

HEARING AND DETERMINATION OF CERTAIN SUITS IN EQUITY.

JANUARY 9, 1903.—Referred to the House Calendar and ordered to be printed.

MR. LITTLEFIELD, from the Committee on the Judiciary, submitted
the following

REPORT.

[To accompany H. R. 16458.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 16458) entitled "A bill to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July second, eighteen hundred and ninety, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,'" recommends its passage, with the following amendments:

Amend section 1 by inserting in line 7, after the word "ninety," the following: "'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted."

Amend section 2 by inserting after the word "under," in line 11, the following: "Any of," and by striking out the word "act" in line 12 and inserting in place thereof the word "acts."

Amend the title so it will read as follows:

A bill to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July second, eighteen hundred and ninety, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other acts having a like purpose that may be hereafter enacted.

This bill is prepared upon the recommendation and to meet the suggestions of the Attorney-General contained in his reply to Hon. Charles E. Littlefield, chairman of the special subcommittee of the Judiciary, which are as follows:

Another step in legislation which I earnestly recommend, and which will, if enacted, greatly hasten a solution of the problem, is that an act be passed as soon as possible to speed the final decision of cases now pending and others that may be raised under the antitrust law. I refer to an act to enable the Attorney-General to secure the original hearing by a full bench of the circuit judges in the circuit wherein is pending any suit brought by the United States under the antitrust law which the Attorney-General certifies to the court to involve questions of great public importance, and giving an appeal from their decision directly to the Supreme Court of the United

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States in such cases, and also giving an appeal directly to the Supreme Court in all pending cases in which the United States is a party which have been heard and are as yet unappealed.

There are a number of cases now provided by statute where appeals may be made directly to the Supreme Court from the district and circuit courts, namely, in cases in which the jurisdiction of the court is in issue, from final sentences and decrees in prize cases, in cases of conviction of a capital or otherwise infamous crime, in cases that involve the construction or application of the Constitution of the United States, in cases in which the constitutionality of any law of the United States or the validity or construction of any treaty is drawn in question, and in cases in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

The class of cases that I suggest should be brought within this rule, it seems to me, is of as great importance as any of those referred to. The suggested provision requiring a full bench of the circuit judges would insure the cases receiving as full consideration before presentation to the Supreme Court as if heard by the United States circuit court of appeals.

The statute referred to by the Attorney-General in his suggestions as now providing for appeals directly to the Supreme Court from the district and circuit courts is section 5 of "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," and is found in Volume I of the Supplement to the Revised Statutes of the United States, page 903. The section reads as follows:

SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in the following cases:

In any case in which the jurisdiction of the court is in issue; in such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

From the final sentences and decrees in prize causes.

In cases of conviction of a capital or otherwise infamous crime.

In any case that involves the construction or application of the Constitution of the United States.

In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority, is drawn in question.

In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Nothing in this act shall affect the jurisdiction of the Supreme Court in cases appealed from the highest court of a State, nor the construction of the statute providing for review of such cases.

Section 1 of this act provides a method by which bills in equity under the Sherman antitrust law, the interstate-commerce law, and any acts having a like purpose that may be hereafter enacted, may be given precedence over other litigation and in every way expedited. This litigation is obviously important and the necessity of early determinations therein is obvious.

Section 2 of the act confers the same rights in substance with reference to such litigation as is conferred in the particular instances referred to in section 5 of the act establishing the circuit court of appeals. No reason is perceived why this request of the Department of Justice should not be complied with and at the earliest possible moment.