on the Nicaragua and other oceanic canals.

In 1886,⁶ this committee reported a resolution relating to progress on the Panama Canal, and in 1906⁷ on the general subject of this canal.

In 1886,⁸ also, this committee reported the bill (H. R. 5885) relating to the Atlantic and Pacific Ship Railway Company and government encouragement thereto.

The committee has also reported on the subject of canals within the United States:⁹

In 1901,¹⁰ on the subject of the Duluth Canal.

In 1895,¹¹ the subject of canals to connect the Great Lakes with the Atlantic Ocean.

In 1892,¹² on the Welland and St. Lawrence canals.

In 1893,¹³ the subject of a ship canal between Lakes Union and Washington and Puget Sound.

4104. Bills establishing light-houses and fog signals and authorizing light-ships are reported by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has reported legislative bills relating to certain aids to navigation, as follows:

In 1882¹⁴ on bills relating to marine lights and fog signals.

In 1884¹⁵ bills establishing lights; and in 1906,¹⁶ bills establishing a light-ship at Brunswick, Ga., lights in Hawaii, and light-houses, light stations, and fog signals generally.

In 1884,¹⁷ the bill (H. R. 3890) to establish a signal station on Nantucket Island and submarine cable communication with the mainland.

¹ First session Fiftieth Congress, Report No. 530.

² First session Fifty-first Congress, Report No. 3035.

³ Second session Fifty-third Congress, Record, p. 4228.

⁴ Third session Fifty-fifth Congress, Record, p. 25.

⁵ First session Fifty-sixth Congress, Report No. 351.

⁶ First session Forty-ninth Congress, Record, p. 4137.

⁷ First session Fifty-ninth Congress, Report No. 5017.

⁸ First session Forty-eighth Congress, Report No. 717.

⁹ See, however, jurisdiction of Committee on Railways and Canals, section 4217 of this volume.

¹⁰ First session Fifty-seventh Congress, Report No. 33.

¹¹ Third session Fifty-third Congress, Report No. 1840.

¹² First session Fifty-second Congress, Report No. 185.

¹³ Second session Fifty-second Congress, Report No. 2395.

¹⁴ Forty-seventh Congress, first session, Report No. 682; second session, Reports Nos. 1944, 1972, 1973.

¹⁵ First session Forty-eighth Congress, Reports Nos. 197–199.

¹⁶ First session Fifty-ninth Congress, Reports Nos. 158, 159, 1560, 2279, 4251.

¹⁷ First session Forty-eighth Congress, Report No. 1301.

4105. Bills relating to ocean derelicts, lumber rafts, and hydrographic office charts have been reported by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has exercised a general jurisdiction as to certain obstructions to navigation, and has reported:

In 1895,¹ 1905,² and 1906,³ bills relating to the removal of derelict craft in the ocean.

In 1891⁴ and 1893,⁵ bills on the subject of lumber rafts on the Great Lakes.

In 1884,⁶ the resolution (H. Res. 134) for the distribution of the charts and other publications of the hydrographic office.

4106. Bills relating to ocean cables have been reported by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has reported:

In 1900,⁷ the bill (S. 2) for the establishment of a trans-Pacific cable.

In 1902,⁸ on a submarine cable to Hawaii, Guam, and Philippine Islands.

In 1898,⁹ a bill authorizing the Postmaster-General to make a perpetual contract with the Pacific Cable Company.

4107. Bills relating to the Life-Saving Service and refuge stations in the Arctics have been reported by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has exercised general jurisdiction of the Life-Saving Service, and has reported as follows:

In 1889,¹⁰ bills in relation to life-saving stations.

In 1887,¹¹ the bill (H. R. 10996) providing for the establishment of a life-saving station at Kewaunee, Wis.

In 1892,¹² a bill providing for Virginia coast telephone service for assistance to Life-Saving Service.

In 1902,¹³ a bill relating to a life-saving station at Nome, Alaska.

In 1902,¹⁴ a bill relating to pensions for officers and men of Life-Saving Service.

In 1889,¹⁵ the bill (H. R. 12215) to establish a refuge station at Point Barrow, Alaska.

In 1899,¹⁶ the bill (S. 5144) donating life-saving apparatus to the Imperial Japanese Society for Saving Life from Shipwreck.

¹ First session Fifty-third Congress, Report No. 125.

² Second session Fifty-eighth Congress, Report No. 2515.

³ First session Fifty-ninth Congress, Report No. 3589.

⁴ Second session Fifty-first Congress, Report No. 3759.

⁵ Second session Fifty-second Congress, Report No. 2353.

⁶ First session Forty-eighth Congress, Report No. 325.

⁷ First session Fifty-sixth Congress, Report No. 1114.

⁸ First session Fifty-seventh Congress, Report No. 568.

⁹ Second session Fifty-fifth Congress, Report No. 664.

¹⁰ Second session Fiftieth Congress, Reports Nos. 3988, 4108.

¹¹ Second session Forty-ninth Congress, Report No. 4034.

¹² First session Fifty-second Congress, Report No. 1044.

¹³ Third session Fifty-eighth Congress, Report No. 4801.

¹⁴ First session Fifty-seventh Congress, Report No. 2646.

¹⁵ Second session Fiftieth Congress, Report No. 3751.

¹⁶ Third session Fifty-fifth Congress, Report No. 2053.

4108. Bills authorizing the construction of revenue cutters and auxiliary craft of the Customs Service are reported by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has general jurisdiction of the Revenue-Cutter Service, and auxiliary craft for the Customs Service, and has reported:

In 1882,¹ 1889,² 1902,³ and 1906⁴ on bills relating to the organization and efficiency of the Revenue-Cutter Service.

In 1884⁵ and 1902,⁶ bills authorizing the construction of revenue cutters for waters of the United States, including Alaska.

In 1890,⁷ a bill providing for the Revenue Service a boarding vessel for Chicago Harbor.

In 1896,⁸ 1900,⁹ and 1902,¹⁰ bills providing steam launches for various customs collection districts.

In 1890,¹¹ a bill providing a steamer for use of the civil government of Alaska.

4109. The general subjects of quarantine and the establishment of quarantine stations are within the jurisdiction of the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has reported bills relating to the subject of quarantine¹² and regulation and establishment of quarantine stations,¹³ and also, in 1888,¹⁴ on the bill (H. R. 1526) to establish a bureau of public health and prevent the importation of infectious diseases into the United States.

4110. Bills authorizing the construction of marine hospitals and the acquisition of sites therefor are reported by the Committee on Interstate and Foreign Commerce.—Since 1880,¹⁵ the Committee on Interstate and Foreign Commerce has exercised jurisdiction over bills authorizing the construction of marine hospitals, and the acquisition of sites¹⁶ for the same.

¹ First session Forty-seventh Congress, Report No. 926.

² Third session Fifty-fifth Congress, Report No. 2100.

³ First session Fifty-seventh Congress, Report No. 622.

⁴ First session Fifty-ninth Congress, Reports Nos. 4902, 2749.

⁵ First session Forty-eighth Congress, Report No. 802.

⁶ First session Fifty-seventh Congress, Reports Nos. 67, 253, 103, 1317.

⁷ First session Fifty-first Congress, Report No. 2861.

⁸ First session Fifty-fourth Congress, Report No. 1545.

⁹ First session Fifty-sixth Congress, Reports Nos. 481, 1220.

¹⁰ First session Fifty-seventh Congress, Report No. 130.

¹¹ First session Fifty-first Congress, Report No. 1203.

¹² Second session Fifty-second Congress, Report No. 2210; first session Fifty-ninth Congress, Report No. 3161.

¹³ First session Forty-seventh Congress, Report No. 50; second session Forty-ninth Congress, Report No. 3998; second session Fifty-fifth Congress, Report No. 626; second session Fifty-eighth Congress, Report No. 1391; first session Fifty-ninth Congress, Reports Nos. 2277, 2341.

¹⁴ First session Fiftieth Congress, Report No. 498.

¹⁵ First session Forty-sixth Congress, bill H. R. 1607; first session Forty-seventh Congress, Reports Nos. 48, 396, 400, 759, 1211; first session Fifty-first Congress, Reports Nos. 246, 1400, 2498; first session Fifty-sixth Congress, Reports Nos. 186, 1649; first session Fifty-seventh Congress, Reports Nos. 270, 548, 948.

¹⁶ First session Forty-seventh Congress, Report No. 399; first session Forty-eighth Congress, Report No. 1039; first session Fiftieth Congress, Report No. 1235.

4111. Subjects relating to health, spread of leprosy, and other contagious diseases, international congress of hygiene, etc., have been considered by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce, probably in consideration of the fact that it has jurisdiction of legislation relating to the Marine-Hospital Service, has also exercised a broad jurisdiction over bills relating to the subject of health generally. Thus it has reported—

In 1904¹ and 1907² on the International Congress of Hygiene and Demography.³

In 1886,⁴ 1889,⁵ 1890,⁶ and 1897⁷ on bills for the prevention of the introduction and spread of contagious and infectious diseases.

In 1886⁸ on the bill (H. R. 1730) providing for a commission to investigate inoculation for yellow fever.

In 1898⁹ and 1899¹⁰ on the investigation of leprosy, and in 1905¹¹ on the subject of establishing a leprosarium.

4112. Bills to prevent the adulteration, misbranding, etc., of foods and drugs have been reported by the Committee on Interstate and Foreign Commerce.—On March 4, 1882,¹² the Committee on Commerce reported the bill (H. R. 4789) to prevent adulterated foods and drugs from being shipped from abroad into this country, and to prevent the manufacture and sale of such drugs in the District of Columbia and the Territories.

In 1900¹³ the Committee on Interstate and Foreign Commerce reported the bill (H. R. 9677) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein.

Also in 1900¹⁴ and 1902,¹⁵ bills to prevent false branding of food and dairy products.

And in 1902,¹⁶ 1904,¹⁷ and 1906,¹⁸ bills relating to purity of foods and drugs.

In 1900¹⁹ the committee reported the bill (H. R. 5) to appoint a commission for the investigation of water supplies.

¹ Third session Fifty-eighth Congress, Report No. 4208.

² Second session Fifty-ninth Congress, Report No. 8020.

³ See, however, section 4177 of this volume.

⁴ First session Forty-ninth Congress, Report No. 1230.

⁵ Second session Fiftieth Congress, Report No. 3587.

⁶ First session Fifty-first Congress, Report No. 539.

⁷ Second session Fifty-fourth Congress, Report No. 3047.

⁸ First session Forty-ninth Congress, Report No. 2914.

⁹ Second session Fifty-fifth Congress, Report No. 1215.

¹⁰ Third session Fifty-fifth Congress, Report No. 1759.

¹¹ Third session Fifty-eighth Congress, Reports Nos. 4599, 4624.

¹² First session Forty-seventh Congress, Report No. 634.

¹³ First session Fifty-sixth Congress, Report No. 1426.

¹⁴ First session Fifty-sixth Congress, Report No. 872.

¹⁵ First session Fifty-seventh Congress, Report No. 258.

¹⁶ First session Fifty-seventh Congress, Report No. 1319.

¹⁷ Second session Fifty-eighth Congress, Report No. 381.

¹⁸ First session Fifty-ninth Congress, Report No. 2118.

¹⁹ First session Fifty-sixth Congress, Report No. 89.

4113. The regulation of exportation of live stock, meat, and other agricultural products has been to a certain extent within the jurisdiction of the Committee on Interstate and Foreign Commerce.—On February 14, 1894,¹ the Committee on Agriculture was discharged from the consideration of the bill (H. R. 88) to prohibit monopoly in the transportation of cattle to foreign countries, and it was referred to the Committee on Interstate and Foreign Commerce.

The Committee on Interstate and Foreign Commerce has also reported as follows:

In 1886² and 1891³ on bills providing for the inspection of live stock and meats for foreign shipment.

In 1884⁴ and 1887⁵ on bills providing for inspection of live stock and meats for exportation, prohibiting the importation of adulterated articles of food and drink.

In 1891⁶ on the subject of inspection of vessels engaged in exportation of animals.

In 1882⁷ and 1884⁸ a bill regulating the exportation of imitation butter and cheese.

4114. The regulation of railroads through the relation which they bear to interstate commerce is within the jurisdiction of the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce has exercised a broad jurisdiction over the subject of railroads.⁹ The subjects of intercolonial and interstate railways have been given to this committee by resolutions distributing the message of the President.¹⁰ It also has reported—

In 1888¹¹ the bill (H. R. 8367) for the regulation of railway companies chartered by the United States; also the same year on a resolution requesting the Interstate Commerce Commission to investigate the strike on the Reading Railroad.

In 1889¹² a resolution in relation to a meeting of railroad presidents.

In 1893¹³ as to an investigation of alleged coal combination among certain railroads.¹⁴

In 1895¹⁵ on railroad train wrecking.

¹ Second session Fifty-third Congress, Record, p. 2183.

² First session Forty-ninth Congress, Report No. 1644.

³ First session Fifty-first Congress, Report No. 2985.

⁴ First session Forty-eighth Congress, Report No. 1036.

⁵ Second session Forty-ninth Congress, Report No. 3777.

⁶ Second session Fifty-first Congress, Report No. 3752.

⁷ First session Forty-seventh Congress, Report No. 1706.

⁸ First session Forty-eighth Congress, Report No. 1669.

⁹ The Committee on Railways and Canals has in fact retained little if any jurisdiction over this subject in recent years.

¹⁰ See second session Fifty-fifth Congress, Record, p. 26, and third session, Record, p. 25.

¹¹ First session Fiftieth Congress, Reports Nos. 2514 and 170.

¹² Second session Fiftieth Congress, Report No. 4092.

¹³ Second session Fifty-second Congress, Report No. 2278.

¹⁴ But the subject of State jurisdiction over railroads was reported in 1896 by the Committee on the Judiciary. First session Fifty-fourth Congress, Report No. 102.

¹⁵ Third session Fifty-third Congress, Report No. 1726.

In 1891¹ on a bill relating to rates of fare for commercial travelers; and in 1897² and 1898³ on bills relating to ticket brokerage.

In 1896,⁴ 1900,⁵ 1902,⁶ and 1904,⁷ on bills to provide for the safety of railroad employees by requiring common carriers engaged in interstate commerce to equip their cars with couplers and brakes of a certain kind.⁸

In 1906,⁹ the railroad rate bill, which became a law; and on the subject of railroad discriminations and monopolies.

4115. Bills relating to commercial travelers as agents of interstate commerce and the branding of articles going into such commerce have been considered by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce in 1886,¹⁰ 1888,¹¹ and 1892,¹² reported bills on the subject of license fees required by States of commercial travelers or agents of interstate commercial transactions.

In 1906,¹³ a bill, which became a law, relating to the misbranding of merchandise made of gold and silver and entering into interstate commerce.

4116. Bills to prevent the carriage from one State to another of indecent or harmful pictures or literature have been reported by the Committee on Interstate and Foreign Commerce.—The Committee on Interstate and Foreign Commerce reported, in 1896,¹⁴ a bill relating to the carrying of obscene literature and articles designed for indecent and immoral use from one State to another; also, in 1904,¹⁵ a similar bill.

In 1897,¹⁶ the bill (H. R. 10369) to forbid the transmission by mail or interstate commerce of any picture or description of a prize fight.

4117. The subject of protection of game through prohibition of interstate transportation has been considered by the Committee on Interstate and Foreign Commerce.—In 1900¹⁷ the Committee on Interstate and Foreign Commerce reported the bill (H. R. 6634) to enlarge the powers of the Department of Agriculture and prohibit the transportation by interstate commerce of game killed in violation of local laws.

¹ Second session Fifty-first Congress, Report No. 3600.

² Second session Fifty-fourth Congress, Report No. 2586.

³ Second session Fifty-fifth Congress, Report No. 232.

⁴ First session Fifty-fourth Congress, Report No. 727.

⁵ First session Fifty-sixth Congress, Report No. 1757.

⁶ First session Fifty-seventh Congress, Report No. 2563.

⁷ Second session Fifty-eighth Congress, Report No. 2605.

⁸ In 1894 (first session Forty-eighth Congress) the Committee on Railways and Canals reported the bill (H. R. 313) to regulate the coupling of cars on railroads in the United States (Report No. 950); also in 1890 (first session Fifty-first Congress, Report No. 3014); and in 1884 the bill (H. R. 312) to establish a uniform code of signals for the railroads of the United States (Report No. 951).

⁹ First session Fifty-ninth Congress, Reports Nos. 591, 1557, 2274.

¹⁰ First session Forty-ninth Congress, Report No. 1762.

¹¹ First session Fiftieth Congress, Report No. 1310.

¹² First session Fifty-second Congress, Report No. 186.

¹³ First session Fifty-ninth Congress, Report No. 2402.

¹⁴ First session Fifty-fourth Congress, Report No. 1363.

¹⁵ Second session Fifty-eighth Congress, Report No. 383.

¹⁶ Second session Fifty-fourth Congress, Report No. 3046.

¹⁷ First session Fifty-sixth Congress, Report No. 474.

4118. The creation and history of the Committee on Rivers and Harbors, section 8 of Rule XL.

The rule gives to the Committee on Rivers and Harbors the jurisdiction of subjects relating “to the improvement of rivers and harbors.”

Section 8 of Rule XI provides for the reference of subjects relating—to the improvements of rivers and harbors: to the Committee on Rivers and Harbors.

This committee has eighteen Members.

It was authorized as a standing committee on December 19, 1883,¹ with the same privilege for reporting the river and harbor bill² that had been enjoyed by the Committee on Commerce.³ This privilege still remains, being provided for in section 61 of Rule XI.⁴

4119. A subject of which the River and Harbor Committee has jurisdiction may be reported in the river and harbor bill.—On February 23, 1905,⁵ the river and harbor appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when this paragraph was read:

Upon the completion of the dredging of said Snake River and the construction of the bulkheads and jetties, so as to form a channel from the ocean into Snake River not less than 50 feet wide and 6 feet deep at mean low tide, the said Nome Improvement Company shall have the right, during the time it may maintain the channel aforesaid, to collect as toll on freight and passengers entering or leaving the mouth of the jetties so constructed, as follows: On all freight carried in or out, \$1 per ton; passengers, 25 cents each; horses and cattle, \$1 per head; hogs and sheep, 25 cents each: *Provided, however,* That these rates of toll and any wharfage rates charged or imposed by the said company may be revised, modified, or changed by the Secretary of War whenever he becomes satisfied that the same are unreasonable or oppressive: *Provided, further,* That all native Indians and Eskimos shall have the right of free ingress and egress through said channel and jetties to and from Snake River with their boats, provisions, and personal effects.

Mr. James R. Mann, of Illinois, raised a question of order.

Mr. Chairman, this is a bill which is reported originally by the Committee on Rivers and Harbors, not a bill which has been referred to that committee by the House, and anything in the bill which they have not authority to report as a privileged matter under the rules is subject to a point of order. Under the rules they are permitted to report at any time bills relating to the improvement of rivers and harbors. This paragraph has nothing whatever to do with the improvement of either a river or a harbor. It is a paragraph granting a franchise to a company and authorizing the company to collect tolls on freights and passengers, and is not related to the improvement of the river and harbor at Nome at all. It contains a large number of provisions in reference to wharfage rates, not one of which, I contend, is within the jurisdiction of the committee to report in this bill. * * * This bill is a privileged bill under the rule—a bill which they can call up as a privileged matter under the rule with a right to report it at any time. Now, clearly, the Committee on Rivers and Harbors, if it had a Senate bill referred to it—and which it has already reported, by the way, and which is within the jurisdiction of that committee—clearly that bill was not subject to be called up at any time.

¹First session Forty-eighth Congress, Record, pp. 196, 214.

²For an exhaustive discussion of the jurisdiction over river and harbor bills from the foundation of the Government, see Congressional Record of December 4, 1877 (second session Forty-fifth Congress, pp. 18, 20, 21, etc.).

³See section 4096 of this volume.

⁴See section 4621 of this volume.

⁵Third session Fifty-eighth Congress, Record, pp. 3225, 3226.

