

Chapter CXLVIII.

MISCELLANEOUS.

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7245. In the ordinary practice of the House Sunday is regarded as a dies non.—On February 25, 1907,⁵ Mr. Joseph W. Babcock, of Wisconsin, moved to suspend the rules and pass the bill (S. 6147) entitled “An act authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.”

Mr. Oscar W. Underwood, of Alabama, made the point of order that suspension of the rules was not in order, because this day was not one of the last six days of the session, since the Constitution of the United States did not recognize Sunday as a dies non in its relation to the work of the House.

¹ See also sections 6728–6733 of this volume.

Sunday in relation to the time of serving the notice of contest in an election case. (Sec. 685 of Vol. I.)

Not taken into account in adjournment for more than one day. (Sec. 6673 of this volume.)

² Each House has the right to hold secret sessions. (Sec. 1640 of Vol. II.)

Secret sessions of the Senate during an impeachment trial. (Sees. 2075, 2095, 2096 of Vol. III.)

³ Counsel heard before House in an early election case (sec. 765 of Vol. I), although House in another case declined to permit (sec. 757 of Vol. II).

As to permission for counsel to be heard when persons are arraigned for contempt. (Sees. 1601 of Vol. II, and 1666, 1696 of Vol. III.)

Instance wherein a candidate for a Senate office addressed the Senate. (Sec. 296 of Vol. I.)

⁴ The galleries closed during the election of President in 1825. (Sec. 1994 of Vol. III.)

⁵ Second session Fifty-ninth Congress, Record, p. 3923.

The Speaker¹ ruled:

Sunday is not taken into account in an adjournment for more than one and less than three legislative days. There are many precedents of this kind. Sunday has always been recognized, in the absence of specific action by the House, as a dies non. * * * The Chair calls the attention of the gentleman to the fact that a Sunday's session is never held except by special order of the House. Adjournment on Saturday always carries until Monday; and when we adjourn three days at a time, under the constitutional provision, as we may, Sunday is never counted as one of the three days. The line of precedents is substantially practically unbroken that Sunday is considered as a dies Don. The Chair has no hesitancy, under the rule and the practice of the House, in overruling the point of order.

7246. Sunday may be a legislative day.

Although a special order may set apart a day for a special purpose, yet the House may transact other business by unanimous consent.

On February 9, 1903,² a Monday, the Journal of Sunday, February 8, was read, and the question was put on its approval.

Thereupon Mr. James D. Richardson, of Tennessee, raised the question of order that the House had met on Sunday for the specially ordered purpose of eulogies on the lives and services of certain deceased Members, and therefore that the House on the Sunday might not, even by unanimous consent, transact other business. He furthermore insisted that Sunday was a dies non, and not a legislative day. Therefore he objected that a conference report, which had been presented on Sunday for insertion in the Record under the rule requiring such reports to be printed before being presented for action in the House, had been included in the proceedings improperly.

The Speaker³ said:

It has been held more than once that Sunday may be made a legislative day. There is no question on that point. It is a legislative day, if so made by the House. Sunday was set apart for eulogies. There was no legislation transacted yesterday. The filing of this report under the rule was not legislation, but the House, by unanimous consent, permitted that to be done. This House is the omnipotent party in this Hall, subject only to the Constitution. It unanimously consented that this might be done. If the House had said, ever so emphatically, that nothing else should be done on Sunday but the pronouncing of eulogies, still it would be within the power of the House to change its mind, and it did change its mind and allowed the notations to be made under the rule. No one is hurt by this. The rule distinctly requires every report to be printed in order that due notice may be given to the House. The report was printed this morning. The House has had notice and is entirely qualified to intelligently proceed this morning to consider the conference report involved in that notation, if it so desires. The Chair sees no difficulty in the question whatever.

Mr. Richardson thereupon called attention to the rule as to pension legislation on Friday evenings, reasoning from analogy that a Sunday devoted to eulogies might not therefore be invaded by general legislation. Furthermore, any business was legislation.

The Speaker admitted that the last proposition was true in a technical sense, but as to the argument relating to Friday evening business, he said:

The Chair thinks there is no doubt the House could have done so on Friday night. This is District of Columbia day, but the House can take up something else if it so desires.

¹ Joseph G. Cannon, of Illinois, Speaker.

² Second session Fifty-seventh Congress, Journal, p. 220; Record, pp. 1944–1947.

³ David B. Henderson, of Iowa, Speaker.

Mr. Richardson having raised a question as to the approval of Saturday's Journal on Sunday, the Speaker said:

It was read and approved in the usual way. The House was clothed with all the power essential to do business.

Mr. Richardson thereupon moved to strike out from the Journal of Sunday's proceedings the lines showing that the conference report in question had been presented for printing in the Record.

This motion was decided in the affirmative, yeas 125, nays 102.

Then the Journal of Sunday's proceedings was approved.

7247. A rule, not invoked for many years, provides for secret sessions of the House whenever the President may send a confidential message or the Speaker or any Member may announce that he has a confidential communication to present.

The present form and history of Rule XXX.

Rule XXX provides:

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates, and proceedings thereon, unless otherwise ordered by the House.¹

The rule providing for secret sessions of the House dates from February 17, 1792,² and December 30, 1793,³ although secret sessions were held before there was any rule for them. In the revision of 1880⁴ the old rule was retained in an abbreviated form, as the Committee on Rules thought some occasion might arise for its use.⁵

¹ Motions to remove injunctions of secrecy on proceedings were held not in order in open House. (Third session Eleventh Congress, Journal, p. 491.)

² First session Second Congress, Journal, p. 510 (Gales & Seaton ed.).

³ Third and Fourth Congresses, Journal, p. 23 (Gales & Seaton ed.). Some discussion occurred at this time as to the propriety of secret sessions in a republican form of government. (First session Third Congress, Annals, pp. 150, 151.)

⁴ Second session Forty-sixth Congress, Record, p. 202.

⁵ In the early days of Congress secret sessions of the House were frequent. The sessions of the old Continental Congress had been secret, and under the Constitution the sessions of the Senate were so until the second session of the Third Congress. By special order the galleries were thrown open during the contested election case of A. Gallatin, from Pennsylvania. The House, on the other hand, sat regularly with the galleries open, but when occasion required, as on the receipt of a confidential communication from the President, the galleries were cleared by order of the House.

Up to and during the war of 1812 secret sessions were held quite frequently. Since that period the practice has gone into disuse, although there was one secret session in 1825, on December 27 (see House Journal, supplemental, first session Nineteenth Congress; also Debates, December 20, 1825, first session Nineteenth Congress, p. 828), when a confidential message was received from President John Quincy Adams, who transmitted a copy of the message of President Jefferson to both Houses of Congress on January 18, 1803. This message of 1803 recommended an exploring expedition across the continent to establish relations with the Indian tribes and ascertain the nature and extent of the region. The message was confidential, and as the injunction of secrecy was for some reason not removed, it had not been published up to 1825. So the secret session of the later year was held for the special and only purpose of removing the injunction of secrecy from the message of 1803. This message of President Jefferson may be found on page 352 of Volume I of Richardson's Messages and Papers of the Presidents. There was also a secret session on May 27, 1830 (first session Twenty-first Congress, Journal, p. 755; Debates, p. 1139), to receive a confidential communication from President Jackson.

7248. On January 29, 1862,¹ a concurrent resolution from the Senate was considered proposing the addition of a joint rule to provide for secret sessions of the House or Senate whenever any Member should state that the President desired the immediate action of Congress upon any matter pertaining to the suppression of the rebellion.

Mr. Thaddeus Stevens, of Pennsylvania, said he had the word of the Secretary of War that the rule was advisable, and the House agreed to it.

The Journal of the Thirty-seventh Congress does not indicate that it was ever used.

7249. The House has declined to be bound to secrecy by act of the Senate.—On January 26, 1807,² a message was received from the Senate by Mr. Samuel Smith (a Senator from Maryland) who said:

Mr. Speaker, I am directed by the Senate of the United States to deliver to this House a confidential message in writing.

The House being cleared of all persons except the Members and Clerk, Mr. Smith delivered to the Speaker a communication:

Gentlemen of the House of Representatives: The Senate have passed a bill suspending for three months the privilege of the writ of habeas corpus, in certain cases, which they think expedient to communicate to you in confidence, and to request your concurrence therein, as speedily as the emergency of the case shall in your judgment require.

After brief debate, during which Mr. John Randolph, of Virginia, declared that they could not be bound to secrecy except by their own act, the House decided—yeas 123, nays 3—

That the message and bill received from the Senate ought not to be kept secret, and that the doors be now opened.

7250. An illustration of legislation by the two Houses, each acting in secret session.

When legislation is enacted in secret session, messages are delivered confidentially by committees of Members.

On January 8, 1811,³ the House passed a joint resolution relating to the southern frontier. This action was taken in secret session, and a committee of two Members were appointed to take the resolution to the Senate. The messengers were received there in secret session, and delivered their message. On January 12 the Senate passed the resolution with an amendment, and returned it to the House by a committee of two Senators, who were received in secret session and delivered their message. The House agreed to the amendment of the Senate, and communicated this fact in a confidential message taken to the Senate by a committee of two Members.

The resolution was presented to the President January 17 by the Committee on Enrolled bills, who reported that fact in secret session. The same day a message

¹ Second session Thirty-seventh Congress, *Globe*, p. 554.

² Second session Ninth Congress, *Journal* pp. 550–552 (Gales & Seaton ed.); *annals*, pp. 402, 403.

³ This resolution was passed in the Eleventh Congress, but the House proceedings are found in the House (Supplemental) *Journal*, first session Twelfth Congress, pp. 490, 497, 520; *Annals*, third session Eleventh Congress, pp. 376, 377.

of the President announcing his signature of the resolution was received in secret session.

7251. When messages of a confidential nature were received from the President or Senate the House went into secret session.—On January 3, 1811,¹ a message being received from the President, the Speaker, on opening it, declared it to be of a confidential nature. Thereupon the subject under discussion was postponed, the galleries were cleared, and doors closed.

The House and Senate used also to interchange confidential messages.²

7252. On February 8, 1813,³ a message of a confidential nature was announced from the Senate, when the House was cleared of all persons except the Members, Clerks, Sergeant-at-Arms, and Doorkeeper, and the doors were closed. After remaining so for some time, they were again opened.

7253. In 1853 the House declined to go into secret session.—On January 21, 1853,⁴ a message being received from the President of the United States in relation to certain negotiations with Spain on account of certain vessels seized, Mr. William H. Polk, of Tennessee, moved that the galleries be cleared during the reading, of the message. Objection was made to this motion, but Mr. Speaker Boyd admitted it under the rule.

7254. The motion to remove the injunction of secrecy must be made with closed doors.—On January 18, 1811,⁵ Mr. Speaker Varnum decided that a motion to remove the injunction of secrecy from the secret proceedings of the House might not be made with open doors, and on appeal was sustained.

7255. As late as 1843 the President transmitted a message in part confidential.—On February 1, 1843,⁶ President Tyler communicated to the House certain papers, which he requested be kept confidential for a time. The message was therefore referred without reading, and does not appear on the Journal of this date. On February 25 the committee reported, and there being no further reason for keeping the message confidential, it appears on the Journal of that date.

7256. Except in certain cases, no paper presented to the House shall be withdrawn from its files without its leave.

When leave is given for the withdrawal of a paper from the files of the House, a certified copy of it is to be left in the office of the Clerk.

When an act passes for the settlement of a claim the Clerk may transmit the papers relating thereto to the officer charged with the settlement.

The Clerk may loan to officers or bureaus of the Executive Departments papers from the files of the House, taking a receipt therefor.

The statutes provide that so much of the files of the House as are not required for immediate use shall be kept in the custody of the Librarian of Congress.

Present form and history of Rule XXXIX.

¹Third session Eleventh Congress, Annals, p. 486.

²Annals, third session Eleventh Congress, p. 1132.

³Second session Twelfth Congress, Journal, p. 664 (Gales & Seaton ed.).

⁴Second session Thirty-second Congress, Journal, p. 172; Globe, p. 379.

⁵Third session Eleventh Congress, Journal, pp. 138, 140.

⁶Third session Twenty-seventh Congress, Journal, pp. 296, 465.

