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* Corrected print.

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* Corrected print.

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THE CODE OF THE LAWS OF THE UNITED STATES.

MARCH 27, 1920.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLE, from the Committee on Revision of the Laws, submitted
the following

REPORT.

[To accompany H. R. 9389.]

The Committee on Revision of the Laws, to which was referred the bill (H. R. 9389) introduced by Mr. Little, to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, having considered the same, report favorably thereon with the recommendation that it do pass with the amendments thereto.

In 1874 the Congress of the United States for the first time enacted a law just like the one proposed. The bill was reported by the Revision of the Laws Committee and taken up in January, 1874, and passed by the House, Hon. Luke Poland being chairman of the committee and Hon. Benjamin F. Butler, of Massachusetts, having been chairman of the committee in the previous Congress, during which the bill was practically prepared. In the Senate, where the Hon. Roscoe Conkling, of New York, was chairman of the Committee on Revision of the Laws, the bill was read by title and passed after a few minutes of discussion. This bill is to include all the laws of the United States of a general and permanent character in force March 4, 1919, and is, in effect, another bill like the Revised Statutes of 1874, of which the second edition was published in 1878.

These laws are drawn from the Revised Statutes of 1874 and the Statutes at Large published since by each Congress, by the chairman and a corps of revisers appointed by the chairman, whose work is examined and approved by the committee. They have been at this work since early last summer, and it is anticipated that before the end of this year the bill will be ready for the House to act upon. If the bill becomes a law it will constitute a code of the laws of the United States, made by the Congress of the United States, in which any person can find, under the respective designated Titles, the laws on each subject, pointed out by what it is hoped will be a suitable and sufficient index. At present, if one wishes to ascertain what the

law is on any point, in order to be accurate he must examine 36 great law books. Much of the law is hidden in appropriation acts, and it is as difficult to locate as a needle in a haystack. In its hearings, and by correspondence with the United States district attorneys and United States judges and others, the committee has laid before the House the general demand for such definite and conclusive legislation and the absolute necessity for the law in such shape that it can be introduced in court as definite evidence of what the law is, a result which can now only be achieved with the introduction of these 36 volumes.

Before beginning preparation of this bill the chairman wrote Federal attorneys and judges asking their views as to the advisability or necessity of another book like the Revised Statutes of 1874 (as appearing in the second edition of 1878). Many replies were received, some of which the committee presents herewith as a part of its report, indicating the dire necessity of such publication. From all parts of the country word of similar tenor has come to the committee. The committee presents here below, first, some of the replies from the United States district attorneys; second, from some of the United States district judges; and third, from some of the judges of the United States circuit courts of appeals:

REPLIES FROM UNITED STATES DISTRICT ATTORNEYS.

Mobile, Ala.—I unhesitatingly say that there is no book, or set of books, more needed in the Federal practice than a publication of the Federal statutes, compiled and revised.—ALEXANDER D. PITTS.

Burlington, Vt.—There is no question but what such a revision of the statutes of the United States is absolutely necessary.—VERNON A. BULLARD.

San Antonio, Tex.—I am glad to have the opportunity of saying with all the emphasis possible that I do not know of anything that would be more useful and helpful to the Federal judges, district attorneys, practitioners in the Federal courts, and citizens generally than a careful and authoritative compilation and revision of the acts of Congress.—HUGH R. ROBERTSON.

Knoxville, Tenn.—It affords me much pleasure to reply and to assure you that this is practically an absolute necessity, both for the use of Government officials and practitioners generally. As you know, the last compilation of the Revised Statutes was about 1878, and since that time more general legislation has been enacted by Congress than during the preceding 100 years. Therefore, the Revised Statutes are practically useless to Government officials.—WESLEY T. KENNERLY.

Portland, Oreg.—I feel that a compiled and revised publication of the Federal statutes is a necessity. It certainly would be very useful to any practitioner of law who has occasion to practice in the Federal courts, particularly with reference to criminal matters.—BERT E. HANEY.

Petersburg, Va.—I can not now recall any law book of which there would be a more extensive use than the statutes of the United States officially brought down to date. In my experience as United States attorney for nearly five years, I have been, at times, greatly embarrassed through the inability to find promptly the Federal statutes bearing upon particular subjects; and notwithstanding the fact that there are now certain publications claiming to cover the field of the Federal statute laws, I do not think that any of them will take the place of the official revision to which you refer.—RICHARD H. MANN.