That bill would go on the Union Calendar, or whatever calendar it goes onto, and be subject to the rules. Now, giving the committee this jurisdiction to report at anytime upon one kind of a proposition would not enable it to insert in the bill which it reports some other proposition which is not privileged and have that considered in that bill.

The Chairman¹ said:

The question is upon the point of order raised by the gentleman from Illinois. In the opinion of the Chair, the fact having been established by the statement of the gentleman from Ohio that this legislation contained in the Senate bill was referred to the Committee on Rivers and Harbors, leads the Chair to believe that that committee has acquired jurisdiction, and the point of order is not well taken.

* * * The Chair will call the attention of the gentleman from Iowa to the rule which says that the bills may be reported at any time—clearly.

* * * This is clearly a provision coming from the River and Harbor Committee, and if the committee has jurisdiction of the subject-matter they may report it to the House.

* * * The gentleman from Illinois is wrong. The tolls provided for by this section are intended to be for the improvement.

4120. To a bill providing generally for the improvement of rivers and harbors an amendment providing for an additional harbor was held to be germane.—On February 1, 1899,² the river and harbor bill (H. R. 11795) was under consideration in Committee of the Whole House on the state of the Union, and the following paragraph had been reached:

Improving harbor at Milwaukee, Wis.: For maintenance, \$14,000.

To this Mr. Theobald Otjen, of Wisconsin, proposed this amendment:

After the word “dollars,” insert “improving the harbor of South Milwaukee, Wis., \$10,000.”

Mr. Theodore E. Burton, of Ohio, made a point of order against this amendment.

The Chairman³ held:

The Chair desires to state to the gentleman in charge of the bill [Mr. Burton] that, in the opinion of the Chair, the point made that it is not germane is not well taken, and the Chair will overrule that; and if there is no further debate, the Chair will put the motion.

4121. A proposition to improve the harbor of a foreign country was held not to be germane to the river and harbor bill.—On March 20, 1902,⁴ while the river and harbor appropriation bill was under consideration in Committee of the Whole House on the state of the Union, Mr. Samuel M. Robertson, of Louisiana, proposed the following amendment:

Between lines 2 and 3 on page 52 insert: “For improving the harbor of Habana, Cuba, to be expended under the supervision of the Secretary of War, \$2,500,000.”

Mr. Theodore E. Burton, of Ohio, having raised a question of order, the Chairman⁵ said:

The Chair is of the opinion that the amendment is not germane to that part of the bill to which it is offered, and also is of opinion that it is not germane to the bill at all, and therefore sustains the point of order.

¹ William A. Smith, of Michigan, Chairman.

² Third session Fifty-fifth Congress, Record, p. 1364.

³ Albert J. Hopkins, of Illinois, Chairman.

⁴ First session Fifty-seventh Congress, Record, p. 3093.

⁵ Marlin E. Olmsted, of Pennsylvania, Chairman.

4122. River and harbor improvements not authorized or placed under contract may not be appropriated for in the sundry civil appropriation bill.—On May 5, 1900,¹ the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and Mr. D. W. Shackelford, of Missouri, offered this amendment:

“Improving Missouri River at Jefferson City, Mo.: Continuing improvement, \$50,000; and at Overton, Mo., continuing improvement, \$50,000.”

Mr. Joseph G. Cannon, of Illinois, made a point of order against the proposed amendment, which did not relate to a work authorized by existing law and under contract.

The Chairman² sustained the point of order.

4123. On February 12, 1903³ the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Charles Curtis, of Kansas, proposed the following amendment:

Insert in line 13, page 108, after the word “dollars,” the following:

“To continue the work of repairing and renewing the revetments on the Kansas bank of the Missouri River, in Elwood and Belmont bends, near the city of St. Joseph, Mo., the sum of \$40,000, or so much thereof as may be necessary, to be immediately available.”

Mr. Theodore E. Burton, of Ohio, made the point of order that the matter was not within the jurisdiction of the committee reporting this bill, and that it was not authorized by law.

After debate the Chairman⁴ held:

The Chair is ready to rule. Upon the facts conceded in the discussion on this point of order it is clear to the Chair that if the item proposed in this amendment had been originally included in the pending appropriation bill as it came from the Committee on Appropriations it would not have been in order, on the ground that the Committee on Appropriations under the rules of the House has no jurisdiction of the subject-matter of this amendment. The Chair therefore sustains the point of order.

4124. On March 30, 1904,⁵ during consideration of the sundry civil appropriation bill in Committee of the Whole House on the state of the Union, the Clerk read:

Improving harbor at Toledo, Ohio: For continuing improvement, \$70,000.

Mr. R. B. Scarborough, of South Carolina, offered the following amendment:

Amend line 6, page 100, by inserting:

“Improving Waccamaw River, South Carolina: For special improvement of Waccamaw River, South Carolina, between Conway and Bucksville, in Horry County, \$15,000.”

Mr. James A. Hemenway, of Indiana, made the point of order that the proposition was not authorized by law.

In the debate it was shown that the proposed work had not been authorized by law.

¹ First session Fifty-sixth Congress, Record, pp. 5198, 5199.

² John Dalzell, of Pennsylvania, Chairman.

³ Second session Fifty-seventh Congress, Record, pp. 2081–2083.

⁴ James A. Tawney, of Minnesota, Chairman.

⁵ Second session Fifty-eighth Congress, Record, p. 4000.

The Chairman¹ held:

The river and harbor bill alone provides for authorizations of appropriations for rivers and harbors. The sundry civil bill simply makes provision for such improvements as are authorized and placed under contract by the river and harbor bill.

4125. The preservation of public works for the benefit of navigation and the use of water power on improved streams have been within the jurisdiction of the Committee on Rivers and Harbors.—As an incident of its function of improving the rivers and harbors the Committee on Rivers and Harbors has sometimes reported on bills as to related subjects. Thus it reported:

In 1890² a bill to prevent the obstruction of navigable waters and to protect public works from injury.

In 1891³ on the use of surplus water in the Kentucky River for industries, and the same year on certain commercial statistics.

In 1900⁴ the bills (H. R. 11876) regulating the construction and operation of a water power canal at Sault Ste. Marie, Mich.; (H. R. 9542) extending the time for completion of the works of the Muscle Shoals Power Company of Alabama;⁵ (H. R. 9824) relating to the floating loose timber and logs and rafts in navigable streams.

4126. The Committee on Rivers and Harbors has reported on the subject of an international arrangement as to the use of water at the outlet of the Great Lakes.—The Committee on Rivers and Harbors has exercised jurisdiction over legislation inviting the Government of Great Britain to join in the formation of an international commission to investigate into the conditions and uses of the waters on the boundary line whose outlet is the St. Lawrence River, and as to the advisability of locating a dam at the outlet of Lake Erie.⁶

4127. An amendment prohibiting the employment of nonresident foreigners, on certain river and harbor works was held not to be germane to the river and harbor bill.—On January 16, 1901,⁷ the river and harbor bill (H. R. 13189) was under consideration in Committee of the Whole House on the state of the Union, and Mr. John B. Corliss, of Michigan, offered this amendment:

That all persons hereafter employed by the United States or by any contractor or subcontractor, under and by virtue of the authority hereby granted and appropriations hereby made, shall be bona fide residents or citizens of the United States; and all contracts or subcontracts made for the expenditure of the moneys hereby appropriated shall expressly prohibit the employment of nonresident foreigners in the execution of said public improvements. A violation of said provision by any contractor or subcontractor shall render such contract or subcontract null and void.

Mr. Theodore E. Burton, of Ohio, made the point of order that the subject of the proposed amendment was not germane to the bill.

¹Theodore E. Burton, of Ohio, Chairman.

²First session Fifty-first Congress (Report No. 1635).

³Second session Fifty-first Congress, Reports Nos. 3278, 3460.

⁴First session Fifty-sixth Congress, Reports Nos. 731, 1759, 1816.

⁵In 1906 the Committee on Interstate and Foreign Commerce reported on the subject of the dam at Muscle Shoals, Ala. (First session Fifty-ninth Congress, Report No. 1350.)

⁶River and harbor act of 1902. (32 Stat. L., p. 373.) The river and harbor act of 1906 also contained legislation on this subject. This jurisdiction must be regarded as exceptional, however, as ordinarily it would belong to the Committee on Foreign Affairs. (See sec. 4165 of this volume.)

⁷Second session Fifty-sixth Congress, Record, pp. 1095, 1096.

After debate the Chairman¹ held:

The Chair will state that in the judgment of the Chair this is a separate and independent proposition, without reference to what may be its merits, and the Chair must hold that it is not germane to the purposes of the bill, and sustains the point of order.

4128. An amendment providing for a system of irrigating arid lands was held not to be germane to the river and harbor bill.—On January 15, 1901,² the river and harbor bill (H. R. 13189) was under consideration in Committee of the Whole House on the state of the Union, when Mr. William H. King, of Utah, offered an amendment providing for a plan of irrigating arid public lands.

Mr. Theodore E. Burton, of Ohio, made the point of order that the amendment was not germane.

The Chairman¹ said:

The Chair holds that it is neither germane to the purpose of the bill, nor does the Committee on Rivers and Harbors have jurisdiction of the subject-matter contained in the amendment.

4129. The creation and history of the Committee on Merchant Marine and Fisheries, section 9 of Rule XI.

The jurisdiction of subjects relating to the “merchant marine and fisheries” is given by the rule to the Committee on Merchant Marine and Fisheries.

Section 9 of Rule XI provides for the reference of subjects relating—
to the merchant marine and fisheries: to the Committee on the Merchant Marine and Fisheries.

This committee has eighteen members.

It dates from December 21, 1887,³ when it was established to take the place of the old Select Committee on American Shipbuilding and Shipowning Interests.

4130. The subjects of navigation and the navigation laws and regulation of shipping in Hawaii and even in the Philippines have been considered by the Committee on Merchant Marine and Fisheries.—The Committee on the Merchant Marine and Fisheries has general jurisdiction over bills relating to navigation and the navigation laws.⁴ It has also reported:

In 1899⁵ and 1900⁶ bills extending the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands.

In 1904⁷ the bill to regulate shipping between the United States and the Philippine Archipelago and between ports and places in the Philippine Archipelago. Two years later the Committee on Insular Affairs reported a bill on the same subject, but not without a protest on the part of the Committee on the Merchant Marine and Fisheries.⁸

¹ Albert J. Hopkins, of Illinois, Chairman.

² Second session Fifty-sixth Congress, Record, pp. 1057, 1058.

³ First session Fiftieth Congress, Record, p. 146.

⁴ First session Fiftieth Congress, Report No. 69; second session Fifty-fifth Congress, Report No. 441.

⁵ Third session Fifty-fifth Congress, Report No. 1694.

⁶ First session Fifty-sixth Congress, Report No. 375.

⁷ Second session Fifty-eighth Congress, Report No. 1904.

⁸ First session Fifty-ninth Congress, Record, p. 5337.

In 1884¹ the bill (H. R. 3056) to constitute a bureau of navigation was reported by the old Select Committee on American Shipbuilding and Shipowning Interests.

4131. The subjects of tonnage taxes and fines and penalties on vessels are within the jurisdiction of the Committee on Merchant Marine and Fisheries.—The subject of tonnage dues is within the jurisdiction of the Committee on the Merchant Marine and Fisheries;² and in 1898³ and 1902⁴ this committee has reported bills relating to tonnage taxes. It also reported in 1894⁵ on the subject of fines and penalties on vessels.⁶

4132. The naming and measuring of vessels are subjects within the jurisdiction of the Committee on Merchant Marine and Fisheries.—The Committee on the Merchant Marine and Fisheries has reported:

In 1890⁷ a bill to change the law in relation to marking the names of vessels.

In 1896⁸ on vessels' names and draft.

In 1906⁹ on the subject of changes of the names of sailing vessels.

In 1895¹⁰ on the subject of the measurement of vessels.

4133. The inspection of steam vessels, as to hulls and boilers, is generally within the jurisdiction of the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries reported, in 1904¹¹ and 1906,¹² bills relating to the inspection of steam vessels; and in 1898¹³ on the subject of steamboat inspectors in Alaska.

This committee has also reported:

In 1900¹⁴ a bill creating a new inspection district for inspectors of hulls and boilers in the vicinity of Toledo.

In 1901¹⁵ the bill (H. R. 13782) relating to the inspection of hulls and boilers.

In 1902¹⁶ on the subject of certificates as to boiler inspection.¹⁷

¹ First session Forty-eighth Congress, Report No. 281.

² First session Fifty-fourth Congress, Record p. 301.

³ Second session Fifty-fifth Congress, Report No. 760.

⁴ Second session Fifty-seventh Congress, Report No. 2966.

⁵ Second session Fifty-third Congress, Report No. 1381.

⁶ Before the creation of the Committee on the Merchant Marine and Fisheries the Select Committee on American Shipbuilding and Shipowning Interests, in 1885 (second session Forty-eighth Congress, Report No. 2381), reported a bill to remove certain burdens on the American merchant marine, and in 1884 (first session Forty-eighth Congress, Report No. 1443) the Committee on Commerce reported a bill relating to fees levied on vessels in domestic commerce.

⁷ First session Fifty-first Congress, Report No. 1974.

⁸ First session Fifty-fourth Congress, Report No. 1867.

⁹ First session Fifty-ninth Congress, Report No. 3397.

¹⁰ Third session Fifty-third Congress, Reports Nos. 1515, 1780.

¹¹ Second session Fifty-eighth Congress, Report No. 2471.

¹² First session Fifty-ninth Congress, Report No. 1347.

¹³ Second session Fifty-fifth Congress, Report No. 566.

¹⁴ First session Fifty-sixth Congress, Report No. 2642.

¹⁵ Second session Fifty-sixth Congress, Report No. 2642.

¹⁶ First session Fifty-seventh Congress, Report No. 432.

¹⁷ While the subject of inspection of hulls and boilers logically belongs to the classification of subjects within the jurisdiction of the Committee on Merchant Marine and Fisheries, and the recent practice has largely been in harmony therewith, yet the subject belonged to the old Committee on Commerce before the creation of the Committee on Merchant Marine and Fisheries (see second session Forty-eighth

4134. The general subjects of shipbuilding, admission of foreign built ships, registering and licensing of vessels are within the jurisdiction of the Committee on Merchant Marine and Fisheries.—On December 3, 1878,¹ a question arose as to the jurisdiction over the bill (H. R. 5299) to authorize the purchase of foreign-built ships by citizens of the United States. Mr. Fernando Wood, of New York, on behalf of the Committee on Ways and Means, claimed the jurisdiction; but the House denied this claim, ayes 66, noes 91, and referred the bill to the Committee on Commerce. In 1884² the Select Committee on American Shipbuilding and Shipowning Interests took jurisdiction of this subject and reported the bill (H. R. 3230) to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade.

In 1887 the Committee on Merchant Marine and Fisheries was created; and in 1888,³ and again in 1892,⁴ the new committee reported bills to authorize the purchase of foreign-built ships by citizens of the United States.

The Committee on Merchant Marine and Fisheries has also reported:

In 1894,⁵ and 1902,⁶ on vessel registers and licenses.

In 1890,⁷ 1901,⁸ and 1902,⁹ on bills to admit vessels, some specifically mentioned, to American registry;¹⁰ and in 1906,¹¹ on registry of repaired foreign wrecks.

Also this committee has reported on the general subject of shipbuilding.¹²

4135. The subject of rules to prevent collisions at sea and international arrangements therefor have been reported by the Committee on Merchant Marine and Fisheries.

Congress, Reports Nos. 2179, 2365, and first session Forty-eighth Congress, Report No. 1967), and from time to time bills on this subject have found their way to the Committee on Interstate and Foreign Commerce and been reported therefrom. Thus, in 1898, the bill (H. R. 5640) relating to the salaries of inspectors of hulls and boilers in the customs districts of the United States (first session Fiftieth Congress, Report No. 1136); and similar bills in 1890 (first session Fifty-first Congress, Reports Nos. 540, 638) and 1894 (second session Fifty-third Congress, Report No. 456); and as late as 1906 a bill on the inspection of hulls and boilers. (First session Fifty-ninth Congress, Report No. 2754.) In 1893 also this committee reported a bill relating to inspection of steam-boiler plates. (First session Fifty-third Congress, Report No. 25.)

¹Third session Forty-fifth Congress, Record, pp. 22, 23.

²First session Forty-eighth Congress, Report No. 750.

³First session Fiftieth Congress, Report No. 1874.

⁴First session Fifty-second Congress, Report No. 966.

⁵Second session Fifty-third Congress, Report No. 1451.

⁶First session Fifty-seventh Congress, Report No. 1099.

⁷First session Fifty-first Congress, Reports Nos. 1820, 3158.

⁸Second session Fifty-sixth Congress, Reports Nos. 2619, 2734, 2962.

⁹Second session Fifty-seventh Congress, Reports Nos. 3771, 3784.

¹⁰The Committee on Interstate and Foreign Commerce has reported, however, in 1885, before Merchant Marine and Fisheries was created, the bill (H. R. 6662) to authorize the registration of certain steamships (Report No. 2611, second session Forty-eighth Congress); and as an exceptional instance in 1892 a bill relating to admission of foreign-built vessels to American registry. (First session Fifty-second Congress, Report No. 966.)

¹¹First session Fifty-ninth Congress, Report No. 926.

¹²First session Fifty-second Congress, Reports Nos. 927, 1634; second session Fifty-third Congress, Reports Nos. 148, 1272.

Lights and signals on vessels are subjects that have been considered both by the Committees on Merchant Marine and Fisheries and Interstate and Foreign Commerce.

The Committee on Merchant Marine and Fisheries has reported:

In 1890¹ and 1894² bills relating to an international marine conference.³

In 1890,⁴ 1895,⁵ and 1896,⁶ bills for adoption of rules to prevent collisions at sea.⁷

In 1895,⁸ on subject of lights on vessels.

In 1894,⁹ on lights on fishing vessels.

But in 1893¹⁰ a bill relating to lights on vessels, barges, etc., in tow was reported by the Committee on Interstate and Foreign Commerce, and in the same year the same committee reported a bill for protection of distinguishing flags and signals for vessels. But in 1900¹¹ the Committee on Merchant Marine and Fisheries reported a bill relating to lights on steam pilot vessels.¹²

4136. The Committee on Merchant Marine and Fisheries has jurisdiction of the subject of pilotage.—In 1888,¹³ 1890,¹⁴ and 1906¹⁵ the Committee on Merchant Marine and Fisheries reported bills exempting American coastwise sailing vessels from obligations to pay State pilots.

In 1901,¹⁶ the bill (H. R. 5462) to regulate pilots.¹⁷

4137. Bills of lading, liability of shipowners, and entering and clearing of vessels are subjects which have been within the jurisdiction of the Committee on Interstate and Foreign Commerce.—While the Committee on Merchant Marine and Fisheries has a wide jurisdiction over the subject of the merchant marine, yet on certain branches of the general subject the Committee on Interstate and Foreign Commerce has jurisdiction. In 1884,¹⁸ before the creation of the Committee on Merchant Marine and Fisheries, the Committee on Commerce

¹ First session Fifty-first Congress, Report No. 3208.

² First session Fifty-fourth Congress, Reports Nos. 110, 150.

³ In 1901 (first session Fifty-seventh Congress, Report No. 2581), however, the Committee on Interstate and Foreign Commerce reported on an international commission of congresses of navigation.

⁴ First session Fifty-first Congress, Report No. 2551.

⁵ Third session Fifty-third Congress, Report No. 1911.

⁶ First session Fifty-fourth Congress, Report No. 2134.

⁷ In 1884 (first session Forty-eighth Congress, Report No. 731), before the creation of the Committee on Merchant Marine and Fisheries, the Committee on Commerce reported on international regulations to prevent collisions at sea.

⁸ Third session Fifty-third Congress, Report No. 1615.

⁹ Second session Fifty-third Congress, Report No. 1271.

¹⁰ Second session Fifty-second Congress, Reports Nos. 2491, 2167.

¹¹ First session Fifty-sixth Congress, Report No. 197.

¹² In 1895 the Committee on Interstate and Foreign Commerce reported on the subject of international signals on the Great Lakes. (Third session Fifty-third Congress, Report No. 1682.)

