

Chapter CXIX.

THE MOTION TO LAY ON THE TABLE.

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5389. Under the general parliamentary law the motion to lay on the table is used merely to put aside a matter which may be called for at any time.

Explanation of the usage by which the motion to lay on the table, as used in the House, has become the means of a final adverse disposition of a matter.

Jefferson's Manual, in Section XXXIII, provides:

When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

Without any express rule, but by long practice, the House has given to the motion a use entirely different from this. It is now the motion by which the House puts away finally, without debate, a bill, a motion, an appeal, or other matter. A

¹ See section 2804 of Volume IV.

As used in select or standing committees. (Sec. 1737 of Vol. III.)

Not in order in Committee of the Whole. (Sec. 4719 of Vol. IV.)

Not admitted as to conference reports. (Secs. 6538–6544 of this volume.)

² Relation to the motion to reconsider. Secs. 5628–5640 of this volume.)

³ Effect of in relation to resolutions in election cases. (Sec. 461, 467, 618 of Vol. I.)

A proposition to impeach, after being laid on the table, may be presented again. (Sec. 2049 of Vol. III.)

A vetoed bill, although laid on the table, may be taken up. (Sec. 3550 of Vol. IV.)

⁴ Motion to take from the table admitted only by suspension of rules. (Sec. 6288 of this volume.)

⁵ Use of motion in Senate sitting for an impeachment trial. (Sec. 2103 of Vol. III.)

Affirmative vote to lay on the table may be reconsidered. (Sec. 6288 of this volume.)

Division of question not in order on motion to. (Secs. 6138–6140 of this volume.)

bill once laid on the table by vote of the House is practically passed on adversely. This exceptional practice of the House of Representatives has undoubtedly arisen from the fact that the rules governing the order of business give a privileged status to the motion to lay on the table, but not to the motion to take from the table. Hence if a motion to take from the table be made, a single Member, by objecting that the business should proceed in regular order, prevents the entertaining of the motion. And against such objection the motion might be entertained only on suspension of the rules by a two-thirds vote or on authorization reported by the Committee on Rules and concurred in by the House.

In 1806¹ and 1809² the old parliamentary law on this point was still in effect in the House, as is shown by the taking up of bills that had previously been laid on the table.³ In 1841⁴ the present practice had become established, as is shown by the fact that Mr. Speaker White, in response to a parliamentary inquiry by Mr. Millard Fillmore, of New York, stated that if a pending report should be laid on the table it could be taken up again only on a suspension of the rules by a two-thirds vote.⁵

By June 13, 1834⁶ the motion to lay on the table was used to dispose adversely of a resolution coming from the Senate relating to deposits in the United States Bank.

5390. The motion to lay on the table is admitted under general parliamentary law.—On December 6, 1859,⁷ before the election of Speaker or the adoption of rules, Clerk James C. Allen gave the opinion that, under the general parliamentary law, a motion to lay on the table did not preclude debate.⁸

5391. Under the latest rulings a motion to lay a proposition on the table is in order before the Member entitled to prior recognition for debate has begun his remarks.—On July 13, 1892,⁹ Mr. Thomas C. Catchings, of Mississippi, from the Committee on Rules, reported a resolution providing for the immediate consideration of the bill (H. R. 51) to provide for the free coinage of gold and silver bullion, and for other purposes.

The resolution having been read, Mr. Catchings addressed the Speaker.

¹ First session Ninth Congress, Journal, pp. 407, 410; Annals, pp. 1079, 1082.

² Second session Tenth Congress, Journal, pp. 502, 504.

³ As late as the Forty-fifth Congress a rule—Rule 144—provided that a certain class of measures should be laid on the table before final action was taken. On September 23, 1789, a conference report was ordered to lie on the table, and the next day was taken from the table and acted on (first session First Congress, Journal, pp. 151–153); again May 14, 1790, and May 17 (second session First Congress, Journal, pp. 108, 109); again June 14, 1798 (second session Fifth Congress, Journal, p. 564). and January 26, 1808 (second session Tenth Congress, Journal, pp. 324, 325).

⁴ Second session Twenty-seventh Congress, Globe, p. 11.

⁵ The “table” referred to in the motion to lay on the table is the Clerk’s table, and is to be distinguished from the Speaker’s table, to which messages from the President and Senate go, to be laid before the House or referred directly to committees under the rules.

⁶ First session Twenty-third Congress, Journal, p. 749.

⁷ First session Thirty-sixth Congress, Globe, p. 21.

⁸ Under general parliamentary law at the present time the motion to lay on the table is not debatable. (See sec. 117 of Reed’s Parliamentary Rules.)

⁹ First session Fifty-second Congress, Journal, p. 290; Record, pp. 6126, 6127.

Mr. Thomas B. Reed, of Maine, claimed the floor for the purpose of making a motion that the resolution lie on the table, and made the point that he was entitled to recognition to make that motion before Mr. Catchings could be recognized for debate.

The Speaker,¹ overruling the point of order, held that Mr. Catchings, having presented the report from the Committee on Rules, was entitled to the floor under the practice of the House, and that neither a motion to lay on the table nor a motion to adjourn or to take a recess, all of which are highly privileged motions, can take off the floor a gentleman who has the floor.

The Speaker further held:

Under our rules and practice gentlemen who are recognized to move a proposition are entitled to one hour to present that proposition to the House. Under the rules of the House, as suggested by the gentleman from Maine, Mr. Reed, the previous question would cut off debate; but the present occupant of the chair has never heard it suggested that gentlemen in opposition to any proposition had the right to demand the previous question until they were entitled to the floor. For instance, the gentleman from Mississippi, Mr. Catchings, calls up this resolution. If the rule invoked by the gentleman from Maine, Mr. Reed, were correct, the gentleman from Maine would have the right to rise before the gentleman from Mississippi made any remarks, to take him off the floor and demand the previous question.

The Chair submits that the gentleman from Maine can not produce any authority to sustain that position. The motion to lay on the table is a motion that is not debatable, and that motion, like the motion for the previous question, can be made, where it is allowable under the rules to make it at all, whenever the gentlemen get the floor in their own right, or when it is yielded to them for the purpose of allowing the motion; and the Chair believes and has always thought that the motion to lay upon the table could only be made where it was allowable under the rules, like the demand for the previous question, when a gentleman had the floor to make it, and that he could not take the gentleman in charge of the proposition off the floor for that purpose.

The rules provide, for instance, that it shall always be in order to move to adjourn, to move to take a recess, to move to fix a day to which the House shall adjourn. Yet it has never been contended that a gentleman entitled to the floor in his own right could be taken off the floor by a motion of that sort. The motion can be made when a gentleman gets the floor for that purpose, or when the floor is yielded under the rules and some other gentleman is recognized. Therefore the Chair thinks the gentleman from Mississippi, Mr. Catchings, can not be taken off the floor by this motion of the gentleman from Maine, and the Chair recognizes the gentleman from Mississippi.