Rule XXXIX provides:

No memorial or other paper presented to the House shall be withdrawn from its files I without its leave, and if withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of the claim, the Clerk is authorized to transmit to the officer in charge of the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.

This rule² was adopted in the revision of 1880.³ It was suggested by the former rule, No. 164, which dated from December 18, 1873,⁴ and provided that all motions to withdraw papers from the files should be referred to the committee last considering the case, but that in a case where an adverse report had been made the original papers should not be withdrawn.⁵

The statutes⁶ provide:

The Clerk of the House of Representatives is hereby authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books and manuscripts now in, or that may hereafter come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules.

7257. On December 18, 1873,⁷ the House, after discussion and on recommendation of the Committee on Rules, agreed to the following:

RULE—All motions to withdraw papers from the files of the House shall be referred to the committee which last considered the case, who shall report without delay whether or not copies shall be left on file, but original papers shall not be withdrawn in any case where an adverse report has been made; and wherever the report is adverse, the same shall be in writing and ordered to be printed.

The House had been troubled by withdrawal of important papers which were needed afterwards, and also by the mutilation of papers on the files. The old rule is referred to in the debate as allowing withdrawal only by unanimous consent.

7258. On July 6, 1882,⁸ Clerk McPherson called the attention of the House to the fact that the files of the House were being depleted by the withdrawal of papers from the files under the rule as it existed at that time.

7259. The House usually allows the withdrawal of papers only in cases where there has been no adverse report.

The rules for the order of business give no place to a motion to withdraw papers, and hence it is made by unanimous consent.

¹For a statement of the losses occasioned by the destruction of the Capitol in 1814 see Annals, Third session Thirteenth Congress, pp. 305–307.

²A rule similar in effect seems to have been suggested on April 6, 1830. (First session Twenty-first Congress, Journal, p. 507.)

³Second session Forty-sixth Congress, Record, p. 1206.

⁴First session Forty-third Congress, Record, pp. 312, 313.

⁵Although not in the rule, this requirement is usually insisted upon by the House.

⁶31 Stat. L., p. 642.

⁷First session Forty-third Congress, Journal, p. 156; Record, pp. 312, 313.

⁸First session Forty-seventh Congress, Journal, p. 1595; Record, p. 5690.

Papers accompanying bills from the other House are restored to that House when the bills pass, or at the final adjournment if the bills do not pass. (Footnote.)

On December 9, 1895,¹ a request having been made for the withdrawal from the files of the House of papers relating to certain cases, Mr. Nelson Dingley, of Maine, raised a question as to whether or not there had been an adverse adjudication by the committees having the matters in charge.

The Speaker² said:

The Chair will state that these requests are only granted by unanimous consent,³ and if the gentleman from Maine objects, of course that ends the matter. * * * The usual form, the Chair is advised, is to add to the request to withdraw papers the words "no adverse report has been made."⁴

7260. At the time of final adjournment of a Congress the clerks of committees are required to deliver to the Clerk of the House the bills and other papers referred to the committee.

All evidence taken by a committee under order of the House and not reported to the House shall be delivered to the Clerk at the final adjournment of the Congress.

Present form and history of section 1 of Rule XXXVIII.

Section I of Rule XXXVIII provides:

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

This is the rule as adopted in the revision of 1880. The form as reported by the Committee on Rules was perfected during the debate on February 27, 1880.⁵ It was a new rule, intended to give greater security to the files of the House.

7261. The House may take from its files papers of a preceding Congress and refer them to a committee with instructions.

A proposition to refer to a committee the papers and testimony in an impeachment of the preceding Congress was admitted as a matter of privilege.

On June 4, 1879,⁶ Mr. William M. Springer, of Illinois, proposed, as a question of privilege, a preamble and this resolution:

Resolved, That the report of the Committee on Expenditures in the State Department, submitted at the last session of the Forty-fifth Congress, in the matter of the investigation of charges against the

¹ First session Fifty-fourth Congress, Record, pp. 91, 92.

² Thomas B. Reed, of Maine, Speaker.

³ This means that the rules for the order of business give no place for motions as to such requests, and hence unanimous consent is asked to interrupt the order of business that the matter may be presented. Of course, were it of sufficient importance to justify the time and trouble, the same end might be attained by a motion to suspend the rules or by the adoption of a resolution reported from the Committee on Rules.

⁴ All papers accompanying Senate bills are restored to that body as soon as the bill passes the House; and should the bill fail to pass the House, then at the close of the Congress; and the same course is pursued by the Senate with respect to papers accompanying House bills.

⁵ Second session Forty-sixth Congress, Record, p. 1206.

⁶ First session Forty-sixth Congress, Journal, pp. 442, 443; Record, pp. 1774, 1775.

said George F. Seward while consul-general at Shanghai and envoy extraordinary and minister plenipotentiary to China, the articles of impeachment and resolutions reported thereon, together with all the testimony and proceedings taken by said committee on said investigation, be, and the same axe hereby, referred to the Committee on the Judiciary; and that the said Committee on the Judiciary are hereby instructed to consider said report, resolutions, articles of impeachment, testimony, and proceedings, etc.

Mr. Omar D. Conger, of Michigan, made the point of order that the matter had never been referred to any committee of the House, and was not privileged for any Member to present.

The Speaker¹ decided:

The question whether it be a question of privilege is a very simple one, which arises under the Constitution of the United States. The Constitution declares that the House of Representatives shall have the sole power of impeachment. The question whether this particular officer comes within the range of that constitutional provision seems to have been admitted in the last Congress and is not now controverted. The officer being liable to impeachment, it follows that this is a question of privilege.

Mr. William H. Calkins, of Indiana, made the point of order that an the proceedings in this case had expired with the Forty-fifth Congress, and could not be revived by a resolution of this kind.

The Speaker held:

The Chair thinks on the point of order presented by the gentleman from Indiana [Mr. Calkins, that it is competent for this House to take papers from the files or from the custody of an officer authorized to take charge of them, and refer those papers to any appropriate committee for consideration by that committee. What that committee may do with such papers, whether they shall deem them to be valid as against a public officer or valid in any other sense, it is not for the Chair to determine. The Chair therefore overrules the point of order and decides that it is competent for this House to take from its files any papers and refer them to a committee.

7262. The House declined to allow the testimony in an election case to be withdrawn from its files.—On June 8, 1844,² Mr. Willoughby Newton, of Virginia, moved that John M. Botts be permitted to withdraw the testimony in the case of John M. Botts, who contested the right of John W. Jones to a seat as a Member of the House.

Objection was made to such a proceeding as unprecedented, and the motion was amended so as to permit Mr. Botts to take copies of the testimony.

Then, it being stated that the Clerk would permit this to be done without order of the House, the amended motion was laid on the table.

7263. One House requiring papers from the files of the other, asks for them by resolution.—On December 10, 1878,³ the House, having received a message from the Senate requesting that the testimony taken before one of the committees of the House relating to Hon. Stanley Matthews, Senator from Ohio, be transmitted to the Senate, passed an order that the request be complied with.

7264. The Senate, desiring certain documents from the files of the House, passed a resolution asking for the same.⁴

7265. A Member may not offer as an amendment a paper already in possession of the House, and consequently a part of the files of the

¹ Samuel J. Randall, of Pennsylvania, Speaker.

² First session Twenty-eighth Congress, Journal, p. 1042; Globe, p. 698.

³ Third session Forty-fifth Congress, Journal, p. 66; Record, pp. 66, 82.

⁴ Second session Forty-sixth Congress, Journal, p. 722; Record, p. 1354.

House.—On May 22, 1902,¹ the Committee of the Whole House on the state of the Union was considering the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and there was pending an amendment offered as a new section by Mr. Oscar W. Underwood, of Alabama.

Mr. Richard Bartholdt, of Missouri, offered and sent to the Clerk's desk an amendment in the nature of a substitute for the amendment offered by Mr. Underwood.

After Mr. Bartholdt's substitute had been read, and while it was pending, Mr. John F. Lacey, of Iowa, proposed to offer it as an amendment to the amendment of Mr. Underwood, i. e., that it should be a simple amendment instead of a substitute. And Mr. Lacey proposed to offer the actual paper submitted by Mr. Bartholdt.

The Chairman² held:

The gentleman from Missouri has offered a substitute to that amendment; and the Chair suggests that the gentleman from Iowa can not in the way he proposes appropriate the paper pending as a part of the files of the House. * * * As the Chair understands the rule, the amendment offered by the gentleman from Iowa should be reduced to writing and offered by him as an amendment to the amendment of the gentleman from Alabama.

7266. A Member may not offer as an amendment a paper already offered by another Member and in possession of the Clerk.—On January 22, 1903,³ the Committee of the Whole House on the state of the Union were considering under the five-minute rule the bill (H. R. 15520) relating to Philippine coinage, when Mr. William A. Jones, of Virginia, offered an amendment in the nature of a substitute.

While this proposed substitute was pending, Mr. E. J. Hill, of Connecticut, proposed to offer it as an amendment to the first section of the bill.

The Chairman⁴ said that this might not be done, since the amendment offered by Mr. Jones and pending was not within the control of Mr. Hill.

7267. On August 27, 1856,⁵ Mr. John Wheeler, of New York, presented a resolution relating to the controversy over the army bill and its proviso concerning the use of troops in Kansas.

Debate arising over this resolution, it went over under the rule.⁶

Later, on this day, Mr. George Vail, of New Jersey, submitted the same resolution.

Mr. Israel Washburn, jr., of Maine, made the point of order that this resolution was the identical paper presented previously by Mr. Wheeler, and belonged to the files of the House.

The Speaker⁷ sustained the point of order, and ruled the resolution out on the ground that it was a paper from the files of the House.

¹First session Fifty-seventh Congress, Record, p. 5833.

²Henry S. Boutell, of Illinois, Chairman.

³Second session Fifty-seventh Congress, Record, p. 1078.

⁴James R. Mann, of Illinois, Chairman.

⁵Second session Thirty-fourth Congress, Journal, pp. 1597–1600; Globe, p. 56.

⁶Resolutions are no longer introduced under this rule, which is obsolete and abolished.

⁷Nathaniel P. Banks, jr., of Massachusetts, Speaker.

7268. The Library of Congress (except the law library, which is controlled by the Supreme Court) is under supervision of the Joint Committee on the Library.

General provisions of the statutes relating to the Congressional Library.

The Library of Congress, now contained in a building built by Congress solely for its use, has been cared for by Congress for about a century.¹ It consists of a general library and a law library,² the latter remaining within the Capitol. It is under the supervision of the Joint Committee on the Library,³ except that the law library is controlled by the justices of the Supreme Court.⁴ Both the law and general libraries are open to the public for the examination of books; but books may be taken out only by certain carefully enumerated persons: President of the United States, Vice-President, Senators, Representatives, and Delegates in Congress;⁵ and, under regulations prescribed by the Joint Committee on the Library, heads of Departments, justices, reporter, and clerk of the Supreme Court, members of the diplomatic corps, judges and clerk of the Court of Claims, Solicitor-General and Assistant Attorneys-General, Secretary of the Senate, Clerk of the House, Chaplains of the two Houses, Solicitor of the Treasury, financial agent of the Joint Committee on the Library, Secretary of the Smithsonian Institution, ex-Presidents of the United States residing within the District,⁶ members and secretary of the Interstate Commerce Commission, Chief of Engineers, U. S. Army, residing in Washington,⁷ justices of the District supreme court and court of appeals,⁸ Regents of the Smithsonian Institution resident in Washington.⁹

The Librarian is appointed by the President,¹⁰ with the approval of the Senate.¹¹ He makes rules and regulations for the government of the Library, selects his employees, whose positions are fixed by law, and has direction of the copyright department. At the beginning of each session of Congress the Librarian reports to Congress for the fiscal year. There is also a Superintendent of the Library Building and Grounds, who is appointed by the President. The Senate portion of the Joint Committee on the Library exercises authority during the recess between Congresses.¹²

7269. The House library is under the control and direction of the Librarian of Congress, and the House librarian and his assistants are removable only for cause and with the approval of the Committee on

¹ Revised Statutes, section 80.

² Revised Statutes, section 81.

³ Revised Statutes, sections 82, 85, 86, 87.

