Chapter CXXII.

THE MOTION TO REFER AS RELATED TO THE PREVIOUS QUESTION.

5569. The motion to refer provided for in the rule for the previous question.—Section 1 of Rule XVII [2] provides:

It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

5570. The motion to commit under section 1 of Rule XVII is not debatable, but is amendable unless the previous question is ordered on it.—On February 7, 1901,[3] the previous question had been ordered on the Post-Office appropriation bill to the final passage, and under the operation thereof the bill had been passed to be engrossed and read a third time.

Pending the question on the passage of the bill, Mr. Claude A. Swanson, of Virginia, moved to recommit the bill, and on that motion demanded the previous question.

Mr. John S. Williams, of Mississippi, rising to a parliamentary inquiry, asked whether or not, should the previous question be voted down, the motion to recommit would be open to debate.

The Speaker [4] replied that it would be open to amendment, but not to debate.

5571. On March 31, 1904,[5] the previous question had been ordered on the sundry civil appropriation bill to its final passage, and the bill having been engrossed

[1] Only one motion in order. (Sec. 5885 of this volume.)

[2] For full form and history of this rule see section 5443 of this volume.

[3] Second session Fifty-sixth Congress, Record, p. 2100.

[4] David B. Henderson, of Iowa, Speaker.

[5] Second session Fifty-eighth Congress, Record, pp. 4075, 4076.

and read a third time, Mr. William Sulzer, of New York, moved to recommit with instructions.

On this motion Mr. James A. Hemenway, of Indiana, moved the previous question.

Mr. John S. Williams, of Mississippi, having suggested that the motion should be withheld to permit debate on the motion to recommit, the Speaker [1] said:

The previous question is now operating upon the bill to its final passage. The gentleman from New York moves to recommit the bill with instructions.

Now, the effect of the previous question under these circumstances is to cut off amendments. Debate has already been cut off, and whether the previous question upon this motion be ordered now or not, debate would not be in order save by unanimous consent.

5572. The motion to commit after the previous question is ordered applies to resolutions, the word "bill" in the rule being a generic term applying to all legislative propositions.—On May 22, 1884,[2] the House had under consideration the contested-election case of English *v.* Peelle. Mr. Alphonso Hart, of Ohio, had proposed a substitute for the resolutions reported by the Committee on Elections, and the House had agreed to this substitute, the previous question being ordered on the substitute and the original resolutions.

Mr. William M. Springer, of Illinois, had moved to reconsider this vote, and Mr. Hart had moved to lay Mr. Springer's motion on the table. The House refused to lay the motion on the table, and voted to reconsider.

The question recurring on the substitute submitted by Mr. Hart, Mr. Thomas M. Browne, of Indiana, submitted a resolution in the nature of a motion to recommit the case to the Committee on Elections, with instructions to make a recount of the ballots.

Mr. Springer made the point of order that the motion to recommit was not in order for the reason that the rule under which it was permitted (Rule XVII) applied solely to bills on their passage.

The Speaker [3] overruled the point of order on the ground that the term "bill," as used in the rule, was a generic term and included all legislative propositions which could properly come before the House. The Speaker further held that if the previous question had been ordered only on the substitute, the motion to recommit would not be in order, but being ordered on the resolutions reported from the Committee on Elections and also the substitute therefor submitted by Mr. Hart, the motion was in order—the House, by reconsideration, having reached the original state of proceedings on the substitute.

5573. The motion to commit provided for in the rule for the previous question applies not only to bills but to resolutions of the House alone.

An opinion of the Speaker that the motion to commit is not in order when the previous question has been ordered simply on a pending amendment.

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[1] Joseph G. Cannon, of Illinois, Speaker.

[2] First session Forty-eighth Congress, Journal, p. 1296.

[3] John G. Carlisle, of Kentucky, Speaker.

