

## Chapter XCIX.

### HISTORY AND JURISDICTION OF THE STANDING COMMITTEES.

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1. Rule for reference to committees. Section 4019.
  2. Committee on Ways and Means. Sections 4020–4031.<sup>1</sup>
  3. Committee on Appropriations. Sections 4032–4053.
  4. Committee on the Judiciary. Sections 4054–4081.<sup>2</sup>
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**4019. It is provided by rule that all proposed legislation shall be referred to the standing committees in accordance with the jurisdiction which the rules specify.**

**The rules give to the jurisdiction of the respective Committees on Elections subjects relating “to the election of Members.”**

**The creation and history of the Committees on Elections, section 1 of Rule XI.**

Section 1 of Rule XI is as follows:

All proposed legislation shall be referred to the committees<sup>3</sup> named in the preceding rule as follows, viz: Subjects relating—

1. To the election of members: to the respective Committees on Elections.

The first clause is exactly as reported and adopted in the revision of 1880.<sup>4</sup>

The Committee on Elections dates from the First Congress, having been first established April 13, 1789.<sup>5</sup> On November 13, 1794,<sup>6</sup> this rule was adopted:

Two standing committees shall be appointed at the commencement of each session, to consist of seven members each, to wit: A Committee of Elections and a Committee of Claims.

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<sup>1</sup> See also sections 4155, 4161 of this volume.

<sup>2</sup> See also section 4145 of this volume.

<sup>3</sup> Bills are referred to standing committees at the beginning of a session before the actual appointment of them. (See first session, Thirty-eighth Congressional Globe, p. 7; also Journals at beginning of recent Congresses.)

<sup>4</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>5</sup> First session First Congress, Journal, p. 13. Until established by rule the Committee on Elections was specially authorized from session to session by order of the House. (Second session First Congress, Journal, p. 150; first session Second Congress, Journal, p. 440.)

<sup>6</sup> Journal, p. 229 (Gales and Seaton ed.), Third and Fourth Congresses.

In 1895,<sup>1</sup> in order that the work might be disposed of more promptly, the Committee on Elections was divided into three committees, each to consist of nine Members.<sup>2</sup>

**4020. The creation and history of the Committee on Ways and Means, section 2 of Rule XI.**

**The rules confer on the Ways and Means Committee the jurisdiction of subjects relating to the revenue and bonded debt of the United States.**

Section 2 of Rule XI provides for the reference of subjects relating—

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

This committee now consists of eighteen Members.

The rule in this form dates from the revision of 1880.<sup>3</sup>

A Select Committee on Ways and Means was one of the earliest appointed in the House, a resolution having been adopted on July 24, 1789,<sup>4</sup> instituting such a committee, to be composed of a Member from each State, and charged with investigating the question of supplies. Previous to 1800 the committee was spoken of as a standing committee;<sup>5</sup> but as a standing committee, as the term is understood now, the Ways and Means dates from January 7, 1802.<sup>6</sup> At that time there were only five standing committees. The jurisdiction of Ways and Means included the revenue and appropriation bills and general oversight of the debt and the departments of the Government.<sup>7</sup>

On March 2, 1865, the business of the committee having become too large, the jurisdiction was divided by giving the appropriation bills to the newly created Appropriations Committee and banking and currency bills to the newly created Committee on Banking and Currency.<sup>8</sup> Mr. Samuel S. Cox, then of Ohio, in reporting the amendment, said that it was the intention to preserve to the committee the “tariff, the internal revenue, the loan bills, legal-tender notes, and all other matters connected with supporting the credit and raising money.” The undesirability of separating the revenue from the appropriation features of legislation were discussed at this time.<sup>9</sup>

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<sup>1</sup>First session Fifty-fourth Congress, Journal, p. 54; Record, pp. 202–216.

<sup>2</sup>The division of the Elections Committee, made necessary by the amount of work confronting it, was suggested as early as 1879 by Mr. Roger Q. Mills, of Texas, who stated that in the legislature of Texas the Judiciary Committee had been thus divided. (First session Forty-sixth Congress, Record, p. 41.)

<sup>3</sup>Second session Forty-sixth Congress, Record, p. 205.

<sup>4</sup>First session First Congress, Journal, p. 66.

<sup>5</sup>Fifth Congress, Journal, pp. 30, 96.

<sup>6</sup>First session Seventh Congress, Journal, p. 40; Annals, p. 412.

<sup>7</sup>The Committee on Ways and Means originally had as part of its duties the examination of the public departments, their expenditures and the economy of their management. This function dated from 1802; but in 1814 the Committee on Public Expenditures was created to attend to this duty. (Third session Twenty-seventh Congress, Journal, p. 739.)

<sup>8</sup>A discussion took place as to the respective jurisdictions of Ways and Means and Banking and Currency Committees on December 7, 1897. (Second session Fifty-fifth Congress, Record, pp. 26–33.)

<sup>9</sup>Second session Thirty-eighth Congress, Globe, pp. 1312–1317.

From 1865 to the revision of 1880 the jurisdiction of the committee was defined by the old rule No. 151, as follows:

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the Treasury Department, and such other propositions relative to raising revenue and providing ways and means for the support of the Government as shall be presented or shall come in question and be referred to them by the House, and to report their opinion thereon by bill or otherwise, as to them shall seem expedient; and said committee shall have leave to report for commitment at any time.<sup>1</sup>

**4021. The Ways and Means Committee has exercised jurisdiction over the subjects of customs unions, reciprocity treaties, and conventions affecting the revenues.**—On January 30, 1882,<sup>2</sup> the House considered the subject of the reference of two joint resolutions—the one in relation to the establishment by treaty of a customs union with the Hawaiian Islands, and the other referring to the establishment of a customs union with the Republic of Mexico. In the debate it was shown that the precedents varied, such matters having at different times gone to Ways and Means, Commerce, and Foreign Affairs. Finally the Speaker<sup>3</sup> expressed the opinion that the resolutions should be referred to the Committee on Ways and Means. Thereupon a motion was made that they be referred to the Committee on Foreign Affairs. On this question there appeared yeas 51, noes 75. Thereupon the resolutions were referred to the Committee on Ways and Means.<sup>4</sup>

And in general the Ways and Means Committee has reported on the subject of treaties and conventions affecting the revenue:

In 1884<sup>5</sup> the bill (H. R. 7366) to carry into operation the reciprocity treaty with Mexico.

In 1886<sup>6</sup> the joint resolution (H. Res. 74) giving notice to terminate the convention with the Hawaiian Islands in reference to commerce; also the bill (H. R. 1513) intending to give effect to the pending treaty with Mexico in regard to commercial matters.

In 1891,<sup>7</sup> again in reference to the Hawaiian treaty.

In 1896,<sup>8</sup> as to a general investigation of reciprocity and commercial treaties.

In 1899,<sup>9</sup> the bill (H. R. 1921) to carry into effect a convention between the United States and the Republic of Cuba.

The House has also recognized this jurisdiction when it has distributed to the various committees the various portions of the President's message:

On January 9, 1884,<sup>10</sup> subjects relating "to the revenue provisions of the reciprocity treaty with Hawaii, and the commercial relations with foreign countries

<sup>1</sup> See section 4621 for privilege of reporting at any time.

<sup>2</sup> First session Forty-seventh Congress, Record, pp. 735, 736.

<sup>3</sup> J. Warren Keifer, of Ohio, Speaker.

<sup>4</sup> See section 4174 of this volume for jurisdiction of this subject exercised by the Committee on Foreign Affairs.

<sup>5</sup> Second session Forty-eighth Congress, House Report No. 1848.

<sup>6</sup> First session Forty-ninth Congress, House Reports Nos. 1759, 2615.

<sup>7</sup> Second session Fifty-first Congress, Report No. 3422.

<sup>8</sup> First session Fifty-fourth Congress, House Report No. 2263.

<sup>9</sup> First session Fifty-eighth Congress, House Report No. 1.

<sup>10</sup> First session Forty-eighth Congress, Journal, p. 255; Record, p. 319.

having connection with revenue legislation;” and in other years similar action was taken.<sup>1</sup>

In 1906,<sup>2</sup> on the subject of tariff relations with Germany; and in 1904,<sup>3</sup> the legislation to carry into effect the reciprocity treaty with Cuba.

**4022. While the Committee on Agriculture has jurisdiction of revenue legislation affecting oleomargarine, the Ways and Means Committee has retained jurisdiction as to revenue bills affecting tobacco, lard, cheese, etc.**—On December 16, 1881,<sup>4</sup> Mr. William H. Hatch, of Missouri, introduced the bill (H. R. 897) to repeal so much of the sixth clause of section 3294 of the Revised Statutes of the United States as “prohibits farmers and planters from selling leaf tobacco at retail directly to consumers without the payment of a special tax,” etc., and moved to refer the bill to the Committee on Agriculture, stating in support of his motion that a similar bill was referred to the Committee on Agriculture in the last Congress, and reported therefrom. The Speaker<sup>5</sup> expressed the opinion that the bill should go to the Ways and Means Committee. The question being taken, Mr. Hatch’s motion was disagreed to, yeas 97, nays 135. Then the bill was referred to the Ways and Means Committee.

In 1892,<sup>6</sup> the bill imposing a tax on compound lard was referred to the Committee on Ways and Means, and the House sanctioned this reference later by directing that petitions on the subject be referred to the same committee.

In 1896<sup>7</sup> the Ways and Means Committee reported a bill imposing a tax on filled cheese.

On June 29, 1882,<sup>8</sup> the Committee on Ways and Means reported the bill (H. R. 6685) providing for the imposition of a tax and regulating the manufacture and sale of oleomargarine; but jurisdiction as to the subject of oleomargarine was at a later date conferred on the Committee on Agriculture.<sup>9</sup> In 1900,<sup>10</sup> however, the Ways and Means Committee reported a resolution of inquiry relating to the amount and character of material used by the various manufacturers of oleomargarine.

In 1884<sup>11</sup> the Ways and Means Committee reported the bill (H. R. 5678) to prevent the importation of adulterated and suspicious teas.

**4023. While the Ways and Means Committee has jurisdiction as to the revenues and bonded debt of the United States, its claims as to the subject of “national finances” and “preservation of the Government credit” have been resisted successfully.**—On December 3, 1896,<sup>12</sup> the resolutions distributing the President’s message gave to the Committee on Ways and

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<sup>1</sup> Second session Fifty-fourth Congress, Record, p. 56; third session Fifty-fifth Congress, Record, p. 25; first session Fifty-seventh Congress, Journal, p. 94.

<sup>2</sup> First session Fifty-ninth Congress, Report No. 1833.

<sup>3</sup> First session Fifty-eighth Congress, Report No. 1.

<sup>4</sup> First session Forty-seventh Congress, Record, p. 158.

<sup>5</sup> J. Warren Keifer, of Ohio, Speaker.

<sup>6</sup> First session Fifty-second Congress, Record, p. 1682.

<sup>7</sup> First session Fifty-fourth Congress, House Report No. 1135.

<sup>8</sup> First session Forty-seventh Congress, House Report No. 1529.

<sup>9</sup> See section 4156 of this chapter.

<sup>10</sup> First session Fifty-sixth Congress, House Reports Nos. 29, 1174.

<sup>11</sup> First session Forty-eighth Congress, House Report No. 665.

<sup>12</sup> Second session Fifty-fourth Congress, Record, p. 56.

Means the portions referring to “the national finances, the public debt, including bond issues, to the public revenues, to our trade relations with foreign countries, and condition of the Treasury.” But on December 7, 1897,<sup>1</sup> when the resolutions distributing the message proposed to refer to Ways and Means matters relating “to the revenue, the national finances, the public debt, the preservation of the Government credit, and to treaties affecting the revenue,” there was opposition on the part of the Committee on Banking and Currency, which resulted in modifying the jurisdiction of Ways and Means “to the revenue and the bonded debt of the United States and to treaties affecting the revenue.”

The committee has reported:

In 1895,<sup>2</sup> on revenues and deficiencies.

In 1896,<sup>3</sup> a resolution of inquiry as to bond sales under the resumption act; in 1896, a bill relating to sale of bonds to protect the coin redemption fund; also a bill to prevent further issuance of interest-bearing bonds; in 1896, an investigation as to invasion of American markets by products of cheap labor, and effect of exchange between gold and silver standard countries.

In 1898,<sup>4</sup> an adverse report on a concurrent resolution relating to the payment of the bonded obligations of the United States; and the bill (H. R. 6258) authorizing the redemption and to limit the right of conversion of refunding certificates issued under authority of the act of February 26, 1879.

**4024. The revenue relations of the United States with Porto Rico and the Philippines are within the jurisdiction of the Committee on Ways and Means.**—The Committee on Ways and Means has jurisdiction of revenue bills relating to the island possessions of the United States, and has reported bills as follows:

The bill (H. R. 8245) to provide revenue for Porto Rico,<sup>5</sup> the Philippine tariff bill,<sup>6</sup> the bill (H. R. 11191) to extend the customs laws over the Hawaiian Islands,<sup>7</sup> and in 1906<sup>8</sup> the Philippine tariff bill.

**4025. The Committee on Ways and Means has exercised jurisdiction as to the seal herds and other revenue-producing animals of Alaska.**<sup>9</sup>—The Committee on Ways and Means has at various times exercised jurisdiction as to those fur-bearing animals of Alaska which have been a source of revenue, and has reported propositions for legislation:

In 1884,<sup>10</sup> a resolution for investigation of the relations existing between the Alaska Commercial Company and the United States, and whether the contract should be abrogated.

<sup>1</sup> Second session Fifty-fifth Congress, Record, pp. 26, 33.

<sup>2</sup> Third session Fifty-third Congress, House Report No. 1605.

<sup>3</sup> First session Fifty-fourth Congress, House Reports Nos. 4, 406, 2246, 2279.

<sup>4</sup> Second session Fifty-fifth Congress, House Reports Nos. 127, 308.

<sup>5</sup> First session Fifty-sixth Congress, House Report No. 986.

<sup>6</sup> Third session Fifty-eighth Congress, House Report No. 4867.

<sup>7</sup> Third session Fifty-fifth Congress, House Report No. 1683.

<sup>8</sup> First session Fifty-ninth Congress, House Reports Nos. 20, 582.

<sup>9</sup> See also section 4170 of this volume.

<sup>10</sup> First session Forty-eighth Congress, House Report No. 2027.

In 1890 and 1895,<sup>1</sup> a bill to enable the Secretary of the Treasury to gather information as to the impending extinction of the fur seals and sea otter.

In 1895,<sup>2</sup> on fur-bearing animals in Alaska.

In 1896,<sup>3</sup> on the subject of Alaska fur seals; investigation of the seal fisheries, and legislation as to fur-bearing animals in Alaska.

On January 13, 1902,<sup>4</sup> House bill 4386, to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was transferred from the Committee on the Territories to the Committee on Ways and Means.

**4026. In the later practice of the House, subjects relating to transportation of dutiable goods, ports of entry and delivery, and customs collection districts have been reported by the Committee on Ways and Means.**

**The former jurisdiction of the Committee on Interstate and Foreign Commerce over customs matters related most closely to commerce has passed to the Committee on Ways and Means.**

Bills relating to transportation of dutiable merchandise in bond, customs collection districts, and ports of entry and delivery have by practice been transferred from the Committee on Interstate and Foreign Commerce, to the Committee on Ways and Means. Thus, the former usage sanctioned reports as follows from the Committee on Interstate and Foreign Commerce, or the Committee on Commerce, as it was designated prior to 1892:

In 1887,<sup>5</sup> the bill (H. R. 8923) relating to the immediate transportation of dutiable goods; in 1890,<sup>6</sup> a similar bill, and in 1894,<sup>7</sup> a bill relating to merchandise passing through Canada.

In 1882,<sup>8</sup> several bills relating to customs districts; in 1888,<sup>9</sup> a bill relating to the customs collection district of Duluth.