⁴ The law library is open every day so long as either House is in session. (25 Stat. L., p. 262.) When, on February 24, 1826 (first session Nineteenth Congress, Journal, p. 285), there was a proposition to place the law library in charge of the Supreme Court, the House pronounced adversely on it.

⁵ Revised Statutes, section 93.

⁶ Revised Statutes, section 94.

⁷ 26 Stat. L., p. 678.

⁸ 28 Stat. L., p. 577.

⁹ Second session Forty-third Congress, Laws, p. 512.

¹⁰ Revised Statutes, section 88.

¹¹ Second session Fifty-fourth Congress, Laws, pp. 544-546.

¹² 22 Stat. L., p. 592.

Rules.—The House has a library, consisting chiefly of volumes of the Statutes of the United States, United States Supreme Court Reports, Reports of Committees of Congress, the Journals of the two Houses, the Annals of Congress, Congressional Debates, the Congressional Globe, and the Congressional Record. It is kept on the gallery floor of the House, but there is connected with it a small reference library on the floor of the House.

The Statutes¹ provide:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall Provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk, of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

7270. The Hall of the House is used only for the legislative business of the House, caucus meetings of its Members, and ceremonies in which the House votes to participate.

The Speaker is forbidden to entertain a motion for a suspension of the rule relating to the use of the Hall of the House.

Present form and history of Rule XXXIII.

Rule XXXIII provides:

The Hall of the House shall be used only for the legislative business of the House and for the caucus meetings of its Members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

This is the exact form adopted in the revision of 1880.² It was taken from old rule No. 155, which dated from January 31, 1866.³ Prior to 1866 there had been many demands for the Hall, particularly for charitable occasions, which Members had usually felt disinclined to resist. But the cost of lighting was \$150 and of heating \$25 for each night; there was wear and tear of the furnishings; and it was rare that some Member's desk was not broken open and rifled. An exception was at that time made of divine services, which might be held under the direction of the Speaker. The further exception, which has survived, was made so that the memorial services of Abraham Lincoln and Henry Winter Davis might be held. On January 19, 1880,⁴ the House agreed to a resolution that the use of the Hall be granted for a reception to Charles Stuart Parnell, and that the House meet and take part in the ceremonies. In accordance therewith the House meet in session on the evening of February 2, the Speaker in the chair, and Mr. Parnell made an address. But this proceeding was highly exceptional and has not been followed as a precedent.

In the early years of the Government the Hall was used more freely. On November 19, 1804,⁵ the House ordered that in future no person should hold religious services in the Hall except with the consent of the Speaker; and on June 24, 1809,⁶ the

¹ 31 Stat. L., p. 964.

² Second session Forty-sixth Congress, Record, p. 207.

³ First session Thirty-ninth Congress, Globe, p. 531.

⁴ Second session Forty-sixth Congress, Record, pp. 393, 664.

⁵ Second session Eighth Congress, Journal, p. 17.

⁶ First session Eleventh Congress, Journal, p. 84; Annals, p. 416.

use of the Hall for Fourth of July exercises was refused to the people of the District. On March 2, 1827,¹ the House ordered that the Hall should not be used for any purpose whatsoever during the recess of Congress; and on March 3, 1828,² it was ordered that it should not be used except for the business of Congress and religious services on Sunday.

7271. Ceremonies of removing from the old to the new Halls of the House and Senate.

Instance of an adjournment to a new place.

On December 14, 1857,³ Mr. Edward A. Warren, of Arkansas, from the select committee appointed to inspect the new Hall of the House, made a report setting forth the condition and arrangement of the Hall, and concluding with this resolution, which was agreed to by the House:

Resolved, That when this House adjourns to-morrow, it will adjourn to meet in the new Hall of Representatives, in the south wing of the extension of the Capitol, on Wednesday noon.

The Senate moved to their Hall on January 4, 1859,⁴ after farewell speeches. They went as a body, preceded by their officers.

7272. The bar of the House is within the doors leading into the Hall.—

On February 5, 1858,⁵ during prolonged dilatory proceedings over the disposition of the President's message relating to the Lecompton constitution of Kansas, a question arose under Rule 41, which dated from 1794, and was in force at this time, providing: "Upon a division and count of the House on any question, no Member without the bar shall be counted."

Pending a call of the yeas and nays, and before the result was announced, Mr. Reuben Davis, of Mississippi, was asked by the Speaker: "Were you within the bar when your name was called?"

Mr. Davis stated that when his name was called he was in the cloak room, which opens out of the Hall, and to which there was no entrance except from the Hall, and desired to know if he was entitled to vote under the rules of the House prescribing what should be considered the bar of the House.

The Speaker⁶ decided that the gentleman was not entitled to vote, saying:

The Chair has held, pursuant to the intimation and construction, he believes, of the committee appointed for that purpose,⁷ that the doors leading into the Hall of the House were to be construed to be the bar of the House. Any one to be within the bar of the House must be within either of the doors leading into it, and where a Member is within either of the recesses he can not be considered to be within the bar.⁸

¹ Second session Nineteenth Congress, Journal, p. 370.

² First session Twentieth Congress, Journal, pp. 362, 369; Debates, pp. 1699, 1717.

³ First session Thirty-fifth Congress, Journal, p. 63; Globe, pp. 31, 32.

⁴ Second session Thirty-fifth Congress, Globe, pp. 202–204.

⁵ First session Thirty-fifth Congress, Journal, pp. 337, 338; Globe, p. 605.

⁶ James L. Orr, of South Carolina, Speaker.

⁷ This seems to refer to the report on the new Hall made December 14, 1857. (First session Thirty-fifth Congress, Globe, pp. 31, 32.)

⁸ The railing around the outer row of seats in the Hall was directed and authorized on December 4, 1877, on report from a select committee appointed during the preceding session. (Second session Forty-fifth Congress, Journal, p. 39; Record, p. 16.)

Mr. Davis having appealed, the appeal was laid on the table, yeas 137, nays 5.¹

7273. The control of the Speaker extends only to the “unappropriated rooms” of the House wing, and the House itself controls the disposition of the other rooms.

A resolution assigning a room to a committee presents a question of privilege.

On January 11 and 12, 1870,² the assignment of committee rooms, involving the disposal of occupied rooms, was treated by means of resolutions submitted to the House.

One of these resolutions, offered January 11, was as follows:

Resolved, That the room now occupied as the private office of the Clerk of the House be assigned to the Committee on Banking and Currency.

Mr. James A. Garfield, of Ohio, offered this as a question of privilege.

The Speaker³ said:

It is a question of privilege, and in order at any time.

7274. On May 26, 1869,⁴ Mr. Speaker Blaine called attention to the fact that under the rule the power of the Speaker in regard to committee rooms was restricted, the rule giving him authority only over the unappropriated rooms.

7275. On February 8, 1884,⁵ Mr. Speaker Carlisle asked the approval of the House for a change in occupied rooms of the House, the same having been made to accommodate Members and officers of the House.

7276. On March 14, 1838,⁶ the House adopted a resolution assigning a certain room to the Committee on Revolutionary Claims.

7277. In 1869⁷ are two instances where the subject of occupation of committee rooms was presented to the House by resolution for the action of the House.

7278. On December 21, 1887,⁸ the changes whereby the rooms of the Speaker and Sergeant-at-Arms were assigned to the Committee on Appropriations, and new rooms were assigned to those officers, were authorized by a resolution reported from the Committee on Rules, and agreed to by the House.

7279. On January 13, 1890,⁹ the Clerk, with the approval of the Committee on Accounts, was directed to procure rooms for committees of the House needing them in a location convenient to the Capitol.

7280. On February 8, 1882,¹⁰ the approval was announced to the House of the act (H. R. 3181) “authorizing and directing the Architect of the Capitol to make certain changes and repairs in the House wing of the Capitol.

¹ The House had recently moved into the new Hall, which it occupies at present.

² Second session Forty-first Congress, *Globe*, pp. 366, 369, 407.

³ James G. Blaine, of Maine, Speaker.

⁴ First session Forty-first Congress, *Globe*, p. 319.

⁵ First session Forty-eighth Congress, *Record*, p. 1001.

⁶ Second session Twenty-fifth Congress, *Journal*, p. 612; *Globe*, p. 237.

⁷ First session Forty-first Congress, *Journal*, pp. 133, 154.

⁸ First session Fiftieth Congress, *Journal*, p. 100.

⁹ First session Fifty-first Congress, *Journal*, p. 110.

¹⁰ First session Forty-seventh Congress, *Journal*, p. 528.

7281. In 1882¹ changes in the House wing of the Capitol were authorized by an act of Congress.

7282. The desks in the Hall of the House and the various attempts to remove them.—In the arrangements of the seats of Members in the Hall of the House, each Member has before him a desk. These desks have been the subject of much controversy. On January 30, 1829,² Mr. Ichabod Bartlett, of New Hampshire, criticised them as a cause of confusion detrimental to the public business; but they were defended as a convenience. Again on June 1, 1841,³ they were the subject of criticism. On March 7, 1842,⁴ Mr. William Cost Johnson, of Maryland, attempted to bring before the House a proposition to remove the desks, but failed by a vote of 74 to 93. Also on December 20, 1847,⁵ Mr. Thomas B. King, of Georgia, proposed their removal, but without result.

On March 3, 1859,⁶ the House voted, 103 yeas to 73 nays, that at the next session the desks should be removed and that benches should be placed for the accommodation of Members. On February 21, 1860,⁷ Mr. Elihu B. Washburne, of Illinois, from a select committee on the subject, reported a resolution directing the removal of the benches and the restoration of the chairs and desks. This resolution was agreed to, 95 yeas to 86 nays. The majority report, which was signed by Elihu B. Washburne and John G. Davis, of Indiana, says that the daily sessions of the House for twelve weeks had afforded a fair opportunity of testing the arrangement which had been authorized by the last Congress. The majority expressed the opinion that most of the important objects that were sought by the change had failed to be realized, and recommended that the old arrangement of seats and desks be restored. The minority report was submitted by Mr. W. Porcher Miles, of South Carolina, who had made the report the year before in favor of the change, in association with George H. Pendleton, of Ohio, J. Letcher, of Virginia, Edward Joy Morris, of Pennsylvania, and Israel Washburn, jr., of Maine. In his minority report Mr. Miles said that the question was one of the comfort and convenience of Members on the one side and the intelligent and expeditious dispatch of the business of the country on the other. He then submitted again the arguments for the change which were made in the preceding Congress and which brought about the change. The chief argument for retaining the desks was the strongest reason for the abolition, namely, the convenient facility which they afforded Members for writing letters and franking documents.⁸ The first duty of the Representative was to attend to the business going on in the House. The space occupied by the desks was so great that Members speaking and the clerk reading could not be heard readily, and much time was lost in the repetitions and misunderstandings resulting. The English House of Commons, numbering 654 Members, held sessions in a hall

¹ First session Forty-seventh Congress, Record, p. 767; see bill H. R. 768.

² Second session Twentieth Congress, Debates, p. 297.

³ First session Twenty-seventh Congress, Globe, p. 9.

⁴ Second session Twenty-seventh Congress, Journal, p. 497; Globe, p. 291.

⁵ First session Thirtieth Congress, Journal, p. 127; Globe, p. 58.

⁶ Second session Thirty-fifth Congress, Journal, pp. 581, 582; Globe, p. 1670.

⁷ First session Thirty-sixth Congress, Journal p. 351; Globe pp. 855, 856.

⁸ This was before Members had secretaries. Members first had secretaries in the Fifty-third Congress.

much smaller than our own, which had to accommodate 236 Members. The Commons did not have desks, and the arrangement of the seats brought them in a much smaller area. The committee expressed confidently the opinion that the change would tend to produce quiet, orderly debate, real, legitimate discussion of the subject-matter, and in time a change in Congressional oratory, eliminating the prosy manuscript speeches and the orations for the constituencies rather than for the House and on the subject before the House.

The subject was again revived when, on March 28, 1878,¹ a committee of which Mr. John G. Carlisle, of Kentucky, was a member, submitted a report in favor of removing the desks, but no action resulted.

On December 19, 1883,² the Committee on Rules reported adversely, and the House laid on the table a resolution providing for the removal of the desks from the Hall of the House.

In 1899³ the Committee on Ventilation and Acoustics submitted an elaborate illustrated report, recommending a reduction in the size of the Hall, the removal of the desks and a rearrangement of the seats.