Fort Worth, Tex.—In my opinion there is a very great necessity for the careful, compact revision of the Federal statutes. I feel certain that such revision would be of great service to the bar, bench, and litigants.—W. M. OBELL.

Memphis, Tenn.—I think it of great importance that the Federal statutes be codified. It is almost impossible now to find the statutes and a lawyer feels uncertain about the existence or nonexistence of Federal statutes because the indexes are so voluminous, and unless you get the right key to the indexes there is great likelihood of overlooking important statutes.—WILLIAM D. KYSER.

Seattle, Wash.—I am particularly convinced of the necessity and importance of an authorized and authentic compilation and revision which proves itself. I have

found in the compiled statutes a convenient but unauthorized compilation: manifest errors whereby certain penalties appeared to be attached to certain acts, when in fact entirely different penalties were by the original act of Congress attached to the commission of those acts.—ROBERT C. SAUNDERS.

Fargo, N. Dak.—We certainly do need a revision of the Federal statutes. I am glad that this work is going to be done. It is woefully needed.—MELVIN A. HILLDRETH.

Martinsburg, W. Va.—I have thought for a long time that there should be a revised publication of the Federal statutes. * * * This need has been apparent for many years. * * * The fact is, as the laws are now compiled it is often very difficult to find a statute, and then sometimes it is hard to determine whether it is in existence, whether it has been repealed or amended, and such information requires great research through the different volumes of compiled statutes and Statutes at Large.—STUART W. WALKER.

Montgomery, Ala.—I certainly do think a revised publication of the Federal statutes compiled and revised in two books, so that a man could find easily and rely upon the information, is almost an absolute necessity at this time.—THOMAS D. SANFORD.

Clarksdale, Miss.—I consider it highly necessary and extremely useful that there be a revised publication of the Federal statutes. * * * The trouble now is finding the law, and the chances are that when one finds the statutes it will take quite a little time to determine whether or not the statutes have been amended or repealed.—W. S. HILL.

Juneau, Alaska.—The statutes since 1878 are so scattered through various volumes that it makes it almost impossible to know what is the law on any given subject, and certainly there should be a revision.—JAMES A. SMISER.

Milwaukee, Wis.—A revision and codification of Federal statutes is seriously needed by both bench and bar. Under present conditions it is many times difficult to find the particular statute wanted and oftentimes very difficult to satisfy oneself that he has found all the statutes applicable to or bearing on the matter or subject involved.—H. A. SAWYER.

Kansas City, Kans.—My idea about the matter is that there should be another complete revision, carefully prepared, and annotated, in either one or two volumes. The indexing would be a very important part of a work of this character.—FRED ROBERTSON.

Muskogee, Okla.—In my opinion the Revised Statutes of the United States ought to be revised and codified. The present Revised Statutes stand as they did in 1878. It occurs to me that possibly 50 per cent of the sections of law in that revision have either been repealed, held unconstitutional, or amended in some form. It certainly can no longer be relied upon as stating the law now in force on a given subject.—W. P. MCGINNIS.

Valdez, Alaska.—Such publication is surely desirable and almost a necessity at this time. A new publication embracing all the statutes up to date is particularly desirable at the present time, in view of the large number of statutes on very important subjects enacted during the last several years.—WILLIAM A. MUNLY.

Nashville, Tenn.—I am in favor of a revised publication of the Federal Statutes in one book if possible, or two books if the compilation can not be made in one book.—LEE DOUGLAS.

Florida.—From my experience in examining the statutes, it seems to me that such a compilation and revision, with especial attention given to the indexing of the same, would be of great value to the bench and the bar. Very often Congress embodies a criminal provision in an appropriation act, thereby making the same difficult to find. In my opinion such a compilation and revision would be of special value with reference to the laws defining and punishing crime.—H. S. PHILLIPS.

Wilmington, Del.—In my opinion a revised publication of Federal Statutes would be most useful and helpful to bar and bench and litigants, and I think it would be most expedient from the standpoint of the Government.—CHARLES F. CURLEY.

Detroit, Mich.—If they could all be revised and compiled into two or three volumes, which would authentically bring down in those volumes all of the general laws of the United States in force, it would be a very great aid to this office and to the legal profession generally.—JOHN E. KINNANE.

San Juan, P. R.—In my experience as United States attorney I have been impressed with the importance of a revision and republication of Federal Statutes up to date in a form that could be easily handled. Such a publication as you refer to I believe would be most helpful to the bar and bench and to the litigant.—MILES M. MARTIN.