In 1888,<sup>10</sup> also the bill (S. 2613) changing the boundaries of a collection district of Virginia (Report No. 2873); also the bill (H. R. 1890) relating to the boundaries of another collection district of the same State (Report No. 1325).

In 1894,<sup>11</sup> bills relating to the customs collection districts of Hartford and New York City.

In 1890,<sup>12</sup> the committee reported a bill relating to the customs collection district of North and South Dakota; also bills organizing customs service in Alaska and establishing various ports of delivery, Puget Sound collection district.

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<sup>1</sup> First session Fifty-first Congress, House Report No. 1161; third session Fifty-third Congress, Record, p. 1259.

<sup>2</sup> Third session Fifty-third Congress, House Report No. 1949.

<sup>3</sup> First session Fifty-fourth Congress, House Reports Nos. 451, 2095; also first session Fifty-seventh Congress, House Report No. 2303.

<sup>4</sup> First session Fifty-seventh Congress, Journal, p. 210.

<sup>5</sup> Second session Forty-ninth Congress, House Report No. 3483.

<sup>6</sup> First session Fifty-first Congress, House Report No. 2404.

<sup>7</sup> Second session Fifty-third Congress, House Report No. 435.

<sup>8</sup> First session Forty-seventh Congress, House Reports Nos. 393, 394, 652.

<sup>9</sup> First session Fiftieth Congress, House Report No. 1329.

<sup>10</sup> First session Fiftieth Congress.

<sup>11</sup> Second session Fifty-third Congress, House Reports Nos. 548, 626.

<sup>12</sup> First session Fifty-second Congress, House Reports Nos. 404, 444, 653, 1124, 1351, 1799.

In 1892,<sup>1</sup> a bill relating to compensation of collectors and surveyors of customs, and in 1906,<sup>2</sup> on the subject of deputy collectors of customs.

In 1893,<sup>3</sup> a bill making Council Bluffs, Iowa, a port of delivery.

In 1888,<sup>4</sup> however, the Ways and Means Committee had reported a bill for the consolidation of the customs collection districts; and after 1895 the whole jurisdiction as to customs districts, ports of entry and delivery, and transportation of dutiable goods passed to Ways and Means, that committee reporting:

In 1896<sup>5</sup> on Alaska customs collection districts.

In 1896<sup>6</sup> on ports of entry and delivery in various States.

In 1898<sup>7</sup> a bill designating Gladstone, Mich., as a subport of entry.

In 1899<sup>8</sup> the bill (H. R. 10459) to amend the law of 1880 governing the immediate transportation of dutiable goods without appraisement.

In 1900<sup>9</sup> the bill (H. R. 3334) amending section 3005 of the Revised Statutes relating to transportation of dutiable goods in bond between certain places in the United States and Canada and Mexico.

Also in 1900<sup>10</sup> the bill (S. 3296) making Worcester a port of delivery; also South Manchester.

The Ways and Means Committee also exercises a general jurisdiction over subjects relating to officers and employees in the customs service. On March 16, 1882,<sup>11</sup> the committee reported the bill (H.R. 5221) relating to the use of search warrants by officers seeking for smuggled goods.

In 1897<sup>12</sup> bills relating to appraisers at Philadelphia and Boston and customs inspectors at New York.

**4027. Jurisdiction of Committees on Ways and Means and Interstate and Foreign Commerce over bills relating to ports of entry and delivery.—**

On February 7, 1893,<sup>13</sup> the bill (H. R. 10391) to amend an act "to provide for the establishment of a port of delivery at Council Bluffs, Iowa," was reported from the Committee on Commerce and referred to the House Calendar. The object of this bill was to extend to the port of Council Bluffs the privilege of immediate transportation of dutiable goods.

On February 24, 1890,<sup>14</sup> the bill (H.R. 3872) substituting Cheboygan for Duncan City as a port of delivery was reported from the Commerce Committee and referred to the House Calendar.

<sup>1</sup> First session Fifty-second Congress, House Report No. 1233.

<sup>2</sup> First session Fifty-ninth Congress, House Report No. 4560; and No. 4652, as to solicitor for the customs department of the Treasury.

<sup>3</sup> Second session Fifty-second Congress, House Report No. 2432.

<sup>4</sup> First session Fiftieth Congress, House Report No. 650. Also in 1887 a similar bill was reported by Ways and Means. (Second session Forty-ninth Congress, House Report No. 3606.)

<sup>5</sup> First session Fifty-fourth Congress, House Report No. 157.

<sup>6</sup> Second session Fifty-fourth Congress, Reports Nos. 1035, 1609.

<sup>7</sup> Second session Fifty-fifth Congress, House Report No. 1584.

<sup>8</sup> Third session Fifty-fifth Congress, House Report No. 1689.

<sup>9</sup> First session Fifty-sixth Congress, House Report No. 36.

<sup>10</sup> First session Fifty-sixth Congress, House Report No. 701.

<sup>11</sup> First session Forty-seventh Congress, House Report No. 756.

<sup>12</sup> First session Fifty-seventh Congress, House Reports Nos. 2587, 2708.

<sup>13</sup> Second session Fifty-second Congress, Report No. 2432.

<sup>14</sup> First session Fifty-first Congress, Report No. 404.

Also on February 26, 1890,<sup>1</sup> the bill (H. R. 5682) to constitute Columbus, Ohio, a port of delivery was similarly reported and referred. Also on April 9, 1890,<sup>2</sup> a bill to establish a port of delivery at Cairo, Ill., was similarly reported and referred.

On April 1, 1896,<sup>3</sup> the bill (H. R. 1035) to provide for subports of entry and delivery in Florida was reported from Ways and Means.

On March 26, 1896,<sup>4</sup> the bill (S. 494) to constitute Stamford, Conn., a subport of entry was reported from Ways and Means and referred to the House Calendar.

On March 23, 1898,<sup>5</sup> the bill (H. R. 9402) to regulate salary of official at port of Des Moines, Iowa, was reported from Ways and Means and referred to Union Calendar.

On June 16, 1898,<sup>6</sup> the bill designating Gladstone, Mich., as a subport of entry and extending the privileges of immediate transportation was reported from Ways and Means and referred to the House Calendar.

On March 11, 1898,<sup>7</sup> the bill to repeal the law in reference to the Mexican Free Zone was reported from the Committee on Ways and Means and referred to the House Calendar.

On February 9, 1898,<sup>8</sup> the bill (H. R. 7559) to make Rockland, Me., a subport of entry, was reported from Ways and Means and referred to the House Calendar.

**4028. The Committee on Ways and Means has jurisdiction of subjects relating to the Treasury of the United States and the deposit of the public moneys.**—On February 4, 1890,<sup>9</sup> a question arose as to the reference of the bill (S. 3) to relieve the Treasurer of the United States from the amount charged to him and deposited with the several States.

Mr. Richard P. Bland, of Missouri, moved that the bill be referred to the Committee on Appropriations. There appeared on this motion yeas 9, nays 151, so the motion was disagreed to. A motion to refer the bill to the Committee on the Judiciary was also disagreed to, yeas 94, nays 134.

The bill was then referred to the Committee on Ways and Means on motion of Mr. William McKinley, of Ohio.

The Ways and Mean Committee have also reported on similar subjects:

In 1893<sup>10</sup> on the subject of the condition of the Treasury.

In 1892<sup>11</sup> on subtreasuries.

In 1901<sup>12</sup> on the bill (H. R. 13195) relating to the deposit of public funds received from certain duties in national banks.

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<sup>1</sup> First session Fifty-first Congress, Report No. 444.

<sup>2</sup> Report No. 1351.

<sup>3</sup> First session Fifty-fourth Congress, Report No. 1035.

<sup>4</sup> First session Fifty-fourth Congress, Report No. 949.

<sup>5</sup> Second session Fifty-fifth Congress, Report No. 797.

<sup>6</sup> Second session Fifty-fifth Congress, Report No. 1594.

<sup>7</sup> Second session Fifty-fifth Congress, Report No. 702.

<sup>8</sup> Second session Fifty-fifth Congress, Report No. 412.

<sup>9</sup> First session Fifty-first Congress, Journal, p. 194; Record, p. 1054.

<sup>10</sup> Second session Fifty-second Congress, House Report No. 2621.

<sup>11</sup> First session Fifty-second Congress, House Report No. 2143.

<sup>12</sup> Second session Fifty-sixth Congress, House Report No. 2929.

In 1892<sup>1</sup> a bill to allow commissions of officers in the Treasury Department to be made out in that Department instead of in the State Department.

In 1906<sup>2</sup> this committee reported on the subject of deposits of public money in United States depositories; also on the subject of the checks of disbursing officers of the Treasury.<sup>3</sup>

**4029. The jurisdiction of the Committee on Ways and Means over tariff matters being challenged on behalf of the Committee on the Revision of the Laws, the House affirmed the claim of the former committee.**—On March 25, 1880,<sup>4</sup> the House, after long consideration, determined that a bill for revising the tariff laws in essential particulars, which had been referred to the Committee on the Revision of the Laws, had been incorrectly referred there, and changed the reference to the Committee on Ways and Means. This decision was made by a vote of yeas 140, nays 82.

**4030. The resolutions distributing the President's annual message are within the jurisdiction of the Committee on Ways and Means.**—The Ways and Means Committee reports the resolutions distributing the President's annual message, the practice being observable from instances in 1900,<sup>5</sup> 1890,<sup>6</sup> and 1887.<sup>7</sup>

**4031. The resolutions for final adjournment of Congress and the adjournment for a recess are within the jurisdiction of the Committee on Ways and Means.**

**Forms of resolutions for adjournment of Congress sine die and for a recess. (Footnote.)**

The Committee on Ways and Means exercises jurisdiction over the concurrent resolutions providing for the final adjournment of a session<sup>8</sup> and the adjournment for a recess.<sup>9</sup>

**4032. The creation and history of the Committee on Appropriations, section 3 of Rule XI.**

**The Committee on Appropriations has jurisdiction of legislative, executive, judicial, and sundry civil expenses of the Government.**

<sup>1</sup> Second session Fifty-first Congress, House Report No. 3432.

<sup>2</sup> First session Fifty-ninth Congress, House Report No. 8.

<sup>3</sup> First session Fifty-ninth Congress, House Report No. 4435

<sup>4</sup> Second session Forty-sixth Congress, Record, pp. 1869–1882.

<sup>5</sup> First session Fifty-sixth Congress, House Report No. 4.

<sup>6</sup> Second session Fifty-first Congress, Record, p. 188.

<sup>7</sup> Second session Forty-ninth Congress, Record, p. 324; also second session Fifty-sixth Congress, House Report No. 2013.

<sup>8</sup> First session Fifty-seventh Congress, Record, p. 7777; first session Fifty-fourth Congress, House Report No. 157; first session Fifty-second Congress, Record, pp. 6412, 6897. The form of these resolutions is as follows:

*“Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the — day of —, —, at — o'clock.”*

Second session Forty-eighth Congress, Record, p. 284; second session Forty-ninth Congress, Record, p. 316; second session Fifty-seventh Congress, House Report No. 2784. The form of these resolutions is as follows:

*“Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on — — they stand adjourned until 12 o'clock meridian — —, —.”*

**The Appropriations Committee reports the appropriations for fortifications and coast defenses, the District of Columbia, and pensions.**

**All appropriations for deficiencies are reported by the Committee on Appropriations.**

**Reference to President's protest against assumption by the House of the right to designate the officers who should disburse appropriations. (Footnote.)**

**Reference to the establishment of the system of specific appropriations. (Footnote.)**

Section 3 of Rule XI provides for the reference of subjects relating—

3. To appropriation of the revenue for the support of the Government, as herein provided, viz: For legislative, executive, and judicial expenses; for sundry civil expenses, for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.

This committee consists of seventeen members.

The Appropriations Committee dates from March 2, 1865, when it was created to relieve the Ways and Means Committee, then burdened by the great amount of war legislation.<sup>1</sup> The duty of the new committee was designated to be the reporting of the general appropriation bills. In the revision of 1880<sup>2</sup> the jurisdiction was defined by this rule:

To appropriation of the revenue for the support of the Government: to the Committee on Appropriations.

In 1885, after an important and spirited contest, a portion of the appropriation bills was taken away from the Appropriations Committee<sup>3</sup> leaving to it only those mentioned in the rule.<sup>4</sup> In the revision of 1890 the words "and coast defenses" were added after fortifications.<sup>5</sup> This committee is privileged to report the general appropriation bills at any time.<sup>6</sup> These bills very generally are made up on the plan of specifying each item of appropriation, and as printed for the consideration of the House a large appropriation bill often contains more than 100 pages.<sup>7</sup>

<sup>1</sup>Second session Thirty-eighth Congress, *Globe*, pp. 1312–1317. (See also section 4020 of this volume.)

<sup>2</sup>Second session Forty-sixth Congress, *Record*, pp. 200, 205.

<sup>3</sup>The army, Military Academy, naval, post-office, consular and diplomatic, and Indian bills were those taken away and distributed. The agricultural bill had been with the Committee on Agriculture since 1880. (See section 4149.) The river and harbor bill had not been reported from the Appropriations Committee for many years. (See section 4118 of this volume.)

<sup>4</sup>First session Forty-ninth Congress, *Record*, pp. 168, 196, 278. The report of the Committee on Rules at that time (*Record*, p. 170) gave a history of the development of the appropriation bills. The legislative bill dates from 1857, the sundry civil from 1862, the agricultural and District of Columbia from 1880. In 1847 there were nine separate bills: Army, civil and diplomatic, deficiency, fortifications, Indian, Military Academy, navy, pension, and post-office.

<sup>5</sup>See House Report No. 23, first session Fifty-first Congress, and *Record*, first session Fifty-first Congress, pp. 188, 190.

<sup>6</sup>See section 4621 of this volume.

<sup>7</sup>On March 12, 1828, Mr. J. S. Barbour, of Virginia, precipitated a discussion of a proposition that the appointment of the disbursing and accounting officers of the Treasury should be taken from the President and be lodged in the House. This discussion (first session Twentieth Congress, *Journal*, pp. 406, 436; *Debates*, pp. 1954, 1963, 1971, 1998) reviewed somewhat the usages of the Government and attributed the habit of making specific appropriations to a suggestion of President Jefferson. This suggestion was

**4033. The jurisdiction of the Committee on Appropriations over appropriations as related to the jurisdiction of other committees having the power of reporting appropriation bills.**

**The services of the Departments in Washington, except the Agricultural Department, are appropriated for in the legislative, executive, and judicial bill, which is reported by the Committee on Appropriations.**

**While the Committee on Appropriations has jurisdiction to report appropriations, the power to report legislation authorizing appropriations belongs to other committees.**

In general the Committee on Appropriations has jurisdiction of appropriations for all the offices and clerkships in the Departments of the Government in Washington. Thus, the legislative appropriation bill carries appropriations for bureaus and salaries in the State Department, War Department, Navy Department, Post Office Department, and Indian Office, although for other branches of those services the Committees on Foreign Affairs, Military Affairs, Naval Affairs, Post-Office and Post-Roads, and Indian Affairs report appropriation bills, in which are included employments and expenditures in offices outside the city of Washington, whether in the United States or abroad; but not including repairs of public buildings.<sup>1</sup>

The Committee on Agriculture, however, in the agricultural appropriation bill,<sup>2</sup> provide not only for the service outside of Washington but also for the service of the Department of Agriculture.

For services outside the diplomatic, Army, Navy, Post-Office, Indian, and Agriculture the appropriations are entirely within the jurisdiction of the Committee on Appropriations, whether within the Departments at Washington or in the country at large. Thus, appropriations for the Light-House Service, Coast and Geodetic Survey, Smithsonian Institution, Fish Commission, Interstate Commerce Commission, public lands service, United States courts and their employees are carried in the sundry civil bill, which is reported by the Appropriations Committee. The customs service, as well as certain other services, are provided for by a permanent appropriation.<sup>3</sup>

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probably contained in the following paragraph of his first message, December 8, 1801. (See Vol. 1, p. 329, of Richardson's Messages and Papers):

“In our care, too, of the public contributions intrusted to our direction it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible of definition, by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the undefined field of contingencies and thereby circumscribing discretionary powers over money, and by bringing back to a single Department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform.”