5392. On April 17, 1897,² Mr. Nelson Dingley, of Maine, had moved that when the House adjourn it be to meet on Wednesday next.

Mr. Jerry Simpson, of Kansas, having made a point of order that this motion was debatable, and the same having been overruled, Mr. Simpson appealed.

Mr. Dingley moved to lay the appeal on the table.

Mr. William H. Fleming, of Georgia, made the point of order that the gentleman from Maine did not have the floor to make the motion, since the gentleman from Kansas had not yielded it.

The Speaker³ overruled the point of order, saying that the motion to lay on the table was a privileged motion.

5393. On April 23, 1897,⁴ Mr. Richard P. Bland, of Missouri, appealed from a decision of the Chair, and announced his purpose to debate the appeal.

¹ Charles F. Crisp, of Georgia, Speaker.

² First session Fifty-fifth Congress, Record, p. 744.

³ Thomas B. Reed, of Maine, Speaker.

⁴ First session Fifty-fifth Congress, Record, pp. 823, 824; Journal, p. 73.

Mr. Dingley, being recognized, moved to lay the appeal on the table.

Mr. James D. Richardson, of Tennessee, made the point of order that the gentleman from Missouri, Mr. Bland, who had taken the appeal, was entitled to the floor to debate it, and could not be prevented by the motion to lay the appeal on the table.

The Speaker,¹ in overruling the point of order, said:

The appeal is debatable unless the House decides otherwise. * * * The gentleman from Missouri was only on the floor to submit his appeal. Whether he should be recognized afterwards as having the floor to address the House involves a different recognition. * * * A privileged motion could come in between the two recognitions. * * * The House may, if it chooses, vote down the motion to lay the appeal on the table. If the House does not wish to hear debate, it need not hear it. * * * The House is not at the mercy of the individual Member, or any Member whatever. The vote of the House must decide the question. * * * If the House desires to hear the gentleman, it will vote down the proposition to lay the appeal on the table. If it does not desire to hear him, * * * it will vote the other way.²

The question being taken on Mr. Dingley's motion there were ayes 86, nays 75, present 23; so the appeal was laid on the table.

5394. On May 23, 1900,³ the House was considering the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, when Mr. D. A. De Armond, of Missouri, who had the floor for debate, proposed an amendment. It having been held that the amendment was not in order under the conditions of the debate then proceeding, Mr. De Armond appealed from this decision.

Mr. Sereno E. Payne, of New York, moved that the appeal lie on the table.

Mr. De Armond objected that he had the floor and it was urged by other Members that he was entitled to the floor to debate the appeal.

The Speaker pro tempore⁴ held that the motion to lay the appeal on the table was then in order, and the motion was agreed to, yeas 129, nays 101.

5395. On February 27, 1903,⁵ Mr. William H. Fleming, of Georgia, offered as a question of privilege the following:

Whereas it appears from the Congressional Record of February 26, 1903, that by actual count and announcement by the Speaker pro tempore a quorum of the House was not present when the resolutions were voted upon declaring that James J. Butler was not elected, and that George C. R. Wagoner was duly elected, a Representative in the Fifty-seventh Congress from the Twelfth Missouri district, and that the point of no quorum was duly raised upon the vote on each of said resolutions, and that the same in each instance was overruled by the Speaker pro tempore in violation of the Constitution, the rules of the House, and the practice of all parliamentary bodies:

Resolved, That the announcement by the Speaker pro tempore that said resolutions were adopted was in fact untrue, and that said James J. Butler is still entitled to his seat in this House, and that the said George C. R. Wagoner is not now entitled to the same.

Mr. Sereno E. Payne, of New York, moved to lay the resolution on the table.

Mr. Fleming claimed that he had the floor, and had not yielded.

¹Thomas B. Reed, of Maine, Speaker.

²For similar ruling see first session Forty-seventh Congress, Record, p. 13.

³First session Fifty-sixth Congress, Record, p. 5919.

⁴Charles H. Grosvenor, of Ohio, Speaker pro tempore.

⁵Second session Fifty-seventh Congress, Record, p. 2759.

The Speaker¹ entertained the motion to lay on the table, saying:

This motion is clearly one that a Member of the House has a right to make, and it intervenes as a preferential motion.

5396. A committee report that a resolution lie on the table does not preclude debate until the Member in charge of the report makes the motion.—On January 27, 1904,² the House was considering a resolution of inquiry relating to expenditures for experiments with flying machines, which had been reported by Mr. James A. Hemenway, of Indiana, from the Committee on Appropriations, with a report recommending that it be laid on the table.

Debate having proceeded, Mr. James A. Tawney, of Minnesota, made the point of order that the motion to lay on the table was not debatable.

The Speaker³ said:

That motion has not yet been entered. The resolution is reported back, and it would require a motion to be entered before a point of order would lie. * * * The report was read within the time of the gentleman from Indiana [Mr. Hemenway], no doubt, for the information of the House; but the reading of the report does not make the motion to lie upon the table. Now, the gentleman from Indiana [Mr. Hemenway] is recognized for an hour and has already addressed the House, and from his time yields to the gentleman from Nebraska [Mr. Hitchcock] five minutes. When the gentleman from Indiana or anybody else having the floor, with the right to make a motion to lie upon the table, makes that motion, then that motion is not debatable.

5397. Although a proposition may be privileged for consideration under the rules, yet a motion to lay it on the table is in order, such action being one form of consideration.—On June 6, 1902,⁴ Mr. John A. T. Hull, of Iowa, from the Committee on Military Affairs, reported a resolution of inquiry relating to the compensation of the military governor of Cuba with the recommendation that it lie on the table.

Mr. Charles L. Bartlett, of Georgia, claiming that the proposition was debatable, said:

I raise the point of order and ask the Chair to decide whether or not, this being a privileged resolution and being under the rules a privileged resolution for consideration, a report recommending that the resolution lie on the table or a motion made by the chairman of the committee is one that must be considered by the House?

Mr. James D. Richardson, of Tennessee, raised the further question of order that the motion to lie on the table, being a privileged motion, might not be applied to another privileged motion.

The Speaker¹ said:

The gentleman from Tennessee must bear in mind that the matter reported by the committee is not a motion, but is a resolution. As the Chair was about to state, the question here presented is a very simple one and has been repeatedly decided. The rules give a committee one week within which to report back a resolution of this character—a resolution of inquiry addressed to the head of a Department. If, as in this case, a resolution of this character, referred to a committee, is not reported back within a week, the rule and the decisions contemplate that any Member of the House may protect

¹ David B. Henderson, of Iowa, Speaker.