¹³ First session Fiftieth Congress, Report No. 956.

¹⁴ First session Fifty-first Congress, Report No. 38.

¹⁵ First session Fifty-ninth Congress, Report No. 1482.

¹⁶ Second session Fifty-sixth Congress, Report No. 2027.

¹⁷ In 1884 the Select Committee on American Shipbuilding and Ship-owning interests had reported a similar bill. (First session Forty-eighth Congress, Report No. 791.)

¹⁸ First session Forty-eighth Congress, Report No. 1665.

reported the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of shipowners and others; and in 1901¹ the Committee on Interstate and Foreign Commerce reported on the navigation of vessels and bills of lading.

The Committee on Interstate and Foreign Commerce also reported:

In 1889,² the bill (H. R. 12414) authorizing the collector at Sabine Pass to enter and clear vessels.

In 1900,³ the bill (S. 4615) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

In 1894,⁴ on the subject of the entry of steamships.

4138. Bills to extend and increase the merchant marine, even when including the subject of a naval reserve, have been reported by the Committee on Merchant Marine and Fisheries.—On December 10, 1890,⁵ the resolutions distributing the President's message provided for the reference of so much as related to "the development of American steamship lines and the extension of the merchant marine" to the Committee on Merchant Marine and Fisheries.

In 1889⁶ and 1900⁷ this committee reported bills to increase the commerce of the United States and provide auxiliary cruisers for Government use when needed, by the granting of subsidies.

In 1906,⁸ the bill "to promote the national defense, to create a naval reserve, to establish American ocean mail lines⁹ to foreign markets, and to promote commerce."

In 1890,¹⁰ the bill "to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations."

In 1896,¹¹ a bill to improve the merchant marine engineer service, and thereby increase the efficiency of the naval reserve.

4139. Bills relating to the titles, conduct, and licensing of officers of vessels, under the more recent practice, have been considered by the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries has reported—

In 1901,¹² on bills relating to the titles of officers of vessels, and the conduct of officers of steam vessels.

¹ First session Fifty-seventh Congress, Report No. 739.

² Second session Fiftieth Congress, Report No. 3994.

³ First session Fifty-sixth Congress, Report No. 1641.

⁴ Second session Fifty-third Congress, Reports Nos. 829, 994.

⁵ Second session Fifty-first Congress, Journal, p. 43; Record, p. 303.

⁶ Third session Fifty-fifth Congress, Report No. 1866.

⁷ First session Fifty-sixth Congress, Report No. 890.

⁸ Second session Fifty-ninth Congress, Report No. 6442.

⁹ In 1884 the Select Committee on American Shipbuilding and Ship-owning Interests reported the bill (H. R. 4987) for the encouragement of the American merchant marine in relation to carrying the mails. (First session Forty-eighth Congress, Report No. 363.)

¹⁰ First session Fifty-first Congress, Report No. 1210.

¹¹ First session Fifty-fourth Congress, Report No. 728.

¹² First session Fifty-seventh Congress, Reports Nos. 2336, 2357, 2359, 2360.

In 1900,¹ on a bill to prevent fraud in obtaining licenses as officers of steam vessels.²

In 1906,³ a bill on the subject of licensed officers of vessels.

4140. The shipping, wages, treatment, and protection of seamen are subjects within the jurisdiction of the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries has reported on subjects as follows:

In 1890,⁴ a bill to amend the law relating to duties of shipping commissioners⁵ in shipment of seamen.

In 1896,⁶ a bill relating to the amelioration of the condition of American seamen; also on the subject of wages of seamen.

In 1901,⁷ on the subject of hens for mariners' wages.

In 1900,⁸ the bill (H. R. 5067) relating to the boarding of vessels by persons having designs against the sailors.⁹

In 1906,¹⁰ on the subject of shanghaiing.

4141. Protection from fire on vessels is a subject which, under the later practice, has been considered by the Committee on Merchant Marine and Fisheries.

Conditions relating to the health of seamen are within the jurisdiction of the Committee on Merchant Marine and Fisheries.

The Committee on Merchant Marine and Fisheries reported in 1906¹¹ a bill relating to the use of fire pumps and hose on steam vessels; and on April 18, 1894,¹² the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 6667) to require that vessels engaged in the fruit trade should be manned by acclimated seamen, and it was referred to the Committee on Merchant Marine and Fisheries.

¹ First session Fifty-sixth Congress, Report No. 71.

² Before the establishment of the Committee on Merchant Marine and Fisheries, the Committee on Commerce, in 1882 (first session Forty-seventh Congress, Reports Nos. 50 and 51), reported on license fees of officers of vessels, and in 1884 (first session Forty-eighth Congress, Report No. 801) on a bill to authorize the employment of certain aliens as engineers and pilots. And as late as 1894, after the establishment of Merchant Marine and Fisheries, the Committee on Interstate and Foreign Commerce reported a bill relating to mates on passenger steamers. (Second session Fifty-third Congress, Report No. 489.)

³ First session Fifty-ninth Congress, Report No. 4993.

⁴ First session Fifty-first Congress, Report No. 2071.

⁵ In 1884 and 1885 bills relating to shipping commissioners had been reported by the Select Committee on American Shipbuilding and Ship-owning Interests. (First session Forty-eighth Congress, Report No. 362; second session, Report No. 2494.)

⁶ First session Fifty-fourth Congress, Report Nos. 1034, 1868.

⁷ First session Fifty-seventh Congress, Report Nos. 2352–2355.

⁸ First session Fifty-sixth Congress, Report No. 301.

⁹ In 1885, before the establishment of the Committee on Merchant Marine and Fisheries, the Committee on Commerce reported the bill (H. R. 4691) to authorize the purchase of snug harbors for disabled seamen. (Second session Forty-eighth Congress, Report No. 2390.)

¹⁰ First session Fifty-ninth Congress, Report No. 4267.

¹¹ First session Fifty-ninth Congress, Report No. 4446.

¹² Second session Fifty-third Congress, Record, p. 3822.

On the subject of life-saving appliances on steam vessels¹ and the safety of passengers on excursion steamers,² however, the jurisdiction has been exercised by the Committee on Interstate and Foreign Commerce; but later than any of these reports, on January 12, 1905,³ the House changed the reference of the following bills from the Committee on Interstate and Foreign Commerce to the Committee on Merchant Marine and Fisheries:

H. R. 15613. A bill for the better protection against fire on steam vessels carrying passengers and for the protection of life thereon.

H. R. 16789. A bill for the prevention of fire from electrical apparatus on steam vessels carrying passengers.

4142. The regulation of small vessels propelled by naphtha, etc., and the transportation of inflammable substances on passenger vessels are generally but not exclusively reported by the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries has reported:

In 1890,⁴ a bill relating to restrictions on use of small vessels propelled by steam, gas, or fluid.

In 1902,⁵ on subject of vessels propelled by gas, fluid, naphtha, or electric motors.⁶

In 1906⁷ on a bill to permit the transportation by vessels not carrying passengers for hire of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels.

In 1906⁸ a bill relating to the carrying of dangerous articles on passenger steamers.

4143. The licensing, registering, etc., of pleasure yachts are subjects within the jurisdiction of the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries has exercised a jurisdiction over legislation relating to yachts. Thus, it reported:

In 1896,⁹ a bill (H. R. 8038) to give certain advantages in entering and leaving ports to yachts built in American yards.

In 1888,¹⁰ a bill relating to licensing pleasure yachts.¹¹

¹First session Fiftieth Congress, Report No. 773; second session Fifty-second Congress, Report No. 3464; second session Fifty-third Congress, Report No. 455; first session Fifty-fourth Congress, Record, p. 834.

²First session Fifty-fourth Congress, Report No. 1679.

³Third session Fifty-eighth Congress, Record, p. 764.

⁴First session Fifty-first Congress, Report No. 1251.

⁵Second session Fifty-seventh Congress, Report No. 3780.

⁶This jurisdiction was exercised also by the Committee on Interstate and Foreign Commerce for a time, and that committee reported in 1894 (Third session Fifty-third Congress, Report No. 454) and in 1896 (First session Fifty-fourth Congress, Report No. 726) bills relating to inspection of small craft propelled by gasoline, etc.; and in 1901 (Second session Fifty-sixth Congress, Report No. 2565) on a bill permitting steamboats to transport automobiles carrying gasoline.

⁷First session Fifty-ninth Congress, Record, p. 7204.

⁸First session Fifty-ninth Congress, Reports Nos. 3354, 4261.

⁹First session Fifty-fourth Congress, Report No. 1451.

¹⁰First session Fiftieth Congress, Report No. 1468.

¹¹Prior to the creation of the Committee on Merchant Marine and Fisheries, the Committee on Commerce had reported a bill of this kind. (First session Forty-seventh Congress, Report No. 15.)

In 1889,¹ a bill providing register for a steam yacht.

4144. The privileges of foreign vessels in American ports, bills of lading, contracts in export trade, and wrecks in international waters have been reported on generally by the Committee on Interstate and Foreign Commerce.—While in 1902² the Committee on Merchant Marine and Fisheries reported a joint resolution to establish a joint commission on the subject of the policy of international navigation; and the old Select Committee on American Shipbuilding and Shipowning Interests considered somewhat and reported on the subject of foreign port charges in 1884,³ yet the general jurisdiction of this class of subjects has been with the Committee on Interstate and Foreign Commerce, which has reported:

In 1886,⁴ the bill (H. R. 9210) allowing the President to exclude from commercial privileges vessels of nations that discriminate against United States vessels.

In 1892,⁵ relating to bills of lading, contracts of common carriers in foreign export trade.

In 1892,⁶ and 1896⁷ the bill (S. 661) to provide sufficient time for vessels from foreign ports to discharge their cargoes.

In 1893,⁸ on subject of coastwise transportation by foreign vessels.

In 1890,⁹ a bill relating to aid to vessels wrecked¹⁰ in waters between the United States and Canada.

4145. Bills of lading as evidence, bonds in admiralty cases, willful destruction of vessels, mutiny, etc., are subjects within the jurisdiction of the Committee on the Judiciary.—Both before and since the establishment of the Committee on Merchant Marine and Fisheries a certain class of bills which might seem to fall within its jurisdiction have been considered by the Committee on the Judiciary, which has reported:

In 1884,¹¹ and 1888¹² bills making bills of lading conclusive evidence in certain cases.

In 1888,¹³ a bill relating to willful destruction of vessels on the high seas.

In 1893¹⁴ and 1894,¹⁵ bills relating to punishment for mutiny and riot and other offenses on vessels on the high seas.

In 1899,¹⁶ the bill (H. R. 11178) relating to bonds in admiralty cases.

¹ Second session Fiftieth Congress, Report No. 3798.

² Second session Fifty-seventh Congress, Report No. 3854.

³ First session Forty-eighth Congress, Record, p. 2871.

⁴ First session Forty-ninth Congress, Report No. 3361.

⁵ First session Fifty-second Congress, Report No. 1988.

⁶ First session Fifty-second Congress, Report No. 1129.

⁷ First session Fifty-fourth Congress, Report No. 295.

⁸ Second session Fifty-second Congress, Report No. 2288.

⁹ First session Fifty-first Congress, Report No. 1111.

¹⁰ See, however, section 4166 of this chapter.

¹¹ First session Forty-eighth Congress, Report No. 1259.

¹² First session Fiftieth Congress, Report No. 84.

¹³ First session Fiftieth Congress, Report No. 226.

¹⁴ Second session Fifty-second Congress, Reports Nos. 2187, 2521.

¹⁵ Second session Fifty-third Congress, Report No. 467.

¹⁶ Third session Fifty-fifth Congress, Report No. 1691.

4146. Collisions, coasting districts, marine schools, etc., are subjects of doubtful jurisdiction between the Committees on Merchant Marine and Fisheries and Interstate and Foreign Commerce.—On a certain class of subjects the line of jurisdiction has not been marked definitely. Thus, in 1906,¹ the Committee on Merchant Marine and Fisheries reported on the subject of collisions in inland waters; and also on the subject of great coasting districts, while the Committee on Interstate and Foreign Commerce at the same time reported on the anchorage and movement of vessels in St. Marys River.²

In 1892,³ however, the Committee on Interstate and Foreign Commerce reported on statistics of the coasting trade in the Great Lakes; and in 1902⁴ on the subject of public marine schools.

4147. The authorization of fish-culture stations and the regulation of fisheries generally are within the jurisdiction of the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries has reported generally bills for the establishment of fish-hatching and fish culture stations.⁵ It also reported in 1890⁶ a bill for the protection of fish in the Potomac River in the District of Columbia;⁷ also in 1892⁸ on District of Columbia fisheries.

But in 1886,⁹ before the creation of the Committee on Merchant Marine and Fisheries, the Committee on Judiciary reported the bill (H. R. 4690) relating to the rights of citizens of the several States to fish in the navigable waters of each State, the question involving the title to the lakes and waters referred to.

In 1901¹⁰ Merchant Marine and Fisheries reported on the Pacific Coast fisheries, and in 1889¹¹ and 1904¹² on the Alaska seal¹³ and salmon¹⁴ fisheries.

4148. A bill for the protection of game and other birds, through the instrumentality of the Fish Commission, was reported by the Committee on Merchant Marine and Fisheries.—The Committee on Merchant Marine and Fisheries reported in 1898¹⁵ a bill (H. R. 3589) relating to the protection of game birds and other wild birds, through the instrumentality of the Fish Commission.

¹ First session Fifty-ninth Congress, Reports Nos. 3798, 4903.

² Report No. 2823.

³ First session Fifty-second Congress, Report No. 688.

⁴ Second session Fifty-seventh Congress, Report No. 3420.

⁵ First session Fifty-ninth Congress, Report No. 2467; first session Fifty-seventh Congress, Report No. 2246; but in 1891 Interstate and Foreign Commerce reported several such bills. (See second session Fifty-first Congress, Reports Nos. 3654, 3285, 3606, 3630.)

⁶ First session Fifty-first Congress, Report No. 2288.

⁷ See, however, section 4282 of this volume.

⁸ First session Fifty-second Congress, Report No. 1953.

⁹ First session Forty-ninth Congress, Report No. 2385.

¹⁰ First session Fifty-seventh Congress, Report No. 1873.

¹¹ Second session Fiftieth Congress, Reports Nos. 3883, 4126.

¹² Second session Fifty-eighth Congress, Report No. 2099.

¹³ The fur seals generally have been under jurisdiction of Ways and Means. (See sec. 4025 of this volume.)

¹⁴ The Committee on Territories, however, has more often exercised this jurisdiction. (See sec. 4211 of this volume.)

¹⁵ Second session Fifty-fifth Congress, Report No. 522.

4149. The creation and history of the Committee on Agriculture, section 10 of Rule XI.

The rules give to the Committee on Agriculture the jurisdiction of subjects relating “to agriculture and forestry” and the appropriations for the Department of Agriculture.

Section 10 of Rule XI provides for the reference of subjects relating—
to agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department.

This committee has eighteen Members and one Delegate.

It was first established as a standing committee on May 3, 1820, by a resolution offered by Mr. Lewis Williams, of North Carolina.¹ In the revision of 1880 the Committee on Rules proposed the simple rule “to agriculture: to the Committee on Agriculture.” But during consideration by the House the words “and forestry”² were inserted on motion of Mr. Mark H. Dunnell, of Minnesota, who said that bills relating to tree culture had formerly gone to the Public Lands Committee, but more recently had gone to the Agriculture Committee. More important still was an amendment offered by Mr. D. Wyatt Aiken, of South Carolina, adding these words: “who shall receive the estimates and report the appropriations for the Agricultural Department.”³

This committee may report at any time its appropriation bill.⁴

4150. Bills for establishing the Department of Agriculture and for transferring certain bureaus to it were reported by the Committee on Agriculture.—On January 23, 1884,⁵ the Committee on Agriculture reported the bill (H. R. 1457) for the establishment of a Department of Agriculture.

This committee also reported, in 1896,⁶ a bill providing for the transfer of the Fish Commission and Geological Survey to the Agricultural Department.

4151. Legislation relating to the Weather Bureau is within the jurisdiction of the Committee on Agriculture.—Subjects relating to the Weather Bureau, including appropriations therefor, have, by resolutions distributing the President’s message, been placed within the jurisdiction of the Committee on Agriculture.⁷ This committee also reported, in 1900,⁸ the bill (H. R. 3988) to reorganize and improve the United States Weather Bureau.⁹

4152. The subject of agricultural colleges¹⁰ and experiment stations is within the jurisdiction of the Committee on Agriculture.—The Committee on Agriculture has reported:

¹ First session Sixteenth Congress, Journal, p. 479; Annals, p. 2179.

² Second session Forty-sixth Congress, Record, p. 694.

³ Second session Forty-sixth Congress, Record, pp. 684–686.

⁴ See section 4621 of this work.

⁵ First session Forty-eighth Congress, Report No. 100.

⁶ Second session Fifty-third Congress, Report No. 863.

⁷ Third session Fifty-fifth Congress, Record, p. 25.

⁸ First session Fifty-sixth Congress, Report No. 125.

⁹ In 1890 the Committee on Agriculture reported a bill relating to the Signal Service, the predecessor of the Weather Bureau. (First session Fifty-first Congress, Report No. 1043.)

¹⁰ See, however, section 4243 of this volume.

In 1895¹ on agricultural colleges.

In 1894² on agricultural experiment stations in Alaska.

4153. The subject of a highway commission has been considered by the Committee on Agriculture.—The Committee on Agriculture reported, in 1896³ on the subject of a highway commission.

4154. The animal industry, inspection of live-stock and meat products, and diseases of animals are subjects within the jurisdiction of the Committee on Agriculture.—In 1888⁴ the Committee on Agriculture reported the bill (H. R. 10320) to provide for the inspection of all slaughtered live stock intended for human consumption in any State or Territory other than that in which slaughtered or for exportation to foreign countries; to prohibit the introduction of adulterated or misbranded food⁵ or drugs into any State or Territory or the District of Columbia from any other State or Territory or foreign country, and to provide through the Department of Agriculture for carrying out the regulations.

The Committee on Agriculture also has jurisdiction of subjects relating to “the destruction and eradication of diseases of domestic animals, and to the inspection of cattle and pork products intended for shipment to foreign countries.”⁶

The Committee on Agriculture has had jurisdiction of the subject of animal industry in the United States, and reported bills:

In 1896,⁷ on the Bureau of Animal Industry, and on cattle importation regulations of Great Britain.

In 1890,⁸ 1891,⁹ 1894,¹⁰ and 1897,¹¹ on the subjects of meat inspection, the inspection of live stock, and the export trade in cattle.

In 1903,¹² on diseases of animals; and in 1905¹³ on quarantine districts for cattle.

4155. The Committee on Agriculture has reported as to export bounties, regulation of importation of trees, shrubs, etc., and as to the effects of the tariff on agriculture.—The Committee on Agriculture has reported on the following subjects:

In 1888,¹⁴ the bill (H. R. 6109) for an export bounty on agricultural products exported from the United States. (Adversely.)

¹ Third session Fifty-third Congress, Report No. 1997.

² Second session Fifty-third Congress, Report No. 880.

³ First session Fifty-fourth Congress, Report No. 1439.

⁴ First session Fiftieth Congress, Report No. 3341.

⁵ The subject of pure food, in the later practice of the House, has been within the jurisdiction of the Committee on Interstate and Foreign Commerce (see sec. 4112 of this volume); although in 1892 and 1897 the Committee on Agriculture reported on this subject. (First session Fifty-second Congress, Report No. 914; second session, Fifty-third Congress, Report No. 1397.)

⁶ Congressional Record, third session Fifty-third Congress, p. 71; first session Fifty-fourth Congress p. 301.

⁷ First session Fifty-fourth Congress, Reports Nos. 1031, 1670.

⁸ First session Fifty-first Congress, Report No. 1792.

⁹ Second session Fifty-first Congress, Report No. 3761.

¹⁰ Second session Fifty-third Congress, Reports Nos. 846, 1443.

¹¹ Second session Fifty-fourth Congress, Report No. 2868.

¹² Second session Fifty-seventh Congress, Report No. 2819.

¹³ Third session Fifty-eighth Congress, Report No. 4200.