See Vol. V, p. 597, of Richardson's Messages and Papers, for President's protest against the naming of an agency for the expenditure of an appropriation.

On February 3, 1830, the Committee on Retrenchment made a report recommending that the useful practice of specific appropriations be applied to the contingent fund of the two Houses. (Report No. 150, first session Twenty-first Congress.)

<sup>1</sup>Buildings at Indian agencies are repaired by provisions on the Indian bill. So also all buildings in Agricultural Department, including offices in Washington, are repaired by provisions on the agricultural bill. Barracks and quarters for soldiers are repaired on the army bill and also are built when they cost less than \$20,000. (Rev. Stat., sec. 1136.)

<sup>2</sup>See Statutes at Large for acts of appropriation.

<sup>3</sup>Revised Statutes, sections 3687–3689.

It is to be understood, however, that the legislation authorizing appropriations in these services is not within the jurisdiction of the Appropriations Committee, but is exercised by the Committees on Interstate and Foreign Commerce, Ways and Means, Merchant Marine and Fisheries, Public Lands, the Judiciary, etc. Also, the Committee on Public Buildings and Grounds authorizes the construction of public buildings, including post-office buildings in various cities, but the appropriations are made in the sundry civil bill by the Appropriations Committee.

The Committee on Rivers and Harbors appropriates outright for the improvement of rivers and harbors, and it also presents legislation authorizing continuing contracts of improvement. The money in payment of these continuing contracts, however, is appropriated for on the sundry civil bill, which is reported by the Committee on Appropriations.

While the Committee on Military Affairs reports the army appropriation bill and Military Academy appropriation bill, and also all legislation authorizing new military posts, military parks, new arsenals, soldiers' homes, etc., yet the Committee on Appropriations has jurisdiction of a range of appropriations relating to the military establishment. Thus, appropriations for machinery, care, preservation, improvements, etc., of armories and arsenals, for military posts, for military parks, and for the National Home for Disabled Volunteer Soldiers are provided by the Appropriations Committee. Fortifications are, by rule, within the jurisdiction of the Appropriations Committee.

But in respect of matters naturally within the jurisdiction of the Naval Affairs Committee the Committee on Appropriations has a less broad jurisdiction. It provides appropriations for the Navy Department in Washington; but aside from this the Naval Affairs Committee reports on all subjects relating to the Navy, including service at navy-yards, etc. The Naval Observatory and the Nautical Almanac office are considered attached to the Department at Washington, and are provided for by the legislative appropriation bill. But the Naval Committee have reported provisions for additional buildings at the Naval Observatory.

The Committees on Pensions authorize pension expenditures, but appropriations therefor are reported by the Committee on Appropriations in the pension appropriation bill.

Also the Committee on Appropriations reports the District of Columbia appropriation bill, while legislation for the District is reported by the Committee on the District of Columbia.

All appropriations for deficiencies, in whatever Department of the Government, are reported by the Appropriations Committee.

**4034. Employment of clerks in the Indian Office is within the jurisdiction of the Committee on Appropriations, and not of the Committee on Indian Affairs.**—On February 1, 1900,<sup>1</sup> the Indian appropriation bill was under consideration, when the Clerk read as follows:

For pay of one clerk to Superintendent of Indian Schools, \$1,000.

Mr. J. A. Hemenway, of Indiana, moved that the paragraph be stricken out on the ground that the subject belonged to the legislative, executive, and judicial appropriation bill.

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<sup>1</sup>First session Fifty-sixth Congress, Record, pp. 1418, 1461.

This paragraph was stricken out.

Again, on February 2, Mr. Hemenway raised a point of order against the following paragraph in the same bill:

For support of Indian day and industrial schools, and for other educational purposes not herein-after provided for, including pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs, \$1,200,000, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

The point of order was directed against so much of the paragraph as provides for the employees in the Indian Office.

After debate the Chairman<sup>1</sup> held:

The gentleman from New York made one statement that would have an important bearing. By a decision of the Speaker on an analogous point of order yesterday, that this had been carried from time whereof the memory of man runneth not to the contrary in this bill, if the Chair were to make a decision at this time would seem to the Chair that according to the division of jurisdiction made by the terms of the rule itself this item would belong to the legislative bill. But the Speaker, at the instance of the Committee on Appropriations, laid down a rule yesterday that in ascertaining the respective jurisdiction of the various committees the matter should be looked at historically, and that the identity of the bills when they were parted from the jurisdiction of the Committee on Appropriations should be preserved.

Now, if it be true that this has always from that time to this been carried on the Indian appropriation bill, it seems to the Chair that the gentleman from Indiana would not contend, in view of yesterday's ruling, that his point of order was well taken. \* \* \* The Chair understands this provision has been in the Indian bill since 1895, and there is no statement or evidence that it was in the bill before that time. Obviously it is within the scope of the legislative, executive, and judicial appropriation bill. The Chair is quite familiar with that bill. It provides for all the executive civil service in the Departments at Washington and appropriates for the pay of all the employees of the class to which these in question belong in the greatest detail. For instance, it provides the appropriation for the employees in the Post-Office Department, in the Interior Department, and all other Departments, although other committees have more immediate contact with those Departments, and make the larger part of their appropriations. \* \* \* It seems perfectly clear that from its nature the appropriation belongs to the committee that has charge of other like appropriations, and that there has been no settled practice which would prevail against the words of the rule defining the jurisdiction of the two committees. The point of order is well taken.

**4035.** On December 17, 1898,<sup>2</sup> the House was considering the Indian appropriation bill in Committee of the Whole House on the state of the Union. This paragraph having been reached:

For support of Indian day and industrial schools, and for other educational purposes not herein-after provided for, including pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs, \$1,100,000, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

Mr. Joseph G. Cannon, of Illinois, made the point of order that the provision for the "pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs" was an appropriation belonging to the legislative, executive, and judicial appropriation bill and not to the Indian bill.

The Chairman<sup>3</sup> sustained the point of order.

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<sup>1</sup>William H. Moody, of Massachusetts, Chairman.

<sup>2</sup>Third session Fifty-fifth Congress, Record, pp. 281, 282,

<sup>3</sup>Sereno E. Payne, of New York, Chairman.

**4036. The Appropriations Committee may report appropriations in fulfillment of contracts authorized by law for the improvement of rivers and harbors.**—On February 1, 1893,<sup>1</sup> the House was in Committee of the Whole House on the state of the Union considering the sundry civil appropriation bill.

On the previous day the committee had reached paragraphs providing for continuing the improvement of certain rivers and harbors, and Mr. Walt H. Butler, of Iowa, had made the point of order that such subjects belonged to the Rivers and Harbors Committee, and were not properly in a bill reported by the Appropriations Committee.

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

The gentleman from Iowa, Mr. Butler, makes a point of order against so much of this bill as proposes appropriations for work on certain rivers and harbors. It is claimed that the Appropriations Committee, which brings this bill before the House, has no jurisdiction to report such matter to the House.

That depends, in the opinion of the Chair, upon the question whether the Committee on Appropriations is limited or restricted by the rules of the House in such way as to destroy its authority, and the Chair thinks that all the limitation put on that committee in the matter of appropriations, so far as applicable to a question of this nature, is contained in the twenty-first rule of the House, paragraph 2, in the following language:

“No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.”

There is no restriction on the power of the committee beyond what is contained in that paragraph. The question is whether the Committee on Appropriations is prohibited from submitting this appropriation by virtue of that restriction.

This appropriation, called for by the provision of the bill under consideration, is made by virtue of law, passed in the last session of this Congress and by the previous Congress, authorizing the Government, or the Secretary of War on behalf of the Government of the United States, to enter into contracts for doing a certain work, which was specified and clearly pointed out in the bill embodying such provision of law; that is to say, certain works on rivers and harbors—particularly specified work—and the manner of making the contract and the limitations of the contract are all clearly expressed in the act; so that there is nothing in the rule referred to which restricts the Committee on Appropriations from reporting this appropriation.

It was suggested, I believe, that the act of Congress which authorized these contracts to be made was one which showed that the Government was under no obligation to appropriate money for these purposes. The provision of the contract—and all of them, I believe, contain a similar provision—is in the following words:

“Contracts may be entered into by the Secretary of War for such matters and work as may be necessary to complete the present project of improvement, etc., to be paid for as appropriated from time to time; improvement made by law not to exceed in the aggregate dollars, exclusive of the annual amount herein and hereinafter appropriated.”

That is a specimen of the law applicable to these several items of appropriations mentioned in this bill. It has been suggested that inasmuch as they were to be paid for “as Congress from time to time may make the appropriations,” that therefore the Government was under no obligation, and I suppose the idea is to imply that there was no law authorizing the contract.

Suffice it to say that here is the authority to make a contract for Government work, for Government objects, and the contracts having been made in all these cases the Government is under obligation to pay the money, notwithstanding the fact that the work may be paid for as appropriations are made by law.

But it is a contract and has to be met. Such is the expression of the law. Then it is a Government contract for a Government object, in pursuance of law and by virtue of law. There is, of course,

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<sup>1</sup> Second session Fifty-second Congress, Record, pp. 1023, 106–5.

<sup>2</sup> Rufus E. Lester, of Georgia, Chairman.

no power to compel the House of Representatives or the Congress to make appropriations for anything—no physical power; but here is the authority and the requirement to do it. It is an obligation so far as contracts can be binding. Then there is authority of law for doing this.

But it is said that the question here is that the Committee on Appropriations can not bring in such a bill as this, inasmuch as it has no jurisdiction by virtue of other rules of the House which take away that jurisdiction.

Rule XI provides that all proposed legislation shall be referred to the committees named in the preceding rule, as follows: "Subjects relating" to various matters—

"3. Appropriations of the revenue for the support of the Government as herein provided, viz, for legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications and coast defenses, for the District of Columbia, for pensions, and for all deficiencies: to the Committee on Appropriations."

The eighth paragraph provides—"To the improvement of rivers and harbors: to the Committee on Rivers and Harbors."

Now, it is claimed that the giving of that jurisdiction to the Committee on Rivers and Harbors, as expressed here, deprives the Committee on Appropriations of the authority which it would otherwise have but for that provision.

In the opinion of the Chair, if that jurisdiction is given in the first place, as the Chair thinks it is, to the Committee on Appropriations, as it otherwise would be but for this eighth section, that that eighth section does not take away that jurisdiction. Whether it might be concurrent or not may be a question; but the Chair does not think it concurrent, because the nature of this appropriation is not one which, in the opinion of the Chair, the Committee on Rivers and Harbors have jurisdiction over, because it is an appropriation made, in pursuance of contract, for objects which the Government has provided for by law. Therefore it is a proper subject to come from the Appropriations Committee.

The Chair would say that if the Appropriations Committee should bring in a bill having an item or a paragraph declaring in the usual language of river and harbor bills that so much money shall be appropriated for improving a river or harbor, without a law previously made authorizing and requiring the appropriation, the Committee on Appropriations would not have jurisdiction unless the appropriation of money for that river or that harbor had been previously authorized by law and required to be met as an obligation of the Government.

The Chair overrules the point of order.

**4037. Stationery, books of reference, etc., for the Navy Department are provided in the legislative bill, under jurisdiction of the Committee on Appropriations.**—On April 18, 1900,<sup>1</sup> the naval appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the paragraph for "transportation, recruiting, and contingent," in the Bureau of Navigation.

Mr. Joseph G. Cannon, of Illinois, raised a point of order against these words, "stationery, maps, railway guides, city directories, and necessary books of reference," holding that since 1876, and probably since 1870, this appropriation had been provided for in the legislative, etc., appropriation bill, which carried an appropriation as follows:

For stationery, furnishing newspapers, plans, drawings and drawing materials, horses and wagons to be used only for official purposes, for expressage, postage, and other absolutely necessary expenses of the Navy Department, and of the various bureaus and officers, \$12,000.

After debate the Chairman<sup>2</sup> sustained the point of order that this appropriation did not belong to the naval bill.

<sup>1</sup> First session Fifty-sixth Congress, Record, p. 4389.

<sup>2</sup> Sereno E. Payne, of New York, Chairman.

**4038. Contingent expenses in the bureaus of the Navy Department are appropriated for in the legislative and not the naval bill.**—On May 17, 1902,<sup>1</sup> while the naval appropriation bill was under consideration in Committee of the Whole House on the state of the Union, the Clerk read:

Contingent, Bureau of Steam Engineering: For contingencies, drawing materials, and instruments for the drafting room, \$1,000.

Mr. Joseph G. Cannon, of Illinois, made the point of order that this item did not belong on the naval bill.

After debate the Chairman<sup>2</sup> held:

The point of order is that it is not in order on the naval bill, but should be on the legislative bill, as the Chair understands. \* \* \* The Chair is inclined to sustain the point of order, unless the chairman of the committee can point out some special reason why it should not be sustained. \* \* \* In other words, it has been appropriated for on each annual appropriation bill? \* \* \* That does not make it law. It seems very clear to the Chair that this item should be in the legislative bill. The Chair sustains the point of order.

**4039. An appropriation for repairs and improvements of the House of Representatives was ruled to be in order on the sundry civil appropriation bill.**—On February 18, 1901,<sup>3</sup> the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read the following paragraph:

For improving the ventilation of the Hall of Representatives and the corridors adjacent thereto, including new floor for the Hall and the installation of new ventilating and heating apparatus, the ventilation of the House restaurant and kitchen, for materials, labor, appliances, etc., \$51,200, to be immediately available.

Mr. Edgar D. Crumpacker, of Indiana, made the point of order that this subject belonged to the jurisdiction of the Committee on Ventilation and Acoustics, and that legislative sanction was necessary before an appropriation could be made.

After debate the Chairman<sup>4</sup> said:

If the Committee on Ventilation and Acoustics desired to make recommendations for a change of existing law, would it not be competent to do so; but is it not the duty of the Committee on Appropriations to make appropriations covering these very subjects, as it does for other public buildings, the White House, and others? \* \* \* The Chair thinks the point of order is not well taken and will overrule it.

**4040. Respective jurisdictions of Committees on Appropriations and Naval Affairs over appropriations for ocean and lake surveys.**—On April 19, 1900,<sup>5</sup> the House was considering the naval appropriation bill in Committee of the Whole House on the state of the Union, this paragraph being before the committee:

Ocean and lake surveys: Ocean and lake surveys; the publication and care of the results thereof; the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same; for the survey of the island of Guam, and continuing the surveys of the imperfectly known parts

<sup>1</sup> First session, Fifty-seventh Congress, Record, pp. 5606, 5607.

<sup>2</sup> James S. Sherman, of New York, Chairman.

<sup>3</sup> Second session Fifty-sixth Congress, Record, pp. 2609, 2610.

<sup>4</sup> Albert J. Hopkins, of Illinois, Chairman.

<sup>5</sup> First session Fifty-sixth Congress, Record, pp. 4391, 4427, 4443.

of the coasts and harbors of the Philippine Archipelago, of the Hawaiian group, and of the islands of Cuba and Porto Rico, with their bordering keys and waters and the minor outlying islands, deep-sea soundings, and other observations for the Survey of suboceanic telegraph cable routes; determinations of the magnetic variation, and other observations necessary for the construction of charts for the correction of the mariner's compass in oceanic navigation, and continuing the investigations and charting of reported obstructions to navigation in the United States waters of the Great Lakes, including the hire of vessels and the compensation, not otherwise appropriated for, of persons employed in the field work, under the authority of the Secretary of the Navy, and for every expenditure requisite for making hydrographic surveys that are required under the regulations for the government of the Navy, \$100,000, and any unexpended balance of the appropriation for ocean and lake surveys for the fiscal year ending June 30, 1900, is hereby also appropriated.

On the previous day Mr. Joseph G. Cannon had reserved a point of order on this paragraph, but had announced that he should probably prefer to settle the question of jurisdiction involved by a motion to strike out.