² Second session Fifty-eighth Congress, Record, pp. 1259, 1260.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ First session Fifty-seventh Congress, Journal, p. 780; Record, pp. 6389, 6390.

the interests of the House by calling up the resolution for consideration. That becomes a privilege of the House. But there is no decision that divests the committee or the Member representing the committee of the right, the privilege—the Chair might say the duty—of reporting the resolution when it can be done.

Now, while the matter does not bear at all upon the parliamentary situation, it is proper to say that the chairman of the Committee on Military Affairs was ready to report this resolution within the week. But the Chair was very anxious to keep the right of way for the Judiciary Committee, and, at the request of the Chair, the gentleman from Iowa [Mr. Hull], the chairman of the Committee on Military Affairs, postponed calling up the resolution. And it was again postponed yesterday morning on the joint consent of both the gentleman from Georgia [Mr. Bartlett] and the chairman of the Committee on Military Affairs. The only change that has been made in the rights of the Member representing the Committee on Military Affairs is that the House itself has the same privilege that he has—the privilege of bringing up the resolution if it is not reported.

Now, the gentleman from Iowa has brought in this resolution and moved to lay it on the table. Nothing has transpired that changes his right to make that motion; and there is nothing better settled in parliamentary law than that a motion to lay on the table is not debatable. The Chair also has no doubt that, under the usages of the House, the laying of the resolution on the table, like the postponing of it, is a consideration of the matter by the House. The Chair is therefore constrained to overrule the point of order and to hold that the motion made by the chairman of the Committee on Military Affairs is in order; and the question before the House is on that motion.

5398. The motion to lay on the table may be repeated after intervening business.—On April 16, 1852,¹ the House was considering a report from the Committee on Printing, and decided in the negative a motion to lay the report on the table.

The Speaker then stated the question to be on the pending amendment.

Mr. James L. Orr, of South Carolina, moved the previous question, pending which a motion to go into Committee of the Whole was made and disagreed to; the previous question was ordered, a motion to reconsider was made, and that motion was laid on the table; the Member reporting the matter under consideration claimed the floor to close the debate, and after a point of order had been decided was allowed to close. Then Mr. William H. Polk, of Tennessee, moved that the whole subject be laid on the table.

Mr. Volney E. Howard, of Texas, made the point of order that, inasmuch as the character of the question was unchanged since a similar motion was made and decided, it was not in order at this time to submit the motion.

The Speaker² stated that since the former motion to lay on the table there had not only been intervening motions, but farther debate. He therefore overruled the point of order.

Mr. Howard having appealed, the decision of the Chair was sustained.

5399. On April 5, 1852,³ the House was considering a resolution affirming the Missouri compromise of the previous Congress, and a motion to lay the resolution and pending amendment on the table had been decided in the negative.

The question then recurred on a demand for the previous question made before the motion to lay on the table had been made, and the main question was ordered.

¹ First session Thirty-second Congress, Journal, p. 597; Globe, p. 1112.

² Linn Boyd, of Kentucky, Speaker.

³ First session Thirty-second Congress, Journal, p. 550; Globe, p. 980.

Mr. Thomas H. Averitt, of Virginia, moved that the bill and pending amendment be laid on the table.¹

Mr. William H. Polk, of Tennessee, made the point of order that it was not in order to renew the motion to lay on the table at this stage.

The Speaker² said:

The Chair decides that it is in order for the gentleman from Virginia to make his motion, other action having intervened since the question was taken upon the previous motion to lie upon the table. That motion is a privileged question and in very many respects similar to the motion to adjourn.

5400. On May 15, 1854,³ the House had decided in the negative a motion of Mr. Russell Sage, of New York, to lay on the table the pending resolution providing for closing debate in Committee of the Whole House on the state of the Union on the bill (H. R. 236) to organize the Territories of Kansas and Nebraska.

The question then recurred on ordering the previous question, which had been moved before Mr. Sage submitted his motion.

Mr. Sage moved that the House adjourn.

Pending this motion, Mr. E. Wilder Farley, of Maine, moved that when the House adjourn it adjourn to meet on Wednesday next. The question being put on this motion, it was decided in the negative by a yea and nay vote.

The question then recurred on Mr. Sage's motion to adjourn, and it was decided in the negative on a yea and nay vote.

The question then recurred on the motion for the previous question, which was seconded,⁴ and the question then recurred on ordering the main question.

Mr. John Z. Goodrich, of Massachusetts, moved that the House adjourn.

Pending that motion, Mr. Elihu B. Washburne, of Illinois, moved that when the House adjourn it be to meet on Wednesday next. This motion was decided in the negative on a yea and nay vote.

Mr. Goodrich's motion to adjourn was then decided in the negative by a yea and nay vote.

The question was then put on ordering the main question, and it was ordered by a yea and nay vote.

The question then recurred on agreeing to the resolution, when Mr. Israel Washburn, jr., of Maine, moved that the resolution be laid on the table.

The Speaker² decided the motion to be out of order, a similar motion having already been voted on, and no action having since been had on the resolution except to order the previous question thereon.

Mr. Washburn having appealed, the decision of the Chair was sustained.

5401. The motion to lay a bill on the table having been decided in the negative, it was not admitted again on the same day after a call of the House, no actual proceedings on the bill having intervened.—On June 1,

¹Under present practice the motion to lay on the table is not admitted after the previous question is ordered. (See secs. 5415–5422 of this chapter.)

²Linn Boyd, of Kentucky, Speaker.

³First session Thirty-third Congress, Journal, pp. 854–861; Globe, p. 1191.

⁴The previous question no longer requires a second.

1842,¹ the House was considering the amendment of the Senate to the bill (No. 112) entitled "An act to revive and extend the charters of certain banks in the District of Columbia."

A motion was made by Mr. Cuthbert Powell, of Virginia, to amend the amendment, and the previous question was moved by Mr. Powell.

A motion was then made by Mr. John B. Weller, of Ohio, that the bill do lie on the table.² This was decided in the negative—87 yeas to 91 nays.

Mr. Samuel S. Browne, of New York, moved a call of the House, and the motion was negatived—101 nays to 72 yeas.

A motion was then made by Mr. Browne that the bill lie on the table.

The Speaker³ stated that, a motion having been already made that the bill do lie on the table, and decided in the negative, and no change or alteration having been made in the bill, and no proceeding directly touching its merits having taken place since that vote was taken, the present motion to lay on the table was not in order.

The Chair was sustained—122 yeas to 22 nays; Mr. Browne having appealed.

5402. The House having declined to lay a matter on the table, a question of order, an appeal, and a yea-and-nay vote thereon intervened, but this was held not sufficient to justify a repetition of the motion to lay on the table.—On March 23, 1880,⁴ the House declined to lay on the table a motion to reconsider the vote whereby it had voted to lay on the table a motion to amend the Journal.

The Member who made the motion to reconsider proposed thereupon to withdraw it, but a question of order arising, it was decided that the motion might not be withdrawn. An appeal was then taken, and by a yea and nay vote the decision of the Chair was sustained.