¹⁴ First session Fiftieth Congress, Report No. 1305.

In 1898¹ and 1900,² bills to provide regulations governing the importation of shrubs, trees, plants, grafts, cuttings, and to provide regulations for the inspection of such articles grown in the United States, and the subject of interstate commerce.

In 1892,³ a resolution of inquiry relating to the effect of the existing tariff on agriculture; also a report on the subject of the tariff and agriculture.

In 1905,⁴ on the subject of the use of alcohol in the arts.

4156. Bills imposing an internal-revenue tax on oleomargarine are, by action of the House, included within the jurisdiction of the Committee on Agriculture.

The Committee on Agriculture has exercised a general, but not exclusive, jurisdiction of legislation relating to imitation dairy products, manufacture of lard, etc.

In 1886,⁵ the Committee on Agriculture reported the bill (H. R. 8328) to prevent the sale of imitations of dairy products. This bill, or rather a similar bill for which this was reported as a substitute, was presented in the House on March 8, and by a vote of 67 to 40 referred to the Committee on Agriculture, although Mr. Speaker Carlisle said that it belonged to the Committee on Ways and Means under the rules of the House, as it proposed an internal-revenue tax.

And this jurisdiction continued with this committee, which reported bills on the subject of oleomargarine, several involving the internal-revenue tax feature, in 1892,⁶ 1894,⁷ 1896,⁸ 1900,⁹ and 1902.¹⁰

In 1890,¹¹ a bill subjecting oleomargarine to the laws of the several States was reported by the Committee on Commerce.

In 1888¹² and 1890¹³ the Committee on Agriculture reported bills to regulate the manufacture and sale of counterfeited lard.

4157. The adulteration of seeds, insect pests, protection of birds and animals in forest reserves, grading of grain, etc., are subjects within the jurisdiction of the Committee on Agriculture.—The Committee on Agriculture has exercised jurisdiction over several subjects related more or less closely to the general interests of agriculture. Thus, in 1904¹⁴ and 1906¹⁵ it reported on the subject

¹ Second session Fifty-fifth Congress, Report No. 456.

² First session Fifty-sixth Congress, Report No. 304.

³ First session Fifty-second Congress, Reports Nos. 191, 2114.

⁴ Third session Fifty-eighth Congress, Report No. 4791.

⁵ First session Forty-ninth Congress, Report No. 2028, Record, p. 2193. Previously in 1884 (first session Forty-eighth Congress, Report No. 251) this committee had reported on a proposition to investigate the subject of oleomargarine or imitation butter.

⁶ First session Fifty-second Congress, Report No. 913.

⁷ Second session Fifty-third Congress, Report No. 1398.

⁸ First session Fifty-fourth Congress, Report No. 1015.

⁹ First session Fifty-sixth Congress, Report No. 1854.

¹⁰ First session Fifty-seventh Congress, Reports Nos. 255, 1602.

¹¹ First session Fifty-first Congress, Report No. 2187.

¹² First session Fiftieth Congress, Report No. 3082.

¹³ First session Fifty-first Congress, Reports Nos. 970, 2857.

¹⁴ Second session Fifty-eighth Congress, Report No. 1842.

¹⁵ First session Fifty-ninth Congress, Report No. 3337.

of the adulteration of grass seed;¹ in 1902² on protection of the eggs of game birds, and in 1906³ on the protection of animals, birds, and fish in forest reserves; in 1905⁴ on insect pests; in 1902⁵ on nursery stock.

The Committee on Agriculture reported in 1896⁶ on a bill providing for the extermination of the gypsy moth.

The Committee on Agriculture reported in 1892⁷ the bill (S. 797) fixing a uniform standard of classification of grading of wheat, corn, rye, oats, etc.

4158. The subject of improving the breed of horses, even with the improvement of the Cavalry as an object, belongs to the jurisdiction of the Committee on Agriculture.—On January 18, 1906,⁸ by action of the House, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 10707) to provide for the improvement in breeding of horses for general purpose uses, and to enable the United States to procure better remounts for the Cavalry and Artillery service, and the same was referred to the Committee on Agriculture.

4159. Bills to incorporate certain agricultural societies have been reported by the Committee on Agriculture.—In 1892,⁹ 1894,¹⁰ and 1898,¹¹ the Committee on Agriculture reported bills to incorporate the Society of American Florists; and in 1893¹² on a bill relating to the Holstein-Friesian Cattle Association.

4160. The Committee on Agriculture has jurisdiction of subjects relating to timber, and forest reserves other than those created from the public domain.—The Committee on Agriculture has exercised jurisdiction over the subject of forest reserves other than those created from the public lands, and has reported bills:

In 1906,¹³ the bills to create the Appalachian and White Mountain Forest reserves; and also in 1902¹⁴ on the bill to create the National Appalachian Forest Reserve.

The Committee on Agriculture reported:

In 1892,¹⁵ on the subject of the necessity for and condition of forest reservations in California.

In 1894,¹⁶ on bill (S. 313) appropriating funds for investigations and tests of American timber.

¹ But in 1884 the Committee on Commerce reported on a bill for fixing the tare on hops and standard weight of hop bailing. (First session Forty-eighth Congress, Report No. 1974.)

² First session Fifty-seventh Congress, Report No. 4401.

³ First session Fifty-ninth Congress, Report No. 2494.

⁴ Third session Fifty-eighth Congress, Report No. 4401.

⁵ First session Fifty-seventh Congress, Report No. 557.

⁶ Second session Fifty-third Congress, Report No. 709.

⁷ First session Fifty-second Congress, Report No. 1232.

⁸ First session Fifty-ninth Congress, Record, p. 1265.

⁹ First session Fifty-second Congress, Report No. 476.

¹⁰ Second session Fifty-third Congress, Report No. 408.

¹¹ Second session Fifty-fifth Congress, Report No. 1258.

¹² Second session Fifty-second Congress, Reports Nos. 2379, 2511.

¹³ First session Fifty-ninth Congress, Report No. 4399.

¹⁴ First session Fifty-seventh Congress, Report No. 1547.

¹⁵ First session Fifty-second Congress, Report No. 2096.

¹⁶ Second session Fifty-third Congress, Report No. 1442.

4161. Bills to discourage fictitious and gambling transactions in farm products have been considered within the jurisdiction of the Committee on Agriculture, even when an internal-revenue question was included.—

On February 17, 1888,¹ Mr. William H. Hatch, of Missouri, called attention to the fact that the bill (H. R. 7051) “to prohibit fictitious and gambling transactions on the price of articles produced by American farm industry” had been referred to the Committee on the Judiciary. He moved that the reference be changed to the Committee on Agriculture, and this motion was agreed to by the House, although Mr. Speaker Carlisle expressed the opinion that the jurisdiction belonged to the Committee on the Judiciary.

In 1894,² a bill relating to the sale of options on agricultural products was at first referred to the Committee on Ways and Means, as it provided for affixing internal-revenue stamps to the contracts; but the House changed the reference to the Committee on Agriculture.

And bills on this general subject were reported by the Committee on Agriculture in 1889,³ 1890,⁴ 1892,⁵ and 1894.⁶

4162. The creation and history of the Committee on Foreign Affairs, section 11 of Rule XI.

The rules give to the Committee on Foreign Affairs jurisdiction of “the relations of the United States with foreign nations, including appropriations therefor.”

Section 11 of Rule XI provides for the reference of subjects relating—

To the relations of the United States with foreign nations, including appropriations therefor; to the Committee on Foreign Affairs.

The committee consists of 18 Members.

It was made a standing Committee⁷ on March 13, 1822.⁸ The present form, excepting the words “including appropriations therefor,” was made in the revision of 1880.⁹ The words relating to the appropriations were added in 1885.¹⁰

This committee may report its appropriation bill at any time.¹¹

4163. The general affairs of the consular service and the acquisition of land and buildings for legations in foreign capitals are within the jurisdiction of the Committee on Foreign Affairs.—In 1906 the Committee on Foreign Affairs reported on subjects as follows:

¹ First session Fiftieth Congress, Record, p. 1308.

² Second session Fifty-third Congress, Record, p. 2423.

³ Second session Fiftieth Congress, Report No. 4141.

⁴ First session Fifty-first Congress, Report No. 1321.

⁵ First session Fifty-second Congress Report No. 969.

⁶ Second session Fifty-third Congress, Report No. 845.

⁷ On December 7, 1815 (first session Fourteenth Congress, Journal, p. 29; Annals, p. 380) such a committee had been proposed by Mr. Richard H. Wilde, of Georgia.

⁸ First session Seventeenth Congress, Journal, p. 351. Before this select committees on foreign relations had been appointed (first session Eleventh Congress, Annals, p. 90).

⁹ Second session Forty-sixth Congress, Record, p. 205.

¹⁰ First session Forty-ninth Congress, Congressional Record, pp. 168, 196, 278.

¹¹ See section 4621 of this volume.

Acquisition of land or buildings for United States embassies or legations in foreign capitals.¹

Consulates in the Orient.²

Reorganization of the consular service.³

4164. Resolutions of intervention abroad and declarations of war are within the jurisdiction of the Committee on Foreign Affairs.—In 1898,⁴ the Committee on Foreign Affairs reported the resolution (H. Res. 233) recognizing the independence of the people of Cuba, and directing Spain to withdraw her forces from the island; also the bill (H. R. 10086) declaring war with Spain.

4165. A provision relating to a commission to investigate the conditions and uses of waters adjacent to an international boundary line was ruled out of the river and harbor bill as not being within the jurisdiction of the Committee on Rivers and Harbors.⁵—On February 7, 1907,⁶ the river and harbor appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read:

SEC. 6. That those members of the International Waterways Commission, created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power, and it shall be their duty, to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, and of waters flowing from the United States into Canada or from Canada into the United States, and of the tributaries of such waters; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon and upon the interests of navigation by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of the two Governments in said waters. They shall, upon the order of the Secretary of War, locate the boundary line upon international waters between Canada and the United States as heretofore established, wherever the same is not clearly defined or wherever for any other reason a relocation is desirable, and shall prepare a series of modern charts upon which it shall be delineated; they shall also recommend the erection of such monuments as they may deem necessary to enable such boundary line to be accurately ascertained, etc.

Mr. James R. Mann, of Illinois, made a point of order against the section.

The Chairman⁷ held:

The Chair has not examined the section very closely, but the Chair feels very certain that a proposition to give power to a boundary line commission on an international water course is not within the jurisdiction of the committee. If the chairman of the committee desires to offer an amendment, the Chair will first recognize him.

4166. The boundaries between the United States and foreign nations, and naval strength, bridges, and dams on waters along such boundaries are subjects within the jurisdiction of the Committee on Foreign Affairs.—On February 4, 1882,⁸ the Committee on Foreign Affairs reported the bill (H. R. 2929)

¹ First session Fifty-ninth Congress, Report No. 1345.

² Report No. 2168.

³ Report No. 2281.

⁴ Second session Fifty-fifth Congress, Reports Nos. 1071, 1173.

⁵ See also section 4126 of this volume.

⁶ Second session Fifty-ninth Congress, Record, p. 2469.

⁷ Frank D. Currier, of New Hampshire, Chairman.

⁸ First session Forty-seventh Congress, Report No. 234.

in relation to the navigation and bridging of certain rivers which constitute the boundary line between the United States and Canada.

In 1904,¹ on the subject of a clam and reservoir on the Rio Grande.

In 1900,² on a resolution requesting of the Secretary of State information as to the status of the agreement with Great Britain in regard to war vessels on the Great Lakes.

In 1888,³ on the bill (H. R. 8063) relating to vessels wrecked⁴ in American and Canadian waters, and their relief; and the same year⁵ on the resolution (H. Res. 112) for the creation of an international commission to settle the Mexican boundary question.

In 1902,⁶ on the subjects of the Alaskan boundary, and a dam across the St. Lawrence River.

4167. Bills creating courts of the United States in foreign countries are within the jurisdiction of the Committee on Foreign Affairs.—On March 26, 1906,⁷ the House changed the reference of the bill (H. R. 17345) creating a United States district court for China, and prescribing the jurisdiction thereof, from the Committee on the Judiciary to the Committee on Foreign Affairs, and on April 7⁸ the House also changed from the Committee on the Judiciary to the Committee on Foreign Affairs a bill (H. R. 17297) providing for the establishment of a district court of the United States for China and Korea.

In 1886⁹ the Committee on Foreign Affairs reported the bill (H. R. 333) providing a more perfect system of courts and a body of law for the protection of American citizens residing in places where pagan or Mohammedan law prevails.

4168. The Committee on Foreign Affairs has exercised a general but not exclusive jurisdiction over projects of general legislation relating to claims having international relations.—The Committee on Foreign Affairs has exercised jurisdiction of general legislation as to claims having international relation, and has reported—

In 1882,¹⁰ the bill (H. R. 5885) to provide for the adjudication of the French spoliation claims by the Court of Claims.

In 1884,¹¹ the bill (H. R. 745) referring the French spoliation claims to the Court of Claims.

In 1887,¹² the bill (H. R. 10241) to authorize a commission to investigate losses sustained by American citizens engaged in the fisheries in regions included within the provisions of the treaty with Great Britain.

¹Third session Fifty-eighth Congress, Report No. 3990.

²First session Fifty-sixth Congress, Report No. 44.

³First session Fiftieth Congress, Report No. 1812.

⁴See, however, section 4144 of this volume.

⁵Report No. 1008.

⁶First session Fifty-seventh Congress, Reports Nos. 1531, 1888.

⁷First session Fifty-ninth Congress, Record, p. 4309.

⁸Record, p. 4899, Report No. 4432.

⁹First session Forty-ninth Congress, Report No. 864.

¹⁰First session Forty-seventh Congress, Report No. 1067.

¹¹First session Forty-eighth Congress, Report No. 109.

¹²Second session Forty-ninth Congress, Report No. 3648.

In 1882,¹ the bill (H. R. 1052) to provide for the return to Japan of a portion of the Japanese indemnity fund.

In 1884,² the bill (H. R. 1062) authorizing the adjustment of claims of foreign steamship companies for tonnage dues, said claims arising out of certain treaty stipulations.

On December 6, 1888,³ the resolutions distributing the President's message sent to the Committee on Foreign Affairs "Chilean war claims of American citizens," and similarly, in 1889,⁴ the subject of Spanish and Venezuelan claims was referred to the same committee.

In 1885,⁵ a resolution empowering the President to negotiate in reference to the Venezuelan awards was reported by the Committee on Foreign Affairs; and in 1893⁶ and 1894⁷ the same committee reported bills for the application of the Venezuelan awards of 1868 to new awards of 1889 and 1890.

This committee also reported, in 1893,⁸ the bill to carry into effect the Chileans convention for the settlement of claims; in 1894,⁹ the bill for the disposal of interest on the *Virginus* indemnity fund; and in 1892,¹⁰ a bill to distribute the awards under the convention of 1868 with Mexico.

4169. Questions relating to the protection of American citizens abroad and expatriation belong to the jurisdiction of the Committee on Foreign Affairs.—In general the Committee on Foreign Affairs has jurisdiction of the status and protection of American citizens abroad, and has reported—

In 1899,¹¹ a resolution of inquiry relating to outrages on American citizens in China.

In 1900,¹² a bill providing for the protection of the estates of Americans dying abroad.

In 1906,¹³ a bill relating to citizenship, expatriation, and protection abroad.

4170. The enforcement of treaty regulations as to the protection of the fur seals has been considered by the Committee on Foreign Affairs.—The Committee on Foreign Affairs has exercised jurisdiction over the following subjects:

In 1893,¹⁴ a bill (S. 3629) to give the Executive power to enforce regulation under the convention between the United States and Great Britain for the protection of the fur seals.

¹ First session Forty-seventh Congress, Report No. 138.

² First session Forty-eighth Congress, Report No. 1568.

³ Second session Fiftieth Congress, Journal, p. 53; Record, p. 68.

⁴ First session Fifty-first Congress, Record, p. 188.

⁵ Second session Forty-eighth Congress, Report No. 2610.

⁶ Second session Fifty-second Congress, Report No. 2341.

⁷ Second session Fifty-third Congress, Report No. 1360.

⁸ Second session Fifty-second Congress, Report Nos. 2367.

⁹ Second session Fifty-third Congress, Report No. 963.

¹⁰ First session Fifty-second Congress, Reports Nos. 1142, 1143. Also in 1892, on refundment of moneys to Mexico (first session Fifty-seventh Congress, Report No. 420).

¹¹ Third session Fifty-fifth Congress, Report No. 1671.

¹² First session Fifty-sixth Congress, Report No. 1451.

¹³ First session Fifty-ninth Congress, Report No. 4784.

¹⁴ Second session Fifty-second Congress, Report No. 2355.

In 1894,¹ a resolution calling on the Secretary of State for correspondence relating to damages to Great Britain for seizures of sealing vessels in Bering Sea.

In 1903,² the subject of the fur seals in the North Pacific Ocean and Bering Sea.³

4171. The treaty rights of American fishermen in waters adjacent to foreign shores are within the jurisdiction of the Committee on Foreign Affairs.—The Committee on Foreign Affairs has exercised jurisdiction of subjects relating to the rights of American fishermen under treaties with foreign nations, and has reported:

In 1886,⁴ a resolution making inquiry of the President in relation to the treatment of American fishermen in Canadian waters.

In 1887,⁵ the bill (S. 3173) to authorize the President, by nonintercourse measures, to defend the rights of American fishermen.

In 1888,⁶ the bill (H. R. 11309) relating to the protection of the rights of American fishermen.

In 1890,⁷ the resolutions distributing the President's message referred the subject of the Canadian fisheries to Foreign Affairs.

4172. The subject of immigration of Chinese and Japanese is within the jurisdiction of the Committee on Foreign Affairs.—The first legislation in relation to Chinese immigration was in 1875, when an act was passed prohibiting the bringing in of Orientals for immoral purposes. This bill (H. R. 4747), supplemental to several acts in relation to immigration, was reported from the Committee on Foreign Affairs⁸ and became a law.⁹

In 1879,¹⁰ the first general exclusion act as to the Chinese was passed by Congress and vetoed by President Hayes. This bill was reported from the Committee on Education and Labor.¹¹

The act of 1882,¹² to execute certain treaty stipulations with China, which was in fact an exclusion act, was, as the bill H. R. 5804, referred in the House, on April 6, 1882,¹³ to the Committee on Education and Labor. Other similar bills were referred to the same committee.

In the next Congress, however, on January 9, 1884,¹⁴ the resolutions referring the President's message referred to the Committee on Foreign Affairs subjects relating to the violation of the laws regarding Chinese immigration and pauper immi-

¹Third session Fifty-third Congress, Report No. 1500.

²Second session Fifty-eighth Congress, Report No. 1500.

³The Committee on Ways and Means also has a jurisdiction over this branch of the subject. (See sec. 4025 of this volume.)

⁴First session Forty-ninth Congress, Record, p. 3563.

⁵Second session Forty-ninth Congress, Report No. 4087.

⁶First session Fiftieth Congress, Report No. 3373.

⁷First session Fifty-first Congress, Record, p. 188.

⁸Second session Forty-third Congress, Journal, p. 487.

⁹18 Stat. L., p. 477. The Committee on Immigration and Naturalization had not been created at this time. (See sec. 4309 of this volume.)

¹⁰Third session Forty-Fifth Congress, Record, p. 791.

¹¹This committee has since been divided into two committees, Education and Labor. (See secs. 4242, 4244 of this volume.)

¹²22 Stat. L., p. 58.

¹³First session Forty-seventh Congress, Record, p. 2678.

¹⁴First session Forty-eighth Congress, Journal, p. 256; Record, p. 319.

gration from Great Britain; and at this session a bill was introduced to amend the act of 1882. It was the bill H. R. 1798, reported from the Committee on Foreign Affairs,¹ and became a law.²

At this session also the Committee on Foreign Affairs reported³ the bill (H. R. 614) to execute certain treaty stipulations in relation to Chinese exclusion.

In 1886,⁴ during the next Congress, the Committee on Foreign Affairs reported a bill (H. R. 171) supplementary to the act regulating the coming of Chinese.