On May 22, 1884,[1] the House had under consideration the contested-election case of English *v.* Peelle, from Indiana. A substitute to the resolution of the majority of the committee had been offered and under the operation of the previous question, which was ordered on both substitute and resolution, had been agreed to. Then the vote adopting this substitute had been reconsidered.

When the question recurred again on the adoption of the substitute, Mr. Thomas M. Browne, of Indiana, moved to recommit the resolution to the Committee on Elections with certain instructions.

Mr. William M. Springer, of Illinois, made the point of order that, as the Chair had ruled in other cases that the motion to recommit was in order only on the final passage of a bill, and not before the engrossment, the present motion was not in order, since the final passage of a bill was not pending.

Mr. Springer made the further point of order that if the motion to recommit was in order at all, it should have been made immediately after the previous question was ordered and before the proceedings under the previous question had begun.

The Speaker[2] said:

On yesterday, upon the motion of the gentleman from Ohio [Mr. Geo. L. Converse], the House ordered the previous question, not only upon the amendment which was proposed by the minority of the Committee on Elections, but upon the adoption of the resolutions reported by the majority of the committee. Thereupon a vote was taken in the House on the adoption of the amendment proposed by the minority of the committee, and it was agreed to.

The gentleman from Illinois [Mr. Springer] then moved to reconsider the vote by which the amendment was agreed to, and this morning that vote has been reconsidered. Therefore the House now stands with reference to this matter precisely as it did before any vote had been taken after the previous question was ordered. If the previous question had been ordered only upon the amendment proposed by the minority of the committee, the Chair would have no hesitation in holding that it was not now in order, under the rules of the House, to move to recommit, either with or without instructions. But the previous question, as the Chair has already said, has been ordered not only upon the amendment, but upon the adoption of the original resolutions reported by the majority of the committee. The House, by reconsidering that vote by which yesterday the amendment was adopted, has gone back to precisely the same stage of proceedings which existed before any vote whatever had been taken upon the amendment.

The only question, then, is whether it is in order at any time after the previous question has been ordered to recommit measures except what is technically termed a "bill." The Chair thinks that the term "bill" as used in Rule XVII is a generic term, and includes all legislative propositions which can come before the House.[3]

In accordance with this opinion, the Chair has during this session invariably held that it was in order to recommit other propositions than bills after the previous question had been ordered. The Chair thinks that this motion is in order, and so decides.

5574. The motion to commit provided for in the rule for the previous question, may be applied to a motion to amend the Journal.

A former rule of the House provided that motions might be committed, and the principle has been reasserted by the Chair.

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[1] First session Forty-eighth Congress, Record, p. 4403.

[2] John G. Carlisle, of Kentucky, Speaker.

[3] Mr. Speaker Keifer had held in the preceding Congress that the motion to commit under Rule XVII applied only to bills and not to the resolution then before the House from the Committee on Rules. (Second session Forty-seventh Congress, Journal, p. 505; Record, p. 3315.)

On March 23, 1880,[1] the House was considering a motion submitted by Mr. James A. Garfield, of Ohio, to amend the Journal, and on this motion the previous question had been demanded.

Thereupon Mr. Elijah C. Phister, of Kentucky, moved to refer the motion to the Committee on the Judiciary.

The point of order being made against this motion by Mr. Garfield, the Speaker[2] said:

> The Chair entertains the motion under the latter portion of the first clause of Rule XVII, which provides—
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> "That it shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee."

The suggestion being made that a resolution or bill could be committed, but not a motion, the Speaker had read the former rule of the House (No. 47): "Motions and reports may be committed at the pleasure of the House."[3]

5575. The previous question having been ordered on a motion to agree to a Senate amendment to a House bill, a motion to commit is in order.— On November 1, 1893,[4] the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion.

Mr. Leonidas F. Livingtson, of Georgia, submitted the question of order whether, after the previous question should have been ordered on the motion to concur in a Senate amendment, it would be in order to commit the bill and amendment to a committee with instructions.