Thereupon Mr. Richard W. Townsend, of Illinois, moved to lay the motion to reconsider on the table, claiming that there had been sufficient intervening business since the House had decided in the negative the former motion to lay on the table.

The Speaker⁵ held that the appeal was not such intervening business as would justify the repetition of the motion to lay on the table.

5403. The motion to lay on the table may not be applied to a motion relating to the order of business.

Instance wherein the Speaker submitted to the House the decision of a question of order.

On June 4, 1878,⁶ pending a motion that the House resolve itself into Committee of the Whole House on the state of the Union, Mr. James A. Garfield, of Ohio, moved that when that committee should next resume consideration of the pending tariff bill debate thereon should be limited to four hours.

¹ Second session Twenty-seventh Congress, Journal, p. 890; Globe, p. 564.

² Under the former practice the motion to lay on the table might be made after the previous question had been ordered, but such is not the practice now.

³ John White, of Kentucky, Speaker.

⁴ Second session Forty-sixth Congress, Record, p. 1810.

⁵ Samuel J. Randall, of Pennsylvania, Speaker.

⁶ First session Forty-fifth Congress, Journal, p. 1221; Record, pp. 4094–4098.

Mr. Omar D. Conger, of Michigan, moved an amendment making the time two hours, and this amendment was agreed to by the House.

The question recurring on the motion of Mr. Garfield, as amended, Mr. Charles E. Hooker, of Mississippi, moved to lay the motion on the table.

Mr. Eugene Hale, of Maine, made the point of order that a motion relating to and fixing the order of business can not be laid on the table, and that the said motion of Mr. Hooker was not in order.

After debate on the point of order, the Speaker¹ said:

The Chair can not help viewing this proposition as one in regard to the order in which the business of the House shall be done. Viewing the proposition in that light, the Chair is unwilling to decide the motion to be admissible, and he will submit the question to the House. Shall the proposition of the gentleman from Mississippi be received to be voted on by the House?

The House refused to receive the motion.

5404. On January 18, 1901,² a Friday, Mr. Charles H. Grosvenor, of Ohio, moved that the House resolve itself into Committee of the Whole House for the further consideration of the Private Calendar.

Mr. Allen L. McDermott, of New Jersey, moved to lay that motion on the table. The Speaker³ held that the motion to lay on the table was not in order.

5405. Under the later practice the motion to lay on the table may not be applied to a motion to suspend the rules.

The motion to suspend the rules was not debatable before the rule was made to allow the forty minutes of debate.

The motion to amend may not be applied to a motion to suspend the rules.

On February 9, 1846,⁴ the Committee of the Whole House on the state of the Union were in session, considering the joint resolution No. 5 of notice to Great Britain to “annul and abrogate” the convention between Great Britain and the United States of the 6th of August, 1827, relative to the country “on the northwest coast of America, westward of the Stony Mountains,” commonly called Oregon. Mr. John Quincy Adams, of Massachusetts, had spoken an hour, and the committee rose to enable Mr. C. J. Ingersoll, of Pennsylvania, to move a suspension of the rules, so that Mr. Adams might complete his speech. This motion was made in the form that the rule limiting debate to one hour for each Member be suspended for four hours, and on this Mr. Ingersoll called for the previous question.

The Speaker announced that a vote of two-thirds would be required to suspend the rule.

Mr. Robert C. Schenck, of Ohio, announced his purpose to propose an amendment.

The Speaker⁵ replied that it would not be in order.

¹ Samuel J. Randall, of Pennsylvania, Speaker.

² Second session Fifty-sixth Congress, Record, pp. 1198, 1199.

³ David B. Henderson, of Iowa, Speaker.

⁴ First session Twenty-ninth Congress, Globe, p. 343; Journal, p. 363.

⁵ John W. Davis, of Indiana, Speaker.

Mr. George S. Houston, of Alabama, did not understand, he said, that a demand for the previous question was in order on a mere motion to suspend the rules.

The Speaker said that the motion to suspend the rules was not debatable, inasmuch as it related to the priority of business.¹

Mr. Armistead Burt, of South Carolina, inquired of the Speaker whether a motion to lay the motion to suspend the rule on the table would be in order.

The Speaker said it would, and Mr. Burt submitted that motion, which was decided in the negative, 71 yeas to 126 nays.

The House then proceeded to order the previous question on the motion to suspend the rules, and the latter motion was decided in the negative.

5406. On February 26, 1859,² the Committee of the Whole House on the state of the Union reported that the committee, having, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (H. R. 712) making appropriations for the naval service for the year ending June 30, 1860, had come to no resolution thereon.

Mr. John S. Phelps moved that the five-minute rule be suspended so far as relates to the bill of the House No. 712.

Mr. James L. Seward, of Georgia, moved, at 4 o'clock and 30 minutes p. m., that the House adjourn; which motion was disagreed to.

Mr. Seward having proposed to move that the motion of Mr. John S. Phelps be laid on the table,

The Speaker³ decided that the proposed motion was out of order.⁴

From this decision of the Chair Mr. Seward appealed. The appeal was laid on the table.

5407. It is in order to lay on the table a motion to discharge a committee.—On June 14, 1902,⁵ Mr. James Hay, of Virginia, moved to discharge the Committee on Insular Affairs from the consideration of the following resolution:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, directed to transmit to the Speaker of the House of Representatives a statement showing the amount of money expended by the United States Government since the 1st day of May, 1898, for the cost of the army serving in the Philippine Islands, for the maintenance of both the military and civil governments of said islands, for the transport service maintained between this country and the Philippine Islands, for the maintenance in the War Department of the Insular Bureau, and for any other purpose connected with the occupation and possession of the Philippine Islands by the United States.

As this resolution had been referred to the committee more than a week, the motion to discharge the committee was entertained as privileged.

Mr. Edgar D. Crumpacker, of Indiana, moved to lay on the table the motion to discharge the committee.

This motion was entertained and agreed to.

¹ By special rule forty minutes' debate are now allowed. (See sec. 6820 of this volume.)

² Second session Thirty-fifth Congress, Journal, p. 510; Globe, pp. 1418, 1419.

³ James L. Orr, of South Carolina, Speaker.

⁴ On January 17, 1840, a motion to suspend the rules was laid on the table without question as to its propriety. (First session Twenty-sixth Congress, Journal, p. 1298.)

⁵ First session Fifty-seventh Congress, Journal, p. 805; Record, p. 6811.

5408. The previous question being demanded on a resolution, and the yeas and nays ordered on that demand, a motion to lay the resolution on the table was held not in order.—On January 4, 1901,¹ the House was proceeding to consider a resolution relating to the basis of representation of the several States in the House of Representatives and the electoral college, when Mr. Marlin E. Olmsted, of Pennsylvania, demanded the previous question on the resolution.