On February 20, 1901,⁴ an amendment providing for the removal of the desks was proposed on an appropriation bill, but the House decided on it adversely.

7283. The rules limit strictly the classes of persons having the privileges of the floor during sessions of the House.

The Speaker is forbidden to entertain a request for the suspension of the rule relating to the privilege of the floor.

The President and Vice-President of the United States and their secretaries have the privilege of the floor.

The judges of the Supreme Court have the privileges of the floor.

“Heads of Departments,” meaning members of the President’s Cabinet, have the privilege of the floor.

Members of Congress, Members-elect, and, under certain conditions, ex-Members of the House and contestants in election cases have the privilege of the floor.

The Secretary and Sergeant-at-Arms of the Senate, the Superintendent of the Capitol, the Librarian of Congress, and his assistant in the law library have the privilege of the floor.

Ministers from foreign governments and governors of States (but not of Territories) have the privilege of the floor.

The Resident Commissioner to the United States from Porto Rico has the privilege of the floor.

Persons who have by name received the thanks of Congress have the privilege of the floor.

Present form and history of Rule XXXIV.

¹ Second session Forty-fifth Congress, Record, p. 2110.

² First session Forty-seventh Congress, Journal, p. 155; Record, p. 196.

³ This report was an embodiment of the plan of Mr. Speaker Reed, who believed that the confusion of the great hall, with its numerous desks, was destructive of the deliberative character of the House.

⁴ Second session Fifty-sixth Congress, Record, pp. 2704–2708.

Rule XXXIV provides:

1. The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Superintendent of the Capitol Building and Grounds, the Librarian of Congress and his assistant in charge of the law library, the Resident Commissioner to the United States from Porto Rico, such persons as have, by name, received the thanks of Congress, ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any Member for unanimous consent.

This is the form agreed to in the revision of 1880,¹ with a few modifications made since. The Committee on Rules in 1880² gave a history of the various modifications of the rule since 1802.

The words "heads of Departments" is construed to mean the members of the President's Cabinet, as is evident from the fact that in 1886³ the House did not agree to a proposition to add such officers as the Commissioners of Patents, Internal Revenue, Pensions, etc.

The words "foreign ministers" are construed to mean the representatives of foreign governments duly accredited to this Government and not representatives of this Government abroad who may be in Washington temporarily. This is evident from the fact that in former years the language was "foreign ministers and their secretaries,"⁴ indicating an official with his established office in Washington. As early as December 8, 1798,⁵ the ministers of Great Britain and Denmark attended a joint meeting of the two Houses in Representatives' Hall to hear the President's speech. Foreign ministers have not often in later years availed themselves of the privilege, usually preferring the Diplomatic Gallery.

The "Superintendent of the Capitol Building and Grounds" was included by amendment of June 28, 1902,⁶ when the designation of the old office of "Architect of the Capitol" was changed. At the same time the "Resident Commissioner to the United States from Porto Rico" was included, after proposed legislation to authorize a Delegate from that island had failed.

Until 1857 persons who had been Members of either the Senate or the House were admitted to the privileges of the floor of the House under a very liberal rule.⁷ In that year, when the House was about to move from the old Hall to the new, it was thought desirable, in view of the enlarged gallery accommodations of the

¹ Second session Forty-sixth Congress, Record, pp. 207, 1205.

² Second session Forty-sixth Congress, Record, p. 202.

³ First session Forty-ninth Congress, Record, p. 2411.

⁴ Second session Twenty-ninth Congress, Journal, p. 536.

⁵ Third session Fifth Congress, Annals, p. 2420.

⁶ First session Fifty-seventh Congress, Record, p. 7608.

⁷ Third session Thirty-fourth Congress, Journal, p. 694.

new Hall, to restrict the admissions to the floor. So on December 23, 1857,¹ this rule was adopted:

That no person, except Members of the Senate, their Secretary, heads of Departments, President's private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States, shall be admitted within the Hall of the House of Representatives.

This new rule cut off from the privilege the following persons who had enjoyed it under the old rule: The Treasurers of the United States, Comptrollers, Registers, Auditors, Chaplains to Congress, judges of the United States, foreign ministers and their secretaries, officers thanked by Congress for gallantry and good conduct in the public service, governors of Territories, ex-Members of the House and Senate, persons who had been heads of Departments, members of State and Territorial legislatures, and members of the legislative bodies of foreign nations in amity with the United States.

Ex-Members of Congress were readmitted to the floor by rule of March 16, 1867,² which excluded all such as were "interested in any claim pending before Congress," and required that ex-Members should register themselves as not so interested before admission.³ The word "claim" in this rule was construed strictly, and on April 23, 1872,⁴ an attempt of the Committee on Rules to change the word to "any legislative measure" was defeated by recommittal. With the exception of ex-Members of Congress and persons who have by name received the thanks of Congress⁵ the strictness of the rule of 1857 was continued⁶ until the revision of 1880. In that revision the rule was framed in practically its present form,⁷ but ex-Members of Congress were admitted, as to whom it was provided, as now, that they should "not be interested in any claim or directly in any bill pending before Congress." In 1884⁸ ex-Senators were excluded by confining the privilege to ex-Members of the House instead of ex-Members of Congress.

In the Fifty-second Congress the words "directly in any" were omitted before "bill" in the clause relating to ex-Members. In the Fifty-third Congress the Secretary of the Smithsonian Institution was added to the number of privileged persons, and after the word "interested," in the clause relating to ex-Members, the words "either as party, agent, or attorney" were added. In the Fifty-fourth Congress the form of the Fifty-first Congress was restored.

7284. Rigid enforcement of the rule forbidding requests for extension of the privileges of the floor.—On December 18, 1900,⁹ the House was considering the bill (S. 1929) to provide for eliminating certain grade crossings in the city

¹ First session Thirty-fifth Congress, Journal, p. 116; Globe, pp. 170, 171.

² First session Fortieth Congress, Journal, p. 46; Globe, pp. 119, 120.

³ Although this provision as to registering disappeared from the rule in the revision of 1880, the secretary of the Speaker still keeps the register, and ex-Members are required to sign it before receiving a card of admission.

⁴ Second session Forty-second Congress, Globe, pp. 2688–2691.

⁵ Included in rule of March 15, 1867 (first session Fortieth Congress, Journal, p. 46; Globe, pp. 119, 120).

⁶ First session Forty-sixth Congress, Journal, p. 633.

⁷ Second session Forty-sixth Congress, Journal p. 1552.

⁸ First session Forty-eighth Congress, Journal, p. 1777.

⁹ Second session Fifty-sixth Congress, Record, p. 395.

of Washington, when Mr. Joseph W. Babcock, of Wisconsin, asked unanimous consent that the Engineer Commissioner of the District of Columbia might be permitted to come on the floor and explain the engineering features of the plan, as had been permitted in the Senate.

The Speaker,¹ having caused Rule XXXIV to be read, said:

This rule, it seems to the Chair, is explicit; and it meets completely the request of the gentleman from Wisconsin. This is not the United States Senate, but the House of Representatives, acting under its own rules. Under the specific rule just read the Chair is not permitted to entertain the request of the gentleman from Wisconsin.

7285. The rule forbidding the Speaker to entertain requests for the suspension of the rule relating to admission to the floor is held to apply also to the Chairman of the Committee of the Whole.—On January 15, 1894,² Mr. Julius C. Burrows, of Michigan, submitted the question of order whether it was in order for the Chairman of the Committee of the Whole to entertain a request for unanimous consent that persons other than Members of the House be admitted to the floor of the House during its sessions.

The Speaker³ expressed the opinion that it would not be in order to entertain such request and that the rule respecting admission to the floor was applicable in Committee of the Whole.

7286. It being alleged that an ex-Member was violating the privileges of the floor, the Speaker declared it a matter for the House and not the Chair to consider.—On May 22, 1884,⁴ while the House was considering the contested-election case of *English v. Peelle*, Mr. Roswell G. Horr, of Michigan, made the point of order, as a question of privilege, that an ex-Member of the House, father of the contestant, had been upon the floor soliciting assistance for the case of his son, in violation of Rule XXXIV.

Mr. William M. Springer, of Illinois, made the point of order that the rule did not apply to a contested-election case, but only to ex-Members interested in any claim or bill pending before Congress.

The Speaker⁵ said:

The fact that the gentleman of whom complaint is made is an ex-Member of the House is not disputed. But it is alleged by the gentleman from Michigan that he has violated his privileges or abused the privileges of the House as an ex-Member in connection with the contest in this election case. That is a matter for the House to investigate or determine. It is not a matter for the Chair to determine; nor is the statement alone sufficient to warrant the Chair in determining that the gentleman, under the rule, should be excluded from the floor. The Chair thinks, therefore, that no question is presented for the consideration of the Chair, though there might be a fact, as alleged by the gentleman from Michigan, for the consideration of the House.⁶

7287. An alleged abuse of the privilege of the floor by an ex-Member was inquired into by a special committee.—On July 3, 1884, Mr. N. J. Hammond, of Georgia, from the Select Committee on Alleged Abuse of the Privileges of

¹ David B. Henderson, of Iowa, Speaker.

² Second session Fifty-third Congress, Journal, p. 90; Record, p. 840.

³ Charles F. Crisp, of Georgia, Speaker.

⁴ First session Forty-eighth Congress, Journal, p. 1298; Record, p. 4405.

⁵ John G. Carlisle, of Kentucky, Speaker.

⁶ The House did make an investigation. Section 7287.

the Floor, submitted a report¹ relating particularly to the conduct of Hon. William H. English, an ex-Member of the House, who was alleged to have violated the privileges of the floor in urging Members to favor his son, the contestant in the election case of *English v. Peelle*.

The committee agreed, both in the minority and majority reports, that Mr. English did approach Members on the floor of the House during the sessions and urge them to vote for his son.

The majority of the committee, Messrs. Hammond, J. H. Rogers, of Arkansas, Barclay Henley, of California, and James M. Riggs, of Illinois, declare in their report that Mr. English's actions were done quietly, without disturbing the House, and that there was no evidence to indicate that he used or attempted to use corrupt means. The rule of the House admitted to the floor "ex-Members of Congress who are not interested in any claim or directly in any bill pending before Congress." The report contends that the word "interested" referred only to pecuniary interest, and not relationship to a contestant or a contestee. By the Constitution the "House may determine the rules of its proceedings." It must have authority to maintain its privileges and be judge of their infringement. But it must proceed according to law. May, on Law of Parliament, divided breach of privilege into: (1) Disobedience to general orders or rules of either House; (2) disobedience to particular orders; (3) indignities offered to the character or proceedings of Parliament; (4) assaults upon its members or reflections upon their character and conduct in Parliament, or interferences with officers of the House in discharge of their duty. Mr. Cushing had stated that formerly privilege was undefined by Parliament, being "what each House chose to make so upon the particular occasion," but "since the period above mentioned a different doctrine has been established as to the nature of parliamentary privilege, which is now regarded as a part of the law of the land, evidenced by the customs and usages of Parliament, when not specifically defined by statute and incapable of enlargement by the resolutions or proceedings of either House." The committee concluded that they had found no custom or usage of Parliament which would justify them in concluding that Mr. English's conduct was a breach of the privileges of the House, and they recommended that the whole matter be laid on the table.

The minority of the committee, Messrs. Stephen C. Millard, of New York, Thomas M. Bayne, of Pennsylvania, and J. B. Wakefield, of Minnesota, reported a resolution declaring that Mr. English's conduct "was improper and a violation of the privileges "of the House, "and that he be excluded therefrom during the present Congress." The minority say:

One of the most important privileges of the House undoubtedly is the immunity of its Members from all influences that would warp their deliberations. The Members of the House discuss the matters that come before them not only publicly, as in open debate, but also in conversation among themselves. Exemption from external influence is intended to be secured by excluding others than Members from the floor of the House. Is it not clear that the entrance of a stranger, admitted not of right, but by courtesy, who for days and weeks is actively engaged in lobbying, is a clear violation of this privilege? It is also the duty of the House to protect itself from scandal. Its integrity, honor, and good fame should be held to be sacred. Can it be so regarded and esteemed when that universal servitor and censor, the press of the country, publishes broadcast the news that lobbying is carried on open y on its floor and during its deliberations?

¹ First session Forty-eighth Congress, House Report No. 2136.