Accordingly Mr. Cannon offered a motion to strike out the above and insert:  
Ocean survey for special general service and the publication thereof, \$10,000.

It was contended, in support of the amendment, that the Treasury Department should have control of the lake surveys and the surveys in the new possessions, the Coast Survey having been long organized for such purposes. Therefore the jurisdiction of the subject would be within the Appropriations Committee in the sundry civil bill.

After debate the amendment was agreed to—ayes 111, noes 40.

**4041.** On May 4, 1900,<sup>1</sup> the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and a paragraph had been read, as follows:

COAST AND GEODETIC SURVEY.

For every expenditure requisite for and incident to the survey of the coasts of the United States and of coasts under the jurisdiction of the United States, including the survey of rivers to the head of tide water or ship navigation; deep-sea soundings, temperature and current observations along the coast and throughout the Gulf Stream and Japan Stream flowing off the said coasts, etc.

To this Mr. Alston G. Dayton, of West Virginia, offered an amendment to strike out the words—

and all coasts under the jurisdiction of the United States.

The controversy involved was as to whether the jurisdiction of the subject belonged to the Committee on Naval Affairs or the Committee on Appropriations.

After debate, the amendment was disagreed to.<sup>2</sup>

**4042. The appropriations for field guns and their appurtenances belong within the jurisdiction of the Committee on Appropriations.**

**An appropriation for torpedoes for harbor defense is within the jurisdiction of the Committee on Appropriations. (Footnote.)**

On March 31, 1890,<sup>3</sup> the House was in Committee of the Whole House on the state of the Union considering the army appropriation bill.

<sup>1</sup>First session Fifty-sixth Congress, Record, pp. 5135–5167.

<sup>2</sup>In the conference on the naval bill the question again came up, and there was controversy over it. (See Record, pp. 6849, 6856, 6879–6885.) In the naval bill the final form of the wording was (31 Stat. L., p. 689): "Ocean and lake surveys: For hydrographic Surveys and for the purchase of nautical books," etc.

<sup>3</sup>First session Fifty-first Congress, Record, pp. 2857, 2862.

The paragraphs for metallic carriages for field-gun batteries, and for steel shell or shrapnel for field guns, having been reached, Mr. Mark S. Brewer, of Michigan, made the point of order that these items were improperly in the army bill, since, being generally classified under the subject of "Fortifications and coast defenses," they belonged within the jurisdiction of the Appropriations Committee.

After debate, the Chairman<sup>2</sup> decided:

The question presented is not without difficulty, and the discussion has not been sufficiently full to entirely satisfy the Chair, but he understands that 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.

Rule XI provides as follows:

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

\* \* \* \* \*

"To appropriation of the revenue for the support of the Government, as herein provided, namely: \* \* \* for fortifications and coast defenses \* \* \* to the Committee on Appropriations."

All appropriations relating "to the military establishment and the public defense, including the appropriations for its support, etc—to the Committee on Military Affairs."

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 before the committee 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 after, on motion of Mr. Joseph G. Cannon, of Illinois, the committee struck the paragraphs in question from the bill by a vote of 91 ayes to 57 noes.

On April 1 the Committee of the Whole House on the state of the Union were considering the fortifications appropriation bill.

The paragraphs for steel field guns, 3.2 caliber, metallic carriages for field-gun batteries, and steel shell or shrapnel for field guns having been reached, Mr. Byron M. Cutcheon, of Michigan, made the point of order that the jurisdiction of these items belonged properly to the Committee on Military Affairs, and therefore that they were out of order in a bill reported by the Appropriations Committee.

After debate, the Chairman<sup>3</sup> decided:

Without entering into a critical examination of the language of the rules as they now exist, as compared with the old rules and practice, it is enough, in the judgment of the Chair, to say that so far as the present occupant of the chair remembers or is advised the practice has been uniform and universal to have items of this character contained and considered in the fortifications bill. This has been the practice ever since the present occupant of the chair has been a Member of this House. The Chair

<sup>1</sup>In the course of this debate a decision of this question in favor of the Appropriations Committee was referred to in Congressional Record, second session Fiftieth Congress, pp. 1007, 1008. (See also second session Forty-ninth Congress, Journal, p. 546; Record, pp. 1546, 1547.) Also in the Fiftieth Congress an appropriation for torpedoes for harbor defense was held by Chairman Blount, of Georgia, to be in order on the fortifications bill, which is within the jurisdiction of the Appropriations Committee. (Second session Fiftieth Congress, Record, p. 1004.)

<sup>2</sup>Edward P. Allen, of Michigan, Chairman.

<sup>3</sup>Lewis E. Payson, of Illinois, Chairman.

thinks precedents so well established ought not to be overturned without serious reasons. These reasons do not exist in the judgment of the Chair, and so the Chair feels disposed to adhere to the precedents followed uniformly in the House, and always in the Committee of the Whole until the last legislative day, and therefore overrules the point of order.

**4043.** On February 5, 1898,<sup>1</sup> the fortifications appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read this paragraph:

For steel field guns, \$30,000.

Mr. John A. T. Hull, of Iowa, made the point of order against these and succeeding paragraphs that they belonged to the jurisdiction of the Committee on Military Affairs and not to that of the Appropriations Committee.

After debate, the Chairman<sup>2</sup> held:

The Chair will state that the gentleman from Iowa [Mr. Hull] notified the Chair the other day that he would raise the point of order on this question, and the Chair has accordingly taken occasion to examine some of the precedents bearing directly upon the question at issue.

Prior to the Forty-ninth Congress the Committee on Appropriations had jurisdiction over all appropriations relating to the Army. In that Congress appropriations relating to the Military Academy and such appropriations as are now carried by the military bill were given to the Committee on Military Affairs. That was the first distribution of the appropriations amongst the committees.

During all the history of the appropriation bills the items now challenged by the gentleman from Iowa, when the Committee on Appropriations had control of these various bills—for the several Departments of the Government—were always carried in the fortifications bill. After the division of the appropriations among the several committees of the House, the question was raised in the Fiftieth Congress as to whether the Military Committee or the Committee on Appropriations, in charge of the fortification bill, should control the items carried here.

An elaborate debate was had at that time, with Mr. Blount, of Georgia, in the chair, an experienced parliamentarian; and after a thorough and full discussion Mr. Blount held that the Committee on Appropriations had jurisdiction of these items, and that they did not belong to the Committee on Military Affairs. Mr. Springer, of Illinois, also held the same when the question was before him as Chairman of this committee.

In the Fifty-first Congress two bills were reported to the House with the items in question embodied in each—the military bill and the fortifications bill. The military bill was first considered. Mr. Allen, of Michigan, was then in the chair, and, as the Chair now remembers, the gentleman from Illinois [Mr. Cannon] was the chairman of the Committee on Appropriations and raised the point of order which is now raised as to the jurisdiction of the committee.

Mr. Allen held that the Military Committee had jurisdiction of the items in question. Mr. Cannon then moved to strike out the items, holding that the Committee on Appropriations had control of them, and that they were already provided for in the fortifications bill about to be considered; and the committee, by a decisive vote, struck them out of the military bill, and thus, negatively at least, held that the committee reporting the fortifications bill had jurisdiction of them.

When this bill, in the Fifty-first Congress, was being considered in Committee of the Whole, Mr. Payson, of Illinois, was in the chair, and Mr. Cutcheon, of Michigan, then chairman of the Committee on Military Affairs. He raised the identical point of order now submitted by the gentleman from Iowa, and at that time it was fully argued by leading Members of the House on both sides. The chairman of the committee held that this committee had jurisdiction of the items.

Now, without going into the question as an original proposition, the Chair finding as it does that this committee has always had jurisdiction of these items and that on three several occasions where the question has been challenged the Chairman of the Committee of the Whole House on the state of the Union has held that the Committee on Appropriations should exercise jurisdiction over the matter, the present occupant of the chair feels bound by the decisions of his predecessors, and will hold the point of order not well taken.

<sup>1</sup> Second session Fifty-fifth Congress, Record, pp. 1479–1481.

<sup>2</sup> Albert J. Hopkins, of Illinois, Chairman.

**4044.** On January 10, 1907,<sup>1</sup> the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read as follows:

Converting muzzle-loading guns for saluting purposes: For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, \$5,250.

Mr. Walter I. Smith, of Iowa, made the point of order that the item was not within the jurisdiction of the Committee on Military Affairs.

The Chairman<sup>2</sup> sustained the point of order.

**4045. The maintenance and equipment of arsenals and armories are within the jurisdiction of the Appropriations Committee, while the Military Affairs Committee has charge of the manufacture of small arms, equipments, etc.**—On February 1, 1900,<sup>3</sup> the Speaker<sup>4</sup> rendered the following decision:

The Chair submits the opinion which he will now give to the House, on a matter submitted to him by the House a few days ago.

On Monday, January 22, 1900, by the unanimous consent of the House, the following was submitted and agreed to:

“The SPEAKER. The gentleman from Iowa [Mr. Hull] asks unanimous consent of the House that all orders—

“Touching so much of House Document No. 291, first session Fifty-sixth Congress, as refers to the Rock Island Armory, Rock Island, Ill., and to Springfield Armory, Springfield, Mass.; and

“Touching so much of the estimate of \$750,000 for infantry, cavalry, and artillery equipment, submitted on page 135 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture at the arsenals; and

“Touching so much of the estimate of \$1,100,000 for the manufacture of arms, submitted on page 136 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture—

“be vacated, and the same shall be placed on the Speaker’s table for reference under the rules, as though no orders had heretofore been taken by the House or the Speaker touching the reference of these items.”

In order to consider intelligently the matter submitted, the Chair calls attention to the exact provisions covered by the above submission. In Document No. 291, first session Fifty-sixth Congress, the following is a detailed statement from said document of the matter submitted:

Rock Island Armory, Rock Island, Ill.:

Completing the installation of the plant and the purchase of tools, fixtures, and other appliances for the manufacture of small arms in the armory shops at Rock Island Arsenal, to be available until expended or otherwise ordered by Congress (act of March 3, 1899, vol. 30, p. 1073, sec. 1) .....	\$509,000.00
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Springfield Armory, Springfield, Mass.:

Addition to water shops (submitted) .....	95,598.71
Additional machinery for water shops (submitted) .....	90,680.70
Additional machinery for hill shops (submitted) .....	113,438.60

(To be available until expended or otherwise ordered by Congress.)

Total .....	299,718.01
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<sup>1</sup> Second session Fifty-ninth Congress, Record, p. 907.

<sup>2</sup> Frank D. Currier, of New Hampshire, Chairman.

<sup>3</sup> First session Fifty-sixth Congress, Record, p. 1397; Journal, pp. 219, 220.

<sup>4</sup> David B. Henderson, of Iowa, Speaker.

The parts submitted from the Book of Estimates for the year ending June 30, 1901, are to be found on pages 135 and 136 of said book, and are as follows:

“Ordnance, ordnance stores, and supplies: For manufacture of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers’ Home in Washington, DC.; marksmen’s medals and insignia for all arms of the service”—

Now, mark—

“including machinery, tools, and fixtures for their manufacture at the arsenals.

“Manufacture of arms: Manufacture, repairing, procuring, and issuing arms at the national armories, including machinery, tools, and fixtures for their manufacture.”

The part in dispute in the first item is in these words:

“Including machinery, tools, and fixtures for their manufacture at the arsenals.”

The part submitted in the next item is as follows:

“Including machinery, tools, and fixtures for their manufacture.”

It will be seen that the four items in controversy provide only for fitting the plants for the purpose of doing certain work, and provide no money for manufacturing articles after the plants are created. The Committee on Appropriations contends that it is entitled to appropriate money for establishing plants of the kind expressed in the items in controversy, and concedes to the Committee on Military Affairs the right to appropriate the money for the manufacture of the articles turned out by these plants. The Committee on Military Affairs contends that it is entitled not only to appropriate money for the manufacturing of the articles, but to make the appropriations for the installation and enlargement of the plants. In other words, the Committee on Military Affairs contends for the entire control through appropriations of the whole subject-matter embraced in these four items. It is to settle this controversy between these two committees that the matter, with the consent of the House, has been submitted to the Chair.

Let us first see what the rules provide in respect to these two committees. Rule XI, section 3, is as follows:

“To appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.”

Rule XI, section 12, is as follows:

“To the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs.”

Looking at these two sections together, and without considering any other matters, it would seem clear to the Chair that all matters pertaining to the military establishment and the public defense, excepting for fortifications and coast defenses, and excepting deficiencies for the military establishment and the public defense, should be considered by the Committee on Military Affairs. In other words, that the Committee on Appropriations should be limited in its consideration of appropriations to fortifications and coast defenses and to deficiencies growing out of these, and also to deficiencies growing out of appropriations for the military establishment and the public defense.

The Chair, however, feels compelled to go beyond the clear declarations of these sections of Rule XI and see what precedents there are bearing upon the question in issue. The two committees have exhaustively investigated the precedents and submitted the results to the Chair. As stated by the Chair in a recent decision, precedents should be followed where possible. It is a great advantage to the Congress to have before it the decisions of previous Congresses on any question liable to come up. If the decisions of the past, carefully considered, made by Speakers, chairmen, and by the House itself, are to be disregarded, confusion and uncertainty would constantly prevail. The Chair has already indicated in another decision that he would prefer to follow a precedent clearly established, though the question if originally presented to him would receive different treatment.

Let us look, then, at the history of this class of legislation: Prior to December 18, 1885, with the single exception of the agricultural bill, all appropriation bills were given to the Committee on Appropriations.

In the second session of the Forty-sixth Congress, in 1880, the agricultural bill was given to the Committee on Agriculture. A careful examination of the Statutes at Large will show that during the last twenty years the sundry civil bill appropriated for buildings, roads, sewers, bridges, and machinery at the arsenals and armories. This, it will be observed, goes back of the segregation of the appropriation bills in 1885, and it brings the action of the House up to the current fiscal year, when the first exception is found. The military bill for the present year has made provision for such appropriations. During the same twenty years the army bill appropriated for the manufacture of small arms, equipments, ammunition, etc. It should be home in mind also, in this connection, that the very first appropriation bills brought in by these two great committees, immediately following the segregation of the appropriation bills, give all the matters in dispute which were then provided for to the Appropriations Committee and none of these to the Committee on Military Affairs.

This would indicate the first interpretation which the House put upon these bills when the segregation took place in the Forty-ninth Congress.

And it should also be borne in mind that the Rock Island Arsenal was provided for in the sundry civil bill, following the segregation, appropriation being made for machinery and shop fixtures. (See 24 Stat. L., p. 529.)

In the appropriation bill for the current year, all of the items in controversy, or most of them, will be found in the army appropriation bill. This is exceptional. Much stress is laid upon this fact by the Committee on Military Affairs, because objection was not made by the Committee on Appropriations.

On the contrary, the Committee on Appropriations claim that this was overlooked by them and grew out of the great pressure of work before the several committees during their excessive labors in the last Congress, and also because the Military Committee was given so much way and consideration incident to our wars. It is proper to state, in this connection, that the Book of Estimates invited this action by the Military Committee. That book adopted new phraseology in the estimates, differing from prior estimates, so that these items were before the Committee on Military Affairs when making up its bill and were not before the Committee on Appropriations so as to attract its attention, as they had done in the past. The Chair is of the opinion that this should in no way be considered as a precedent to govern his decision as against the uniform practice, long, well-considered discussions, and carefully rendered opinions prior thereto.

The Chair desires to say a word in regard to this Book of Estimates.

As the House is doubtless aware, the estimates of the several Departments are sent, as required by law,<sup>1</sup> to the Secretary of the Treasury, who compiles the Book of Estimates. It is then printed in a branch office of the Government Printing Office, under the supervision of the Public Printer, in the Treasury Department.

The Chair has investigated to see whether these Books of Estimates, or the several parts thereof have been referred to the several committees, and finds the practice to be that these Books of Estimates are sent in bulk to the document room, and there the several committees get the books. With one exception, the Chair is unable to find that they have ever been referred by the Speaker, although the Book of Estimates is addressed to the Speaker of the House of Representatives. Neither in the last Congress nor in this Congress have they come to him, and therefore they have not been referred by him to the several committees.