The yeas appearing to have it on a division, Mr. Olmsted demanded the yeas and nays, and the yeas and nays were ordered.

Thereupon Mr. James D. Richardson, of Tennessee, moved that the resolution be laid on the table.

The Speaker pro tempore² held:

The House has already ordered the yeas and nays on the motion of the gentleman from Pennsylvania for the previous question, and the motion of the gentleman from Tennessee is not in order. The Clerk will call the roll.

5409. On February 19, 1837, the House was considering resolutions relating to the proposed censure of Mr. John Quincy Adams, of Massachusetts, for having presented certain petitions, when Mr. Aaron Vanderpoel, of New York, moved the previous question on the resolutions, and in accordance with the usage at that time, the demand for the previous question was seconded by a majority of the members present. Thereupon, Mr. William Kennon, of Ohio, moved that the resolutions lie upon the table. This motion was entertained and voted on by the House.³

5410. The motion to lay on the table may not be applied to the motion for the previous question.—On January 28, 1847,⁴ Mr. Seaborn Jones, of Georgia, moved that the votes by which the House that day agreed to the resolution terminating all debate upon the bill (No. 596) making appropriations for the naval service for the year ending the 30th of June, 1848, at 1 o'clock on the succeeding day, be reconsidered.

After several motions for a call of the House, to lay the motion on the table, etc., Mr. George W. Hopkins, of Virginia, moved the previous question on the motion made by Mr. Seaborn Jones to reconsider.

Mr. Joseph M. Root, of Ohio, moved that the motion for the previous question be laid upon the table.

The Speaker⁵ decided that a motion to lay upon the table a motion for the previous question was not in order.

On an appeal the Chair was sustained by a vote of 134 yeas to 1 nay.

5411. On January 28, 1847,⁴ the House was considering a motion to reconsider a vote limiting the time of debate on the naval appropriation bill in Committee of the Whole House on the state of the Union.

Mr. George W. Hopkins, of Virginia, moved the previous question on the motion.

¹ Second session Fifty-sixth Congress, Record, p. 555.

² John Dalzell, of Pennsylvania, Speaker pro tempore.

³ Second session Twenty-fourth Congress, Journal, p. 361.

⁴ Second session Twenty-ninth Congress, Journal, p. 252; Globe, p. 282.

⁵ John W. Davis, of Indiana, Speaker.

Mr. Joseph M. Root, of Ohio, moved that the motion for the previous question be laid on the table.

The Speaker¹ decided that a motion to lay on the table a motion for the previous question was not in order.

Mr. Root having appealed, the decision of the Chair was sustained, yeas 134, nays 1.

5412. The motion to lay on the table may not be applied to the motion to commit authorized after the previous question is ordered.—On April 22, 1892,² the House was considering the contested election case of Noyes *v.* Rockwell, from New York, and the question was on agreeing to the resolutions reported by the committee as amended by a substitute, the previous question having been ordered.

Mr. William J. Bryan, of Nebraska, moved that the resolutions be recommitted to the Committee on Elections, with certain instructions.

Mr. Joseph Wheeler, of Alabama, moved to lay the motion to recommit on the table.

The Speaker³ held that the motion to lay on the table the motion to recommit was not in order.

5413. On March 19, 1900,⁴ the House was considering the bill (H. R. 9047) to incorporate the Washington Telephone Company, etc., and had ordered it to be engrossed and read a third time, under the operation of the previous question.

The bill having been read a third time, Mr. William H. Moody, of Massachusetts, moved to recommit the bill with instructions.

Mr. Joseph W. Babcock, of Wisconsin, moved that this motion be laid on the table.

The Speaker⁵ said:

The Chair thinks that the motion of the gentleman from Wisconsin is out of order.

Mr. Moody's motion having been decided in the negative, Mr. Henry D. Green proposed a motion to recommit with other instructions.

The Speaker said:

Only one motion to recommit is in order.

5414. On March 31, 1904,⁶ the previous question had been ordered on the sundry civil appropriation bill to its final passage, and the bill had been ordered to be engrossed, and had been read a third time.

Mr. William Sulzer, of New York, moved to recommit the bill with instructions.

Mr. James A. Hemenway, of Indiana, moved to lay that motion on the table.

The Speaker⁷ expressed doubt as to the admissibility of the motion to lay on the table, and it was not entertained.

¹ John W. Davis, of Indiana, Speaker.

² First session Fifty-second Congress, Journal, pp. 154, 155; Record, p. 3540.

³ Charles F. Crisp, of Georgia, Speaker.

⁴ First session Fifty-sixth Congress, Record, p. 3061.

⁵ David B. Henderson, of Iowa, Speaker.

⁶ Second session Fifty-eighth Congress, Record, p. 4075.

⁷ Joseph G. Cannon, of Illinois, Speaker.

5415. Under both the earliest and latest practice the motion to lay on the table is not in order after the previous question is ordered.—On December 27, 1814,¹ the bill to incorporate the Bank of the United States was under consideration, and the previous question had been ordered.

Mr. Daniel Webster, of New Hampshire, thereupon moved that the bill lie on the table.

The Speaker pro tempore² decided that this motion was not in order, as the previous question had been demanded, taken, and decided in the affirmative.

Mr. William Gaston, of North Carolina, having taken an appeal, the decision of the Chair was sustained, yeas 108, nays 36.

5416. On May 19, 1858,³ Mr. Speaker Orr ruled that a motion to lay on the table was not in order after the previous question had been ordered.

5417. On February 27, 1844⁴ the report of the Committee on Rules was before the House, and the previous question had been ordered on an amendment proposed by Mr. George C. Dromgoole, of Virginia, when Mr. James E. Belser, of Alabama, moved to lay the whole subject on the table.

Mr. John White, of Kentucky, raised the question of order:

The previous question having been seconded and the main question ordered, a motion to lay the subject upon the table is not in order.

The Speaker⁵ stated that under the forty-sixth⁶ rule of the House a motion to lay on the table took precedence of the previous question; and as it had been the general practice, under this rule, to entertain a motion to lay on the table at any stage of the proceedings between the motion for the previous question and final action by the House, he decided against the point of order raised by Mr. White.

Upon an appeal the Chair was sustained by a vote of 99 to 76.

5418. On January 3, 1848,⁷ Mr. Charles Hudson, of Massachusetts, offered a resolution relating to the Mexican war and the withdrawal of the American troops. Mr. Hudson moved the previous question; which was seconded, and the main question was ordered to be put.

Mr. Alexander H. Stephens, of Georgia, moved that the resolution be laid upon the table.

Mr. Howell Cobb, of Georgia, raised the following question of order: That a motion to lay upon the table was not in order after the previous question had been ordered.

