

United States Vs. Saunders

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Court : US Supreme Court

Decided On : 1874

Appeal No. : 89 U.S. 492

Appellant : United States

Respondent : Saunders

Judgement :

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United States v. Saunders

89 U.S. (22 Wall.) 492

APPEAL FROM THE COURT OF CLAIMS

SYLLABUS

1. A statute is to be interpreted not only by its exact words, but also by its apparent general purpose. If its general purpose have plain reference to one class of persons, it will not include a single individual in a distinct class, though the mere words might include him.

2. The Botanical Garden at Washington, a long established public garden, and regarded by various acts as under the immediate direction and control of the Joint Library Committee of Congress, is a different garden from the garden established of more recent years by the Department of Agriculture, an executive department, as an appendage to that department.

3. The eighteenth section of the Act of July 28, 1866, providing an increase of 20 percent in pay for several persons employed under the direction of the two Houses of Congress or their committees, including "the three superintendents of the public gardens," and not providing for the pay of any employed in the executive departments, does not embrace a Superintendent of the Public Gardens of the Department of Agriculture. It is confined to the superintendents of the Botanical Garden.

The Superintendent of the Public Garden of the Department of Agriculture is provided for by a joint resolution of 28th of February, 1867, which gives an increase in pay for one year to persons employed in the executive departments.

On the 28th of July, 1866, Congress enacted: [[Footnote 1](#)]

"That there be allowed and paid to the officers, clerks, committee clerks, messengers, and all other employees of the Senate and House of Representatives, and to the Globe and official reporters of each House, and the stenographer of the House, and to the Capitol police, and *the three superintendents of the public gardens*, their clerks and assistants, and to the Librarian, assistant librarians, messengers, and other employees of the Congressional Library, an addition of twenty percent on their present pay, to commence with the present Congress."

This act was repealed July 12, 1870.

By a joint resolution of the 28th of February following, it was resolved: [[Footnote 2](#)]

"That there shall be allowed and paid to . . . its civil officers, clerks, messengers, and watchmen and employees in the executive mansion, and in any of the following named departments, or any bureau thereof, to-wit, State, Treasury, War, Navy, Interior, Post Office, Attorney General, *Agricultural*, and including civil officers and . . . clerks and employees in the office of the coast survey, naval observatory, navy yard, arsenal, paymaster general &c.;, and additional compensation of twenty percent on their respective salaries as fixed by law &c.;, . . . *for one year.* "

With these two proceedings of Congress, the Act of 1866 and the joint resolution of 1870 in force, one Saunders, who was engaged at a salary in superintending the public gardens of the *Department of Agriculture*, at Washington, applied and got an addition of 20 percent to it under the joint resolution, for the one year, during which the resolution gave the increase.

Subsequently, assuming that the Act of Congress was a continuing act and not one making an allowance for one year only, and assuming also *that his employment brought him within its provisions*, he filed a petition in the Court of Claims, alleging that he was "Superintendent of Gardens in the Department of Agriculture," from March 4, 1865, to July 1, 1870, and asking the addition of 20 percent given by *the act of Congress* during that time.

The Court of Claims found as a fact that "he held the position and performed the duties of Superintendent of the Public Gardens of the Department of Agriculture," and during the time for which the 20 percent was claimed; and conceiving that he came within the act, gave him the addition prayed for.

From this, its decision the United States appealed.

The only question considered by this Court was whether Saunders was within the Act of Congress.

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MR. JUSTICE BRADLEY delivered the opinion of the Court.

We are clearly of opinion that the claimant, in this case, was not within the intent and meaning of the eighteenth section of the Act of July 28, 1866.

The Court of Claims finds, it is true, that he held the position of superintendent of the public garden of the Agricultural Department during the period for which the claim is made. But it is well known that the botanical garden near the Capitol has been regarded as a public garden for many years, and long before the experimental garden of the Agricultural Department was established, and that it was managed by a superintendent and assistant superintendents. It is equally well known that this garden has for a long period, if not always, been under the immediate direction and control of the Joint Library Committee of Congress. The public statutes contain a long series of appropriations for both garden and superintendents. Thus, in the appropriation bill of July 2, 1864, for the year ending June 30, 1865, [[Footnote 3](#)] the following appropriation was made:

" *Botanic Garden* -- For grading, draining, procuring manure, tools, *fuel, and repairs*, purchasing trees and shrubs, under the direction of the Library Committee of Congress, \$3300."