During this period many bitter contests have arisen between the two committees on this subject of jurisdiction, and each time the final decision of the matter has been in favor of the jurisdiction of the Committee on Appropriations.

These decisions were made in relation to subjects which the Appropriations Committee claimed were, and had been, properly part of the fortifications bill. In this case all the conditions are the same except that the items in dispute are claimed for the sundry civil bill.

While acting as Chairmen in the Committee of the Whole House on the state of the Union, decisions<sup>2</sup> favorable to the Committee on Appropriations have been made by Messrs. Blount, of Georgia; Payson, of Illinois; Hopkins, of Illinois, and Springer, of Illinois; Mr. Allen, of Michigan, while in the chair, made a different ruling, but the House promptly, on motion of Mr. Cannon, of Illinois, sustained

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<sup>1</sup> Rev. Stat., sections 3669, 3670, 3672; 23 Stat. L., p. 254.

<sup>2</sup> See sections 4042, 4043 of this volume.

the claim of the Committee on Appropriations by striking the paragraph in controversy from the army bill. Many days have been spent in discussions of the question, one struggle lasting for two entire days, and another struggle for three entire days, but always resulting in favor of the jurisdiction of the Committee on Appropriations, whether the decision was made by a Chairman, or by the Committee of the Whole House, or by the House itself.<sup>1</sup>

The several controversies that have taken place were for the purpose of maintaining the individuality of the fortifications bill, and also of the army bill. Each of the great appropriation bills has an individuality which it has retained for about thirty years<sup>2</sup> and which the House has shown itself reluctant to violate. For instance, the Appropriations Committee is given under the rule jurisdiction of the subject of "fortifications and coast defenses." Field guns for the use of the Army would scarcely seem to properly belong to this committee, but it has been decided repeatedly that the Appropriations Committee has jurisdiction of the subject of field guns, because their fabrication for a long term of years belonged to the fortifications appropriation bill. For the same reason the Committee on Appropriations has been given and held jurisdiction of Watervliet Arsenal, where heavy guns are made.

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, and that the appropriations for buildings, installation of plant, machinery, tools, fixtures for manufacturing small arms and equipments belong to the Committee on Appropriations, and accordingly the Chair refers the four items in controversy to that committee, subject to the approval of the House.

If there is no objection, the reference will accordingly be made. [After a pause.] The Chair hears no objection.

**4046.** On January 10, 1907,<sup>3</sup> the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read as follows:

For range finders and other instruments for fire control in field batteries, and the machinery necessary for their manufacture at the arsenals, \$30,000.

Mr. Walter I. Smith, of Iowa, said:

I make the point of order against the words in this paragraph, "and the machinery necessary for their manufacture at the arsenals." I make the point of order that it is not within the jurisdiction of the Committee on Military Affairs and was so ruled at the last session of this House.

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

**4047.**—On March 1, 1906,<sup>5</sup> the army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read this paragraph:

Ordnance stores—Ammunition: Manufacture or purchase of ammunition and materials therefor for small arms for reserve supply, and for the machinery necessary for its manufacture at arsenals; ammunition for burials at the National Soldiers' Home in Washington, D.C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and Soldiers and Sailors' State Homes, \$629,000.

<sup>1</sup> See Congressional Record, second session, Fiftieth Congress, p. 1005; First session Fiftieth Congress, pp. 36, 53, 5342, 7095, 7311, 7505, 7581, 7895, 8266, 8473.

<sup>2</sup> In the Forty-first Congress, in 1871, Mr. Dawes, of Massachusetts, was Chairman of the Committee on Appropriations, which had jurisdiction of all the appropriations. He improved the classification of the bills, increasing the sundry civil bill from 11 to 22 pages. At that time arsenals and armories were transferred from the army bill to the sundry civil bill.

<sup>3</sup> Second session Fifty-ninth Congress, Record, p. 907.

<sup>4</sup> Frank D. Currier, of New Hampshire, Chairman.

<sup>5</sup> First session Fifty-ninth Congress, Record, p. 3231.

Mr. James A. Tawney, of Minnesota, made a point of order against the words, "and for the machinery necessary for its manufacture at arsenals," on the ground that it was not within the jurisdiction of the Committee on Military Affairs and was new legislation.

Mr. Tawney argued that this question had already been decided in the House; but Mr. John A. T. Hull, of Iowa, urged that the ruling heretofore made applied to the installation of a new plant, but not to the keeping up of repairs.

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

The Chair will call attention to the decision of Speaker Henderson. The decision was not limited to installation and buildings or plants, but contained also exactly the language to which the point of order has just been made. I read from the original decision of the Speaker, "And that the appropriations for buildings, installation of plants, machinery, tools, fixtures for the manufacture of small arms and equipment therefor to the Committee on Appropriations." Therefore the Chair feels constrained to sustain the point of order.

**4048. Appropriations for vessels for submarine mine and torpedo work in connection with coast defenses belong to the jurisdiction of the Committee on Appropriations.**

**The acts of the Executive Departments in submitting estimates are not of effect in determining questions of jurisdiction.**

On March 1, 1906,<sup>2</sup> the Army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read as follows:

For completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine mine work, including the purchase of one torpedo planter for use on the Pacific coast, \$150,000.

Mr. Walter I. Smith, of Iowa, raised the point of order that this paragraph was not authorized by existing law, that it changed the existing law, and that the matter was not a matter within the jurisdiction of the Committee on Military Affairs to report, but within the jurisdiction of the Committee on Appropriations.

After debate, the Chairman<sup>1</sup> held:

The point of order made by the gentleman from Iowa raises again the question of jurisdiction between the Committee on Appropriations and the Committee on Military Affairs. The Chair has again been referred to the Book of Estimates, furnished by the Executive Departments of Congress, as a ground for holding that these items should go to the Committee on Military Affairs. The present occupant of the chair must again express his emphatic dissent against this body being influenced in the interpretation of its rules by the Executive Departments.

I do not know of any place where the noninterference of the executive with the legislative departments should be more carefully or more jealously guarded than in this House; and whether the Book of Estimates calling for certain items from certain committees is based upon an ignorance of the rules of this House or upon a conscious intention to influence the course of appropriations contrary to the rules of the House, the present occupant of the chair believes that it would be the unanimous opinion of this body that such estimates sent in such way should not be construed as affecting in any way the rules of this body. The question, then, is whether the items in this paragraph come under the rules by which the Military Affairs Committee takes jurisdiction of all those matters relating to the military establishment and to public defense, including appropriation for its support, or whether they go to the Appropriations Committee, which has jurisdiction, among other things, of fortifications

<sup>1</sup> Henry S. Boutell, of Illinois, Chairman.

<sup>2</sup> First session Fifty-ninth Congress, Record, pp. 3227-3229.

and coast defenses. It is admitted in the argument that the submarine mines are for the defense of the coast, that the torpedo planting is for the purpose of planting torpedoes in the harbors on our coast line. So that it would seem from the debate quite clear to the Chair that these items belong exclusively to the fortification bill.

But there is another method of determining what the jurisdiction of the committee having charge of the fortification bill is in that particular measure, and the Chair has endeavored to examine the fortification bills prior to the division of the jurisdiction of the committee, and the Chair will read the items from the last fortification bill passed by Congress before the division of the jurisdiction as showing what was included in this bill when the division took place. In the bill making provision for the fortifications passed in the second session of the Forty-eighth Congress are these items:

“For the purchase of movable submarine torpedoes, propelled and controlled by power operated and transmitted from shore stations, as may be recommended by the Board of Engineers of the Army of the United States and approved by the Secretary of War, \$50,000.

“For improvements, competitive test, and purchase of motors for movable torpedoes, \$25,000.

“For purchase of appliances for submarine mines for harbor defense, \$10,000.

“For continuation of torpedo experiments and for practical instruction of engineer troops in the details of the service, \$20,000.”

So that it seems clear to the Chair from the character of these instrumentalities, and principally from the fact that the same items, or exactly similar items, were uniformly carried in the fortifications bill for twenty years and were in the last bill when the division of jurisdiction took place, that these items belong to the fortifications bill; and the Chair so holds, and sustains the point of order.

For the same reason the Chairman ruled out this paragraph:

Construction of cable ship: For the construction of a seagoing cable ship of about 900 net tonnage for use in repairing and keeping in proper condition the fire-control submarine cables used in connection with the system of harbor defense on the Atlantic seaboard, \$215,000.

**4049. Appropriations for barracks and quarters for troops of the Seacoast Artillery are within the jurisdiction of the Committee on Appropriations and not of the Committee on Military Affairs.**—On January 9, 1907,<sup>1</sup> during consideration of the army appropriation bill in Committee of the Whole House on the state of the Union, Mr. John A. T. Hull, of Iowa, proposed this amendment:

Insert after line 2, page 31, the following: “For barracks and quarters for troops of the Seacoast Artillery, \$1,300,000.”

Mr. James A. Tawney, of Minnesota, made the point of order that the subject belonged to the jurisdiction of the Committee on Appropriations.

After debate on this day and January 10, the Chairman<sup>2</sup> held:

It is unfortunate that the jurisdiction of these two committees is not clearly defined in the rules. As it is, the only guide the Chair has is the course pursued in regard to this particular appropriation in the past. The fact that before the army appropriation bill was taken away from the Committee on Appropriations and given to the Committee on Military Affairs it carried nothing except for the maintenance of the Army affords little light on this question, since it has been the invariable practice of the Military Committee, since given jurisdiction of the army appropriation bill, to appropriate for barracks and quarters. Had this item been carried in the fortifications bill there would probably have been little controversy about it, but if the Appropriations Committee has jurisdiction, then for the purposes of this case it matters not in what bill reported by that committee the item is carried. The rules provide that the Committee on Appropriations shall have jurisdiction of fortifications and coast

<sup>1</sup> Second session Fifty-ninth Congress, Record, pp. 854, 900.

<sup>2</sup> Frank D. Currier, of New Hampshire, Chairman.

defenses. The construction of seacoast fortifications is clearly the province of the Committee on Appropriations under this rule. Are not the barracks at the fortifications a part thereof? So far as the Chair is informed, the army appropriation bill has never, until the bill under consideration was presented, carried in specific term any appropriation for barracks for Seacoast Artillery. That has always been carried in a bill reported by the Committee on Appropriations. The fortifications appropriation bill approved March 3, 1896, which was after the adoption of the so-called "Endicott project," carried an appropriation for the erection of necessary buildings connected with the new fortifications. In the fortifications bill for the next year this provision was carried in the following language:

"That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications," etc.—Congress apparently recognizing the jurisdiction of the Committee on Appropriations over this subject. The next year the appropriation for this purpose was included in the sundry civil appropriation bill in the following language:

"For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense."

And it has been carried every year since in the sundry civil appropriation bill down to and including the first session of this Congress, when the language was as follows:

"For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense."

The fact that the War Department may have used some of the money carried in the army appropriation bill for barracks for seacoast artillery without any specific instruction from Congress so to do can not affect the question of jurisdiction under consideration. In an exhaustive and able opinion delivered by Mr. Speaker Henderson on February 1, 1900, involving a somewhat similar provision on the question of jurisdiction between the Committee on Military Affairs and the Committee on Appropriations, he said:

"During this period many bitter contests have arisen between the two committees on this subject of jurisdiction, and each time the final decision of the matter has been in favor of the jurisdiction of the Committee on Appropriations.

"These decisions were made in relation to subjects which the Appropriations Committee claimed were, and had been, properly part of the fortifications bill. In this case all the conditions are the same, except that the items in dispute are claimed for the sundry civil bill.

"While acting as Chairman in the Committee of the Whole House on the state of the Union, decisions favorable to the Committee on Appropriations have been made by Messrs. Blount, of Georgia; Payson, of Illinois; Hopkins, of Illinois, and Springer, of Illinois. Mr. Allen, of Michigan, while in the chair, made a different ruling, but the House promptly, on motion of Mr. Cannon, of Illinois, sustained the claim of the Committee on Appropriations by striking the paragraph in controversy from the army bill. Many days have been spent in discussions of the question, one struggle lasting for two entire days and another struggle for three entire days, but always resulting in favor of the jurisdiction of the Committee on Appropriations, whether the decision was made by a Chairman or by the Committee of the Whole House or by the House itself.

"The several controversies that have taken place were for the purpose of maintaining the individuality of the fortifications bill, and also of the army bill. Each of the great appropriation bills has an individuality which it has retained for about thirty years and which the House has shown itself reluctant to violate. For instance, the Appropriations Committee is given under the rule jurisdiction of the subject of 'fortifications and coast defenses.' Field guns for the use of the Army would scarcely seem to properly belong to this committee, but it has been decided repeatedly that the Appropriations Committee has jurisdiction of the subject of field guns, because their fabrication for a long term of years belonged to the fortifications appropriation bill. For the same reason the Committee on Appropriations has been given and held jurisdiction of Watervliet Arsenal, where heavy guns are made."

In view of the fact that up to this time the Committee on Appropriations has invariably claimed and exercised without objection the right to appropriate in express terms for the construction of barracks for seacoast fortifications, and until this bill was presented the Committee on Military Affairs has not attempted to so appropriate, the Chair is constrained to sustain the point of order.

**4050. Awards of money to foreign nations in pursuance of treaties for the adjustment of claims or as acts of grace have been reported by the Committee on Appropriations.**—Appropriations for the Exposition at Paris in 1900 and for the Centennial Anniversary of the Founding of City of Washington were referred to the Appropriations Committee.<sup>1</sup> Awards of money on account of the subjects of other governments who have sustained injury in this country are provided for in the general deficiency appropriation bill, and hence the jurisdiction belongs to the Appropriations Committee.<sup>2</sup>

Awards of money to foreign nations belong to the jurisdiction of the Committee on Appropriations. In 1879<sup>3</sup> the Halifax award was reported in the sundry civil bill. The Bering Sea award in 1898<sup>4</sup> was not reported from any committee, but was offered on the floor by the Chairman of the Appropriations Committee; and on February 17, 1899, the bills to pay the award to Spain under the treaty of peace were referred to the Appropriations Committee, and the appropriation was reported therefrom.<sup>5</sup>

**4051. A bill authorizing a new Soldiers' Home is reported by the Committee on Military Affairs, but the appropriation therefor comes from the Committee on Appropriations.**—A bill authorizing a new Branch Home for Disabled Volunteer Soldiers is considered by the Committee on Military Affairs, but the appropriation for building such a home is made through the Appropriations Committee.<sup>6</sup>

**4052. The appointment of Managers for the National Home for Disabled Volunteer Soldiers being vested by law in Congress, a paragraph making such appointment was held in order on the sundry civil appropriation bill.**—On June 16, 1890,<sup>7</sup> in Committee of the Whole House on the state of the Union, Mr. E. S. William, of Ohio, offered this amendment to the sundry civil appropriation bill:

That the following-named persons be, and are hereby, appointed Managers of the National Home for Disabled Volunteer Soldiers, to wit: Edmund N. Morrill, of Kansas, for the unexpired term of office of John A. Martin, deceased; Alfred L. Pearson, of Pennsylvania, for the unexpired term of office of John F. Hartranit, deceased.

Mr. Mark S. Brewer, of Michigan, made a point of order against the amendment, which was later renewed by Mr. Joseph D. Sayers, of Texas, who held that the amendment would be new legislation.

After debate, the Chairman<sup>8</sup> held:

The appointment of these officers, as the Chair understands, is vested by law in Congress. \* \* \* The Chair overrules the point of order.<sup>9</sup>

<sup>1</sup>Third session Fifty-fifth Congress, Record, p. 25.

<sup>2</sup>29 Statutes at Large, p. 267.

<sup>3</sup>20 Statutes at Large, p. 240.

<sup>4</sup>Second session Fifty-fifth Congress, Journal, p. 633.