In 1888⁵ the Committee on Foreign Affairs reported the bill (H. R. 10605) to prohibit the coming of Chinese laborers to the United States. This bill did not become a law, but a bill (H. R. 11336) presented from the floor without reference to any committee was enacted.

The jurisdiction of the Committee on Foreign Affairs, being thus established as to this subject, was not disturbed by the creation of the Committee on Immigration and Naturalization on December 20, 1889,⁶ for at that session several bills to prohibit immigration of Chinese were introduced and referred to the Committee on Foreign Affairs. A bill (H. R. 11657) to absolutely prohibit the incoming of Chinese was reported⁷ by that committee.

In the next Congress the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States was reported⁸ from the Committee on Foreign Affairs, and became a law.⁹

And the same jurisdiction has continued in 1893,¹⁰ 1898,¹¹ and 1901.¹²

In 1900¹³ the Committee on Foreign Affairs reported on a resolution relating to the immigration of Japanese laborers, and the House acted on it. A similar resolution was referred also to Immigration and Naturalization, and was reported back adversely after the House had acted on the report from Foreign Affairs.

4173. The incorporation of the American National Red Cross and the protection of its insignia are subjects within the jurisdiction of the Committee on Foreign Affairs.—In 1892,¹⁴ 1894,¹⁵ and 1898¹⁶ the Committee on Foreign Affairs reported bills to protect the insignia of the Red Cross; and in 1900¹⁷ and 1904¹⁸ bills to incorporate the American National Red Cross.

¹ Journal, p. 737.

² 23 Stat. L., p. 115.

³ Report No. 614.

⁴ First session Forty-ninth Congress, Report No. 2043.

⁵ First session Fiftieth Congress, Journal, p. 2196; Record, p. 8226; Report No. 2727.

⁶ First session Fifty-first Congress, Record, p. 336.

⁷ Reports Nos. 1925, 2915; Record, p. 977.

⁸ First session Fifty-second Congress, Report No. 407.

⁹ 27 Stat. L., p. 325. (See also Report No. 1231, first session Fifty-seventh Congress.)

¹⁰ Second session Fifty-second Congress, Report No. 2549; first session Fifty-third Congress, Report No. 70.

¹¹ Second session Fifty-fifth Congress, Report No. 1628.

¹² Second session Fifty-sixth Congress, Report No. 2503.

¹³ First session Fifty-sixth Congress, Reports Nos. 1425, 1569.

¹⁴ First session Fifty-second Congress, Report No. 1790.

¹⁵ Second session Fifty-third Congress, Report No. 477.

¹⁶ Second session Fifty-fifth Congress, Report No. 1135.

¹⁷ First session Fifty-sixth Congress, Report No. 758.

¹⁸ Third session Fifty-eighth Congress, Report No. 3146.

4174. The Committee on Foreign Affairs has exercised jurisdiction of the subjects of commercial treaties and reciprocal arrangements.—On December 6, 1882,¹ the resolutions distributing the President's message contained the following:

To the revenue provisions of the reciprocity treaty with Hawaii and to commercial relations with foreign countries having connection with revenue questions to be referred to the Committee on Ways and Means.²

After debate, this was amended so as to refer the subject of the revenue provisions of the Hawaiian treaty to the Committee on Foreign Affairs.³

And the Committee on Foreign Affairs has reported legislation as follows:

In 1884,⁴ the resolution (H. Res. 32) requesting the President to negotiate for the renewal of the Canadian reciprocity treaty.

In 1886,⁵ the bill (H. R. 7884) authorizing the President to arrange for a conference to promote arbitration and commercial relations of a reciprocal nature with the other American nations.

In 1888,⁶ the bill (H. R. 1473) to arrange a conference to promote reciprocity and arbitration with the other nations of America and the bill (H. R. 129) to promote commercial union with Canada.

In 1890,⁷ a resolution recommending the negotiation of reciprocity treaties and a resolution relating to the promotion of commercial union with Canada. Again, in 1892,⁸ on the same subject.

In 1892,⁹ and 1894,¹⁰ on the subject of reciprocity with Mexico.

4175. Measures for fostering commercial intercourse with foreign nations and for safeguarding American business interests abroad have been considered by the Committee on Foreign Affairs.—On June 20, 1882,¹¹ the Committee on Foreign Affairs reported the bill (H. R. 6023) to authorize the appointment of a special commissioner to promote commercial intercourse with the nations of Central and South America.

In 1890,¹² the resolutions distributing the President's message referred to Foreign Affairs the subject of West India trade.

The Committee on Foreign Affairs also reported:

¹ Second session Forty-seventh Congress, Journal, p. 41; Record, p. 58.

² It should be noted, however, that the legislation to carry into effect the reciprocity treaty with Cuba in 1903 was reported from the Committee on Ways and Means. (First session Fifty-eighth Congress, Report No. 1.)

³ The Committee on Ways and Means has exercised this jurisdiction, however. (See sec. 4021 of this chapter.)

⁴ First session Forty-eighth Congress, Report No. 2149.

⁵ First session Forty-ninth Congress, Report No. 1648.

⁶ First session Fiftieth Congress, Reports Nos. 369, 1183.

⁷ First session Fifty-first Congress, Reports Nos. 1827, 1870.

⁸ First session Fifty-second Congress, Report No. 1957.

⁹ First session Fifty-second Congress, Report No. 1145.

¹⁰ Second session Fifty-third Congress, Report No. 878.

¹¹ First session Forty-seventh Congress, Report No. 1457.

¹² First session Fifty-first Congress, Record, p. 188.

In 1884,¹ the bill (H. R. 6926) to authorize the appointment of a special commissioner for promoting commercial intercourse with the countries of Central and South America.²

In 1886,³ the resolution (H. Res. 14) requesting the President to invite the cooperation of the governments of American nations in securing the establishment of free commercial intercourse and an American customs union.

On December 10, 1890,⁴ the resolutions for the distribution of the President's message provided for the reference of subjects relating to "extension of commercial and banking facilities with Mexico, South and Central America" to the Committee on Foreign Affairs.

Foreign Affairs reported—

In 1890,⁵ on the subject of an intercontinental railway.

In 1885,⁶ on the subject of discrimination against American products by the German Empire.

In 1896,⁷ on the exclusion of American life insurance companies from Germany.

4176. Preliminary jurisdiction of the Committee on Foreign Affairs as to the canal between the Atlantic and Pacific Oceans.⁸—In certain of the steps preliminary to the undertaking of a canal between the waters of the Atlantic and Pacific the Committee on Foreign Affairs exercised jurisdiction, and reported:

In 1882,⁹ the bill (H.R. 6799) relating to the Nicaragua Canal.

In 1889,¹⁰ the resolution (S. Res. 122) declaring the sense of the United States Government in respect to the connection of European governments with ocean canals at the isthmus of Darien and in Central America; and the bill (S. 3949) for the relief of laborers on the Panama Canal.

In 1890,¹¹ the resolutions distributing the President's message referred the subject of "Isthmian transit" to Foreign Affairs.

4177. The Committee on Foreign Affairs has general jurisdiction of the subject of international conferences and congresses.¹²—On December 6, 1882,¹³ the resolutions distributing the President's message provided for the reference to the Foreign Affairs Committee subjects relating to legislation touching the sending

¹First session Forty-eighth Congress, Report No. 1445.

²In 1900, however, the Committee on Interstate and Foreign Commerce reported the bill (S. 1939) authorizing the President to appoint a commission to study trade conditions in China and Japan. (First session Fifty-sixth Congress, Reports Nos. 484, 878.)

³First session Forty-ninth Congress, Report No. 1645.

⁴Second session Fifty-first Congress, Journal, p. 42; Record, p. 303.

⁵First session Fifty-first Congress, Report No. 2243.

⁶Second session Forty-eighth Congress, Report No. 2682.

⁷Second session Fifty-fourth Congress, Report No. 215.

⁸This subject generally belongs, however, to the jurisdiction of the Committee on Interstate and Foreign Commerce. See section 4103 of this volume.

⁹First session Forty-seventh Congress, Reports Nos. 1698, 4167.

¹⁰Second session Fiftieth Congress, Report No. 3869, Record, p. 1936.

¹¹First session Fifty-first Congress, Record, p. 188.

¹²See, however, section 4111 of this volume for instances wherein this jurisdiction was shared by the Committee on Interstate and Foreign Commerce; and section 4255 for instance of exercise of the jurisdiction by the Committee on Patents.

¹³Second session Forty-seventh Congress, Journal, p. 40; Record, p. 56.

of delegates to represent the United States at international conventions to consider matters of common interest to civilized nations; to the holding of a peace congress at Washington, D.C., to be composed of representatives of the countries constituting the American continents; to the centennial celebration of the birth of Bolivar, the founder of South American independence, to be held in July, 1883, at the city of Caracas, Venezuela.

Similarly, in 1889,¹ subjects relating to the Pan-American Congress and the International Maritime Congress were referred to Foreign Affairs.

The Committee on Foreign Affairs has reported:

In 1884,² the resolution (H. Res. 225) to authorize the President to appoint a commissioner to the International Prison Congress.

In 1888,³ the bill (H. R. 6554) to provide for an international marine conference—

In 1890,⁴ on the subject of the International American Conference.

In 1892,⁵ on the subject of the Pan-American Medical Congress.

In 1906,⁶ on the subject of an international conference relative to immigration.

4178. Bills to carry out the stipulations of treaties are often reported by the Committee on Foreign Affairs.—The Committee on Foreign Affairs has jurisdiction of matters of international concern, and has reported—

In 1886⁷ and 1891,⁸ on bills to carry out a treaty or convention for the protection of submarine cables, and as to the Pacific Cable Company.

In 1887,⁹ the bill (S. 3044) to provide for the execution of the treaty with China in relation to the importation of opium.

In 1899,¹⁰ the resolution relating to correspondence with other nations to obtain an agreement to exempt from capture private property on the sea.

On January 9, 1882,¹¹ in the distribution of the President's message, so much as referred "to legislation to carry into effect treaties recently negotiated between the United States and China and the United States and Japan," were referred to the Committee on Foreign Affairs.

4178a. The subjects of extradition with foreign nations, international arbitration, and violation of neutrality have been within the jurisdiction of the Committee on Foreign Affairs.—The Committee on Foreign Affairs reported in 1889¹² on the subject of enlargement of extradition with Great Britain.

The Committee on Foreign Affairs also has reported:

¹ First session Fifty-first Congress, Record, p. 188.

² First session Forty-eighth Congress, Report No. 1339.

³ First session Fiftieth Congress, Report No. 361.

⁴ First session Fifty-first Congress, Report No. 627.

⁵ First session Fifty-second Congress, Report No. 1791.

⁶ First session Fifty-ninth Congress, Report No. 3400.

⁷ Flint session Forty-ninth Congress, Report No. 3198.

⁸ Second session Fifty-first Congress, Report No. 3774.

⁹ Second session Forty-ninth Congress, Report No. 3691.

¹⁰ Third session Fifty-fifth Congress, Report No. 1874.

¹¹ First session Forty-seventh Congress, Journal, p. 246; Record, p. 297.

¹² First session Fifty-first Congress, Record, p. 188.

In 1886,¹ recommending that the subject of appropriating for the ceremonies of inauguration of the Bartholdi statue, as well as the appropriation for establishing it as a light, be referred to the Committee on Appropriations.

In 1892,² on international arbitration.

In 1901,³ a resolution relating to the violation of the neutrality laws by the shipment of horses and mules to South Africa.

4179. The creation and history of the Committee on Military Affairs, section 12 of Rule XI.

The rules give to the Committee on Military Affairs jurisdiction of subjects relating “to the military establishment and the public defense.”

Appropriations for the military establishment and the public defense, including the Military Academy, are by rule placed within the jurisdiction of the Committee on Military Affairs.

Section 12 of Rule XI provides for the reference of subjects relating—

To the military establishment and the public defense, including the appropriations for its support,⁴ and for that of the Military Academy to the Committee on Military Affairs.

This committee consists of eighteen Members and one Delegate.

It was added to the list of standing committees⁵ on March 13, 1822.⁶ When the rules were revised in 1880,⁷ its jurisdiction was defined:

To the military establishment and the public defense, other than the appropriations for its support, to the Committee on Military Affairs.

In 1885, when the appropriation bills were distributed, the present form was adopted.⁸

The committee may report at any time its general appropriation bills.⁹

4180. The Committee on Military Affairs reports two general appropriation bills, one for the Army and the other for the Military Academy.—The Committee on Military Affairs reports not only the general appropriation bill for the support of the Army, but also the general appropriation bill for the support of the Military Academy.¹⁰

4181. The Committee on Military Affairs has jurisdiction over legislative propositions relating to the War Department, but does not report appropriations for salaries therein.—In 1906¹¹ the Committee on Military

¹ First session Forty-ninth Congress, Report No. 2899.

² First session Fifty-second Congress, Report No. 1897.

³ Second session Fifty-sixth Congress, Report No. 2912.

⁴ See, however, sections 4042–4049 of this volume for exceptions to this rule.

⁵ On December 7, 1815 (First session Fourteenth Congress, Journal, p. 29; Annals p. 380), such a committee had been proposed by Mr. Richard H. Wilde, of Georgia.

⁶ First session Seventeenth Congress, Journal, p. 357.

⁷ Second session Forty-sixth Congress, Record, p. 205.

⁸ First session Forty-ninth Congress, Record, pp. 168, 196, 278.

⁹ See section 4621 of this volume.

¹⁰ First session Fifty-sixth Congress, Report No. 1445; first session Fifty-ninth Congress, Report No. 3169.

¹¹ First session Fifty-ninth Congress, Report No. 2663.

Affairs reported on a subject relating to the Bureau of Insular Affairs in the War Department,¹ in accordance with its legislative² jurisdiction over the War Department.

4182. Appropriations for clerks in the office of the Chief of Staff belong to the army bill.—On January 23, 1904,³ the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read the paragraph headed:

PAY TO CLERKS AND MESSENGERS AT HEADQUARTERS OF DIVISION AND DEPARTMENTS
AND OFFICE OF THE CHIEF OF STAFF.

One chief clerk, \$2,000.

Four clerks, at \$1,800 each per annum, etc.

And concluding:

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

Mr. Oscar W. Underwood, of Alabama, made the point of order that the subjects of this paragraph were within the jurisdiction of the Committee on Appropriations. After debate the Chairman⁴ held:

This paragraph appropriates for "pay to clerks and messengers at headquarters of division and departments and office of the Chief of Staff." The point of order of the gentleman from Alabama, as the Chair understands it, is that because this paragraph includes an appropriation for clerks in the office of the Chief of Staff, therefore it is in effect an appropriation for one of the Executive Departments of the Government at Washington, and therefore should not be included in this army appropriation bill, which comes from the Committee on Military Affairs, but should be covered by the legislative, executive, and judicial appropriation, which is within the jurisdiction of a different committee. We have a statute which provides that—

"Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year."

Salaries for such clerks and employees are properly carried in the executive and not in the army bill. As to what constitutes a "Department," the Chair calls attention to an opinion of the Attorney-General of the United States directly in point. It is found in Opinions of the Attorney-General, volume 15, page 267, and reads as follows:

"The several Executive Departments are by law established at the seat of government. They have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these Departments which are constituted such by the law of its organization. The Department, with its bureaus or offices, is in contemplation of the law an establishment distinct from the branches of the public service and the offices thereof, which are under its supervision. Thus the office of postmaster, or of collector of internal revenue, or of pension agents, or of consuls, is not properly a departmental office—not an office in a Department having supervision over the branch of the public service to which

¹The Committee on Insular Affairs has an exclusive jurisdiction over Porto Rico and the Philippines as to all subjects except appropriations. (See sec. 4213 of this work.)

²While the Committee on Military Affairs has legislative jurisdiction over the War Department, the appropriations for salaries of the Secretary, chiefs of divisions, and clerks in Washington are carried in the legislative bill, which is reported from the Committee on Appropriations.

³Second session Fifty-eighth Congress, Record, pp. 1084–1087.

⁴Marlin E. Olmsted, of Pennsylvania, Chairman.

it belongs. True, an official relation exists here between the office and the Department, one, moreover, of subordination of the former to the latter, but this does not make the office a part of the Department.”

The Chair thinks that ruling very applicable to the case in hand. Referring to the act of February 14, 1903, entitled “An act to increase the efficiency of the Army,” being the act whereby this office of Chief of Staff is created, it does not appear that there is any provision that he shall be established or even have his headquarters at Washington. He may be in the field. He may be anywhere the necessities of the service require. He is, among other things, to “have supervision of all troops of the line” and to “perform such other military duties” as may be lawfully assigned him by the President. The Chair is of the opinion that he is not the head of a “Department” within the meaning of the law and ruling of the Attorney-General, but his relation to the War Department, so far as the bill is concerned, is of a character similar to that formerly sustained by the Lieutenant-General. The words embraced in lines 13, 14, and 15, on page 8, “And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve,” would, if introduced for the first time in this bill, be open to objection, but it appears to be the identical language which is in the existing law, the army appropriation bill of last year. It is a mere reaffirmation of law. The Chair, therefore, overrules the point of order.

4183. Legislative authorization for construction of buildings for use of the Army and provisions for the control thereof are generally within the jurisdiction of the Committee on Military Affairs.—The Committee on Military Affairs has jurisdiction of authorizations of law as to buildings for use of the Army, as in the case of the quartermaster’s warehouse at Omaha, Nebr.;¹ and as to the control of army posts, as in the case of the bill relating to the sale of liquor in canteens at army posts.²

4184. Fire control and direction apparatus for field artillery comes within the jurisdiction of the Committee on Military Affairs.

The acts of the Executive Departments in submitting estimates are not of effect in determining questions of jurisdiction.

On February 27, 1906,³ the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when a paragraph of appropriation was read including the following:

Fire control and direction apparatus and material for field artillery.

Mr. Lucius N. Littauer, of New York, made the point of order that the jurisdiction of this item belonged to the Committee on Appropriations and not to the Committee on Military Affairs.

In the course of the debate Mr. Richard Wayne Parker, of New Jersey, explained as follows:

Mr. Chairman, General Greely has stated this matter with some care, on pages 1 and 2 of the hearing.

He states generally that the Signal Corps have to manage this arrangement by which guns shall be pointed in the field; I have seen it in actual work within the past two months, and I think perhaps the Chairman will be enlightened by a statement of how it is done.

Suppose it is desired to shoot at an enemy who is seen from the top of a hill. The guns are not brought to the top of the hill, because then they would be a mark instantly for the enemy. They are placed in a hollow behind where the gunners can shoot over the hill, but can not see the mark at which they are to shoot. Instantly the Signal Corps, who now ask this appropriation, lay a telegraph line which operates by telephone from the battery of guns up to the observing point on the top of the hill,

¹First session Fifty-seventh Congress, Report No. 1920.

²First session Fifty-sixth Congress, Report No. 1701.

³First session Fifty-ninth Congress, Record, pp. 3071–3080.

where the Signal Corps have taken their stand. There they have an instrument, a small spyglass, that is leveled like a transit, by which they can take sight on the object to be shot at; and likewise we will say on a steeple in the rear, and they thus get the angle between the line of fire from the point on the top of the hill and the line back to the steeple. Then they know, or measure the distance, from that observation point to the gun's at one side in the hollow. They then calculate upon that distance that the lines to the steeple and to the enemy will make a certain different angle at the gun from what they did at the top of the hill, and so the man down the hill having a small instrument, a telescope or transit like that used at the top of the hill, sights back upon the steeple and forward at the angle that he is directed to take by telephone, shoots over the hill at that angle, and without seeing his mark, hits that mark.

It is those instruments which are used by the Signal Service in the field which gentlemen here say belong to the fortifications appropriation. In fortifications all that work is done by fixed telescopes, instruments put in houses or at fixed points, and managed by the artillery. In the field that direction is given by the Signal Corps and by no other corps, and this provision, as explained by General Greely, is to allow the Signal Corps to provide themselves not with fortification artillery, but with telescopic sights fitted with small graduated circles, which will tell them how to direct the guns in the field, how to shoot, and with the like sights to be put upon the guns or set near the guns, which will enable them to fulfill those directions.