Louisville, Ky.—A bill to codify and revise all the general and permanent laws of the United State in force on March 4, 1919, is one of great importance as well as magnitude.—WALTER EVANS.

FROM UNITED STATES DISTRICT JUDGES.

Florida.—I know of no matter requiring more immediate attention than providing the bench and bar with an official revision of the Federal Statutes. It is almost impossible to arrive with certainty at just what the statutory law of the United States now is. I sincerely hope that your committee will see that this revision is made by the present Congress.—R. M. CALL.

New York State.—In my opinion an official revision and publication of the Federal Statutes is an urgent and pressing necessity. The bench and the bar would be greatly aided by such a publication and such a revision. If this is properly done hundreds of thousands of dollars will be saved to litigants and the judges will be relieved of much worry and anxiety incident to the decision of cases. Such a revision, consolidation, and compilation will be of great assistance to the lawyers.—GEORGE W. RAY.

Portland, Oreg.—It has long been obvious that there is a great and urgent necessity for an official publication of the compiled and revised Federal statutes. A new revision would serve to clear up much confusion that the statutes have fallen into by reason of many amendments and subsequent conflicting legislation.—CHARLES E. WOLVERTON.

New York City.—At present it is impossible to get an adequate understanding from official publications of the questions that are pending upon Federal statutory law without an enormous amount of examination of independent statutes.—LEARNED HAND.

Bloomington, Ill.—There can be no question as to both the advisability and the desirability of a revision and compilation of the statutes of the United States.—LEWIS FITZ HENRY.

Baltimore, Md.—I am greatly of the opinion that a new collection of revised statutes is sadly needed.—JOHN M. ROSE.

San Francisco, Calif.—You ask my opinion of the value and necessity of a compilation and revision of the Federal statutes. I am unhesitatingly and strongly in favor of such work. The revision of 1878 is, of course, now very old and incomplete, and by reason of the amendments from time to time of many sections as therein revised, does not present a safe reliance for those called upon to make use of it. A new revision, therefore, of the statutes down to the present date would undoubtedly be of the greatest value to bench and bar alike, and indeed I may say that so far as the judges are concerned we find a growing need for it. I think you will find no division of sentiment on the subject with the bench and bar, and I would be greatly pleased to learn that there is a disposition on the part of your committee to have such a revision made.—WILLIAM C. VAN FLEET.

Cresco, Iowa.—I have no hesitancy in saying that in my judgment a new or revised edition of the statutes of the United States to and including the acts of the present Congress is not only advisable but almost a necessity to enable the courts and bar to readily ascertain the existing public laws of the United States. The difficulty and burden of ascertaining the present status of the laws of Congress is very apparent. The important thing I wish to urge is the necessity of a new revision of the statute law of the United States at the earliest possible date.—HENRY T. REED.

Madison, Wis.—A one-volume edition of the Federal Statutes which would have general application would be exceedingly useful, and I hope such a volume may be brought out under the direction of the revision committee.—A. L. SANBORN.

Charleston, S. C.—An officially compiled publication of the Federal Statutes, revised so as to include all changes and additions to date, would be exceedingly valuable.—HENRY A. M. SMITH.

Mobile, Ala.—In my opinion there has been for a long time a necessity for a revised copy of the Federal Statutes. It is quite a burden to look up what is needed from such statutes. I am certainly glad to see a prospect of an early revision.—ROBERT T. ERVIN.

Hartford, Conn.—It would seem to me that there is great necessity for an official publication of a revised and compiled copy of the Federal Statutes.—EDWIN S. THOMAS.

Providence, R. I.—It would seem necessary that there should be some verification by public authority of the accuracy of private print.—ARTHUR BROWNE.

Guthrie, Okla.—I am decidedly of the view that the Federal laws should be compiled and published in compact form. A compilation in one volume would be of undoubted value and convenience in referring readily to existing statutes.—JOHN H. COTTERAL.

Columbus, Ohio.—It would be of great advantage to both the bench and the bar if there could be brought together in a single volume a compact, systematic, well-indexed issue of the Revised Statutes of the United States. There is a real need of such consolidation. I often have considerable difficulty in tracing the law through the Statutes at Large * * * and I find that attorneys of large experience and extensive prac-

tice in the Federal courts have difficulty in locating specific acts of Congress. A set of statutes, well indexed, will greatly facilitate the work of anyone interested in anywise in the Federal laws.—JOHN E. SATER.