The Speaker⁸ decided that the uniform practice of the House for many years past, confirmed upon repeated appeals, left him no alternative but to pronounce the motion in order. He said that if this was an original question, the Chair would

¹Third session Thirteenth Congress, Journal, p. 621 (Gales and Seaton ed.); Annals, p. 995.

²Nathaniel Macon, of North Carolina, Speaker pro tempore (ex-Speaker).

³First session Thirty-fifth Congress, Journal, pp. 849, 850.

⁴First session Twenty-eighth Congress, Journal, p. 490; Globe, p. 332.

⁵John W. Jones, of Virginia, Speaker.

⁶Now section 4 of Rule XVI. (See sec. 5301 of this volume.)

⁷First session Thirtieth Congress, Journal, p. 175; Globe, p. 93.

⁸Robert C. Winthrop, of Massachusetts, Speaker.

have no difficulty in sustaining the position of the gentleman from Georgia; but the precedents were against him, the House having heretofore permitted a motion to lay on the table to be acted upon after the main question had been ordered. Repeated precedents might be quoted in cases which arose on decisions of the last three Speakers, where appeals were taken to the House from decisions of the Chair and reversed by votes of the House.

Mr. Howell Cobb said the Chair was undoubtedly right as regarded the precedents; but believing the precedents to be wrong, to try the sense of the House upon it, he would now appeal from the decision of the Chair. The Chair was sustained by a vote of 91 yeas to 85 nays.

5419. On May 17, 1878,¹ the House was considering the resolution offered by Mr. Clarkson N. Potter, of New York, for the investigation of alleged fraud in the State of Louisiana in the recent Presidential election.

Mr. Potter having demanded the previous question, the vote was being taken on seconding it,² when a quorum failed.

A call of the House having been had and a quorum having appeared, the Speaker put the question again on seconding the demand for the previous question.

Pending this, Mr. Eugene Hale, of Maine, moved to lay the resolution on the table.

The Speaker³ declared that this motion was not in order, as the question was not "under debate" according to the terms of the rule.

Mr. Hale having appealed, the Speaker stated the appeal thus:

The Chair has ruled that the condition does not exist in the House under which Rule 42 is operative; that, on the contrary, after a call of the House to secure a quorum shall have been disposed of, the House goes back to the situation in which it was originally when dividing on the motion of the gentleman from New York; and the Chair again recognizes the gentleman from New York for that motion.

The Chair was sustained, 143 yeas to 114 nays.

5420. On February 6, 1894,⁴ the House, pursuant to the special order, proceeded to the consideration of the resolutions (Mis. Doc. 75) relating to Hawaiian affairs.

After debate, at 3 o'clock and 30 minutes p. m., the previous question being ordered by the special order on the resolutions and the amendments thereto, Mr. Julius C. Burrows, of Michigan, submitted the question of order whether it was in order now to move to lay the pending resolution on the table.

The Speaker⁵ held that it was not now in order to make that motion.

5421. On March 1, 1897,⁶ the House was considering a bill relating to the transmitting of pictures and descriptions of prize fights through the mails.

Mr. J. Frank Aldrich, of Illinois, who was in charge of the bill, having demanded the previous question, Mr. Alexander M. Dockery, of Missouri, as a parliamentary

¹ Second session Forty-fifth Congress, Journal, p. 1090; Record, pp. 3438, 3521–3523.

² A second is no longer required for the previous question.

³ Samuel J. Randall, of Pennsylvania, Speaker.

⁴ Second session Fifty-third Congress, Journal, pp. 139, 140; Record, p. 1969.

⁵ Charles F. Crisp, of Georgia, Speaker.

⁶ Second session Fifty-fourth Congress, Record, p. 2589.

inquiry, asked if it would be in order, after the previous question was ordered, to move to lay the bill on the table.

The Speaker¹ held that it would not be in order.

5422. On February 9, 1899,² the House was considering the bill (H. R. 10969) for the erection of a public building at Blair, Nebr., upon which the previous question had been ordered to the final passage.

A motion to commit³ having been decided in the negative, the question recurred on the passage.

Mr. Alexander M. Dockery, of Missouri, moved that the bill lie on the table.

The Speaker pro tempore⁴ held that the motion was not in order after the previous question was ordered.

5423. A proposed amendment to a pending bill being laid on the table the bill goes there also.—On December 18, 1826,⁵ the House was considering a resolution relating to the emigration of Indians, when Mr. George W. Owen, of Alabama, moved to lay a pending amendment on the table.

The Speaker⁶ decided that if the amendment was laid on the table the resolution⁷ must go there also.

5424. It is in order to lay upon the table Senate amendments to a House bill, and the bill in such a case goes to the table with the amendments.—On August 2, 1854,⁸ the civil and diplomatic appropriation bill, which had been returned by the Senate with amendments, was before the House. The previous question had been ordered, but the pending question was on a motion by Mr. William Barksdale, of Mississippi, to lay the bill on the table. Mr. Barksdale having withdrawn the motion, it was renewed by Mr. John Wheeler, of New York.⁹

Mr. David T. Disney, of Ohio, thereupon made this point of order:

That it is not competent for this House, having once passed a bill, and subsequently amendments having been made by a coordinate branch of the Government to that bill, to lay that bill upon the table. They have no power over the bill except to act upon the specific amendments made by the coordinate body. There has never been, I undertake to say, in the whole history of parliamentary legislation, any other practice allowed.

The Speaker¹⁰ held:

It is in order to move to lay the amendment of the Senate upon the table; and if the motion be agreed to, it carries the bill with it. The Chair has no doubt about his decision.

5425. The Senate has a rule that an amendment may be laid on the table without carrying the pending measure with it.—On February 27,

¹ Thomas B. Reed, of Maine, Speaker.

² Third session Fifty-fifth Congress, Record, p. 1662.

³ A motion authorized by special rule. (See sec. 5443 of this volume.)

⁴ John F. Lacey, of Iowa, Speaker pro tempore.

⁵ Second session Nineteenth Congress, Debates, p. 538.

⁶ John W. Taylor, of New York, Speaker.

⁷ A bill in this respect stands in the same position as a resolution.

⁸ First session Thirty-third Congress, Journal, p. 1250; Globe, p. 2071.

⁹ This motion was allowed at that time after the previous question was ordered. Under the present practice it is not allowable.

¹⁰ Linn Boyd, of Kentucky, Speaker.

1904,¹ in the Senate, during the consideration of the bill (S. 2263) “to require the employment of vessels of the United States for public purposes,” several amendments were offered and on motion were laid on the table, without taking the bill to the table. This action is in accordance with Rule XVII of the Senate, which provides that—

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure.

5426. A bill being laid on the table, pending motions connected therewith go to the table also.—On January 27, 1853,² the bill (H. R. 277) relating to the fourth installment of public moneys was before the House, and Mr. Edward Stanly, of North Carolina, moved that the bill be committed to the Committee of the Whole House on the state of the Union and be printed.