"For pay of superintendent of Botanic Garden, and assistants in the Botanic Garden and greenhouses, to be expended under the direction of the Library Committee of Congress, \$6,145.80."

A similar provision is made in the appropriation bill for the year ending June 30, 1866, adding \$2,500 to be expended under direction of the Joint Committee of the Library, for erecting four greenhouses. [[Footnote 4](#)] The like appropriation for salaries was made in the appropriation bill for the year ending June 30, 1867. [[Footnote 5](#)] Then comes the act in question, increasing the salaries 20 percent, to commence with that Congress, to-wit, March 4, 1865. The act increases the salaries of "the three superintendents of the public gardens." Now, in the next appropriation bill, for the year ending June 30, 1868, not only is the ordinary appropriation

made for the "botanic garden under direction of the Library Committee of Congress, \$3,300," and,

"for pay of *superintendent and assistants*, and assistants in the botanic garden and greenhouse, under direction of the Library Committee of Congress, \$6,145.80,"

but a continuation of the 20 percentum is added, thus: "for 20 percentum additional on the pay of the above, \$1,229.16." The designation, "superintendent and assistants," implies at least three in number. No such appropriation is found in reference to the experimental garden attached to the Department of Agriculture. Whilst the botanic garden, under the direction of the Joint Library Committee of Congress, with its superintendent and assistants *eo nomine*, have thus been the subject of appropriations for a long period, the experimental garden, established by the Department of Agriculture, was comparatively recent, and regarded as an appendage of that department, and the appropriations therefor had been made under the general head of appropriations for the said department, and no appropriation for any superintendent thereof, *eo nomine*, had ever been made up to the time of the passage of the Act of July 28, 1866. The appropriation had been for the "experimental garden," and for the salary of the foreman and laborers. [

[Footnote 6](#)]

From this legislative history it is apparent that the botanic garden near the Capitol was regarded as a public garden; that it had a superintendent and assistant superintendents; that appropriations had for years been made for their salaries as superintendent and assistants by name; and that they were employed, and the garden was managed, under the immediate direction of the Joint Library Committee of the two Houses of Congress. They were, in fact, employees of this committee.

Now it seems to us that the eighteenth section of the Act of July 28, 1866, which provides for the addition of the 20 percentum now claimed by the appellee, had reference only to persons employed under the direction of the two Houses

of Congress, or their committees, and not to those of any of the executive departments. The section itself is its own best interpreter. In view of the long supervision over the botanic garden by the Library Committee, and of the previous legislation referred to, language could hardly be plainer than that which it contains.

But there is additional evidence that this increase of salary was intended to be confined to persons employed under the immediate direction of the two Houses of Congress and their committees, in the fact, that by a joint resolution of February 28th, 1867, [[Footnote 7](#)] 20 percent was added to the salaries of all employees of the several executive departments, including the Department of Agriculture, for one year from and after the 30th of June, 1866; and the claimant actually received such addition accordingly. It is not reasonable to suppose that Congress intended to single out this particular employee from all the government employees as alone entitled to a double addition of 20 percent to his compensation, which he certainly would receive for the year named, if his construction of the Act of July 28, 1866, is the correct one.

Judgment reversed and the cause remanded with directions to dismiss the petition.

[[Footnote 1](#)]

14 Stat. at Large 323.

[[Footnote 2](#)]

14 Stat. at Large 569.

[[Footnote 3](#)]

13 Stat. at Large 349.

[[Footnote 4](#)]

14 Stat. at Large 21.

[[Footnote 5](#)]

Id. 193.

[[Footnote 6](#)]

See the acts, 13 Stat. at Large 155; 14 *id.* 202.

[[Footnote 7](#)]

14 Stat. at Large 569.

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