Chicago, Ill.—A publication of revised and compiled Federal Statutes—with references to judicial holdings—would be of very great use to the bench and bar and—considering that the citizen is conclusively presumed to know the law—the publication should be official rather than a thing gotten up by private enterprise.—KENESAW LANDIS.

Sioux Falls, S. Dak.—It has been so long since the compilation and revision of the United States Statutes, that they are practically valueless. Such a publication as you suggest is, in my judgment, very desirable.—JAMES D. ELLIOT.

Pittsburgh, Pa.—I believe that such a consolidation would be exceedingly valuable to the bench and bar.—CHARLES P. ORR.

New Orleans, La.—I think such a work is highly desirable. Notwithstanding very excellent compilations by private parties, whenever I want to know what the law is, I go to the original sources. The committee that did the work on the judicial code produced a splendid law book.—RUFUS G. FOSTER.

Memphis, Tenn.—Undoubtedly such work would be of great assistance to the bench and bar, and I think would be most useful.—JOHN E. MCCALL.

Denver, Colo.—I think it is quite necessary from time to time that the Federal Statutes be compiled embodying, of course, only the acts of general importance.—ROBERT E. LEWIS.

Iowa City, Iowa.—I feel that it would be a good thing to have the Revised Statutes compiled as suggested.—MARTIN G. WADE.

Shreveport, La.—I think a work such as you contemplate would be of much value, but it appears to me what is more needed is that the original Revised Statutes be brought down to date; in other words, that the Statutes at Large since the Revised Statutes be revised and be made easy for reference.—GEORGE WHITFIELD JACK.

CIRCUIT COURT OF APPEALS.

North Carolina Circuit Court of Appeals.—In view of the confusion existing owing to the present condition of the statutes it is absolutely essential that this work be done at an early date. I think it should be done by all means.—J. C. PRITCHARD.

Chicago United States Circuit Court of Appeals.—I think such a publication both desirable and necessary.—EVAN A. EVANS.

North Carolina Circuit Court of Appeals.—I earnestly support the proposition for the revision of the Federal statutes.—C. A. WOODS.

Alabama Circuit Court of Appeals.—It does not seem to me to be open to question that such a revision is to be desired. * * * Not infrequently the task of ascertaining what is the existing Federal statute law is a difficult one.—R. E. WALKER.

United States Circuit Court of Appeals, Fourth Judicial District.—Such publication would be of great value to the judges and lawyers of the United States. I trust that the proposed revision will be undertaken by your committee.—MARTIN A. KNAPP.

New York City United States Circuit Court of Appeals.—There could and should be published now a work containing in appropriate chapter headings the general laws in force arranged by sections as in the Revised Statutes with references to the Statutes at Large for origin. An official general statute book containing the existing law is much needed.—C. M. HOUGH.

New York City United States Circuit Court of Appeals.—I think a revised edition of the Federal statutes would be very useful to the bench and bar.—H. G. WARD.

United States Circuit Court of Appeals of Michigan.—A complete revision after the style of the old Revised Statutes and after the model of the Revised Judicial Code would be a fine thing.—A. C. DENISON.

Chicago United States Circuit Court of Appeals.—If the proposed official revision extend beyond compilation and rearrangement and would proceed at least to the extent of harmonizing apparent contradictions, omitting repetitions, the redrafting of some laws to comply with judicial construction thereof—in fact the revision of things substantive as well as those which concern only arrangement and form—I believe it is a task, though huge, it would be well to undertake. Sooner or later this must be done.—SAMUEL ALSCHULER.

There will be a second number of this report developed in the course of the bill, and in the meantime, as ready from time to time, the bill is appearing for the examination of attorneys and all those interested. The effort of the committee is not to "improve" the law, not to change the law, but to simply reproduce it as it was on

the 4th of March, 1919, as made by the Congress of the United States. Under the authority granted the committee by concurrent resolution, the committee is able to take advantage of every correction that shall be found necessary by the discovery of anyone not connected with the work, and it is the hope of the committee that the bench and bar of the country will, as many of them do now, assist the committee by calling attention to any mistake that may creep into this great code, which will consist of more than 10,000 sections which are being assembled by this committee with very inadequate financial resources, and yet, fortunately, with the assistance of very scholarly and able lawyers. Every suggestion and every correction will be heartily welcomed, and with that end in view the committee lays this bill before the House months before they expect to ask a vote upon it. This volume of The Laws of the United States is intended to be the present, culminating assembly of a Code that began when George Washington signed the first act passed by the Congress of the United States 131 years ago, and will include laws then enacted.



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