Mr. Charles Sweetser, of Ohio, moved that the bill be laid on the table. And the question being put, it was decided in the affirmative. So the bill was laid on the table.

Mr. Stanly then called up the motion submitted by him to print the bill.

The Speaker³ decided that the effect of the vote to lay the bill on the table had been to lay upon the table the motion to print, and all other motions connected therewith. It was too late, therefore, to call up the motion to print.⁴

Mr. Stanly having appealed, the appeal was laid on the table.

5427. On February 11, 1852,⁵ Mr. Speaker Boyd ruled that a motion to print a proposition that had been laid on the table was in order, holding that a proposition on the table might be printed.

5428. A resolution may be laid on the table without carrying with it a connected resolution already agreed to or a preamble not yet acted on.—On April 14, 1864,⁶ the House was considering a preamble reciting that Alexander Long, a Member of the House from Ohio, had uttered treasonable words in the Capitol and elsewhere, and two resolutions, the first providing that the said Long be declared an unworthy Member of the House, and the second that the preamble and resolutions be read to the said Long by the Speaker in the presence of the House.

The first resolution had been agreed to by the House, when Mr. William S. Holman, of Indiana, moved that the second resolution be laid on the table.

Mr. Thaddeus Stevens, of Pennsylvania, rising to a question of order, asked if the laying of the resolution on the table would carry anything further with it.

The Speaker pro tempore⁷ held that it would not, the first resolution having been adopted.

The motion to lay on the table was then agreed to.

The preamble was next agreed to.

¹ Second session Fifty-eighth Congress, Record, pp. 2458, 2468.

² Second session Thirty-second Congress, Journal, pp. 194, 195; Globe, p. 426.

³ Linn Boyd, of Kentucky, Speaker.

⁴ Bills are now printed under the rule. In the old practice of the House the motions to lay on the table and print seem to have been combined. (Journal, first session Thirty-second Congress, p. 337; Globe, p. 531.)

⁵ First session Thirty-second Congress, Journal, p. 337; Globe, p. 531. Printing is now done by rule or law.

⁶ First session Thirty-eighth Congress, Journal, p. 523; Globe, p. 1634.

⁷ Edward H. Rollins, of New Hampshire, Speaker pro tempore.

5429. A motion to lay a particular section of a bill on the table being entertained, it was held that the effect of an affirmative decision on it would be to take the whole bill to the table.—On May 20, 1879,¹ while the House was considering, by sections in the House as in Committee of the Whole, the bill (H. R. 564) relating to coin and bullion certificates, and for other purposes, Mr. Omar D. Conger, of Michigan, moved to lay the third section of the bill on the table.

Mr. S. S. Cox, of New York, questioned the propriety of the motion.

The Speaker² held the motion to be in order; and further held that the effect of the motion, if decided in the affirmative, would be to take the whole bill to the table with the amendment.

5430. A preamble may be laid on the table without affecting the status of accompanying resolutions already agreed to by the House.—On February 27, 1873,³ the House was considering the preamble and resolutions reported from the select committee which had investigated the *Crédit Mobilier*. The resolutions had been acted on, when the question was put on the preamble.

Mr. Aaron A. Sargent, of California, moved to lay the preamble on the table.

Mr. Richard J. Haldeman, of Pennsylvania, raised a question as to the effect of such a motion if carried.

The Speaker⁴ held that the motion to lay on the table, if agreed to, would carry to the table the whole subject—that is, the report of the committee—but would not carry the resolutions which had been agreed to, as they were not before the House.

5431. A motion to receive a petition being laid on the table, the petition itself does not go to the table.—On January 9, 1837,⁵ Mr. John Quincy Adams, of Massachusetts, presented to the House a petition praying for the abolition of slavery in the District of Columbia.

A motion having been made that the petition be received, Mr. Gorham Parks, of Maine, proposed a motion to lay on the table the motion to receive, and inquired of the Chair the effect of such a motion if carried.

The Speaker⁶ said that the effect of this motion, if carried, would be simply to arrest the action of the House on the petition, and not to lay the petition itself on the table.

A similar decision was again made on January 16.⁷

5432. On December 18, 1838,⁸ the House was considering the question of receiving a petition praying Congress to open international relations with the Republic of Hayti.

Mr. Henry A. Wise, of Virginia, moved that the preliminary question on receiving the petition lie on the table.

¹ First session Forty-sixth Congress, Record, pp. 1488, 1489.

² Samuel J. Randall, of Pennsylvania, Speaker.

³ Third session Forty-second Congress, Globe, pp. 1834, 1835.

⁴ James G. Blaine, of Maine, Speaker.

⁵ Second session Twenty-fourth Congress, Debates, p. 1316.

⁶ James K. Polk, of Tennessee, Speaker.

⁷ Debates, pp. 1397, 1398.

⁸ Third session Twenty-fifth Congress, Globe, p. 44.

A question arising as to the effect of this motion to lay on the table, the Speaker¹ said that if the motion to lay on the table should be carried the petition would remain in the hands of the gentleman offering to present it; and the motion to receive would lie on the table, subject to be taken up at any future time the House might feel disposed to do so.

5433. On December 12, 1837,² the House voted to lay on the table the motion of Mr. John Quincy Adams, of Massachusetts, that a certain petition praying for the abolition of slavery in the District of Columbia be referred to the Committee for the District of Columbia.

5434. The motion to lay on the table an appeal from a decision of a question of order, does not, when decided in the affirmative, carry to the table the original matter as to which the question of order has arisen.— On March 6, 1840,³ Mr. Millard Fillmore, of New York, moved to reconsider the vote whereby certain papers relating to the New Jersey contested election cases had been referred, and was debating this motion when Mr. David Petrikin, of Pennsylvania, made the point of order that it was not in order.

The Speaker⁴ having overruled the point of order, Mr. Petrikin took an appeal.

A motion was made that this appeal do lie on the table, when Mr. Fillmore submitted, as a question of order, whether it was in order to make a motion that the appeal do lie upon the table.

The Speaker decided that the motion that the appeal do lie on the table was in order; and upon Mr. Fillmore's appeal from this decision the appeal, on motion of Mr. Linn Banks, of Virginia, was laid on the table by a vote of 97 yeas to 76 nays.

Mr. Fillmore inquired of the Chair if the decision just made, to lay his appeal on the table, deprived him of the right of going on with his speech on the motion to reconsider.

The Chair decided that the vote to lay Mr. Fillmore's appeal on the table took with it the original proposition to reconsider and all pending motions. From this decision Mr. Fillmore appealed in writing as follows:

Mr. Fillmore had the floor and was speaking on a motion to reconsider a vote of the House. He was called to order. The Speaker decided he was in order. From this decision an appeal was taken. A motion was then made to lay that appeal on the table. On this a question was then raised whether the motion to lay on the table was in order. The Speaker decided it was. And on this an appeal was taken, and a motion was made to lay the appeal on the table, which was put and carried. The Speaker now decides that by this vote the original motion to reconsider is laid on the table and that Mr. Fillmore is deprived of his right to proceed in the debate. From this decision Mr. Fillmore appeals, insisting that the original judgment of the Chair stands, as it is not reversed, and that he is entitled to the floor on the original motion to reconsider.