When the report was presented in the House on July 3,¹ Mr. Hammond moved to lay the whole subject on, the table. After debate this motion was agreed to, yeas 137, nays 72.

7288. An ex-Member who was abusing the privileges of the floor was excluded by direction of the Speaker.—On March 12, 1900,² the House was considering the contested-election case of Richard A. Wise *v.* W. A. Young, of Virginia. During the debate Mr. James D. Richardson, of Tennessee, made the point of order that an ex-Member of the House, who, as such, was entitled to the privileges of the floor, was abusing that privilege by prompting gentlemen in debate, handing to them papers, etc. Mr. Richardson also called attention to the fact that once before during the debate complaint had been made that this ex-Member, who was a brother of the contestant, had interrupted in debate.

After debate the Speaker inquired whether or not the ex-Member referred to, Mr. John S. Wise, was attorney of record in the pending case.

An affirmative answer having been given to this question, the Speaker³ said:

The Chair will rule on the case. From a hasty examination, and from the recollection of such matters which the Chair has, it is usual to appoint a select committee to ascertain the question of facts. The law, under the rule, is explicit. Among those who are mentioned as entitled to admission to the floor are included the following:

“Ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress.”

The Chair thinks that the term “claim” or “bill” would apply to a contested election case before Congress. He thinks that it is the intention of the rule, and if the record shows a state of facts which a select committee would have to ascertain, the Chair thinks that it would be his duty to act without waiting for the action of a select committee.

The custom has been, the practice has been, to appoint a select committee to investigate such matters and report to the House. But when it appears that an ex-Member of Congress is the attorney of record in a case pending before the House, it seems to the Chair that action should be taken at once, especially when the case is pending and up for consideration; and in justice to the House and the dignity of the House and every element of fair play, while the Chair has not been able to find a precedent for the Chair’s ruling before the appointment and report of a select committee, still the law does not expect unnecessary things to be done; and as it is conceded on the floor that Mr. John S. Wise is attorney of record, the Chair will hold that he must not occupy a place on this floor, subject to an appeal from this decision by the House. No appeal being demanded, the Doorkeeper is instructed to exclude Mr. John S. Wise from the floor until this question is disposed of.

7289. The meaning of the rule relating to admission to the floor has been interpreted by a committee.—On January 27, 1887, Mr. James D. Richardson, of Tennessee, from the Select Committee on Admissions to the Floor, submitted a report⁴ in which was discussed the meaning of the words of Rule XXXIV, which forbids the privileges of the floor to “ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress.” The committee came to the conclusion that the words did not call for the exclusion of an ex-Member who, as attorney for a bill, had simply an attorney’s interest in caring for the interests of his clients. The committee made

¹ First session Forty-eighth Congress, Journal, p. 1646; Record, pp. 5969–5977.

² First session Fifty-sixth Congress, Record, p. 2792; Journal, p. 338.

³ David B. Henderson, of Iowa, Speaker.

⁴ Second session Forty-ninth Congress, House Report No. 3798.

a distinction, however, in the case of those attorneys who prosecuted claims for a contingent fee. Such were not entitled to admission to the floor under the rule.

The committee recommended that the words in question be stricken from the rule and that the following be substituted:

Ex-Members of the House of Representatives who are not interested personally, nor as attorneys or agents, in any claim or bill pending before Congress.¹

7290. The rule relating to admissions to the floor is construed broadly on the occasion of ceremonies.—On December 19, 1894² the House agreed to a resolution for the admission of the governor of New Hampshire and his staff to the floor of the House on December 20, at the time of the presentation of the statues of Webster and Stark. The Speaker³ in putting the motion said that the rule provided that the Speaker should not submit a motion for unanimous consent on this subject, but he considered that rule to apply to cases where the House was engaged in the transaction of ordinary business. But in these ceremonies it had been customary to admit the governors of States.

7291. A register of persons other than Members who are entitled to the privileges of the floor was authorized in 1853.—On December 20, 1853,⁴ the Speaker⁵ announced that he had directed the Doorkeeper to prepare a register for the names of those persons other than Members who were entitled to the privileges of the floor. But as question had been raised as to the authority of the Speaker to do this, he asked the sanction of the House. Whereupon it was,

Ordered, That a book be provided by the Doorkeeper in which shall be registered the names of all persons other than Members of Congress who may apply for admission upon the floor of the House, setting forth by virtue of what position such privilege is claimed.⁶

7292. It has been held that the rule relating to admission to the floor does not apply to joint sessions of the two Houses.—On February 11, 1885,⁷ Mr. Benton McMillin, of Tennessee, offered this resolution:

Resolved, That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the Members' gallery during the joint session for the count of the electoral vote.

Mr. Goldsmith W. Hewitt, of Alabama, made the point of order that the resolution was not privileged, but being a change of the rule relating to admission to the floor should be referred to the Committee on Rules.

The Speaker pro tempore⁸ overruled the point of order in accordance with the ruling of a former Speaker,⁹ and also on the ground that the rule referred to by

¹This recommendation was not carried out, but in the Fifty-second and Fifty-third Congresses a provision to carry out the purpose was incorporated in the rule. Since the Fifty-third Congress the old form of the rule has been again in use.

²Third session Fifty-third Congress, Record, p. 476.

³Charles F. Crisp, of Georgia, Speaker.

⁴First session Thirty-third Congress, Journal, p. 109; Globe, pp. 68, 69.

⁵Linn Boyd, of Kentucky, Speaker.

⁶A register is now kept in the Speaker's room wherein all ex-Members are required to sign their names to an obligation to observe the rules before receiving cards of admission.

⁷Second session Forty-eighth Congress, Journal, p. 516; Record, p. 1528.

⁸Joseph C. S. Blackburn, of Kentucky, Speaker pro tempore.

⁹Speaker Randall, on February 9, 1881, admitted such a resolution "under the circumstances." (Third session Forty-sixth Congress, Journal, p. 358; Record, p. 1386.)

Mr. Hewitt did not apply to a joint meeting of the two Houses, but solely to a session of the House.

7293. A special admission to the privileges of the floor is a rare honor.—On February 10, 1870,¹ on motion of Mr. Nathaniel P. Banks, of Massachusetts, by unanimous consent, the privileges of the floor for a day were extended to John Kitts, born in Pennsylvania in 1762, and a soldier of the Revolution and war of 1812, who had seen the surrender of Cornwallis at Yorktown.

7294. In a former Congress exclusion from the privileges of the floor was made a penalty for attempting to corrupt Members of Congress.—On March 24, 1870,² Mr. John A. Logan, of Illinois, from the Committee on Military Affairs, which had investigated the sale of cadetships by Members of the House, reported a resolution, which, after modification, was agreed to as follows:

Resolved, That in addition to the penalties now imposed by law, any person or persons who have been or may hereafter be proven guilty of having been engaged in corrupting or attempting to corrupt any Member of Congress, by directly or indirectly offering him any valuable consideration with a view of influencing his action in any matter pertaining to his official duties, shall hereafter be excluded from all privileges of the floor, committee rooms, clerks' rooms, and all galleries of the House of Representatives.

7295. The Doorkeeper is required to clear the floor fifteen minutes before the hour of meeting of all persons not privileged to remain, and keep it cleared until ten minutes after adjournment.

The Doorkeeper is to see that no one enters the room over the Hall of the House during the sittings.

Present form and history of section 3 of Rule V.

Section 3 of Rule V provides:

He shall allow no person to enter the room over the Hall of the House during its sittings; and fifteen minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain, and kept so until ten minutes after adjournment.

The portion of the rule requiring the floor to be cleared fifteen minutes before the hour of meeting was adopted March 31, 1869.³ When the rules were revised in 1880, the clause relating to the room over the Hall was added on motion of Mr. Joseph R. Hawley, of Connecticut, it being recalled by Mr. James A. Garfield, of Ohio, that not long before, during a session of the House, a man had stepped through one of the squares of glass.⁴ So careful was the House after this accident that for a time the key of the room was each day brought down and deposited with the Speaker. In the revision of 1890⁵ the provision that the floor should be kept clear ten minutes after adjournment was added.

7296. Persons not Members and not claiming to be Members have been permitted to address the House only in early and rare instances.—On October 26, 1807,⁶ during the balloting for the election of a Clerk, and after an

¹ Second session Forty-first Congress, Globe, p. 1191; Journal, p. 298.

² Second session Forty-first Congress, Journal, p. 523; Globe, p. 2197.

³ First session Forty-first Congress, Globe, p. 396.

⁴ Second session Forty-sixth Congress, Record, p. 557.

⁵ First session Fifty-first Congress, Report No. 23.

⁶ First session Tenth Congress, Annals, p. 784.

announcement had been made showing that Nicholas B. Vanzandt had a plurality of votes, but that there was no election. Mr. John Randolph, of Virginia, rising in his place, denounced Mr. Vanzandt as one who had in a previous Congress disclosed the secrets of the secret sessions of the House.

Presently the Speaker laid before the House a letter from Mr. Vanzandt, who was present, asking permission to be heard at the bar of the House in order to disprove the assertions of the gentleman from Virginia.

Mr. John Smilie, of Pennsylvania, hoped no order would be taken on the letter. He thought the request to be heard at the bar very extraordinary, and if listened to might form a dangerous precedent.

The House then proceeded to another ballot for Clerk.'

7297.¹ On December 6, 1875,² after the Speaker had been chosen, a question was pending concerning the certificate of a Member, and the Clerk was, by unanimous consent, permitted on a request put to the House through the Speaker, to address the House in explanation of his action in relation to the certificate.

7298. On January 11, 1804,³ the House agreed to a resolution, yeas 61, nays 49, that the agent or agents of the Virginia Yazoo Company be heard in person or by counsel at the bar of the House on Monday next. The same privilege was also given to the agent of the South Carolina Yazoo Company.

And on January 16 Alexander Moultrie, agent of the South Carolina Yazoo Company, was heard at the bar of the House; and the said agent, being fully heard, withdrew from the bar.

7299. On March 11, 1806,⁴ the Speaker laid before the House a letter and petition from Maj. Gen. Arthur St. Clair, praying to be heard at the bar of the House in support of his petition.

On March 14 the House agreed to this resolution, reconsidering the action of the previous day, when the resolution was tabled:

Resolved, That Maj. Gen. Arthur St. Clair be heard at the bar of the House in support of his claim.

The next Monday was thereupon assigned for the hearing, but on that day it was—

Resolved, That the order of the day to hear Arthur St. Clair at the bar of the House in support of his claim, be postponed indefinitely.

7300. On February 12, 1808,⁵ Mr. Ezekiel Bacon, of Massachusetts, presented the memorial of Joseph Storey, who prayed that he might be admitted to the bar of the House to explain, as agent of the New England Mississippi Company, their rights and state their claims.

Mr. Bacon also presented a resolution that the prayer be granted and setting a time for a hearing. He said he had taken the form of the resolution from a prece-

¹The Journal does not record this incident; and, in fact, does not mention the several ballotings, simply stating the election of a Clerk by ballot.

²First session Forty-fourth Congress, Record, p. 170.

³First session Eighth Congress, Journal, pp. 526, 538 (Gales & Seaton ed.); Annals, pp. 878, 887.

⁴First session Ninth Congress, Journal, pp. 315, 317, 320, 324 (Gales & Seaton ed.); Annals, pp. 698, 779, 799.

⁵First session Tenth Congress, Journal, p. 175 (Gales & Seaton ed.); Annals, pp. 1601–1613.

dent, where, in the case of the South Carolina Company, Mr. Moultrie had been heard at the bar in support of their claim.

After debate, the resolution was negatived, 28 yeas to 76 nays.

7301. On January 10, 1878,¹ a resolution was offered in the Senate to the effect that at a certain day, during the session of the Senate, certain women might appear in the Senate Chamber and be heard before the Senate on the subject of woman suffrage. The proposition was opposed on the ground that such a proceeding would be contrary to the practice of the Senate since 1792, as well as upon the ground that if one class were heard all other petitioners might claim the same right. The resolution was disagreed to, yeas 13, nays 31.

On the same day a similar proposition was objected to in the House.² On January 14³ the resolution was brought to a vote in the House and was disagreed to, yeas 106, nays 141.

7302. The Speaker is required to set aside a portion of the west gallery for the use of the President, members of his Cabinet, Justices of the Supreme Court, and foreign ministers and suites, and their respective families.