<sup>5</sup>Third session Fifty-fifth Congress, Record, p. 2114; 31 Statutes at Large, p. 1010; also Record, p. 1944, appropriation of money in payment to Spain as provided in the treaty of peace.

<sup>6</sup>Second session Fifty-fourth Congress, House Report No. 2866; 30 Statutes at Large, p. 54.

<sup>7</sup>First session Fifty-first Congress, Record, p. 6144.

<sup>8</sup>Julius C. Burrows, of Michigan, Chairman.

<sup>9</sup>Joint resolutions making these appointments are usually reported from the Committee on Military Affairs. (See sec. 4185 of this volume.)

**4053. Appropriations compensating heirs of foreigners killed by mobs have come within the jurisdiction of the Committee on Appropriations.**

**A message of the President is usually referred by direction of the Speaker, but a Member may move a reference.**

On December 15, 1902,<sup>1</sup> the Speaker laid before the House a message from the President, recommending, as an act of grace, an appropriation for the heirs of certain Italians killed by a mob at Erwin, Miss.

The Speaker having announced that the message would be referred to the Committee on Appropriations, Mr. Robert R. Hitt, of Illinois, suggested that the reference should be to the Committee on Foreign Affairs.

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

The Chair has had that matter investigated, and is advised that claims of this character have usually gone to the Committee on Appropriations.

**4054. The creation and history of the Committee on the Judiciary, section 4 of Rule XI.**

**The rule assigns to the Judiciary Committee jurisdiction of subjects relating to “judicial proceedings, civil and criminal law.”**

Section 4 of Rule XI provides for the reference of subjects relating—to judicial proceedings, civil and criminal law, to the Committee on the Judiciary.

This committee now has eighteen members.

The rule is the form adopted in the revision of 1880,<sup>3</sup> and was derived from the old rule No. 83, which dated from June 3, 1813, when Mr. J. G. Jackson, of Virginia, presented a resolution for the appointment at the beginning of each session of an additional standing committee, Committee on the Judiciary, to take into consideration matters “touching judicial proceedings.” Mr. Jackson called attention to defects in the laws relating to the judiciary, and in order to remedy these and to render the decisions of the House more uniform on these subjects, he urged the establishment of the committee. It was voted unanimously, and the committee was composed of seven members.<sup>4</sup>

**4055. The Committee on the Judiciary has reported bills prohibiting the desecration of the national flag, and dealing with refusal of public officers to execute acts of Congress.**—The Committee on the Judiciary has reported on the following subjects:

In 1890<sup>5</sup> and 1894<sup>6</sup> on bills to prevent the desecration of the flag of the United States.

In 1896<sup>7</sup> on the refusal of public officers to execute acts of Congress.

**4056. The Committee on the Judiciary has a general but not exclusive jurisdiction over joint resolutions proposing amendments to the Constitution of the United States.**—Joint resolutions proposing amendments

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<sup>1</sup> Second session Fifty-seventh Congress, Record, p. 39.

<sup>2</sup> David B. Henderson, of Iowa, Speaker.

<sup>3</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>4</sup> First session Thirteenth Congress, Journal, p. 19 (Gales and Seaton ed.); Annals, Vol. I, p. 132.

<sup>5</sup> First session Fifty-first Congress, Report No. 2128.

<sup>6</sup> Second session Fifty-third Congress, Report No. 677.

<sup>7</sup> First session Fifty-fourth Congress, Report No. 105.

to the Constitution are usually<sup>1</sup> referred to the Committee on the Judiciary, and that committee has reported:

In 1888<sup>2</sup> a resolution relating to the term of office of the President.

In 1893<sup>3</sup> a resolution providing for a national currency.

In 1888<sup>4</sup> a resolution proposing an amendment to the Constitution relating to the hours of labor.

In 1884<sup>5</sup> the resolution (H. Res. 51) proposing a constitutional amendment for the election of postmasters by the people.

In 1888<sup>6</sup> the resolution (H. Res. 15) proposing a constitutional amendment prohibiting the sale and manufacture of intoxicating liquors.

In 1888<sup>7</sup> a resolution proposing a constitutional amendment to authorize national aid to common schools.

In 1900<sup>8</sup> the House by a change of reference conferred on Judiciary, instead of Way and Means, jurisdiction of a resolution for a constitutional amendment to authorize a tax on incomes.

**4057. Bills of incorporation are often referred to the Committee on the Judiciary.**—The Committee on the Judiciary has reported bills creating corporations, although it has not an exclusive jurisdiction<sup>9</sup> on this subject. It has reported:

In 1901<sup>10</sup> the bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists.

In 1896<sup>11</sup> a bill to incorporate the Grand Lodge of Masons in Indian Territory.

In 1894<sup>12</sup> bill incorporating Supreme Lodge of Knights of Pythias in District of Columbia.

In 1894<sup>13</sup> a bill amending the act incorporating the Smithsonian Institution.

**4058. Bills for the removal of political disabilities have been within the jurisdiction of the Committee on the Judiciary.**—The Judiciary Committee has jurisdiction of subjects relating to the removal of disabilities imposed by the Constitution or laws of the United States, and has reported:

In 1884,<sup>14</sup> the bill (H. R. 4407) to remove the political disabilities of certain ex-Confederates.

<sup>1</sup> Resolutions proposing the election of United States by the people, however, are reported by the Committee on Election of President, Vice-President, and Representatives in Congress (see sec. 4300 of this volume), although in 1887 the Judiciary reported this also. (Second session Forty-ninth Congress, Report No. 3796.) See also section 4247 of this volume.

<sup>2</sup> First session Fiftieth Congress, Report No. 1472.

<sup>3</sup> Second session Fifty-second Congress, Report No. 2614.

<sup>4</sup> First session Fiftieth Congress, Report No. 248.

<sup>5</sup> First session Forty-eighth Congress, Report No. 193.

<sup>6</sup> First session Fiftieth Congress, Report No. 249.

<sup>7</sup> First session Fiftieth Congress, Report No. 224.

<sup>8</sup> First session Fifty-sixth Congress, Record, p. 1621.

<sup>9</sup> Incorporation bills are distributed to a large extent to the committees respectively having jurisdiction of related subjects.

<sup>10</sup> Second session Fifty-sixth Congress, Report No. 2638.

<sup>11</sup> First session Fifty-fourth Congress, Report No. 320.

<sup>12</sup> Second session Fifty-third Congress, Report No. 934.

<sup>13</sup> Second session Fifty-third Congress, Report No. 269.

<sup>14</sup> First session Forty-eighth Congress, Report No. 1855.

In 1893,<sup>1</sup> the bill removing restrictions as to loyalty of persons in pension and bounty land claim cases.

In 1899<sup>2</sup> the bill (H. R. 11955) repealing the sections of the Revised Statutes disqualifying persons who had participated in the civil war on the Confederate side from holding public office.

In 1898<sup>3</sup> the bill (S. 4578) to remove all political disabilities imposed by the fourteenth article of the Constitution.

**4059. The general subject of Federal control of corporations has been referred to the Committee on the Judiciary.**—On December 13, 1905,<sup>4</sup> the House, in Committee of the Whole House on the state of the Union, proceeded to consideration of the resolution (H. Res. 42) for the distribution of the President's message, the first paragraph of which was as follows:

*Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

To this the Ways and Means Committee had recommended an amendment to insert after the words "United States," where they occur the second time, the words "and insurance."

In explanation Mr. Sereno E. Payne, of New York, said:

At the beginning of this session a number of bills were introduced regulating insurance and placing it under the control of the United States, or proposing to do so, in various ways. Most of those bills provided a tax upon insurance companies, the authors of them presumably believing that that was the only method by which Congress could deal with them under the Constitution of the United States. In this I think they were exactly right. I do not see what authority the Congress of the United States has over insurance companies, except under the clause of the Constitution giving the taxing power. I understand that the Supreme Court has decided that the United States can not get jurisdiction under the Constitution over insurance companies under the interstate-commerce clause in the Constitution, and it would seem that taxation was the only way in which the Constitution gave any jurisdiction whatever.

These bills were referred by the Speaker to the Committee on Ways and Means. It was done without any intimation from any member of that committee. The first I knew of it, at least, was that those bills had been go referred. Some of them did not involve the taxing power, \* \* \* although most of them do involve the question of taxation. Those bills are there now. The Committee on Ways and Means was not anxious to take up this subject, but, of course, coming to us as it did, these bills, under the rules of the House, plainly going to that committee and to no other, because they involved the question of taxation, and having been placed there by the direction of the Speaker, the committee thought unanimously that that was where they belonged, and directed me to offer the amendment in the resolution, which is proposed in language and in terms strictly sending those bills to the Committee on Ways and Means.

It has been a rule, I am informed by the Clerk at the Speaker's desk, that whenever a class of bills comes in and the main feature compels the reference of a portion of those bills to a certain committee, for uniformity it is the custom to send all of those bills to that committee, whether they involve the particular question or not. But if I am right in the proposition that the only way Congress can deal with insurance companies is under the taxing clause of the Constitution, then no other committee would have jurisdiction of this subject-matter and it would belong to the Committee on Ways and Means.

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<sup>1</sup>First session Fifty-third Congress, Report No. 26.

<sup>2</sup>Third session Fifty-fifth Congress, Report No. 2016.

<sup>3</sup>Second session Fifty-fifth Congress, Report No. 1407.

<sup>4</sup>First session Fifty-ninth Congress, Record p. 349.

Messrs. William P. Hepburn, of Iowa, and James R. Mann, of Illinois, dissented from this view, Mr. Hepburn saying:

I do object to the amendment made in the fourth line, by inserting the words "and insurance." The effect of that is to carry all matters of legislation concerning the control of insurance to the Committee on Ways and Means; and the reason assigned for that is that in the opinion of the Chairman the only manner in which Congress can have jurisdiction over that subject is through the exercise of the taxing power.

Mr. Chairman, even if that were true, that would not indicate, necessarily, the direction which this class of business should take in assignment to committees. It is true that all matters of taxation, where taxation—the raising of revenue—is the object to be attained, should be considered by the Committee on Ways and Means; but where taxation is resorted to solely for the purpose of securing jurisdiction solely for the purpose of the exercise of a power, I submit that it is not the rule of this House to send matters of that kind to that committee—notably the legislation with reference to oleomargarine. A tax nominal was resorted to only to give power to the Congress, or justify it in the exercise of power. Yet you will remember that that matter was considered and reported by the Committee on Agriculture. They had jurisdiction of it, recognizing the fact that the assumption upon the part of the Committee on Ways and Means was a mere fiction. The object was not to secure revenue. The object was to secure the right to exercise a power. Therefore the taxing power was resorted to, or taxation was made the pretext. There are a number of instances that might be given where this rule has been observed and where jurisdiction of the Committee on Ways and Means has been denied, notwithstanding the fact that a nominal tax was provided for in the legislation sought.

Mr. Chairman, I am willing to concede that there is more than one decision of the Supreme Court in which it has been held, in a casual way, that insurance was not commerce; but I want to call attention to the fact that that was not the major proposition considered by the Supreme Court, that but little attention was paid to that question in the argument, that that was simply one of the incidents in the case; and it is the opinion of a great many men learned in the law that when the proposition is fairly made, when the attention of the Supreme Court is called to the fact of the immense interest there is in insurance, interwoven inextricably with trade, when it is remembered that the annihilation of insurance would well-nigh annihilate commerce, that thousands and tens of thousands of commercial enterprises would never for a moment be considered or undertaken but for the auxiliary of insurance; when it is shown how interwoven insurance is with all commercial transactions, with the millions of money invested in trade and commerce, that another view of that subject may be taken. And I want to call attention to the fact that I have in my possession a bill prepared by the secretary of the National Bar Association, and, as I understand, a bill that met with their approval, from which it is clear that, in their opinion—in the opinion of the National Bar Association of the United States—the regulation of insurance companies is a power given to Congress under the commerce clause of the Constitution. The language of these gentlemen, as used in the bill, declares that the writing of policies and other business of that character is commerce, and therefore it is a power conferred by the commerce clause of the Constitution.

On December 14<sup>1</sup> the debate was continued and several days thereafter.

On January 4, 1906,<sup>2</sup> Mr. Payne announced that the amendment he had proposed would be withdrawn, and also that no amendment would be offered giving jurisdiction to the Committee on Interstate and Foreign Commerce.

Thereupon Mr. William P. Hepburn, of Iowa, chairman of the Committee on Interstate and Foreign Commerce, offered the following amendment, which was agreed to without division:

That so much of the President's message as relates to corporations be referred to the Committee on the Judiciary, with instructions to report fully at an early day their views as to the power of the Federal Government by legislation to regulate or control said corporations in the management or control of their business and business matters, and if said power exists then the extent of such power and under what provisions of the Constitution it is conferred upon the Congress.

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<sup>1</sup> Record, pp. 405–419.

<sup>2</sup> Record, pp. 693–694.

**4060. Matters relating to the investigation and regulation of trusts and corporations are within the jurisdiction of the Judiciary Committee.**—The general subject of trusts and corporations, even when interstate commerce features have been involved, has been within the jurisdiction of the Judiciary Committee, and it has reported:

In 1890 and succeeding years<sup>1</sup> on general matters relating to trusts.

In 1898<sup>2</sup> on the bill (H. R. 10249) to regulate interstate transportation of property owned or manufactured by unlawful combinations.

In 1893<sup>3</sup> on the subject of information in relation to sugar trust; also an investigation of character and operations of the whisky trust.

In 1892<sup>4</sup> on information in relation to sugar trust.

In 1902<sup>5</sup> on the subject of corporations engaged in interstate commerce.

In 1904<sup>6</sup> on the subject of returns of corporations.

In 1884<sup>7</sup> the bill (H. R. 3058) relative to general incorporation laws of the Territories.

In 1906<sup>8</sup> on the subjects of corporation returns and regulation of corporations.

**4061. Regulation of the traffic in intoxicating liquors, etc., through control of interstate-commerce relations, is within the jurisdiction of the Committee on the Judiciary.**—The Judiciary Committee has exercised a jurisdiction relating to the territorial and interstate traffic in intoxicating liquors and other deleterious articles, reporting as follows:

In 1890 and succeeding years<sup>9</sup> on bills relating to the transportation of liquors in original packages.

In 1896<sup>10</sup> and 1898<sup>11</sup> on bills in relation to cigarettes and to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

In 1892<sup>12</sup> on exclusion of intoxicants from Indian Territory.

**4062. Charges against judges of the United States courts are usually investigated by the Committee on the Judiciary.**—Charges against judges of

<sup>1</sup> First session Fifty-first Congress, Report No. 1707; first session Fifty-fourth Congress, Report No. 13; first session Fifty-sixth Congress, Reports Nos. 1501, 1506; second session Fifty-seventh Congress, Report No. 3375; second session Fifty-eighth Congress, Report No. 2694; third session Fifty-eighth Congress, Record, p. 600.

<sup>2</sup> Second session Fifty-fourth Congress, Report No. 3062.

<sup>3</sup> Second session Fifty-second Congress, Reports Nos. 2601, 2618.

<sup>4</sup> First session Fifty-second Congress, Report No. 1286.

<sup>5</sup> Second session Fifty-seventh Congress, Report No. 3375.

<sup>6</sup> Third session Fifty-eighth Congress, Report No. 4140.

<sup>7</sup> First session Forty-eighth Congress, Report No. 501.

<sup>8</sup> First session Fifty-ninth Congress, Reports Nos. 234, 2491.

<sup>9</sup> First session Fifty-first Congress, Report No. 2604; second session Fifty-fifth Congress, Report No. 667; second session Fifty-seventh Congress, Report No. 3377; second session Fifty-eighth Congress, Report No. 2337.

<sup>10</sup> First session Fifty-fourth Congress, Report No. 2289.

<sup>11</sup> First session Fifty-fifth Congress, Report No. 2324.

<sup>12</sup> First session Fifty-second Congress, Report No. 1866.

the courts of the United States have usually been investigated by the Committee on the Judiciary.<sup>1</sup> Instances of reports are:

In 1894<sup>2</sup> a resolution relating to charges against Judge Augustus J. Ricks, judge of the United States court for the northern district of Ohio.