After debate, the Speaker said that during the debate upon this appeal he had found previous decisions⁵ that appeals were independent questions, whereupon he

¹James K. Polk, of Tennessee, Speaker.

²Second session Twenty-fifth Congress, Journal, p. 61.

³First session Twenty-sixth Congress, Journal, pp. 529, 530.

⁴Robert M. T. Hunter, of Virginia, Speaker.

⁵The Congressional Globe (first session Twenty-sixth Congress, p. 246) shows that one of the decisions was made on March 16, 1834 (first session Twenty-third Congress, Journal, pp. 1127, 1128), when the resolution relating to the selection of banks in which to deposit the public money was under consideration. Mr. Ely Moore, of New York, moved that the resolution and amendment lie on the

reviewed his decision and decided that, in conformity to the previous practice of the House, the laying the appeal on the table did not carry with it the whole subject.

5435. A proposed amendment to the Journal being laid on the table, the Journal does not accompany the amendment to the table.—On December 13, 1839,¹ while the organization of the House was deferred by the contest of the rival delegations from New Jersey, and while Mr. John Quincy Adams, of Massachusetts, was acting as chairman of the assembly, Mr. Charles F. Mercer, of Virginia, stated an appeal from the Chair, as follows:

A motion being made to amend the Journal of the House while that Journal is passing under the judgment of the House for correction, the Chairman decided that should a motion to amend the Journal be laid on the table, the Journal does not accompany it.

And the House decided to sustain the Chair in the decision that the Journal would not go to the table with the motion to amend.

5436. On April 23, 1834,² a motion to amend the Journal was laid on the table without any question being made as to its carrying the Journal with it.

5437. A bill laid on the table is not technically rejected.—On May 6, 1854,³ Mr. Speaker Boyd, in the course of a ruling, took the ground that a Senate bill which had been laid on the table in the House, was not a “rejected” bill within the meaning of the joint rule which at that time forbade the introduction of a bill which had been rejected.

5438. A proposition involving a question of privilege being laid on the table, may be taken up at any time by a vote of the House.—On February 16, 1864,⁴ while the House was considering the credentials of Mr. James M. Johnson, of Arkansas, a question arose as to the effect of a motion to lay the credentials on the table, and the Speaker⁵ said:

This being a question of privilege, affecting the right of a Member to a seat, the credentials can be called up at any time if laid upon the table. * * * They can be taken up by a vote of the House at any time. * * * In that respect privileged questions differ from all other business.

5439. A vetoed bill, being privileged, may be taken from the table.—On May 4, 1822,⁶ the President returned to the House with his objections the bill “for the preservation and repair of the Cumberland Road.”

The House—

Ordered, That the message containing the objections of the President as aforesaid, together with the said bill, be laid on the table.

On May 6 the bill was taken up, and the question was taken in the mode prescribed in the Constitution of the United States—

That the House on reconsideration do-agree to pass the said bill.

table. Over this a point of order arose, and an appeal was taken from the decision. Pending this appeal Mr. Moore withdrew his motion. But the Speaker pro tempore (Mr. Henry Hubbard, of New Hampshire) decided that the appeal did not fall by the withdrawal of the motion, and was pending.

¹ First session Twenty-sixth Congress, Journal, p. 28; Globe, pp. 46 and 47.

² First session Twenty-third Congress, Journal, pp. 554–557.

³ First session Thirty-third Congress, Journal, p. 720; Globe, p. 1120.

⁴ First session Thirty-eighth Congress, Globe, p. 684.

⁵ Schuyler Colfax, of Indiana, Speaker.

⁶ First session Seventeenth Congress, Journal, pp. 561, 580; Annals, pp. 1803, 1874.

And the yeas being 68 and the nays 72, the bill was rejected.¹

5440. The motion to lay on the table an appeal from a decision of the Chair may be made under general parliamentary law before the adoption of rules.—On January 21, 1890,² before rules had been adopted by the House and while the procedure was under general parliamentary law, Mr. Richard P. Bland, of Missouri, appealed from a decision of the Chair.

The Speaker stated the question, and, after debate, Mr. Joseph G. Cannon, of Illinois, moved to lay the appeal on the table.

Mr. Roger Q. Mills, of Texas, made the point of order that the motion was not in order, there being no rule of the House authorizing it and no rule in parliamentary law therefor.

The Speaker³ overruled the point of order.

5441. Pending a motion to lay on the table, it is not in order to call for the reading of a paper offered as argument.—On June 23, 1822,⁴ the House resumed consideration of the bill (H. R. 584) “to alter and amend the several acts imposing duties on imports,” when Mr. William Fitzgerald moved that the House reconsider the vote of yesterday on an amendment relating to the duty on salt.

Mr. Benedict I. Semmes, of Maryland, moved to lay this motion on the table.

Thereupon Mr. Lewis Williams, of North Carolina, called for the reading of a letter from the Secretary of the Treasury to the Chairman of the Committee on Manufactures.

Objection being made, the Speaker pro tempore⁵ decided that it was not in order, pending the question to lay the motion aforesaid on the table, to call for the reading of any paper not previously in possession of the House.

Mr. Semmes having appealed, the appeal was laid on the table.

5442. It has been held in the Senate that a motion to lay on the table may apply to two papers pending before the body.—On June 30, 1868,⁶ in the Senate, two papers were under consideration—a resolution of the legislature of Florida and the credentials of Thomas W. Osborn as Senator from that State.

Mr. Charles D. Drake, of Missouri, as a parliamentary inquiry relating to the motion to lay on the table, said:

The question is whether I can make a motion that relates to both of the papers or a separate motion for each paper.

The President pro tempore⁷ said:

There is no doubt the Senator can move to lay either or both on the table.

¹ Also on December 22, 1840 (Second session Twenty-sixth Congress, Journal, pp. 91, 92; Globe, p. 47), as a privileged question, a motion to take the election case of *Ingersoll v. Naylor* from the table was made and agreed to. Objection was made, but the privilege of the motion was admitted.

² First session Fifty-first Congress, Journal, p. 144; Record, p. 749.

³ Thomas B. Reed, of Maine, Speaker.

⁴ First session Twenty-second Congress, Journal, p. 935; Debates p. 3720.

⁵ James K. Polk, of Tennessee, Speaker pro tempore.

⁶ Second session Fortieth Congress, Globe, p. 3605.

⁷ Benjamin F. Wade, of Ohio, President pro tempore.