At the conclusion of the debate the Chairman¹ ruled:

The gentleman from New York [Mr. Littauer] makes the point of order against the words "fire control and direction apparatus and material for field artillery," in lines 1 and 2, on page 5 of the bill, contending that this item of appropriation belongs to the Appropriation Committee and not to the Committee on Military Affairs. This raises the square question of jurisdiction between these two committees. It is a question which has been before the Committee of the Whole and before the House ever since division of the appropriations, in the Forty-ninth Congress, between the various committees now reporting appropriation bills. This is an extremely important question, and the Chair has found it a very delicate one to pass upon, involving not only an interpretation of the rules and the precedents of the House, but also a review of the practice of the committees dating back for many years.

The Chair will state, in the first place, that he does not think the occupant of this chair in Committee of the Whole is called upon to consider, in passing upon such a question as this, the attitude of the Executive Departments toward the various committees of the House.

It appears that an item similar to this has been carried for the past three years in appropriation bills coming from the Committee on Appropriations, and that no point of order has been made against those items. The present occupant of the chair, however, is compelled to find that the Chair ought not to seek shelter behind the undisputed action of the House or committee when he is called upon to decide a point of order according to the law and the precedents.

This question brings before us the history of the separation of the jurisdiction of the Appropriation Committees of the House, and the present occupant of the chair has undertaken to look into it with as much care and as fully as time permitted.

Prior to the Forty-ninth Congress all appropriation bills were framed by the Appropriations Committee, and matters relating to military affairs were scattered, at first apparently indiscriminately, between the sundry civil bill, the military bill, the fortification bill, and, of course, the various deficiency bills. Prior to the Forty-ninth Congress the rules under which authority was given to the Appropriations Committee and the Military Committee were as follows: The rules provided that matters relating to appropriations of the revenue for the support of the Government should go to the Committee on Appropriations, while matters relating to the military establishment and the public defense, other than appropriations for its support, should go to the Committee on Military Affairs. When the subdivision and distribution of matters going to the various appropriation committees were made, they were made effective by the rules of the House which have prevailed down to the present time, which were as follows:

"Matters relating to appropriation of the revenue for the support of the Government as herein provided, namely, for legislative, executive, and judicial expenses, for sundry civil expenses, for forti-

¹ Henry S. Boutell, of Illinois, Chairman.

fications and coast defense, for the District of Columbia, for pensions, and for all deficiencies, to the Committee on Appropriations.

“Matters relating to the military establishment and the public defense, including appropriations for its support, and that of the Military Academy, to the Committee on Military Affairs.”

The language in the latter rule, it will be seen, is sufficiently broad, if standing by itself, to cover all appropriations relating to the military establishment. In order, therefore, to find out what items are not given to the Military Committee, we must determine what is meant by the language in the rule conferring jurisdiction on the Appropriation Committee, which says: “For fortifications and for coast defense.”

The gentleman from Iowa who last addressed the Chair has suggested that in this division of authority the Committee on Military Affairs took only those subjects which the military bill carried under the Appropriation Committee when that committee had charge of all the bills. According to this line of reasoning, then, it would be true, of course, that the Appropriations Committee, under the language, “for fortifications and for coast defense,” retains jurisdiction of only those items which previous to the separation had been carried in the fortification bill. This was a matter which so interested the Chair that he took occasion to look through all of the fortification acts from 1885 back to the civil war, that he might discover whether the fortification bills ever carried any items other than those directly connected with the fortifications and with the heavy guns of the coast defenses. But for twenty years prior to the division of jurisdiction the fortification bill carried no items except such as were directly connected with fortifications and coast defenses. Therefore the Chair sought to discover on what theory field guns were given to the Appropriations Committee after the division of jurisdiction and were covered in the fortification bill.

The last decision upon this question was made as late as 1898, on February 5 of that year, the fortification bill then being under consideration in Committee of the Whole. When this paragraph was read, “For steel field guns, \$30,000,” Mr. Hull, of Iowa, then chairman of the Committee on Military Affairs, made the point of order that this provision belonged to the Committee on Military Affairs and not to the Committee on Appropriations. After considerable debate the chairman of the committee, Mr. Hopkins, of Illinois, held that the point of order was not well taken, and that the item “for steel field guns, \$30,000,” belonged to the fortification bill. He referred to certain precedents which the Chair will allude to. On March 31, 1890, the House being in Committee of the Whole House on the state of the Union, and considering the army appropriation bill, a paragraph for metallic cartridges for field gun batteries and steel shell and shrapnel for artillery guns was under consideration, was read, and Air. Marcus Brewer, of Michigan, made the point of order that those items were not properly in the army bill, since they belonged to fortifications and coast defense, and that they belonged to the jurisdiction of the Committee on Appropriations. After debate Mr. Payson, of Illinois,¹ being in the chair, said:

“The question presented is of great difficulty and the discussion has not been sufficiently full to entirely satisfy the Chair about the precedents, but the exigencies of the work before the House will not permit further delay. The practice of the House for the last twenty years preceding the last six years in large part has obtained under different conditions as between committees from those which now exist, and the Chair will confine himself strictly to the rule as he understands it.”

He then read the rule prevailing at that time—which still prevails—which the Chair had previously read, and then said:

“As the Chair understands this rule, the Committee on Appropriations in this matter is confined strictly to that which pertains to fortifications and coast defenses. The Chair holds that the provision of the bill providing for steel field guns and carriages for the same not used in fortifications nor made for fortifications nor for coast defenses properly goes to the Committee on Military Affairs, and he therefore overrules the point of order.”

Immediately, on motion of Mr. Joseph G. Cannon, of Illinois, then chairman of the Committee on Appropriations, the committee struck out the paragraphs in question from the military bill by a vote of 91 ayes to 57 noes.

On the next day, on April 1, 1890, the Committee of the Whole House had under consideration the fortifications appropriation bill. The item in that bill against which the point of order was made

¹Mr. Allen, of Michigan, not Mr. Payson, was in the Chair. See section 4042 of this volume.

(and I call the attention of the members of the committee especially to these items as enumerated) was for steel field guns, 3.2 caliber, metallic cartridges for field-gun batteries, and steel shell or shrapnel for field guns.

Mr. Cutcheon, of Michigan, made the point of order against the paragraph, and Mr. Payson, of Illinois, decided that the point of order was not well taken and overruled it, as he said, in conformity with the uniform decisions of the House.

The Chair found upon more careful examination a similar decision on the 19th of January, 1899, when Mr. Blount, of Georgia, was in the chair, and a point of order was made by Mr. Cutcheon against this provision for steel forgings for not less than twenty-four 3.6-inch field guns, \$24,000. Another point of order on the same bill was made by Mr. Cutcheon against the following paragraph:

“One thousand steel shrapnel for field guns; 4,800 projectiles, cast iron, for field guns.”

These were on the fortifications bill. The Chair overruled the points of order.

Still the present occupant of the chair was unable to find the reason why these field guns were appropriated for in the fortifications bill from the Appropriations Committee. But by further reference he found that on February 9, 1887, this matter came before the House and not before the Committee of the Whole. On that day the Speaker laid before the House Senate bill 662, to encourage the manufacture of steel for modern army ordnance, armor, and other purposes; to provide heavy ordnance adapted to modern army warfare, and for other purposes. Mr. McAdoo said:

“Mr. Speaker, I make the same point of order with reference to this bill that the gentleman from Michigan made with regard to the preceding bill—that under clause 11 of the eleventh rule, which provides that all proposed legislation relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, should be referred to the Committee on Military Affairs, and that this bill should be so referred.”

The occupant of the chair at that time was Mr. Speaker Carlisle. The colloquy which followed, as shown by the Record, was participated in by his great successor as Speaker of the House, the late Speaker Reed. It appears from the colloquy preceding the reference of the bill that both Speaker Carlisle and Mr. Reed, the leader of the minority on the floor, acquiesced in the sending of this bill to the Appropriations Committee.

This occurred in 1887, very soon after the division of bills had been made and matters relating to the military establishment taken from the Appropriations Committee, with the exception of fortifications and coast defenses, and from the provisions of the bill then under consideration it seems very clear to the present occupant of the chair that the reason why Speaker Carlisle and Mr. Reed held that such bills should go to the Appropriations Committee to be considered in the fortifications bill was because the heavy siege guns and the field artillery were both manufactured by the same arsenal. The only ground on which the Appropriations Committee secured authority to appropriate for the field guns was not under the rule, but under the interpretation of the rule and by the decisions of the Speaker of the House and by the Chairmen of the Committee of the Whole. That is as nearly as the Chair has been able to analyze this subject and the disputes between the two committees.

There was no logical reason why field guns should not have been given to the Military Committee under that rule. They could not have been covered in fortifications and coast defenses under the language of the rule. It was only by an interpretation of the rule and by the decisions, as I have said, of the Speaker and of the various Chairmen. Now, if we go back and examine these items that have come before the committee and before the House, we will find that they cover, first, the guns themselves, and, second, those matters necessarily appurtenant to the guns, as carriages, shot, and ammunition. The Chair has been referred to no precedent which has held that equipment not appurtenant to the field guns, but connected with their operation, could go to the Appropriations Committee. The Chair has given due weight to the fact that this item has been carried in other Congresses in fortification bills, but the point has never been raised against them, and there are no rulings to guide the judgment of the Chair.

The Chair also gives very great weight to the point so ably made by the gentleman from Iowa [Mr. Smith], that fortification bills have uniformly carried similar items for the coast defenses and for fortifications, and right here is where the Chair thinks is the dividing line and why it seems to the Chair that this is such a delicate question. The fire control for guns in the coast defense are instrumentalities appurtenant to the coast defense. Fire control, on the other hand, for mobile guns in the field are instrumentalities appurtenant to the Army in its military operations and are not a part of the gun.

The Chair is confirmed in his general opinion by the very exhaustive history referred to by the gentleman from Minnesota [Mr. Tawney] setting forth the way in which jurisdiction was given to the Committee on Military Affairs, and by the ruling of the late Speaker Henderson following the able arguments made by the late Representative Moody, at that time serving on the Appropriations Committee and now Attorney-General, and the present chairman of the Military Affairs Committee. In ruling upon the items that were submitted to him the Speaker said:

“The Chair therefore holds that the appropriations for the manufacture of small arms and equipments for the infantry, cavalry, and artillery at the armories and arsenals are within the jurisdiction of the Committee on Military Affairs.”

As the Chair is informed, respecting the character of this fire-control apparatus, he regards it as an equipment of the artillery establishment and not as connected with or appurtenant to the gun. And therefore this item should not go to the Appropriations Committee, which has jurisdiction of the manufacture of field guns and appurtenances, but to the Military Committee, which takes all those things which are appurtenant to the Army and the public defense. After giving the subject as thorough consideration as the time permitted, and after studying the history of the conflict of jurisdiction involved, the Chair feels constrained to overrule the point of order.

Mr. Walter I. Smith, of Iowa, then stated that in view of the fact that this item had already been placed in the fortifications bill, he would move to strike it out of this bill.

After debate this motion was disagreed to, ayes 38, noes 62.

4185. Legislation relating to the National Soldiers' Homes is within the jurisdiction of the Committee on Military Affairs.—The Committee on Military Affairs exercises jurisdiction over legislation¹ relating to the National Homes for Disabled Volunteer Soldiers, and has reported:

In 1900,² a joint resolution (H. J. Res. 216) appointing three members on the Board of Managers of the National Home for Disabled Volunteer Soldiers; and also other bills relating to National Homes.

Again, in 1906,³ as to the board of managers;⁴ and also as to a temporary Home for Union soldiers and sailors.

4186. Legislation relating to the national cemeteries is within the jurisdiction of the Committee on Military Affairs.—The Committee on Military Affairs has general jurisdiction of legislation relating to national cemeteries,⁵ except appropriations therefor, which are carried in the sundry civil bill, within the jurisdiction of the Committee on Appropriations.

In 1901⁶ the Committee on Military Affairs reported the bill to extend the Loudon Park National Cemetery; and in 1906⁷ on the national cemetery at Greenville, Tenn.

On April 27, 1882,⁸ the Committee on Military Affairs reported the bill (H. R. 6011) to improve the public road to the Arlington National Cemetery; and has reported similar bills since that time.⁹

¹The Committee on Appropriations exercises jurisdiction over appropriations for these Homes, reporting therefor in the sundry civil bill.

²First session Fifty-sixth Congress, Reports Nos. 312, 469, 777, 1851.

³First session Fifty-ninth Congress, Reports Nos. 3588, 2336.

⁴See, however, section 4052 of this volume.

⁵First session Fifty-seventh Congress, Reports Nos. 875, 878.

⁶Second session Fifty-sixth Congress, Report No. 2529.

⁷First session Fifty-ninth Congress, Report No. 2667.

⁸First session Forty-seventh Congress, Report No. 6011.

⁹First session Fifty-ninth Congress, Report No. 3718.

4187. Legislation relating to military parks and battlefields is within the jurisdiction of the Committee on Military Affairs.—The Committee on Military Affairs has jurisdiction over legislation relating to military parks and battlefields,¹ and has reported:

In 1893² and 1906,³ as to the battlefield of Gettysburg and the improvements thereon.

In 1906,⁴ as to the park commission for the battlefield of Petersburg, Va.

In 1901,⁵ as to the national military park commission.

4188. In a few instances the Committee on Military Affairs has reported general bills providing for the adjustment of claims arising out of war.—On March 18, 1884,⁶ the Committee on Military Affairs reported the resolution (H. Res. 172) relating to the settlement of the claims of western States and Territories for expenditures on account of Indian hostilities. The report also shows that a prior act on this subject was reported from this committee.

In 1899⁷ this committee reported the bill (H. R. 12020) to reimburse the governments of States and Territories for expenses incurred in the war with Spain.

4189. The creation and history of the Committee on Naval Affairs, section 13 of Rule XI.

The rule gives to the Committee on Naval Affairs jurisdiction of subjects relating “to the naval establishment, including the appropriations for its support.”

Section 13 of Rule XI provides for the reference of subjects relating—

To the naval establishment, including the appropriations for its support; to the Committee on Naval Affairs.

The Committee on Naval Affairs has eighteen members.

It was made a standing committee⁸ on March 13, 1822.⁹ The form of the present rule is that of the revision of 1880¹⁰ as modified by that of 1885,¹¹ when the naval appropriation bill was taken from the Appropriations Committee and given to this committee, with the privilege of reporting it at any time.¹²

This committee not only has entire jurisdiction of legislation relating to the Navy, Marine Corps, and Naval Academy, but also has jurisdiction of an appropriations therefor, except only those for the salaries, etc., of the Secretary of the Navy and the chief of divisions and clerks in the Department in Washington, which

¹ Appropriations for these objects are carried in the sundry civil appropriation bill, which is within the jurisdiction of the Committee on Appropriations.

² Second session Fifty-second Congress, Report No. 2188.

³ First session Fifty-ninth Congress, Report No. 4252.

⁴ First session Fifty-ninth Congress, Report No. 2469.

⁵ First session Fifty-seventh Congress, Report No. 2043.

⁶ First session Forty-eighth Congress, Report No. 807.

⁷ Third session Fifty-sixth Congress, Report No. 2176.

⁸ On December 7, 1815 (first session Fourteenth Congress, Journal, p. 29; Annals, p. 380), such a committee had been proposed by Mr. Richard H. Wilde, of Georgia.

⁹ First session Seventeenth Congress, Journal, p. 351.

¹⁰ Second session Forty-sixth Congress, Record, p. 205.

¹¹ First session Forty-ninth Congress, Record, pp. 168, 196, 278.

¹² See section 4621 of this volume.

are carried in the legislative appropriation bill, reported by the Committee on Appropriations.

4190. The creation and history of the Committee on Post-Office and Post-Roads, section 14 of Rule XI.

The rule gives to the Committee on Post-Office and Post-Roads jurisdiction of subjects relating “to the post-office and post-roads, including appropriations for their support.”

Section 14 of Rule XI provides for the reference of subjects relating—

To the post-office and post-roads, including appropriations for their support; to the Committee on the Post-Office and Post-Roads.

This committee has eighteen Members and one Delegate.

It first became a standing committee on November 9, 1808,¹ on motion of Mr. John Rhea, of Tennessee, who became its first chairman. At that time it was composed of one Member from each State. A rule defining its jurisdiction was reported and adopted in 1811.² The present rule is in the form of the revision of 1880³ as modified by that of 1885,⁴ when the clause relating to appropriations was inserted. The committee may report its appropriation bill at any time.⁵

4191. The appropriation for officers and clerks in the Railway Mail Service belongs to the jurisdiction of the Committee on the Post-Office and Post-Roads.—On March 29, 1906,⁶ the legislative appropriation bill was under consideration in Committee of the Whole House on the state of the Union, under the terms of a special order which made it impossible to raise a question of order against any provision reported in the bill; and the following paragraph was read:

Division of Railway Mail Service: For the following now authorized and being paid from appropriations for the postal service, namely: General Superintendent, \$4,000; Assistant General Superintendent, \$3,500; chief clerk, \$2,500; assistant chief clerk, \$1,800; five clerks of class 3; six clerks of class 2; five clerks of class 1; three clerks, at \$1,000 each; two clerks, at \$900 each; in all, \$39,000.

Mr. Jesse Overstreet, of Indiana, raised a question that this paragraph was within the jurisdiction of the Post-Office appropriation bill, and moved to strike it out.

After debate the motion was agreed to, ayes 58, noes 22.

4192. The jurisdiction of the Committee on Post-Office and Post-Roads extends to the Railway Mail Service, ocean mail service, pneumatic-tube service, etc.—The Committee on Post-Office and Post-Roads has general legislative jurisdiction of subjects relating to the postal service,⁷ as well as

¹ Second session Tenth Congress, Journal, p. 345.

² See Report No. 38, first session Twelfth Congress.

³ Second session Forty-sixth Congress, Record, p. 205.

⁴ First session Forty-ninth Congress, Record, pp. 168, 196, 278.

⁵ See section 4621 of this volume.

⁶ First session Fifty-ninth Congress, Record, pp. 4473, 4477.

⁷ The authorization of buildings for post-offices is within the jurisdiction of the Committee on Public Buildings and Grounds, and appropriations therefor are within the jurisdiction of the Committee on Appropriations and are reported in the sundry civil bill.

jurisdiction of appropriations therefor, including the Railway Mail Service,¹ ocean mail service,² pneumatic tube service;³ and in 1901⁴ reported a bill codifying the postal laws. The appropriations for salaries, etc., of the Postmaster-General and heads of divisions and clerks in the Department at Washington are reported in the legislative appropriation bill, which is within the jurisdiction of the Committee on Appropriations.

4193. Subjects relating to postal savings bank and postal telegraphy are within the jurisdiction of the Committee on Post-Office and Post-Roads.—The Committee on Post-Office and Post-Roads has also exercised jurisdiction as follows:

In 1991,⁵ on the subject of postal savings banks.

In 1886,⁶ a resolution relating to an inquiry as to a monopoly of telegraph facilities.

In 1887,⁷ the bill (H. R. 10398) relating to telegraph lines, especially the landgrant telegraph lines.

On January 9, 1884,⁸ the resolutions distributing the President's message referred subjects relating to postal telegraphy to the Committee on Post-Office and Post-Roads.

4194. The creation and history of the Committee on Public Lands, section 16 of Rule XI.

The rule gives to the Committee on Public Lands jurisdiction of subjects relating "to the lands of the United States."

Section 15 of Rule XI provides for the reference of subjects relating—

To the lands of the United States; to the Committee on the Public Lands.

This committee is composed of fifteen Members and one Delegate.

It dates from December 17, 1805,⁹ when Mr. William Findley, of Pennsylvania, proposed to add to the standing committees of the House "a committee respecting the lands of the United States." It was opposed on the ground that a standing committee would gain too great an ascendancy over the sentiments and decisions of the House. On the other hand, it was contended that the business of the House would be greatly facilitated by the institution of a standing committee whose decisions would be uniform, and who would from long experience become more enlightened than a select committee.

¹ For reports on this subject see first session Fifty-first Congress, Report No. 375; second session Fifty-third Congress, Report No. 501.

² First session Fifty-second Congress, Report No. 699.