In 1892<sup>3</sup> on charges against Judge Aleck Boarman.

**4063. The Committee on the Judiciary often reports as to questions of law on subjects naturally within the jurisdiction of other committees.**—The Judiciary Committee has reported on questions of law relating to subjects generally within the jurisdiction of other committees:

In 1892<sup>4</sup> on the subject of the rights of the Secretary of the Treasury under the specie-resumption law.

In 1894<sup>5</sup> a resolution of inquiry relating to payment of treasury notes under act of 1864.

**4064. The settlement of boundary lines between States, or between a State and a Territory, is within the jurisdiction of the Committee on the Judiciary.**—The Committee on the Judiciary has exercised jurisdiction over bills relating to the settlement of boundary lines between the States or between States and Territories, reporting—

In 1880<sup>6</sup> the bill to provide for settlement of the boundary between Texas and Indian Territory.

In 1882<sup>7</sup> the resolution (H. Res. 223) defining the boundary between Texas and Indian Territory.

In 1901<sup>8</sup> the resolution (S. Res. 158) ratifying an agreement between Tennessee and Virginia in relation to the boundary line of those States.

In 1904<sup>9</sup> a bill relating to the western boundary of Arkansas.

In 1906<sup>10</sup> on the boundary lines between Oklaloma, New Mexico, and Texas.

**4065. The Committee on the Judiciary has jurisdiction of legislation relating to bankruptcy.**—The Committee on the Judiciary has jurisdiction of the subject of bankruptcy, and has reported—

In 1882<sup>11</sup> the bill (H. R. 5994) for the repeal of the bankruptcy act.

In 1884<sup>12</sup> the bill (H. R. 5683) relating to a uniform system of bankruptcy.

In 1902<sup>13</sup> a bill on the subject of bankruptcy.

**4066. The Committee on the Judiciary has reported bills relating to the rights and privileges of women.**—The Committee on the Judiciary has

<sup>1</sup> For general instances as to this jurisdiction see Chap. LXXIX, sect. 2486–2520 of Vol. III of this work under the subject of impeachments.

<sup>2</sup> Second session Fifty-third Congress, Report No. 1393.

<sup>3</sup> First session Fifty-second Congress, Report No. 1536

<sup>4</sup> First session Fifty-second Congress, Report No. 1780.

<sup>5</sup> Third session Fifty-third Congress, Reports Nos. 654, 1987.

<sup>6</sup> First session Fiftieth Congress, House Report No. 370.

<sup>7</sup> First session Forty-seventh Congress, Report No. 1282.

<sup>8</sup> Second session Fifty-sixth Congress, Report No. 2910.

<sup>9</sup> Third session Fifty-eighth Congress, Report No. 4141.

<sup>10</sup> First session Fifty-ninth Congress, Report No. 1186.

<sup>11</sup> First session Forty-seventh Congress, House Report No. 1401.

<sup>12</sup> First session Forty-eighth Congress, Report, No. 679.

<sup>13</sup> First session Fifty-seventh Congress, Report No. 1698.

jurisdiction of subjects relating to the rights and privileges of women under the Constitution and laws of the United States, and has reported—

In 1882,<sup>1</sup> 1884,<sup>2</sup> 1890,<sup>3</sup> and 1894<sup>4</sup> on resolutions relating to suffrage for women.

In 1888<sup>5</sup> on the subject of married women's rights in the Territories and District of Columbia.

**4067. The Committee on the Judiciary reports legislative propositions relating to the service of the Department of Justice, and even of other Departments.**—The Judiciary Committee has exercised jurisdiction over bills relating to the service of the Department of Justice, and in a few instances bills relating to the services of other Departments.

On December 6, 1888,<sup>6</sup> the resolutions distributing the President's message referred to the Committee on the Judiciary subjects "touching legislation affecting the Department of Justice."

The committee reported—

In 1890<sup>7</sup> a bill relating to salary of chief clerk of the Department of Justice.

In 1900<sup>8</sup> a bill relating to compensation of United States commissioners in Chinese deportation cases.

In 1896<sup>9</sup> on the subject of regulating the issuing and recording of commissions of officers in the Departments.

In 1884<sup>10</sup> the bill (H. R. 6865) relating to oaths to be administered to importers at custom-houses.

In 1889<sup>11</sup> the bill (S. 622) to allow customs oaths to be administered by notaries public.

In 1890<sup>12</sup> a bill relating to warrants, fees, etc., in cases arising under internal revenue laws.

**4068. The Committee on the Judiciary has exercised jurisdiction of bills relating to local courts in the District of Columbia and Alaska, and the Territories.**—The Committee on the Judiciary has exercised a jurisdiction relating not only to the Federal courts as organized within the United States, but also relating to local courts in districts and Territories.<sup>13</sup> Thus it reported—

At various times<sup>14</sup> bills relating to the court of appeals in the District of Columbia.

<sup>1</sup> First session Forty-eighth Congress, Report No. 2289.

<sup>2</sup> First session Forty-eighth Congress, Report No. 1330.

<sup>3</sup> First session Fifty-first Congress, Report No. 2254.

<sup>4</sup> Second session Fifty-third Congress, Report No. 395.

<sup>5</sup> First session Fiftieth Congress, Report No. 1189.

<sup>6</sup> Second session Fiftieth Congress, Journal, p. 53.

<sup>7</sup> First session Fifty-first Congress, Report No. 245.

<sup>8</sup> First session Fifty-sixth Congress, Report No. 1096.

<sup>9</sup> First session Fifty-fourth Congress, Report No. 455.

<sup>10</sup> First session Forty-eighth Congress, Report No. 1673.

<sup>11</sup> Second session Fiftieth Congress, Report No. 3564.

<sup>12</sup> First session Fifty-first Congress, Report No. 1359.

<sup>13</sup> See, however, sections 4290, 4291, 4209 of this volume.

<sup>14</sup> Second session Fifty-first Congress, House Report No. 3667; first session Fifty-second Congress, Report No. 1172; second session Fifty-second Congress, House Report No. 2232; first session Fifty-fourth Congress, House Report No. 590; first session Fifty-seventh Congress, Report No. 2555.

Several bills <sup>1</sup> relating to the police court of the District of Columbia.<sup>2</sup>

In 1891 <sup>3</sup> the bill relating to Alaska recording and judicial divisions.

In 1898 <sup>4</sup> the bill (H. R. 10510) to authorize appeals from the United States district court of Alaska; also in 1903 <sup>5</sup> a bill relating to an additional district judge for Alaska.

In 1886 <sup>6</sup> the bill (H. R. 2880) providing for an additional judge in the Territory of Montana.

In 1887 <sup>7</sup> the bill (H. R. 11198) providing for an additional judge for the supreme court of the district of Dakota.

In 1888 <sup>8</sup> the bill (H. R. 1939) providing for an additional judge of the supreme court of Arizona.

In 1893 <sup>9</sup> on a subject relating to the supreme court of Oklahoma.

In 1888, <sup>10</sup> the bill (H. R. 1204) relating to the jurisdiction of courts in Indian Territory.

In 1886, <sup>11</sup> the bill (H. R. 5545) relating to United States courts in Indian Territory.

In 1903, <sup>12</sup> bills relating to judicial boundaries and districts in Indian Territory.

In 1898, <sup>13</sup> the bill (S. 3050) to validate the appointment, acts, and services of certain deputy United States marshals in Indian Territory.

In 1892, <sup>14</sup> on subject of tribal courts.

In 1885, <sup>15</sup> a bill. (H. R. 8173) relating to the jurisdiction of the probate courts of America.

**4069. The subjects of criminals, crimes, penalties, and extradition are within the jurisdiction of the Committee on the Judiciary.**—The Committee on the Judiciary has exercised a general jurisdiction on the subject of criminals and crimes. Thus it has reported:

In 1896, <sup>16</sup> a bill to reduce the cases in which the death penalty may be inflicted.

In 1882, <sup>17</sup> the bill (H. R. 1675) fixing a distinction between infamous and non-infamous crimes.

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<sup>1</sup> Second session Fifty-first Congress, Report No. 3505; first session Fifty-second Congress, Report No. 1926; second session Fifty-third Congress, Reports Nos. 259, 1469; first session Fifty-fourth Congress, Report No. 1664.

<sup>2</sup> See, however, section 4290 of this volume.

<sup>3</sup> First session Fifty-seventh Congress, Report No. 582.

<sup>4</sup> Second session Fifty-fifth Congress, Report No. 1459.

<sup>5</sup> Second session Fifty-eighth Congress, Report No. 2080.

<sup>6</sup> First session Forty-ninth Congress, Report No. 1454.

<sup>7</sup> Second session Forty-ninth Congress, Report No. 4096.

<sup>8</sup> First session Fiftieth Congress, Report No. 252.

<sup>9</sup> First session Fifty-third Congress, Report No. 150.

<sup>10</sup> First session Fiftieth Congress, House Report No. 57.

<sup>11</sup> First session Forty-ninth Congress, House Report No. 388.

<sup>12</sup> First session Fifty-seventh Congress, Reports Nos. 583, 789.

<sup>13</sup> Second session Fifty-fourth Congress, Report No. 2489.

<sup>14</sup> First session Fifty-second Congress, Report No. 1437.

<sup>15</sup> Second session Forty-eighth Congress, Report No. 2637.

<sup>16</sup> First session Fifty-fourth Congress, House Report No. 108.

<sup>17</sup> First session Forty-seventh Congress, House Report No. 250.

In 1904,<sup>1</sup> a bill relating to a laboratory for study of criminal and defective classes.

In 1903,<sup>2</sup> a bill relating to a national bureau of criminal identification.

In 1891,<sup>3</sup> a bill relating to pardons.

In 1900,<sup>4</sup> a bill amending the extradition laws.

In 1904,<sup>5</sup> a bill relating to extradition in Philippine Islands.<sup>6</sup>

In 1887<sup>7</sup> and 1891,<sup>8</sup> bills relating to cruelty to animals.

In 1904,<sup>9</sup> a bill relating to train robberies; and in 1896<sup>10</sup> on the subject of shooting at or throwing into railroad trains.

In 1898,<sup>11</sup> a bill (H. R. 4808) to enable post-office inspectors to arrest certain offenders without warrant upon reasonable suspicion.

In 1894,<sup>12</sup> a bill providing penalty for national bank embezzlers.

**4070. The management of national penitentiaries and the authorization of buildings therefor are within the jurisdiction of the Committee on the Judiciary.**—The Judiciary Committee has jurisdiction generally over bills relating to the construction and management of penitentiaries. Thus, it has reported:

In 1890,<sup>13</sup> on a bill authorizing the purchase of sites and erection of two prisons.

In 1896,<sup>14</sup> on the selection of a site for the erection of a penitentiary at Fort Leavenworth; also in 1900<sup>15</sup> on the subject of penitentiaries.

In 1895,<sup>16</sup> on discipline in penal institutions; and in 1906<sup>17</sup> on commitment of United States prisoners to State reformatories, and on commutation for good conduct of United States prisoners.

In 1901,<sup>18</sup> on the bill (H. R. 13396) to permit the removal of prisoners convicted in consular courts in foreign countries to prisons within the United States.

In 1905,<sup>19</sup> on the subject of the International Prison Congress.

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<sup>1</sup> Second session Fifty-seventh Congress, House Report No. 3172.

<sup>2</sup> First session Fifty-seventh Congress, House Report No. 429.

<sup>3</sup> Second session Fifty-first Congress, House Report No. 3373.

<sup>4</sup> First session Fifty-sixth Congress, House Report No. 1652.

<sup>5</sup> Third session Fifty-eighth Congress, House Report No. 3638.

<sup>6</sup> See, however, sections 4213, 4214 of this volume.

<sup>7</sup> Second session Forty-ninth Congress, House Report No. 3963.

<sup>8</sup> Second session, Fifty-first Congress, House Report No. 3411.

<sup>9</sup> First session Fifty-seventh Congress, House Report No. 952.

<sup>10</sup> First session Fifty-fourth Congress, House Report No. 225.

<sup>11</sup> Second session Fifty-fourth Congress, House Report No. 2723.

<sup>12</sup> Second session Fifty-third Congress, House Report No. 468.

<sup>13</sup> First session Fifty-first Congress, House Report No. 7.

<sup>14</sup> First session Fifty-fourth Congress, House Report No. 1443.

<sup>15</sup> First session Fifty-seventh Congress, House Report No. 2286.

<sup>16</sup> Third session Fifty-third Congress, House Report No. 1593.

<sup>17</sup> First session, Fifty-ninth Congress, House Reports Nos. 2566, 4921.

<sup>18</sup> Second session Fifty-sixth Congress, Report No. 2639.

<sup>19</sup> Third session Fifty-eighth Congress, Report No. 4135.

**4071. The Committee on the Judiciary has jurisdiction of the general subject of counterfeiting.**—The Committee on the Judiciary has exercised jurisdiction of the general subject of counterfeiting:

In 1884<sup>1</sup> and 1888,<sup>2</sup> on the subject of counterfeiting money within the United States.

In 1882,<sup>3</sup> the bill (S. 1000) relating to counterfeiting within the United States of notes or bonds of foreign governments.

In 1890,<sup>4</sup> the general subject of counterfeiting; and also a bill relating to the counterfeiting of trade-marks.

**4072. The Committee on the Judiciary has exercised jurisdiction over subjects related to the relations of laborers, especially organized laborers, to the courts and to corporations.**<sup>5</sup>—The Committee on the Judiciary has at various times reported on subjects relating to the relations of organized labor to the courts and to corporations:

In 1901,<sup>6</sup> the bill (H. R. 8917) to define the word “conspiracy” and to regulate the use of restraining orders and injunctions.

In 1906,<sup>7</sup> on a bill relating to the liability of common carriers to their employees.

In 1892,<sup>8</sup> subject of investigation of Homestead riots.

In 1893,<sup>9</sup> investigation of employment of Pinkerton detectives by corporations engaged in carrying the mails and in interstate commerce at time of Homestead labor troubles.

**4073. The subjects of holidays and celebrations have been reported by the Committee on the Judiciary.**—The Committee on the Judiciary has reported on the subject of holidays and celebrations:

In 1892,<sup>10</sup> bill (H. R. 79) on subject of Labor Day.

In 1887,<sup>11</sup> the bill (H. R. 11122) to aid in the celebration of the Constitution of the United States.

**4074. Bills relating to pensioners’ oaths and fraudulent claims have been reported by the Judiciary Committee.**—The Judiciary Committee has sometimes reported on subjects which generally are with jurisdiction of the Pension committees. Thus, it reported:

In 1889,<sup>12</sup> a bill relating to pensioners’ oaths; also, in 1890,<sup>13</sup> on a similar bill.

In 1898,<sup>14</sup> a bill for the prevention of fraud in claims for pensions.

<sup>1</sup> First session Forty-eighth Congress, House Report No. 1329.

<sup>2</sup> First session Fiftieth Congress, House Report No. 1501.

<sup>3</sup> Second session Forty-seventh Congress, House Report No. 1835.

<sup>4</sup> First session Fifty-first Congress, House Reports Nos. 2539, 3042.

<sup>5</sup> See also section 4245 of this volume.

<sup>6</sup> Second session Fifty-sixth Congress, House Report No. 2007.

<sup>7</sup> First session Fifty-ninth Congress, House Report No. 2335.

<sup>8</sup> First session Fifty-first Congress, House Report No. 1803.

<sup>9</sup> Second session Fifty-second Congress, House Report No. 2447.

<sup>10</sup> First session Fifty-second Congress, Record, p. 1683.

<sup>11</sup> Second session Forty-ninth Congress, House Report No. 4032.

<sup>12</sup> Second session Fiftieth Congress, House Report No. 3588.

<sup>13</sup> First session Fifty-first Congress, House Reports Nos. 8 and 280.

<sup>14</sup> Second session Fifty-fifth Congress, House Report No. 967.