The Speaker is required to set aside a portion of the west gallery for persons admitted on the cards of Members.

A portion of the east gallery is assigned to the use of families of Members, the Speaker issuing a card to each Member for his family and visitors.

The Speaker controls one bench in the gallery assigned to the families of Members.

Present form and history of Rule XXXV.

Rule XXXV provides:

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, Justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of Members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of Members of Congress, in which the Speaker shall control one bench, and on request of a Member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

This rule is as reported in the revision of 1880, when it was a new rule, designed to secure gallery accommodations for members of State governments, delegations from boards of trade, etc., as well as for the families of Members.⁴ Previous to 1857 foreign ministers were entitled to the privileges of the floor as at present; but in that year the select committee appointed to arrange the occupation of the new Hall of the House set apart a diplomatic gallery, a press gallery, and a ladies' gallery.⁵

¹ Second session Forty-fifth Congress, Record, pp. 267, 268, 269.

² Record, p. 270.

³ Record, p. 320; Journal, p. 193.

⁴ Second session Forty-fifth Congress, Record, p. 203.

⁵ First session Thirty-fifth Congress, Globe, pp. 170, 171.

7303. In times of great interest the House sometimes makes a special rule for admission to the galleries.—On April 6, 1898,¹ Mr. David B. Henderson, of Iowa, from the Committee on Rules, reported, and the House adopted this resolution:

Resolved, That until otherwise ordered by the Speaker there be issued daily by the Doorkeeper to each Representative and Delegate two tickets to the galleries of the House, and the Doorkeeper is hereby authorized and directed to reserve sufficient space to accommodate the holders thereof.

During the pendency of this order the rules as to the Members' family and the visitors' galleries are suspended.

On January 26, 1792,² it being desired, during discussion in Committee of the Whole, that the galleries be cleared for discussion of a matter contained in a confidential communication of the President, it was decided that the House and not the Committee should do this, so the committee rose for the purpose of having the House close the galleries.

7304. Stenographers and reporters other than the official reporters are admitted by the Speaker to the gallery over the Speaker's chair under such regulations as he may prescribe.

Representatives of certain specified news associations are admitted to the floor of the House under regulations prescribed by the Speaker.

Present form and history of section 2 of Rule XXXVI.

Section 2 of Rule XXXVI provides:

Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign one seat on the floor to Associated Press reporters, one to the Sun Press Association, and one to the Scripps-McRae League, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.

Except for certain amendments caused by changes in the news associations,³ and by an increase of the number of persons permitted to each association, this rule is as adopted in the revision of 1880.⁴

It was taken from old rule 135, which dated from December 23, 1857,⁵ and was a portion of a report made by Mr. Charles J. Faulkner, of Virginia, from a select committee in relation to accommodations in the new Hall of the House.

7305. At first the Representatives of the press were admitted to the floor, but later the present practice of assigning to them the use of a gallery under certain regulations was adopted.

Representatives of the press have been admitted by permission of the Speaker.

¹ Second session Fifty-fifth Congress, Record, pp. 3634, 3635.

² First session Second Congress, Annals, p. 348.

³ The last change was January 22, 1902 (first session Fifty-seventh Congress, Record, p. 870).

⁴ Second session Forty-sixth Congress, Record, p. 207.

⁵ First session Thirty-fifth Congress, Journal, p. 116; Globe, pp. 170, 171.

On March 1, 1838,¹ Mr. Abraham Rencher, of North Carolina, by consent, offered the following resolutions:

Resolved, That the Doorkeeper be required to execute strictly the thirteenth and fourteenth rules of the House relative to the privilege of the Hall.

Resolved, That no person shall be allowed the privilege of the Hall under the character of stenographer without a written permission from the Speaker, specifying the part of the Hall assigned to him.

Mr. Waddy Thompson, jr., of South Carolina, moved to amend the second resolution by adding the following:

And no reporter or stenographer shall be admitted, under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers, he is employed to report.

This amendment was agreed to, and the resolutions as amended were then agreed to.

7306. On December 14, 1852,² to remedy an abuse that had been increasing, the House adopted a rule that no reporter or stenographer should be admitted to the floor of the House except the condition that he should not be a claim agent should be a part of the written permission given by the Speaker. At that time there were 22 seats for reporters on the floor, exclusive of those occupied by city reporters.

7307. The committee appointed to examine the new Hall of Representatives reported on December 14, 1857,³ in favor of giving to the reporters of the public press the gallery over the Speaker's desk and the room behind it.

Mr. Speaker Orr assigned them to the gallery, although some suggestions were made that they continue on the floor.⁴

7308. On December 23, 1857,⁵ when the new Hall of the House was first occupied by the House, Mr. Charles J. Faulkner, of Virginia, from a select committee appointed on the subject, made a report assigning the reporters to the gallery over the Speaker's desk and continuing the restrictions in regard to reporters acting as claim agents, etc., and requiring them to make their applications in writing:

Stenographers and reporters other than the official reporters of the House wishing to take down the debates may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery under the character of stenographer or reporter without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall said stenographer or reporter be admitted to said gallery unless he shall state in writing for what paper or papers he is employed to report; nor shall he be so admitted or, if admitted, be suffered to retain his seat if he shall be or become an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition.

7309. On February 26, 1866,⁶ the House voted that the Speaker should assign a desk on the floor of the House to the reporter of the Associated Press.

7310. On April 3, 1878,⁷ the House agreed to a rule admitting newspaper correspondents to the lobby. This rule was rescinded later, however, and although

¹ Second session Twenty-fifth Congress, Journal, p. 510; Globe, p. 203.

² Second session Thirty-second Congress, Journal, pp. 44, 45; Globe, p. 52.

³ First session Thirty-fifth Congress, Globe, p. 32.

⁴ Globe, pp. 59, 60.

⁵ First session Thirty-fifth Congress, Journal, p. 117; Globe, p. 170.

⁶ First session Thirty-ninth Congress, Journal, p. 330; Globe, p. 1032.

⁷ Second session Forty-fifth Congress, Journal, p. 788; Record, p. 2236.

the practice was revived in the Fifty-second and Fifty-third Congresses, it was definitely abandoned in 1895, at the beginning of the Fifty-fourth Congress.

7311. To obviate the necessity of clearing the galleries the Senate authorized the Sergeant-at-Arms to arrest any person disturbing the proceedings.—On February 21, 1866,¹ on motion of Mr. John Sherman, of Ohio, the Senate adopted a resolution instructing the Sergeant-at-Arms to arrest without further order any person found disturbing the proceedings by evidences of applause or dissent in the gallery. This was done to obviate the necessity of clearing the galleries, a process which punished the innocent with the guilty.

7312. The care, preservation, and orderly keeping of the House wing of the Capitol devolve on the Superintendent under regulations prescribed by the Speaker.

The electrician and laborers connected with the lighting, heating, and ventilating of the House are under direction of the Superintendent, subject to the control of the Speaker.

No work of art not the property of the Government shall be exhibited in the Capitol, and no room shall be used for private studios without permission of the Joint Committee on the Library.

No intoxicating liquors may be sold within the Capitol.

The Speaker and President of the Senate have discretion as to the use of the Capitol grounds for processions, assemblies, music, and speeches on occasions of national interest.

General provisions of the statutes as to concerts, operation of street cars, delivery of fuel, and landscape features of the Capitol grounds.

The care, preservation, and orderly keeping of the south wing of the Capitol devolves upon the Superintendent of the Capitol Building and Grounds, under regulations prescribed by the Speaker.² Since 1869 the leasing and regulation of the House restaurant has been under charge of the Committee on Public Buildings and Grounds.³ The electrician and all laborers connected with the lighting, heating, and ventilating of the House are under the direction of the Superintendent subject to the control of the Speaker.⁴ No work of art or manufacture not the property of the United States shall be exhibited in Statuary Hall, the corridors, or the Capitol generally, nor shall any room in the Capitol be used for private studios or works of art without written permission from the Joint Committee on the Library. The Superintendent is charged with the enforcement of this law.⁵

No intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.⁶ The statutes⁷ also forbid violent driving, heavy teaming, except in the Government service, the exposure of articles for sale,

¹First session Thirty-ninth Congress, Globe, p. 957.

²4 Stat. L., p. 266; 19 Stat. L., p. 147.

³First session Forty-first Congress, Journal, p. 201. See second session Forty-fifth Congress, Record, p. 10, for statement as to former control of restaurant by the Speaker.

⁴21 Stat. L., p. 388.

⁵18 Stat. L., p. 376; 20 Stat. L., p. 391.

⁶32 Stat. L., p. 1221.

⁷22 Stat. L., pp. 126, 127.

the soliciting of alms, the discharge of firearms, the utterance of loud or abusive language, the making of any harangue or oration, or parading or moving in procession on the Capitol grounds; but to permit the due observance of occasions of national interest the Speaker and President of the Senate, acting concurrently,¹ may suspend so much of these prohibitions as relate to processions and assemblages, and the use of suitable decorations, music, addresses, and ceremonies. The use of the Rotunda of the Capitol building has been controlled by concurrent resolution of the two Houses.² No change in the architectural features of the Capitol or the landscape features of the Capitol grounds may be made except on plans approved by Congress.³ Fuel is delivered under direction of the Superintendent of the Capitol Building and Grounds.⁴ Concerts are held on Capitol grounds under direction of the Superintendent of the Capitol Building and Grounds.⁵ The operation of certain street cars on the grounds is under direction of the Superintendent of the Capitol Building and Grounds.⁶ The use of rooms in the Capitol not belonging strictly to either wing has been controlled by statute.⁷

Laws of the District of Columbia for the preservation of the public peace are extended to the Capitol square upon the application of the presiding officer of either House.⁸

7313. The use of the Rotunda of the Capitol is controlled by concurrent action of the two Houses.—On March 31, 1882,⁹ the House and Senate agreed to the following concurrent resolution:

Resolved (the Senate concurring), That the use of the Rotunda and rooms immediately adjacent be granted to the ladies of the National Aid Association for the Garfield Memorial Hospital on the first Saturday in May to hold a reception, the object being to raise funds for the current expenditures of the association.

7314. History of the Congressional Cemetery.—The Congressional Cemetery originally belonged to the members of Christ's Church. In 1816 the vestry voted to assign 100 sites of the burial ground for the interment of Members of Congress. Since that time the cemetery has been called the Congressional Cemetery. Congress appropriated a sum to enable the parish to inclose the cemetery with a brick wall, and the parish added 300 burial sites to those already laid aside for Members of Congress. Congress also added to the cemetery additional squares of land, which was disposed of in 1850. A few years later Congress gave another square. Since the introduction of railroads Members of Congress dying in Washington have almost always been taken to their homes for burial.

¹ In the absence of either of these officers the authority devolves on the other, and in the absence of both, on the Capitol Police Commission.

² First session Forty-seventh Congress, Journal, pp. 951, 952.

³ 32 Stat. L., p. 20.

⁴ 31 Stat. L., p. 612.

⁵ 31 Stat. L., p. 613.

⁶ 31 Stat. L., p. 669.

⁷ 31 Stat. L., p. 719. See also first session Forty-seventh Congress, Record, p. 767, for legislation directing certain changes in the House wing.

⁸ Revised Statutes, section 1819.

⁹ First session Forty-seventh Congress, Journal, pp. 951, 952.

Apparently the only important legislation¹ on the subject of this cemetery was in 1876, when Congress passed a law² providing that whenever a Senator or Member of the House should be actually interred in the cemetery, the Sergeant-at-Arms of the House to which he belonged should have erected a granite monument suitably inscribed, the cost to be defrayed from the contingent fund.³

7315. All documents referred to committees or otherwise disposed of are printed unless otherwise specially ordered.

Unless ordered by the House, no bill, resolution, or other proposition reported by a committee shall be printed unless placed on the Calendar.

Motions to print additional numbers of a bill, report, resolution, or document shall be referred to the Committee on Printing, and the report thereon must be accompanied by an estimate of cost.

Present form and history of Rule XLV.