³ First session Fifty-seventh Congress, Report No. 1256.

⁴ Second session Fifty sixth Congress, Report No. 2272.

⁵ Second session Fifty-first Congress, Report No. 4002.

⁶ First session Forty-ninth Congress, Record, p. 1704.

⁷ Second session Forty-ninth Congress, Report No. 3501.

⁸ First session Forty-eighth Congress, Journal, p. 256; Record, p. 319.

⁹ First session Ninth Congress, Annals, pp. 285, 286. The committee had been first proposed January 3, 1805 (second session Eighth Congress, Journal, p. 76; Annals, p. 870), but the House had declined to authorize it.

The present form of the rule dates from the revision of 1880.¹ The committee may report certain classes of business at any time.²

4195. The Committee on Public Lands exercised a preliminary jurisdiction over the subject of irrigation.—In 1886³ the Committee on Public Lands reported the bill (S. 1092) granting right of way through the public lands for irrigation purposes; and in 1905⁴ on lands for reservoir sites

Generally, however, since 1901,⁵ matters affecting irrigation, which had gone to public lands because they affected the national domain, began to be considered exclusively by the Committee on Irrigation of Arid Lands.

4196. The Committee on Public Lands has exercised jurisdiction over the public lands of Alaska, including grants to public service corporations.—The Committee on Public Lands have jurisdiction as to the public lands of Alaska, and the committee reported generally on that subject in 1890;⁶ in 1896⁷ on the subject of a surveyor-general for Alaska; in 1902,⁸ on land offices there; in 1905⁹ on Alaska coal-land laws; in 1906,¹⁰ on allotment of homesteads to natives of Alaska; and in 1900,¹¹ on various bills relating to homestead laws, timber and stone lands, mining claims, and placer-mining laws in Alaska.

As to railways in Alaska, as generally they have been encouraged by grants of land, the Committee on Public Lands has maintained a certain jurisdiction, having reported bills:

In 1901,¹² relating to homestead laws and railroad rights of way.

In 1905,¹³ relating to the Alaska Central Railway.

In 1906,¹⁴ bills relating to the Alaska Central and Alaska Short Line railways.

The Committee on Territories, however, had also shared the jurisdiction as to Alaska railways.

Public Lands in 1901,¹⁵ reported on rights of way for telephone and telegraph lines in Alaska.

4197. The Committee on Public Lands exercises jurisdiction as to such forest reserves as are created out of the public domain.—The forest reserves created by setting aside portions of the public lands¹⁶ are, so far as legisla-

¹ Second session Forty-sixth Congress, Record, p. 205.

² See section 4621 of this volume.

³ First session Forty-ninth Congress, Report No. 2038.

⁴ Third session Fifty-eighth Congress, Report No. 4503.

⁵ Second session Fifty-sixth Congress, Reports Nos. 2904, 2927, 2934.

⁶ First session Fifty-first Congress, Report No. 2450.

⁷ First session Fifty-fourth Congress, Report No. 901.

⁸ First session, Fifty-seventh Congress, Report No. 42.

⁹ Second session Fifty-eighth Congress, Report No. 1298.

¹⁰ First session, Fifty-ninth Congress, Report No. 3295.

¹¹ First session, Fifty-sixth Congress, Reports Nos. 561, 568, 569, 571, 572. But in 1886 (first session Forty-ninth Congress, Report No. 3232), the Committee on Territories reported a bill extending the homestead laws to the Territory of Alaska.

¹² First session Fifty-seventh Congress, Report No. 778.

¹³ Third session Fifty-eighth Congress, Report No. 4821.

¹⁴ First session Fifty-ninth Congress, Report Nos. 4983, 5009.

¹⁵ First session Fifty-seventh Congress, Report No. 2460.

¹⁶ Forest reserves on lands not a portion of the public domain are within the jurisdiction of the Committee on Agriculture. (See sec. 4160 of this volume.)

tion—distinguished from appropriation—is concerned within the jurisdiction of the Committee on Public Lands, and that committee has reported:

In 1898,¹ a bill authorizing the leasing of portions of forest reserves.

In 1894² and 1899,³ bills relating to forest reservations.

In 1900,⁴ a bill preserving the rights of persons who have had unperfected land titles in regions included within forest reservations.

In 1903,⁵ on the subject of game animals, birds, and fish in forest reserves.

In 1894,⁶ in relation to timber on the public lands

In 1900,⁷ on the bill (H. R. 10590) setting aside a preserve for the American bison.

4198. The Committee on Public Lands has jurisdiction over subjects relating to those national parks created out of the public domain.—The Committee on Public Lands has jurisdiction over legislation (but not of appropriation), relating to the national parks created out of portions of the public domain, and has reported bills relating to the Yellowstone,⁸ Yosemite,⁹ Wind Cave,¹⁰ and also on the proposed Petrified Forest National Park.¹¹

4199. Bills relating to the preservation of prehistoric ruins and natural objects of interest on the public lands have been reported by the Committee on Public Lands.—The Committee on Public Lands has reported bills of the following class:

In 1905,¹² relating to aboriginal monuments and ruins.

In 1900,¹³ the resolution (H. Res. 170) providing for negotiating for or bonding the groves of Sequoia Gigantea, or big trees, in Calaveras and Tuolumne counties, California; the bill (H. R. 10451) for the preservation of the prehistoric monuments and ruins on public lands; and the bill (H. R. 9634) to set aside certain lands to be known as the Petrified Forest National Park of Arizona.

In 1901,¹⁴ the bill (H. R. 13071) to set apart certain lands in New Mexico to be known as the Cliff Dwellers' Park.

In 1906,¹⁵ on the subject of American antiquities.

¹ Second session Fifty-fifth Congress, Report No. 942.

² Third session Fifty-fifth Congress, Record, p. 919.

³ Second session Fifty-third Congress, Report No. 897.

⁴ First session Fifty-sixth Congress, Report No. 1700.

⁵ Second session Fifty-seventh Congress, Report No. 3862; first session Fifty-ninth Congress, Report No. 4907.

⁶ Second session Fifty-third Congress, Reports Nos. 241, 1204, 1400.

⁷ First session Fifty-sixth Congress, Report No. 985.

⁸ First session Fiftieth Congress, Report No. 3071; second session Fifty-third Congress, Reports Nos. 380, 658, 1386, 1387.

⁹ Second session Fifty-fifth Congress, Reports Nos. 559, 1315, 1547; second session Fifty-eighth Congress, Report No. 2576.

¹⁰ First session Fifty-seventh Congress, Reports Nos. 2606, 2676.

¹¹ First session Fifty-ninth Congress, Report No. 4638. In 1885 (second session Forty-eighth Congress, Report No. 2383) the Committee on Territories reported a bill setting aside a tract of land for the Yellowstone National Park.

¹² Third session Fifty-eighth Congress, Reports Nos. 3703–3705.

¹³ First session Fifty-sixth Congress, Reports Nos. 436, 879, 1104

¹⁴ Second session Fifty-sixth Congress, Report No. 2427.

¹⁵ First session Fifty-ninth Congress, Report No. 2224.

4200. Subjects relating to Arkansas Hot Springs Reservation are within the jurisdiction of the Committee on Public Lands.—The Hot Springs Reservation in Arkansas, is within the jurisdiction of the Committee on Public Lands,¹ together with the regulation of the hotels and bath houses connected therewith.²

4201. The forfeiture of land grants and alien ownership of land have been considered by the Public Lands Committee, although the Judiciary Committee also has participated in the jurisdiction of certain land questions.—On January 20, 1885,³ the Committee on Public Lands reported the bill (H. R. 2308) to prohibit aliens and foreigners from acquiring or owning lands within the United States.

In 1886⁴ the Committee on the Judiciary submitted a report setting forth that the forfeiture of lands granted to corporations was a subject belonging to the jurisdiction of the Committee on Public Lands, and declining to take jurisdiction.

On June 16, 1882,⁵ the Judiciary Committee reported the bill (H. R. 6520) relating to land patents in the Virginia military district of Ohio, a question arising out of the cession of the territory northwest of the Ohio by Virginia; and in 1887⁶ the Judiciary Committee also reported the bill (H. R. 5556) making it a misdemeanor to set fires on the public lands of the United States.

4202. The Committee on Public Lands has exercised a general but not exclusive jurisdiction over the public lands in relation to the minerals contained therein, and has reported bills to establish schools of mines.—The Committee on Public Lands has exercised jurisdiction over the subject of public lands as related to the minerals contained therein, and has reported:

In 1894⁷ bills relating to assessment work on mining claims; to mineral land laws in reservations; on Minnesota gold and silver lands.

In 1896,⁸ on examination of mineral lands in California.

In 1894,⁹ 1896,¹⁰ and 1906,¹¹ on bills relating to the establishment of schools of mines.¹²

4203. The Committee on Public Lands has reported projects of general legislation relating to various classes of land claims, as related both

¹Third session Fifty-fifth Congress, Report No. 2088; third session Fifty-eighth Congress, Report No. 4215.

²Second session Fifty-eighth Congress, Report No. 2039.

³Second session Forty-eighth Congress, Report No. 2308.

⁴First session Forty-ninth Congress, Report No. 2027. But in the Forty-seventh Congress (first session, Record, p. 6852, Reports Nos. 1205, 1283) the Judiciary Committee had reported very important bills of this nature.

⁵First session Forty-seventh Congress, Report No. 1414.

⁶Second session Forty-ninth Congress, Report No. 4107.

⁷Second session Fifty-third Congress, Reports Nos. 262, 382, 1381.

⁸First session Fifty-fourth Congress, Report No. 317.

⁹Second session Fifty-third Congress, Reports Nos. 381, 410, 413.

¹⁰First session Fifty-fourth Congress, Reports Nos. 50, 140.

¹¹First session Fifty-ninth Congress, Report No. 1685.

¹²The Committee on Mines and Mining has also reported on the subject of schools of mines. (See sec. 4226 of this volume.)

to States and individuals.—The Committee on Public Lands has reported general legislation—as distinguished from private and special—on these subjects:

In 1891,¹ the subject of Arkansas indebtedness.

In 1892,² on the Arkansas swamp land claims.

In 1898,³ on a bill (H. R. 10170) for the relief of homestead claimants who served in the war with Spain.

4204. The creation and history of the Committee on Indian Affairs, section 16 of Rule XI.

The rule gives to the Committee on Indian Affairs jurisdiction of subjects relating “to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor.”

Section 16 of Rule XI provides for the reference of subjects relating—

to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor; to the Committee on Indian Affairs.

This committee consists of eighteen Members and one Delegate.

It was established as a standing committee on December 17, 1821⁴ by a resolution moved by Mr. Samuel Moore, of Pennsylvania, who became its first chairman. The present form of the rule dates from the revision of 1880,⁵ as modified by the distribution of the appropriation bills in 1885.⁶ The committee may report its appropriation bill at any time.⁷

4205. The Committee on Indian Affairs has a broad jurisdiction of subjects relating to the care, education, and management of the Indians, including the care and allotment of their lands.—On December 6, 1888,⁸ the resolutions distributing the President’s message used this language relating to the jurisdiction of the Committee on Indian Affairs, giving to that committee so much “as relates to the care, education, and management of the Indians.” This language had been used for a long time in these resolutions; and the committee has exercised a broad jurisdiction as to the care of Indians on the reservations, and in Indian Territory while that reserve existed as a separate territory, and also as to the care and preservation of Indian lands and the allotment in severalty.⁹

4206. The Committee on Indian Affairs has jurisdiction of both general and special bills as to claims which are paid out of Indian funds.—On January 18 and 19, 1882, the House,¹⁰ after consideration, determined that bills for the payment of Indian depredation claims out of Indian funds should go to the Committee on Indian Affairs and not to the Committee on Claims.

¹ Second session Fifty-first Congress, Report No. 3314.

² First session Fifty-second Congress, Report No. 1571.

³ Second session Fifty-fifth Congress, Report No. 1343.

⁴ First session Seventeenth Congress, Journal, pp. 57, 62; Annals, p. 553.

⁵ Second session Forty-sixth Congress, Record, p. 205.

⁶ First session Forty-ninth Congress, Record, pp. 168, 196, 278.

⁷ See section 4621 of this volume.

⁸ Second session Fiftieth Congress, Journal, p. 53.

⁹ First session Fifty-ninth Congress, Report No. 1558.

¹⁰ First session Forty-seventh Congress, Record, pp. 484, 517.

The Committee on Indian Affairs reported in 1903¹ on the subject of Indian depredation claims, and in 1891² on the Miami Indian claims.

4207. As to jurisdiction in relation to overdue bonds of certain States held in the Treasury as part of Indian trust funds.—A question has frequently arisen as to certain overdue bonds and stocks of certain States, formerly belonging to an Indian trust fund and held in the Treasury of the United States, and the jurisdiction of the subject has sometimes been with the Committee on Indian Affairs³ and sometimes with the Committee on Ways and Means.⁴

4208. The creation and the history of the Committee on the Territories, section 17 of Rule XI.

The Committee on the Territories has, by rule, jurisdiction of subjects relating “to Territorial legislation, the revision thereof, and affecting Territories or the admission of States.”

Section 17 of Rule XI provides for the reference of subjects relating—
to Territorial legislation, the revision thereof, and affecting Territories or the admission of States; to the Committee on the Territories.

This committee consists of sixteen Members and two Delegates.

The jurisdiction given the committee on December 13, 1825,⁵ when it was established, was as follows:

It shall be the duty of the Committee on Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and nonresidents.

The present form of the rule dates from the revision of 1880.⁶ The committee may report at any time bills for the admission of new States.⁷

4209. The Committee on the Territories has jurisdiction of legislation relating to the general affairs of the Territories, and has even reported bills relating to the courts.—The Committee on Territories has general jurisdiction of subjects relating to the Territories within what has been termed continental United States, and has reported on a wide range of bills:

In 1906⁸ a bill to ratify and confirm the act of the legislative assembly of the Territory of Oklahoma, passed in the year 1901, authorizing the board of county commissioners of Kay County, Okla., to change the course of Spring Creek; and similar bills.

In 1886⁹ the bill (H. R. 2163) relating to the sale of intoxicating liquors in the Territories.

¹ Second session Fifty-eighth Congress, Report No. 2854.

² Second session Fifty-first Congress, Report No. 3852.

³ Thus, by the Indian appropriation act of 1894 (28 Stat. L., p. 311) the Secretary of the Treasury was directed to place these bonds and stocks on the books of the Treasury to the credit of the Indians.

⁴ Second session Forty-first Congress, Globe, p. 1689.

⁵ First session Nineteenth Congress, Journal, p. 46.

⁶ Second session Forty-sixth Congress, Record, p. 205.

⁷ See section 4621 of this volume.

⁸ First session Fifty-ninth Congress, Report No. 3929.

⁹ First session Forty-ninth Congress, Report No. 2444.

In 1887¹ the bill (H. R. 3750) relating to the power of Territorial legislatures to create corporations.

In 1904² on a bill relating to the Arizona Asylum for the Insane.

In 1884³ this committee reported as to jurisdiction of justices of the peace, and also as to courts and judicial proceedings, and in 1887⁴ as to the fees of marshals and attorneys, and even as to the creation of an additional justice for a Territorial supreme court, although in general this jurisdiction belongs to the Judiciary Committee.

4210. The Committee on the Territories has jurisdiction of general subjects relating to the district of Alaska.—Although a Territorial government has not been created for Alaska, the Committee on Territories has exercised a general jurisdiction over subjects relating to that region, and has reported:

On the subject of representation in Congress by a Delegate;⁵

The laws of the Territory;⁶

Construction and maintenance of roads;⁷

Municipal corporations;⁸

Sale of intoxicating liquors in;⁹

Care of the insane;¹⁰

As to justices of the peace and constables.¹¹

4211. The Committee on Territories has exercised a general but not exclusive jurisdiction as to game and fish in Alaska, including the salmon fisheries.—The Committee on Territories has exercised a general although not exclusive jurisdiction as to the salmon fisheries of Alaska, and has reported several bills¹² on that subject, and on May 28, 1902,¹³ the reference of a bill on this subject was changed from Merchant Marine and Fisheries to Territories, although later the former committee reported a bill on the same subject.¹⁴ In 1906,¹⁵ however, the Committee on Territories reported on the subject of fisheries in Alaska, and on a bill prohibiting aliens from taking fish in those waters.

¹ Second session Forty-ninth Congress, Report No. 3750.

² Second session Fifty-eighth Congress, Report No. 1021.

³ First session Forty-eighth Congress, Reports Nos. 254, 1056.

⁴ Second session Forty-ninth Congress, Reports Nos. 3486, 3739, 3751.

⁵ First session Forty-seventh Congress, Report No. 1306; First session Fifty-ninth Congress, Report No. 1472.

⁶ Third session Fifty-third Congress, Report No. 1607.

⁷ Second session Fifty-eighth Congress, Report No. 2235.

⁸ Second session Fifty-eighth Congress, Report No. 2742.

⁹ Third session Fifty-third Congress, Report No. 1616.

¹⁰ Second session Fifty-eighth Congress, Report No. 2743.

¹¹ Third session Fifty-third Congress, Report No. 1649.

¹² First session Fifty-fourth Congress, Reports Nos. 871, 1452; first session Fifty-seventh Congress, Report No. 2062.

¹³ First session Fifty-seventh Congress.

¹⁴ Second session Fifty-eighth Congress, Report No. 2099. See section 4147 of this volume.

¹⁵ First session Fifty-ninth Congress, Reports Nos. 2657, 2485.

The Committee on Territories has also reported on the subject of game¹ and wild fowl² in Alaska, although legislation relating to the reindeer³ has been reported from the Committee on Agriculture.

4212. The Committee on Territories has general jurisdiction of subjects relating to the Territory of Hawaii.—The Committee on Territories exercises a general jurisdiction of subjects relating to the Territory of Hawaii:

Laws relating to election of Delegate;⁴

Fuel and gas supply in Honolulu;⁵

Fund for public works in Hawaii;⁶

Quarantine station at Honolulu.⁷

In 1900⁸ this committee reported a bill reserving certain lands at Oahu, Hawaiian Islands, which were a part of the public domain; and this year⁹ and the next year the committee reported bills relating to Hawaiian coinage, although the Committee on Coinage, Weights, and Measures protested.

In 1901,¹⁰ also, the Committee on Territories reported a bill relating to subports of entry and delivery in Hawaii.

4213. The creation and history of the Committee on Insular Affairs, section 18 of Rule XI.

The rule gives to Insular Affairs jurisdiction of all subjects, other than revenue and appropriations, relating to the islands which came to the United States by the Spanish treaty of 1899.

The rule creating the Committee on Insular Affairs gave to it jurisdiction of subjects relating to Cuba.

Section 18 of Rule XI provides that the Committee on Insular Affairs shall have jurisdiction of:

All matters (excepting those affecting the revenue and the appropriations) pertaining to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba.

This committee consists of eighteen Members and the Resident Commissioner of Puerto Rico.

On December 5, 1899,¹¹ Mr. James A. Tawney, of Minnesota, introduced a resolution providing for a Committee on Insular Affairs; and on December 8¹² Mr. John Dalzell, of Pennsylvania, reported from the Committee on Rules a resolution creating the committee. This resolution was on that day agreed to by the House.

¹ First session Fifty-seventh Congress, Report No. 951.

² Third session Fifty-third Congress, Record, p. 2957.

³ First session Fifty-second Congress, Report No. 1093.

⁴ First session Fifty-ninth Congress, Report No. 3704.

⁵ Second session Fifty-eighth Congress, Report No. 1634.

⁶ First session Fifty-ninth Congress, Report No. 2743.

⁷ First session Fifty-ninth Congress, Report No. 1113.

⁸ First session Fifty-sixth Congress, Report No. 778.

⁹ First session Fifty-sixth Congress, Report No. 831; second session, Report No. 2941.

¹⁰ Second session Fifty-sixth Congress, Report No. 2463.

¹¹ First session Fifty-sixth Congress, Record, p. 60.

¹² Record, p. 159.