**4075. The Committee on the Judiciary has exercised jurisdiction over the subject of international copyright, although the clearest title seems to be with the Committee on Patents.**

**The subject of a court of patent appeals has been within the jurisdiction of the Committee on the Judiciary.**

The Judiciary Committee has reported on bills relating to certain phases of subjects which belong generally to the Committee on Patents:

In 1884,<sup>1</sup> the bill (H. R. 2418) granting copyrights to citizens of foreign countries.

In 1888,<sup>2</sup> the bill (H. R. 8715) relating to international copyright; and also, in 1890,<sup>3</sup> a bill relating to the same subject (H. R. 6941), which was rejected by the House. The Committee on Patents, which had already reported the bill (H. R. 7213),<sup>4</sup> took the subject up after the rejection of the bill from the Judiciary Committee, and reported the bill (H. R. 10881),<sup>5</sup> which became a law.<sup>6</sup> However, in the distribution of the President's message in the next Congress, subjects relating to international copyright were referred to the Committee on the Judiciary.<sup>7</sup>

The Judiciary Committee has also reported:

In 1886,<sup>8</sup> the subject of the right of the United States to cancel patents.

In 1888,<sup>9</sup> a bill validating certain patents irregularly signed.

In 1890,<sup>10</sup> a bill relating to a court of patent appeals.

**4076. The Committee on the Judiciary has exercised jurisdiction over legislative propositions related to marriage, divorce, and polygamy.**—The general subjects of marriage, divorce, and polygamy, in those features which are within the provisions of the Constitution and laws of the United States, are within the jurisdiction of the Committee on the Judiciary.

In 1879<sup>11</sup> the House amended the resolutions distributing the President's message so that the subject of polygamy should be referred to the Committee on the Judiciary instead of to Territories; and this jurisdiction was con-firmed in 1882.<sup>12</sup>

In 1886<sup>13</sup> and 1888<sup>14</sup> and 1890<sup>15</sup> the Judiciary Committee reported bills for the suppression of polygamy in the Territory of Utah.

In 1896<sup>16</sup> the Committee on the Judiciary reported the joint resolution (H. Res. 96) distributing and restoring certain property held by the Government receiver of

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<sup>1</sup> First session Forty-eighth Congress, House Report No. 189.

<sup>2</sup> First session Fiftieth Congress, House Report No. 1875.

<sup>3</sup> First session Fifty-first Congress, House Report No. 65.

<sup>4</sup> House Report No. 290.

<sup>5</sup> House Report No. 2401.

<sup>6</sup> 26 Stat. L., p. 1106.

<sup>7</sup> First session Fifty-second Congress, Record, p. 977.

<sup>8</sup> First session Forty-ninth Congress, House Report No. 1003.

<sup>9</sup> First session Fiftieth Congress, House Report No. 357.

<sup>10</sup> First session Fifty-first Congress, House Report No. 30.

<sup>11</sup> Second session Forty-sixth Congress, Record, p. 27.

<sup>12</sup> First session Forty-seventh Congress, Journal, p. 297.

<sup>13</sup> First session Forty-ninth Congress, Report No. 2735.

<sup>14</sup> First session Fiftieth Congress, Report No. 553.

<sup>15</sup> First session Fifty-first Congress, Report No. 3200.

<sup>16</sup> First session Fifty-fourth Congress, Report No. 519.

the Church of Jesus Christ of Latter-day Saints. So also in 1893<sup>1</sup> a similar measure was reported from this committee.

In 1882<sup>2</sup> the committee reported the bill (H. R. 4436) to prevent polygamists holding civil offices in the Territories.

The Judiciary Committee has also reported:

In 1892<sup>3</sup> on subject of marriage and divorce; also, in 1896,<sup>4</sup> the subject of divorce in the Territories.

In 1884,<sup>5</sup> the bill (H. R. 7371) relating to the collection of statistics concerning marriage and divorce.

In 1880,<sup>6</sup> the bill (S. 928) relating to marriages between white men and Indian women.

**4077. The Committee on the Judiciary has reported bills relating to the meeting of Congress, the attendance of Members, and their appointment to incompatible offices.**

**Bills providing for the protection of the President and relating to the office and its duties have been reported by the Committee on the Judiciary.**

The Committee on the Judiciary has reported on various subjects relating to Congress and the President of the United States:

In 1888,<sup>7</sup> the bill (H. R. 1200) relating to the regular meeting of Congress.

In 1892,<sup>8</sup> on the subject of the date of meeting of Congress.

In 1899,<sup>9</sup> on the appointment of Members of Congress to military and other offices.

In 1894,<sup>10</sup> on nonattendance of Members of Congress and effect of the law relating to.

In 1902,<sup>11</sup> a bill for the protection of the President of the United States.

In 1892,<sup>12</sup> a bill relating to performance of duties of the office of President in case of vacancy; also, in 1893,<sup>13</sup> bill in relation to the office of President.

**4078. The Judiciary Committee has reported propositions of general legislation to regulate the adjudication of claims of various kinds against the Government.**—While the jurisdiction of the claims of individuals against the Government of the United States belongs to the several claims committees, the

<sup>1</sup> First session Fifty-third Congress, Report No. 50.

<sup>2</sup> First session Forty-seventh Congress, Report No. 386.

<sup>3</sup> First session Fifty-second Congress, Reports Nos. 1290, 1291.

<sup>4</sup> First session Fifty-fourth Congress, Report No. 428.

<sup>5</sup> First session Forty-eighth Congress, Report No. 1857.

<sup>6</sup> First session Fiftieth Congress, Report No. 250.

<sup>7</sup> First session Fiftieth Congress, Report No. 1017.

<sup>8</sup> First session Fifty-second Congress, Report No. 810.

<sup>9</sup> Third session Fifty-fifth Congress, Report No. 2205.

<sup>10</sup> Second session Fifty-third Congress, Reports Nos. 704, 1218.

<sup>11</sup> First session Fifty-seventh Congress, Reports Nos. 433, 1422.

<sup>12</sup> First session Fifty-second Congress, Report No. 160.

<sup>13</sup> First session Fifty-third Congress, Report No. 32.

Judiciary Committee has exercised a broad jurisdiction over general—as distinguished from special—legislation<sup>1</sup> on the subject. Thus, it has reported:

In 1892,<sup>2</sup> a bill to facilitate disposition of cases in Court of Claims; also act to restrict jurisdiction of Court of Claims in relation to certain war claims.

In 1888,<sup>3</sup> a bill increasing the jurisdiction of the Court of Claims.

In 1890,<sup>4</sup> and 1892,<sup>5</sup> the subject of Court of Claims appeals.

In 1886,<sup>6</sup> the bill (H. R. 5281) relating to the barring of suits in relation to public accounts and claims.

In 1882,<sup>7</sup> 1884,<sup>8</sup> and 1886<sup>9</sup> on bills relating to the payment of interest on judgments of the Court of Claims.

In 1882,<sup>10</sup> the resolution (H. Res. 76) restoring to the docket of the Court of Claims forty-three claims growing out of the destruction or appropriation of property by the military forces during the rebellion.

In 1894,<sup>11</sup> a bill relating to a private land claims court.

In 1894,<sup>12</sup> a bill relating to adjudication of Indian depredation claims.

**4079. The Judiciary Committee has reported general legislation as to claims of laborers, Territorial and District claims, war claims, etc.**—The Judiciary Committee has exercised jurisdiction over general legislation relating to adjustments of accounts of claims in various branches of the Government.

On February 22, 1906,<sup>13</sup> the Committee on Claims was discharged from the further consideration of the bill (H. R. 159) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, and the same was referred to the Committee on the Judiciary.

On February 2, 1906,<sup>14</sup> on motion of the chairman of the Committee, on Claims, that committee was discharged from the further consideration of the bill (H. R. 12464) for the relief of laborers, mechanics, and other employees of the United States Government injured, and the families of those killed, without fault of their own, while in the discharge of their duties; and the same was referred to the Committee on the Judiciary.

On January 20, 1906,<sup>15</sup> reference of the bill (H. R. 11485) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the

<sup>1</sup> It can not be said, however, that the Judiciary Committee has exercised exclusive jurisdiction over these general bills, as the Committees on Claims, War Claims, and Private Land Claims have also reported general bills. (See secs. 4263, 4267, 4270, and 4275 of this volume.)

<sup>2</sup> First session Fifty-second Congress, Reports Nos. 366, 1259.

<sup>3</sup> First session Fiftieth Congress, Report No. 254.

<sup>4</sup> First session Fifty-first Congress, Report No. 869.

<sup>5</sup> First session Fifty-second Congress, Report No. 1825.

<sup>6</sup> First session Forty-ninth Congress, Report No. 1831.

<sup>7</sup> First session Forty-seventh Congress, Report No. 387.

<sup>8</sup> First session Forty-eighth Congress, Report No. 195.

<sup>9</sup> First session Forty-ninth Congress, Report No. 6.

<sup>10</sup> First session Forty-seventh Congress, Report No. 1073.

<sup>11</sup> Second session Fifty-third Congress, Report No. 1330.

<sup>12</sup> Second session Fifty-third Congress, Report No. 1390.

<sup>13</sup> First session Fifty-ninth Congress, Record, p. 2880.

<sup>14</sup> First session Fifty-ninth Congress, Record, pp. 1988, 1989.

<sup>15</sup> First session Fifty-ninth Congress, Record, p. 1332.

United States, and the bill (H. R. 11486) to authorize the maintenance of actions for an exigency causing death in maritime cases was changed from the Committee on the Merchant Marine and Fisheries to the Committee on the Judiciary.

The Committee on the Judiciary have also reported:

In 1894,<sup>1</sup> bill (H. R. 7453) on subject of claims against District of Columbia; also bills relating to Arizona funded debt and certain county claims.

In 1880,<sup>2</sup> the bill (H. R. 1346) relating to fixing a limit for claims for bounty and back pay.

In 1882,<sup>3</sup> the bill (H. R. 3555) relating to the payment of judgments against internal-revenue officers.

In 1888,<sup>4</sup> the bill (H. R. 11397) providing for the auditing and settlement of certain accounts of gaugers and other internal-revenue employees.

In 1887,<sup>5</sup> the joint resolution (H. Res. 224) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases.

In 1893,<sup>6</sup> a bill to refund the cotton tax in case of a certain decision by the Supreme Court.

In 1888,<sup>7</sup> 1890,<sup>8</sup> and 1894,<sup>9</sup> bills relating to the distribution to claimants of the proceeds of captured and abandoned property.<sup>10</sup>

In 1899,<sup>11</sup> the bill (H. R. 10353) relating to the claim of the International Cotton Press Company of New Orleans. This, while a private claim, involved a question of constitutional law.

In 1896<sup>12</sup> a bill prohibiting speculation in claims against the Federal Government.

In 1892<sup>13</sup> a bill making it mandatory on officers of the Government to reopen accounts settled under a construction of law subsequently declared erroneous by the courts.

In 1884<sup>14</sup> the bill (H. R. 5849) creating a limitation upon claims against the Government.

**4080. Claims of States against the United States and the adjustment of accounts between the States and the United States have been considered by the Judiciary Committee.**—The Judiciary Committee has exercised a general, but not exclusive,<sup>15</sup> jurisdiction over the claims of States against the United

<sup>1</sup> Second session Fifty-third Congress, Record, p. 7860; Reports Nos. 678, 821.

<sup>2</sup> First session Fiftieth Congress, Report No. 11.

<sup>3</sup> First session Forty-seventh Congress, Report No. 1636.

<sup>4</sup> First session Fiftieth Congress, Report No. 3515.

<sup>5</sup> Second session Forty-ninth Congress, Report No. 3964.

<sup>6</sup> Second session Fifty-second Congress, Report No. 2528.

<sup>7</sup> First session Fiftieth Congress, Report No. 646.

<sup>8</sup> First session Fifty-first Congress, Report No. 784.

<sup>9</sup> Second session Fifty-third Congress, Report No. 181.

<sup>10</sup> This jurisdiction has also been exercised by the Committee on War Claims. (See sec. 4270 of this volume.)

<sup>11</sup> Third session Fifty-fifth Congress, Report No. 1676.

<sup>12</sup> First session Fifty-fourth Congress, House Reports, Nos. 671, 729.

<sup>13</sup> First session Fifty-second Congress, Report No. 1209.

<sup>14</sup> First session Forty-eighth Congress, Report No. 103.

<sup>15</sup> The Committee on War Claims has shared this jurisdiction to a certain extent. (See sec. 4271 of this volume.)

States, and the adjustment of accounts between States and the United States. It has reported:

In 1884<sup>1</sup> the bill (H. R. 5431) relating to the claim of certain States and the city of Baltimore on account of the war of 1812; also the bill (H. R. 4703) relating to payment of the Revolutionary claim of the State of Georgia.

In 1887<sup>1</sup> the bill (H. R. 10669) providing for the adjustment of accounts between the State of Vermont and the United States.

In 1889<sup>2</sup> the bill (H. R. 8028) to enable the State of Illinois to prosecute suits in the Supreme Court to settle certain claims against the United States.

In 1906<sup>3</sup> on the claim of the United States against the State of Michigan.

In 1884,<sup>4</sup> 1888,<sup>5</sup> 1890,<sup>6</sup> and 1898<sup>7</sup> on the claims of States against the United States for repayment of the direct tax of 1861.

**4081. The jurisdiction of general legislation relating to international claims has been exercised frequently by the Committee on the Judiciary.**—The Committee on the Judiciary has exercised a general, but not exclusive,<sup>8</sup> jurisdiction over general legislation as to international claims. Thus, it reported:

In 1882,<sup>9</sup> the bill (H. R. 4197) referring to the Court of Claims the division and distribution of the Alabama indemnity.

In 1884,<sup>10</sup> the bill (H. R. 6403), relating to the further adjustment of claims arising from the Geneva award in the Alabama and other cases.

In 1886<sup>11</sup> certain bills relating to the business of the court of commissioners of Alabama claims under the Geneva award.

In 1888<sup>12</sup> the bill (H. R. 1675) to provide for the relief of rejected claimants in the court of commissioners of Alabama claims.

In 1900<sup>13</sup> a bill (H. R. 5069) relating to claims against the United States for indemnity by subjects or citizens of a foreign State.

In 1887<sup>14</sup> the bill (S. 3052) to extend the time of filing French spoliation claims; also the bill (H. R. 11201) allowing an appeal to the Supreme Court in certain French Spoliation cases.

In 1902<sup>15</sup> on bills relating to the Spanish Treaty Claims Commission; also in 1906<sup>16</sup> on the same subject.

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<sup>1</sup> First session Forty-eighth Congress, Reports Nos. 752, 1670.

<sup>2</sup> Second session Fiftieth Congress, Report No. 3945.

<sup>3</sup> First session Fifty-ninth Congress, Report No. 3710.

<sup>4</sup> First session Forty-eighth Congress, Report No. 1658.

<sup>5</sup> First session Fiftieth Congress, Report No. 552.

<sup>6</sup> First session Fifty-first Congress, Report No. 683.

<sup>7</sup> Second session Fifty-fourth Congress, Report No. 3057.

<sup>8</sup> The Committee on Foreign Affairs, and also to a limited extent the Committee on Claims, have shared this jurisdiction. (See secs. 4168, 4263 of this volume.)

<sup>9</sup> First session Forty-seventh Congress, Report No. 307.

<sup>10</sup> First session Forty-eighth Congress, Report No. 1032.

<sup>11</sup> First session Forty-ninth Congress, Report No. 945.

<sup>12</sup> First session Fiftieth Congress, Report No. 223.

<sup>13</sup> First session Fifty-sixth Congress, Report No. 1176.

<sup>14</sup> Second session Forty-ninth Congress, Reports Nos. 3918, 4099.

<sup>15</sup> First session Fifty-seventh Congress, Report Nos. 313, 1941.

<sup>16</sup> First session Fifty-ninth Congress, Reports Nos. 2227, 2228, 2677, 2752.