Rule XLV provides:

1. All documents referred to committees or otherwise disposed of shall be printed unless otherwise specially ordered.

2. Motions to print additional numbers of any bill, report, resolution, or other public document shall be referred to the Committee on Printing, and the report of the committee thereon shall be accompanied by an estimate of the probable cost thereof. Unless ordered by the House, no bill, resolution, or other proposition reported by a committee shall be reprinted unless the same be placed upon the Calendar. Of bills which have passed the Senate, and of House bills as amended by the Senate, when referred in the House, there shall be printed 400 copies.

Section 1 of this rule dates from the revision of 1890.⁴ Section 2 was the former rule regulating the number, etc., of bills printed by order of the House, and in the Fifty-fourth Congress was modified to meet the requirements of a new law relating to printing.⁵

7316. The statutes define the term “public document,” and provide for the division of documents among Members and the distribution thereof.—By the statutes of the United States the term “public document” is defined to be all publications printed by order of Congress or either House thereof.⁶

The division of documents among Members is provided for by law. A retiring Member not drawing his documents prior to the convening of the succeeding Congress forfeits them to his successor.⁷

¹ First session Forty-fourth Congress, Record, p. 2355, April 10, 1876.

² 19 Stat. L., p. 54.

³ At the second session Fifty-first Congress (House Report No. 3645) and second session Fifty-third Congress (House Report No. 1214) reports were made on bills to allow the sale of sites in the cemetery. These reports give a history of the cemetery. (Also see Report No. 413, second session Fifty-fifth Congress.) In 1902, the Speaker was requested to sanction the interment of the body of a person not a Member of Congress. He could find no authority enabling him to give the permit. A complete history of the cemetery is found in Senate Document No. 72, second session Fifty-ninth Congress. The funeral expenses of deceased Members are usually paid by Congress, the custom apparently dating from 1802. (First session Seventh Congress, Journal, pp. 168, 169.)

⁴ House Report No. 23, first session Fifty-first Congress.

⁵ 28 Stat. L., p. 609. (See also 33 Stat. L., p. 610.)

⁶ First session Forty-third Congress, Session Laws, p. 237.

⁷ 28 Stat. L., p. 612.

A Member is entitled to the binding in half morocco, or material no more expensive, of one copy of each public document.¹

No Government publications may be delivered to officers or employees of Congress except for the use of Members, unless authorized by law or upon requisition approved by the Joint Committee on Printing.¹

Bound copies of the Journal are distributed from the document room.²

7317. General provision of the statutes relating to printing of memorial addresses, drawings, maps, etc., and editing of documents.—All drawings, maps, charts, etc., which may come before the House for engraving, lithographing, or publishing in any way, are referred to the Committee on Printing, and, if published, are published by direction of that committee.³

If at any time there is no Joint Committee on Printing the duties and powers conferred on it by law⁴ are exercised by the committee in existence in either House.⁵

The Joint Committee on Printing appoint a competent person to edit such portions of the reports and documents accompanying the annual message of the President, or made directly to Congress, as are suitable for popular distribution.⁶

Memorial addresses are printed in accordance with the provisions of the general law.⁷

By the act of January 12, 1895, and subsequent amendments thereto,⁸ the subject of the printing and distribution of documents is fully provided for.⁹

7318. The statutes provide specifically for the number of public and private bills to be printed when they are introduced, when reported, etc., and the distribution thereof.

The printing and distribution of documents and reports are specifically regulated by statute.

The law of January 12, 1895,¹⁰ provides specifically for the printing of bills, the method of ordering printing by the House, and the printing of documents:

SEC. 53. The Public Printer shall examine closely the orders of the Senate and House for printing, and in case of duplication he shall print under the first order received.

SEC. 54. Whenever any document or report shall be ordered printed by Congress, such order to print shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. No greater number shall be printed unless ordered by either House, or as hereinafter provided. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered. The usual number of documents and reports shall be one thousand six hundred and eighty two copies, which shall be distributed as follows:

¹28 Stat. L., p. 624.

²28 Stat. L., p. 609.

³Revised Statutes, section 3779.

⁴28 Stat. L., p. 601.

⁵28 Stat. L., p. 962.

⁶28 Stat. L., pp. 616, 617.

⁷28 Stat. L., p. 616.

⁸See the following sections of this chapter for amendments to the general printing law.

⁹See 28 Stat. L., pp. 601–624. As early as 1801 (first session Seventh Congress, Journal, p. 20) a proposition was made that the House appoint a printer. In 1819 the law provided for regulation of the public printing, and the election of a printer for each House by ballot. (3 Stat. L., p. 538.) In 1860 a Government printing establishment was authorized. (12 Stat. L., p. 117.)

¹⁰28 Stat. L., pp. 601–624, as amended by the act of January 20, 1905 (33 Stat. L., p. 610).

This distribution is in tabulated form as follows:

| Places of distribution. | House documents and reports. | Senate document and reports. |
|---|------------------------------|------------------------------|
| Unbound: | | |
| Senate document room | 150 | 220 |
| Office Secretary of Senate | 10 | 10 |
| House document room | 420 | 360 |
| Clerk's Office of House | 20 | 10 |
| Bound: | | |
| Senate Library | 15 | 15 |
| Library of Congress | 52 | 52 |
| House Library | 15 | 15 |
| Superintendent of Documents ¹ | 500 | 500 |
| Reserved in unstitched form to be bound on order of Members, etc | 500 | 500 |
| Total "usual number" | 1,682 | 1,682 |

¹This quota is for distribution to State and Territorial libraries and designated depositories, and by section 4 of act of March 1, 1907 (34 Stat. L.), the Public Printer has a discretion as to the distribution.

That hereafter the usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate report on a private bill, simple or concurrent resolution, three hundred and forty-five copies, which shall be distributed as follows: To the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies: Provided, That nothing contained in this act shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries: Provided, That not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

SEC. 55. There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows: To the Senate document room, two hundred and twenty-five copies; office of Secretary of Senate, fifteen copies; House document room, three hundred and eighty-five copies. There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows: To the Senate document room, one hundred and seventy copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies. There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies. The term "private bill" shall be construed to mean all bills for the relief of private parties, bills granting pensions, bills removing political disabilities, and bills for the survey of rivers and harbors. All bills and resolutions shall be printed in bill form, and, unless specially ordered by either House, shall only be printed when referred to a committee, when favorably reported back, and after their passage by either House. Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and the same shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies.

SEC. 56. There shall be printed in slip form one thousand eight hundred and ten copies of public and four hundred and sixty of private laws, postal conventions, and treaties, which shall be distributed as follows: To the House document room, one thousand copies of public and one hundred copies of private laws; to the Senate document room, five hundred and fifty copies of public and one hundred copies of private laws; to the Department of State, five hundred copies of all laws; and to the Treasury Department, sixty of all laws. Postal conventions and treaties shall be distributed as private laws.

7319. The Secretary of the Senate and Clerk of the House have a discretionary power to order the reprinting of bills, resolutions, documents, etc.

Extra copies of bills may be ordered printed by simple resolution of the House if the cost does not exceed \$500, or by concurrent resolution if the cost exceeds that sum.

Self-appropriating orders for printing extra copies of bills, documents, etc., are required to be by joint resolution.

Resolutions for printing extra copies of bills, documents, etc., are required to be referred to the Committee on Printing to be reported with estimates of cost.

The Joint Committee on Printing may order printed extra copies of a bill, document, etc., at a cost of not to exceed \$200 in any one instance.

Limitation on the power of committees to order printing of hearings.

The act approved March 1, 1907,¹ amendatory of the general printing law, provides as follows as to the printing of extra copies:

PAR. 2. The Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting in a number not exceeding one thousand copies of any pending bill or resolution, or any public law not exceeding fifty pages, or any report from any committee or Congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages, when the supply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

PAR. 3. No committee of Congress shall be empowered to procure the printing of more than one thousand copies of any hearing or other document, which shall be germane thereto, for its use except by simple, concurrent, or joint resolution, as hereinafter provided.

PAR. 4. Orders for printing extra copies, otherwise than herein provided for, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of five hundred dollars by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution. Such resolutions, when presented to either House, shall be referred immediately to the Committee on Printing, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and no extra copies shall be printed before such committee has reported: Provided, That the printing of additional copies may be performed upon orders of the Joint Committee on Printing, within a limit of two hundred dollars in cost in any one instance: And provided further, That nothing in this paragraph shall be held to contravene, the provisions of Public Resolution Numbered Eleven, approved March twenty-eighth, nineteen hundred and four.²

¹34 Stat. L. p. 1012.

²See 33 Stat. L., p. 584. This public resolution provided for the printing of certain numbers of the documents known as "Special Report on the Diseases of the Horse" and "Special Report on the Diseases of Cattle," and further provided: "The superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated," etc.

PAR. 5. The term "extra copies" as used herein shall be construed to mean copies in addition to the usual number as defined in the act providing for the public printing and binding and the distribution of public documents, approved January twelfth, eighteen hundred and ninety-five, and amendments thereto.

**7320. The statutes limit the printing of documents and reports.
The Congressional order to print must expressly authorize the printing of illustrations which are parts of documents or reports.**

The act approved March 1, 1907,¹ provides:

PAR. 6. Either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any Executive Department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this paragraph relating to estimates shall apply to reports or documents not exceeding fifty pages.

Sections 73 and 80 of the law of January 12, 1895,² provide:

SEC. 73. The following reports required by law to be made to Congress shall not be printed unless the printing be recommended by the head of the Department making the same, and ordered by concurrent resolution of Congress, namely: Report of contracts for conveying the mails, report of fines and deductions in the Post-Office Department, the report of the Treasurer of accounts by him from time to time rendered to and settled with the First Comptroller, and the report of the proceedings of the annual meetings of the Board of Supervising Inspectors of Steam Vessels.

SEC. 80. No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations or maps designed therefor shall be ready for publication; and no order for public printing shall be acted upon by the Public Printer after the expiration of one year, unless the entire copy and illustrations for the work shall have been furnished within that period: *Provided*, This section shall not apply to orders heretofore made for the printing of a series of volumes on one subject.

The law approved March 3, 1905,³ provides:

No part of the appropriation made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same.

7321. Illustrations in documents or reports are printed only on express authorization of the House.—On December 13, 1905,⁴ Mr. Theodore E. Burton, of Ohio, proposed this resolution, but withdrew it later after objection:

Resolved, That during the Fifty-ninth Congress the order of the House to print executive documents shall be held to authorize with such printing the engraving of drawings and maps, unless the Speaker shall, in the case of any document, otherwise direct.

The sundry civil appropriation act of March 3, 1905,⁵ provided as follows:

That hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same.

¹ 34 Stat. L., p. 1013.

² 28 Stat. L., pp. 616, 621.

³ 33 Stat. L., p. 1213.

⁴ First session Fifty-ninth Congress, Record, p. 360.

⁵ 33 Stat. L., p. 1213.

This was a substitution of a permanent provision of law for a limitation which had been placed in a previous law.¹

7322. Stationery, blank books, and other papers necessary to legislation are furnished to the House and Senate and their committees on requisition of the Clerk of the House and Secretary of the Senate, respectively.—The act approved March 1, 1907,² provides:

PAR. 8. Stationery, blank books, tables, forms, and other necessary papers preparatory to Congressional legislation, required for the official use of the Senate and the House of Representatives, or the committees and officers thereof, shall be furnished by the Public Printer upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. This shall not operate to prevent the purchase by the officers of the Senate and House of Representatives of such stationery and blank books as may be necessary for sale to Senators and Members in the stationery rooms of the two Houses as now provided by law.

7323. Each Member is entitled to one bound copy of each public document to which he may be entitled.—The act of March 1, 1907,² provides:

PAR. 9. Each Senator and Representative shall be entitled to the binding in half morocco, or material not more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary of the Senate and Clerk of the House, respectively.

7324. The statutes governing the numbering in series and binding of House and Senate reports and documents.—The act of March 1, 1907,³ provides:

That publications ordered printed by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the Senate, to be known as Senate Reports; one series of reports made by the committees of the House of Representatives, to be known as House Reports; one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate Documents, and one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House Documents. The publications in each series shall be consecutively numbered in the order in which they are received, the number of each series continuing in unbroken sequence throughout the entire term of a Congress; but these provisions shall not apply to documents printed in confidence for the use of the Senate in executive session or to confidential hearings of committees. If the publication so ordered be an annual report or serial publication originating in or prepared by an Executive Department, bureau, office, commission, or board, it shall not be numbered in the document or report series of either House of Congress, but shall be designated by title, as hereinafter provided. Of all Department reports required by law to be printed, the usual number shall be printed concurrently with the departmental edition.