4214. The Committee on Insular Affairs exercises practically an exclusive jurisdiction over the affairs of the islands ceded by the treaty of 1899, except as to matters of revenue and appropriation.—The Committee on Insular Affairs, both by the terms of the rule defining its jurisdiction and in practice, exercises a broad jurisdiction over matters relating to the island possessions, without regard generally to the facts that the subjects would be such as ordinarily would fall within the jurisdiction of other committees.¹ Thus, it has reported:

In 1903,² on the Philippine coinage; and on removal of persons accused of crime to and from the Philippine Islands.

In 1904,³ on the construction of harbors and establishment of agricultural experiment stations in Porto Rico; and on the issue of bonds for municipal improvements in the Philippines.

In 1906,⁴ on Batan Island military reservation in the Philippines; on construction of wharves and piers in Porto Rico; exemption of Porto Rican bonds from taxation; loan of naval vessel to Philippine government; Philippine coinage system; Philippine shipping trade; qualifications of jurors and temporary substitute for a district judge in Porto Rico.

In 1907,⁵ a bill to provide for the establishment of an agricultural bank in the Philippines.

4215. Although there is a specific rule giving to Insular Affairs the jurisdiction of matters relating to Cuba, the House has decided that they belong rather to Foreign Affairs.—On December 20, 1906,⁶ House Resolution No. 647, distributing the President's message, was considered in the Committee of the Whole House on the state of the Union, when this clause was considered:

That so much as relates to the islands which came to the United States through the treaty of eighteen hundred and ninety-nine, with Spain [and to Cuba] (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

Mr. Sereno E. Payne, of New York, in explaining the amendment which the Ways and Means Committee had recommended, to strike out the words "and to Cuba," saying that as Cuba had become a foreign country the provision of the rules of the House giving jurisdiction to the Insular Affairs Committee had become inapplicable, and such matters would now be referred to the Committee on Foreign Affairs.

Considerable debate arose about taking the subject from the Committee on Insular Affairs, but Mr. Payne explained that the House had taken similar action the year before.

The amendment was agreed to.

4216. A proposition to establish a system for dealing with a certain class of claims in the Philippines was referred by the House to the Committee on Insular Affairs.

Instance wherein the House referred a message of the President.

¹ Of course exception is made by rule of matters relating to revenue and appropriations.

² Second session Fifty-seventh Congress, Reports Nos. 3023, 3478, 3542, 3834.

³ Second session Fifty-eighth Congress, Reports Nos. 2227, 2717.

⁴ First session Fifty-ninth Congress, Reports Nos. 3214, 3629, 4214, 4216, 4218, 4665, 4879, 4923.

⁵ Second session Fifty-ninth Congress, Report No. 8115.

⁶ Second session Fifty-ninth Congress, Record, pp. 602–604.

On December 5, 1906,¹ the Speaker laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I herewith submit to the Congress the report of the Secretary of War and of the Judge-Advocate-General in reference to the claims presented by the representatives of the Roman Catholic Church for amounts due from the United States to the various Roman Catholic churches in the islands for use and occupation by troops of the United States, and for damages during such occupation. I cordially indorse all that is said in these reports, and earnestly hope that the amount recommended by the board will be immediately appropriated, in order to do what is really an act of substantial justice to the Roman Catholic churches of the Philippines, in accordance with the suggestion of the Secretary of War. It is not only a matter of equity that we should pay this sum, but for the reasons set forth by the Secretary of War it is very greatly to the interest of the people of the Philippine Islands that it should be paid. I have accordingly approved the action of the Secretary of War in directing that the same board be reconvened, or another convened, to report on the advisability of paying additional sum to the Roman Catholic churches in the islands, in view of the damages inflicted upon them by reason of the war and by the insurrectos. I feel that this is peculiarly a case where, in the interest of the Philippine people themselves, it would be wise for the Congress to exercise a large liberality.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

The Speaker² said, after the reading of the message:

The Chair is in doubt as to the proper reference of this message. Offhand, perhaps, under the rules, the proper reference would be to the Committee on War Claims; but from a broader view, touching the Philippines, the Chair is inclined to think possibly the substance of the rules would be more fully met by its reference to the Committee on Insular Affairs. If the House has a preference as to its reference—

Mr. Sereno E. Payne, of New York, interrupting, said:

Mr. Speaker, if it is in order, I move that it be referred to the Committee on Insular Affairs.

The question was taken; and the motion was agreed to

So the message was referred to the Committee on Insular Affairs.

4217. The creation and history of the Committee on Railways and Canals, section 19 of Rule XI.

The rule gives to the Committee on Railways and Canals jurisdiction of subjects relating “to railways and canals, other than Pacific railroads.”

Early arguments for and against the creation of standing committees.

Section 19 of Rule XI provides for the reference of subjects relating—

to railways and canals, other than Pacific railroads: to the Committee on Railways and Canals.

This committee consists of fourteen Members.

It was established as a standing committee on December 15, 1831,³ on motion of Mr. Charles F. Mercer, of Virginia, who named it the “Committee on Roads and Canals.” A committee of this name had been proposed, however, as early as December 7, 1815,⁴ by Mr. Richard H. Wilde, of Georgia. Mr. Mercer’s motion in 1831 was agreed to by a vote of 96 to 90, there having been strong opposition to

¹Second session Fifty-ninth Congress, Record, pp. 73, 74.

²Joseph G. Cannon, of Illinois, Speaker.

³First session Twenty-second Congress, Journal, p. 59; Annals, pp. 1438, 1442.

⁴First session Fourteenth Congress, Journal, p. 29; Annals, p. 380.

making it a standing committee¹ lest it should be construed as an indorsement of an elaborate system of internal improvement. On the other hand, it was urged that there had already been special committees on the subject, and that such a standing committee had existed in the Senate for many years. It was provided at that time that the committee should have jurisdiction of matters "relating to railways and canals and the improvement of the navigation of rivers." On January 10, 1834,² Mr. Mercer proposed to add "harbors" to the jurisdiction of the committee, but the House disagreed to the proposition. While the clause of the rule relating to "the improvement of the navigation of rivers" remained until the revision of the rules in 1880,³ it was to a large extent obsolete, since from 1831 to 1879 most bills relating to the improvement of rivers were sent to the Committee on Commerce.⁴ The jurisdiction of the Committee on Railways and Canals, in this respect especially, was carefully examined and reported on in 1877.⁵ The present form of rule defining jurisdiction dates from the revision of 1880.

4218. The Committee on Railways and Canals has retained a general jurisdiction of the subject of canals; but has lost its jurisdiction as to railways.—The jurisdiction of the Committee on Railways and Canals as to railways has been absorbed by the Committee on Interstate and Foreign Commerce.⁶ But the jurisdiction of legislation as to canals has been retained, and the Committee on Railways and Canals has reported.

In 1882,⁷ on the Illinois and Mississippi Canal, the Maryland and Delaware ship canal, and the Michigan ship canal; also the bill (H. R. 5545) relating to the jurisdiction of the United States over certain ship canals and other navigable waters.

In 1884,⁸ on various canals; and the bill (H. R. 6320) relating to a harbor of refuge and breakwater at the northern end of the Cape Cod ship canal.⁹

In 1885,¹⁰ on the bill (H. R. 4991) to provide for the survey of a water route to connect Lake Michigan and Detroit River.

In 1891,¹¹ 1892,¹² 1901,¹³ and 1906,¹⁴ on the incorporation of the Lake Erie and Ohio Ship Canal Company.

¹ For another argument in opposition to standing committees, see section 4194 of this volume.

² First session Twenty-third Congress, Journal, pp. 179, 180, 508.

³ Second session Forty-sixth Congress, Record, p. 205.

⁴ Now the Committee on Interstate and Foreign Commerce. See section 4096 of this volume.

⁵ Second session Forty-fifth Congress, Record, pp. 18, 28; Report No. 13. See also remarks of Mr. Beale, second session Forty-sixth Congress, Record, p. 726.

⁶ See section 4114 of this volume.

⁷ First session Forty-seventh Congress, Reports Nos. 879, 880, 1000, 1016.

⁸ First session Forty-eighth Congress, Reports Nos. 339, 602, 603, 628, 1294, 2040.

⁹ As this bill carried an appropriation, the jurisdiction of this committee over it may be doubted, as the appropriating power belongs to the Rivers and Harbors Committee, or where contracts have been made, to the Appropriations Committee. Furthermore, the subject of harbors is in the later practice exclusively within the jurisdiction of the Rivers and Harbors Committee.

¹⁰ Second session Forty-eighth Congress, Report No. 2455.

¹¹ First session Fifty-second Congress, Report No. 1416.

¹² Second session Fifty-sixth Congress, Report No. 2496.

¹³ First session Fifty-seventh Congress, Report No. 1872.

¹⁴ First session Fifty-ninth Congress, Report No. 1343.

In 1901¹ and 1906² on the Chesapeake and Delaware Canal.

In 1896,³ on canal navigation; and in 1906⁴ on condition and ownership of canals.

In 1892,⁵ 1894,⁶ and 1896,⁷ on a proposed ship canal between the Great Lakes and the Hudson River.

In 1894,⁸ on the proposed connection between the Red River of the North and the Minnesota River.

In 1890,⁹ on the Niagara Falls ship canal.

4219. The Committee on Rivers and Harbors does not have jurisdiction of the subject of canals, and may not include provisions therefor in the river and harbor appropriation bill.

Where points of order are reserved on an appropriation bill, a portion not germane, and not within the jurisdiction of the committee, may be stricken out on a point of order in Committee of the Whole.

The river and harbor bill is not a general appropriation bill.

On February 19, 1885,¹⁰ a question arose over a paragraph in the river and harbor bill, providing for the construction of the Hennepin Canal, and after extended debate the Chairman¹¹ of the Committee of the Whole House on the state of the Union, in the course of an elaborate opinion, said:

The gentleman from Georgia [Mr. Turner] asked that that part of the bill which begins on line 813 and ends with line 842 be stricken out. They relate exclusively to the "construction of a canal from the Illinois River near the town of Hennepin to the Mississippi River at or near Rock Island," and propose that \$300,000 be appropriated therefor. He claimed that they should be stricken from the bill upon four points of order.

The first was that the Committee on Rivers and Harbors had no jurisdiction over the subject-matter of that canal. The second was that that committee had no right to put that canal into this bill and thereby give it the precedence allowed to bills making appropriations for the improvement of rivers and harbors by paragraph 8, Rule XI.¹² The third ground was that said lines are practically the same as H. R. 1975 upon the Calendar, reported last session by the gentleman from Iowa [Mr. Murphy] from the Committee on Railways and Canals. That being true, it is contended that those lines are therefore obnoxious to clause 4, Rule XXI, as to amendments. His last point was that this was "new legislation, increasing the amount of expenditure covered by the bill, and doing it by a clause not germane to the bill." Allusion was there meant to the familiar third paragraph of Rule XXI.¹³

For convenience, the last two points will be disposed of first. In reply to them it was urged that this bill is not a general appropriation bill and not covered by the third clause of Rule XXI, which in terms applies to "general appropriation bills," and that clause 4 of Rule XXI is in terms confined to amendments, whereas the lines attacked are in the bill and not offered as an amendment.¹⁴

¹ First session Fifty-seventh Congress, Report No. 1610.

² First session Fifty-ninth Congress, Report No. 244.

³ First session Fifty-fourth Congress, Report No. 351.

⁴ First session Fifty-ninth Congress, Report No. 3215.

⁵ First session Fifty-second Congress, Report No. 1023.

⁶ Second session Fifty-third Congress, Report No. 913.

⁷ First session Fifty-fourth Congress, Report No. 423.

⁸ Second session Fifty-third Congress, Report No. 1335.

⁹ First session Fifty-first Congress, Report No. 1430.

¹⁰ Second session Forty-eighth Congress, Record, pp. 1677, 1927, 2097.

¹¹ Nathaniel J. Hammond, of Georgia, Chairman.

¹² Now section 61 of Rule XI. See section 4621 of this volume.

¹³ See section 3578 of this volume.

¹⁴ This provision of the rule no longer exists.

In February, 1881, Mr. Carlisle (our present Speaker) being Chairman of the Committee of the Whole House on the state of the Union, considering the river and harbor appropriation bill, held that it was not a general appropriation bill, and that therefore an amendment to add a new work—that is, “an ice harbor at Dubuque, Iowa, \$40,000”—was not out of order.¹ That decision has been followed ever since, and, upon the letter of the rule, is fatal to the fourth point above stated. The third point as put is applicable to amendments only, and as the letter of the rule cited covers only amendments, and this is not an amendment, that letter again kills.

Having examined the point as to the jurisdiction of the committee, the Chairman said:

It is admitted that when the bill was reported to the House, and before and upon its reference to this committee, all points of order were reserved openly in the House and entered into its proceedings. But it is claimed that this precise question has been decided. It is asserted that during the last session of this Congress, when a like bill was in Committee of the Whole House on the state of the Union, the then chairman of the committee, the gentleman from Texas [Mr. Wellborn] held this same canal to be in order under like circumstances, and that on appeal his decision was sustained by the committee by a vote of 103 to 63.

A decision under like circumstances deliberately made by that gentleman would have great weight with the Chair. The vote of the committee on appeal, even though but half the Members voted, would add force to the decision were the issues fully understood when that vote was had. It is important, therefore, to examine the facts.

Having reviewed the facts of that decision, and quoted from it, the Chairman continued:

That extract contained a deliberate opinion “that the Committee on Rivers and Harbors did not have jurisdiction over the subject.” It further held that “had the point been presented before the House at the proper time and in the proper way the Chair thinks the clause should have been stricken from the bill.” There, as here, jurisdiction was asserted by reason of reference of the Chief Engineer’s report, etc., to the Committee on Rivers and Harbors.

That Chairman gave no opinion as to what was the proper time and proper way in the House. Doubtless the proper time would have been when the bill was reported and before it was committed to the Committee of the Whole House on the state of the Union. And now about the “proper way.” Had the House been informed that this matter was in the bill before it was sent here, action might have been taken in the House other than reserving points of order if its rules and practice allowed consideration in the House before consideration in the Committee of the Whole House on the state of the Union. But there is no such practice as to appropriation bills. When this bill was reported its title indicated what it was. It was an original bill reported from the committee, never having been before introduced into the House. By Rule XXI, clause 1, it was then read only by its title and referred to this committee.² It was never read in the House except by title. But suppose it be treated as having been so read. Rule XXIII³ requires that—

“All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property * * * shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has been commenced.”

It seems to the Chair that had it been so read in the House and a point of order had been raised and a motion had been made to strike out this canal provision, the Speaker could but have said that that was a “motion” or “proposition” or “proceeding touching appropriations of money” under Rule XXIII, and all that the House could do was to refer it to the Committee of the Whole House on the state of the Union, where that rule demands that its first consideration shall be had.

Suppose that is not true. Suppose that the House, when for the only time this bill was before it, had instructed this committee first to pass upon this point of order. None would then doubt that

¹Third session Forty-sixth Congress, Record, p. 1634.

²This rule is different now.

³See section 4792 of this volume.

this committee could so act. Where is the difference when, pursuant to its ordinary practice, the House allowed all points of order to be reserved and sent the bill here under that disability for the action of this committee?

Paragraph 8 of the same Rule XXIII declares that "the rules of proceeding in the House shall be observed in Committee of the Whole House so far as they are applicable." Our Digest of Rules, when it states that the Chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order, says:

"Of course it is otherwise where the point was reserved before commitment."—(Digest, 265.)

The fact that the House allows points of order to be reserved before commitment proves that it virtually instructs that the fact of commitment shall not cut them off. Otherwise the practice of reserving points of order on these bills would be worse than an unmeaning farce. It would operate as a snare and a fraud. Otherwise all the purposes sought by distributing matters among our committee according to their jurisdictions, fixed by the rules, would be thwarted. Otherwise the river and harbor bill would be an omnibus, capable of carrying whatever a majority of the Committee on Rivers and Harbors chose to pack into it, however foreign to its jurisdiction, and that, too, with a guaranteed "right of way" in preference to all legislation except that necessary to preserve the life of the Government. Such a construction must be wrong. The first and second points of order are sustained, and the lines objected to will be stricken from the bill.

Mr. Thomas J. Henderson, of Illinois, having appealed, on February 24, the decision of the Chair was sustained—108 yeas to 85 nays.¹

4220. The subject of canals is not within the jurisdiction of the Committee on Rivers and Harbors.—On February 7, 1907,² the river and harbor appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. J. Warren Keifer, of Ohio, proposed an amendment as follows:

Add after line 7, on page 101, the following paragraph:

"Big Miami River, from the Ohio River at or near Cincinnati, northward along the line of the Miami and Erie Canal to a connection with Lake Erie at or near Toledo, and as to its practicability, utility, and with a view to obtaining the cost, if completed, of a ship canal connecting, for the purposes of trade and commerce, the Ohio River and Lake Erie."

Mr. James R. Mann, of Illinois, made a point of order, saying:

An amendment of this sort upon this bill is not in order, because it is neither the improvement of a river or a harbor. That matter was settled years ago in the case of the Hennepin Canal. The point of order was sustained by the Chairman at that time, that it was not in order upon a river and harbor bill on the ground that the Hennepin Canal was not an improvement of a river or a harbor, and the item went out on the point of order.

The Chairman³ held:

It is perfectly clear to the Chair that this is not within the jurisdiction of this committee.

4221. The creation and history of the Committee on Manufactures, section 20 of Rule XI.

Reference to early jurisdiction of the Committee on Manufactures as to tariff bills.

¹It should be noted that the bill as to which this decision was made was an appropriation bill which originated in the Committee on Rivers and Harbors, and therefore should be distinguished from the ordinary public bill which originates with a Member and is referred to a standing committee. It is held that such reference, if it remain uncorrected, gives jurisdiction to the committee receiving it.

²Second session Fifty-ninth Congress, Record, p. 2467.

³Frank D. Currier, of New Hampshire, Chairman.

The rule gives to the Committee on Manufactures jurisdiction of subjects relating “to the manufacturing industries.”

Section 20 of Rule XI provides for the reference of subjects relating—
to the manufacturing industries: to the Committee on Manufactures.

The committee consists of thirteen Members.

On December 12, 1809,¹ Mr. Lemuel Sawyer, of North Carolina, proposed a standing committee on manufactures; but as this involved a division of the jurisdiction of the old Committee on “Commerce and Manufactures” the House refused assent. But on December 18, 1819,² after considerable debate as to the propriety of separating the two subjects of commerce and manufactures, the Committee on Manufactures was created, on motion of Mr. Peter Little, of Maryland. In the early history of the House this committee sometimes reported tariff bills,³ and as late as April 8, 1864,⁴ it reported on the subject of the duty on wool. But these isolated reports have not in any way impaired the exclusive jurisdiction of revenue subjects exercised by the Committee on Ways and Means in the later history of the House. The present rule defining the jurisdiction of the Committee on Manufactures was adopted in the revision of 1880.⁵

4222. Illustrations of exercise of jurisdiction by the Committee on Manufactures.—The Committee on Manufactures in 1884⁶ reported the following bills:

The bill (H. R. 986) to regulate commerce between the States pertaining to commercial travelers.

The bill (H. R. 1435) authorizing the President to appoint a commission on the tests of metals.

In 1882,⁷ the bill (H. R. 4726) providing for the appointment of a commission of experts to make tests of iron and steel and materials used in structures generally.

In 1892 and 1893,⁸ on the sweat-shop system.

In 1885⁹ the Committee on Manufactures investigated the subject of the whisky and cotton bagging trusts.

¹Second session Eleventh Congress, Journal, p. 128; Annals, p. 717.

²First session Sixteenth Congress, Journal, p. 9; Annals, pp. 708, 709. See also section 4096 of this volume.

³Second session Nineteenth Congress, Journal, p. 141; first session Twentieth Congress, Journal, p. 236.

⁴First session Thirty-eighth Congress, Report No. 48.

⁵Second session Forty-sixth Congress, Record, p. 205.

⁶First session Forty-eighth Congress, Reports Nos. 1321, 629.

⁷First session Forty-seventh Congress, Report No. 1307.

⁸Fifty-second Congress, first session, Report No. 164; second session, Report No. 2309.

⁹Second session Fiftieth Congress, Report No. 4165.