In the binding of Congressional numbered documents and reports, and departmental publications furnished for distribution to State and Territorial libraries entitled by law to receive them, every publication of sufficient size on any one subject shall hereafter be bound separately, and receive the title suggested by the subject of the volume; and the others, if of a general public character, shall be arranged in convenient volumes and bound in a manner as directed by the Joint Committee on Printing; and those not of a general public character shall be delivered to the depositories in unbound form, and ten copies shall be bound and distributed as follows: To the Senate library, three copies; to the House library, three copies; the Library of Congress, three copies, and to the office of the Superintendent of Documents, one copy.

¹32 Stat. L., p. 1147.

²34 Stat. L., p. 1013.

³34 Stat. L., pp. 1013, 1014.

7325. The statutes require the binding for the files of copies of bills and resolutions of each Congress.—Section 82 of the act of January 12, 1895,¹ provides:

SEC. 82. The Public Printer shall bind four sets of Senate and House of Representatives bills, joint and concurrent resolutions of each Congress, two for the Senate and two for the House, to be furnished him from the files of the Senate and House document room, the volumes when bound to be kept there for reference.

7326. On February 4, 1880,² the House agreed to a resolution, originally proposed by Mr. Alexander H. Stephens, of Georgia, providing that the Doorkeeper be instructed to have bound sets of bills and resolutions of the House and Senate, not exceeding ten sets for any session, two sets to be deposited in the document room and the remainder in the library of the House of Representatives.

7327. The Joint Committee on Printing have power to regulate the printing of documents to the demand, within certain limits.—The act approved March 30, 1906,³ provides:

That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements: *Provided*, That in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized: *And provided further*, That the number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the Executive Departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such Department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized: *Provided further*, That nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as now authorized, or which may hereafter be authorized, when a legitimate demand for the full complement is known to exist.

7328. Statutes relating to printing the laws for the use of House and Senate.—At the close of each session of Congress there are printed and bound for the use of the Senate 3,000 copies of the acts, joint resolutions of the session, treaties, and postal conventions; and for the use of the House 10,000 copies of the same. The publication has a complete alphabetical index prepared under the direction of the Department of State.⁴

7329. The falsification of a House document was made the subject of examination by a select committee.—On December 10, 1840,⁵ the House created a select committee, with power to send for persons and papers, to ascertain whether a certain House document of the preceding session had been falsified. This committee reported on January 4, 1841, stating that the document had been falsified, and how, and by whom.

¹28 Stat. L., p. 622.

²Second session Forty-sixth Congress, Journal, p. 399; Record, p. 699.

³34 Stat. L., p. 826.

⁴Revised Statutes, sections 210, 3803, 3805, 3807, 3808; Laws, second session Forty-third Congress, p. 401. (18 Stat. L.)

⁵Second session Twenty-sixth Congress, Journal, pp. 28, 140; Globe, pp. 13, 79.

7330. Public documents are distributed to Members in trust for the benefit of the people.—On February 19, 1859,¹ the House agreed to the following resolution reported from the select committee appointed to examine the conduct and accounts of the late Doorkeepers:

Resolved, That all extra copies of books and documents printed by order of the House of Representatives, and divided equally among the Members of the House, are intended for gratuitous distribution to public libraries and among the people, and are given to Members, respectively, in trust for that purpose; and that any other use or disposition of the same is a violation of the trust aforesaid and an abuse which meets the unqualified disapprobation of this House.

7331. The House has sometimes thanked organizations and individuals for public services.—The House, by simple resolution, on July 16, 1861,² extended its thanks to Gen. George B. McClellan and the officers and soldiers under his command, for their achievements in western Virginia.

On July 22,³ in a similar manner, resolutions were agreed to giving the thanks of the House to the Sixth Massachusetts Regiment and to Pennsylvania troops.

On July 1⁴ the Eighth Massachusetts Regiment was thanked by the House.

7332. On January 7, 1863,⁵ the House tendered its thanks to Gen. B. F. Butler for his administration in the Department of the Gulf.

7333. The thanks of Congress have been bestowed in recognition of public services since the early days of the Government.—On February 26, 1885,⁶ the House and Senate, by concurrent resolution, gave the thanks of Congress to Col. Thomas L. Casey and his assistants for their work in completing the Washington Monument.

7334. December 4, 1794,⁷ the thanks of Congress were voted to Generals Wayne and Scott and their soldiers, and the President was asked to transmit this action.

7335. The Thirteenth Congress⁸ recognized the achievements of the soldiers and sailors in the then existing war by the passage of joint resolutions giving the thanks of Congress to individuals by name, and to soldiers and sailors of certain commands generally; and requesting the President to cause commemorative medals to be struck and presented. These acts of Congress were done by joint resolutions, approved by the President of the United States.

Previous to this the Twelfth Congress had requested the President to present gold medals and swords to officers for gallantry on land and sea, but did not give the thanks of Congress.⁹

¹ Second session Thirty-fifth Congress, Journal, p. 441; Globe, p. 1160.

² First session Thirty-seventh Congress, Journal, p. 96, Globe, p. 148.

³ Journal, p. 125, 126; Globe, pp. 223, 224.

⁴ Journal, p. 182.

⁵ Third session Thirty-seventh Congress, Journal, pp. 152, 153.

⁶ Second session Forty-eighth Congress, Journal, p. 667; Record, p. 2200.

⁷ Second session Third Congress, Journal, pp. 251, 252 (Gales and Seaton ed.).

⁸ 3 Stat. L., pp. 245–249.

⁹ 2 Stat. L., pp. 830, 831.

The Eighth Congress, by joint resolution, recognized gallantry at Tripoli by extending the thanks of Congress, and requesting the President to present medals and swords.¹

The Seventh Congress,² for gallantry of a naval officer, requested the President to present a sword. The joint resolution was approved by the President.

The Sixth Congress gave a medal.³

In the Fifty-fifth Congress⁴ Commodore George Dewey and his officers and men were thanked by joint resolution.

7336. Managers of the National Home for Disabled Volunteer Soldiers are elected by joint resolution of Congress.—Nine managers for this Home are elected, from time to time as vacancies occur, by joint resolution of Congress.⁵ The Secretary of the Senate and Clerk of the House shall send to each of its branches all documents which may be printed and bound by order of either House.⁶

7337. Resignation of member of Board of Managers of National Home for Disabled Volunteer Soldiers.—On January 2, 1891,⁷ the Speaker presented to the House the resignation of H. H. Markham, of Los Angeles, Cal., as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers. The resignation was referred to the Committee on Military Affairs and printed in the Journal.

7338. Vacancies and appointments on the Board of Regents of the Smithsonian Institution.—On March 7, 1867,⁸ the Speaker⁹ announced that he had appointed Mr. Luke P. Poland, of Vermont, a regent of the Smithsonian Institution in place of Mr. Patterson, who had been elected to the Senate.

7339. On February 26, 1883,¹⁰ Mr. George F. Edmunds, of Vermont, in a letter to the Senate, declined the appointment of regent of the Smithsonian Institution. The letter was read and a successor appointed, without any question being raised as to the consent of the Senate to the declination.

7340. Resignation and expulsion from the Board of Regents of the Smithsonian Institution.—On January 17, 1855,¹¹ the Speaker laid before the House, by unanimous consent, a letter from Rufus Choate resigning to the two Houses of Congress¹² his office as regent of the Smithsonian Institution. As this letter raised certain questions as to the management of the institution, the House referred it to a select committee.

¹ 2 Stat. L., pp. 346, 347.

² 2 Stat. L., p. 198.

³ 2 Stat. L., p. 87.

⁴ 30 Stat. L., p. 742.

⁵ Revised Statutes, section 4826. This joint resolution is approved by the Executive. (29 Stat. L., p. 472.)

⁶ Revised Statutes, section 4837.

⁷ Second session Fifty-first Congress, Journal, p. 92; Record, p. 900.

⁸ First session Fortieth Congress, Journal, p. 21; Globe, p. 25.

⁹ Schuyler Colfax, of Indiana, Speaker.

¹⁰ Second session Forty-seventh Congress, Record, p. 3261.

¹¹ Second session Thirty-third Congress, Journal, p. 189; Globe, p. 282.

¹² A copy of this letter was also laid before the Senate. (See Globe, p. 302.)

7341. In 1863¹ the House and Senate passed a joint resolution (S. R. 126) expelling George E. Badger from the Board of Regents of the Smithsonian Institution and appointing Louis Agassiz in his place. It appeared from the debates that Mr. Badger adhered to the cause of the Confederate States.

7342. The Congressional Directory is compiled under direction of the Joint Committee on Printing.—The Congressional Directory, containing a list of Members and Senators, with a short biographical sketch of each, and other useful information relating to the Government, is compiled each session under the direction of the Joint Committee on Printing, for distribution and sale.²

7343. References to statutes providing for various indexes.—An index of the acts passed at each session of Congress is prepared under the direction of the Department of State.³ At the close of each session of Congress the committee reports of House and Senate are indexed and bound; one copy is deposited in the library of each House and one in the committee room whence the reports emanated.⁴ The general index of the Journals, begun in 1878,⁵ was discontinued in 1891.

7344. The use of the Government telegraph lines at the Capitol is regulated by statute.

References to statutes regulating the distribution of seeds by Members through the Agricultural Department.

Members may use the Government telegraph lines⁶ connecting the Departments with the Capitol only for public business.⁷

The distribution of seeds by Members is made through the Agricultural Department in accordance with provisions of law.⁸

7345. Relations of the House and its Members to the Military and Naval academies.—Three Members of the House are designated by the Speaker at the session preceding the annual examination of cadets at the Naval Academy as visitors at that institution.⁹ In the same manner three visitors are appointed to attend the examinations at the Military Academy.¹⁰

As soon after the 5th of March each year as possible the Secretary of the Navy notifies each Member and Delegate of any vacancy that may exist in the naval cadetship for his district, and a nomination must be made for the vacancy by the first day of June of that year, or the Secretary of the Navy will be required to appoint from the district where the vacancy exists.¹¹ The law of 1903 made a

¹Third session Thirty-seventh Congress, Journal, p. 730.

²Revised Statutes, sections 77 and 3801; 22 Stat. L., p. 642; 32 Stat. L., p. 583.

³18 Stat L., p. 401.

⁴24 Stat. L., p. 346.

⁵Second session Forty-fifth Congress, 25 Stat. L., p. 709.

⁶This line was established and its operation authorized on December 4, 1873. (First session Forty-third Congress, Journal, p. 58; Record, p. 70.)

⁷18 Stat. L., p. 20.

⁸28 Stat. L., pp. 269, 270; 29 Stat. L., p. 106, and other volumes.

⁹20 Stat. L., p. 290.

¹⁰Revised Statutes, section 1327.

¹¹28 Stat. L., pp. 136, 137.

temporary increase to continue until 1913 of the number of cadets allotted to each Representative, Delegate, and Senator, giving to each the yearly appointment of two instead of one.¹

At the Military Academy the corps of cadets is composed of one from each Congressional district, one from each Territory, one from the District of Columbia, and ten at large. Cadets are usually appointed one year in advance of their admission.²

7346. With certain exceptions all persons not entitled to the privileges of the floor during a session are excluded from the floor of the House at all times.

Accredited members of the press having seats in the gallery and employees of the House may go upon the floor of the House until within fifteen minutes of the hour of meeting.

Present form and history of section 2 of Rule XXXIV.

Section 2 of Rule XXXIV provides:

There shall be excluded at all times from the Hall of the House of Representatives and the cloak-rooms all persons not entitled to the privilege of the floor during the session, except that until fifteen minutes of the hour of the meeting of the House persons employed in its service, accredited members of the press entitled to admission to the press gallery, and other persons on request of Members, by card or in writing, may be admitted.

This rule was reported from the Committee on Rules on January 22, 1902,³ by Mr. John Dalzell, of Pennsylvania, and was agreed to by the House on the same day.

¹32 Stat. L., pp. 1197, 1198.

²Revised Statutes, sections 1315–1319.

³First session Fifty-seventh Congress, Record, pp. 870, 871.