The Speaker[5] expressed the opinion that the motion to commit would in such case be in order.

5576. The motion to refer under Rule XVII may be made pending the demand for the previous question, on the passage, whether a bill or resolution be under consideration.—On January 4, 1904,[6] Mr. James Hay, of Virginia, presented a resolution relating to an investigation of certain alleged misconduct on the part of Members, and after debate thereon, moved the previous question.

Pending this question Mr. Sereno E. Payne, of New York, rising to a parliamentary inquiry, asked when it would be in order to make a motion to commit the resolution.

The Speaker[7] said:

> The Chair is of the opinion that, pending the demand for the previous question the motion which the gentleman indicates would not be in order.

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[1] Second session Forty-sixth Congress, Record, pp. 1814, 1815.

[2] Samuel J. Randall of Pennsylvania, Speaker.

[3] The revision of the rules had recently taken place when this ruling was made, and this rule 47 had disappeared in that revision; but the Speaker evidently considered the principle involved as surviving.

[4] First session Fifty-third Congress, Journal, p. 162; Record, p. 3060.

[5] Charles F. Crisp, of Georgia, Speaker.

[6] Second session Fifty-eighth Congress, Record, p. 448.

[7] Joseph G. Cannon, of Illinois, Speaker.

The question was then taken on the motion for the previous question, the yeas and nays being ordered. There appeared, yeas 78, nays 78, answering present 9—not a quorum.

Thereupon the House adjourned.

On January 5,[1] when the resolution was again taken up, the Speaker said.

The Chair desires at this time to correct a ruling made by the Chair yesterday. After the previous question had been moved upon this resolution yesterday the gentleman from New York [Mr. Payne] proposed a motion to refer. The Chair had in mind clause 4 of Rule XVI, which is as follows:

"When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order."

Now, with that rule standing alone, the ruling of the Chair was strictly in accordance with the letter of the rule; but the Chair had overlooked Rule XVII, which is as follows:

"There shall be a motion for the previous question, which, being ordered by a majority of Members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee."

In the opinion of the Chair, if called upon to rule for the first time and harmonize Rule XVI with Rule XVII, the Chair would hold that Rule XVI applies to resolutions and that Rule XVII applies to joint resolutions and bills.

Evidently, under Rule XVII, it was the intention of the House, by the adoption of the same, to give the House an opportunity after a bill had been engrossed and read a third time, if there were accidents, or for any reason it was the sense of the House that the bill ought to be recommitted, to have that opportunity. In practice that motion is in constant use in the ordinary business of the House in cases where the previous question is ordered upon the bill to its passage after the bill has been engrossed and read a third time. But the Chair does not feel at liberty or believe that it would be a correct ruling, in view of the practice of the House heretofore, to so harmonize these two rules. It has been the practice of the House, certainly from the time of Speaker Crisp, to hold that Rule XVII applies to resolutions as well as to bills. That was followed by Speaker Reed and also by Speaker Henderson.

Gentlemen are familiar with that fact, for the reason that in cases of resolutions reported from election committees in the determination of election contests it has been the constant practice after the substitute was voted on to move to recommit with or without instructions. So the practice of the House having been to substantially nullify Rule XVI, and the Chair, not feeling at liberty to depart from that practice, so far as the motion to commit is concerned, holds that under Rule XVII it is in order, pending a motion for the previous question upon a resolution[2] or after the previous question upon the resolution has been ordered, either, at the election of the House, to commit the resolution.

The Chair thought proper to call the attention of the House promptly to the error that the Chair fell into yesterday.

5577. Where separate motions for the previous question are made, respectively, on the third reading and on the passage of a bill, the motion to commit should be made only pending the demand for or after the previous question is ordered on the passage.

Under the rule for the previous question but one motion to commit is in order.

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[1] Record, pp. 474, 475.

[2] See, however, section 5585.

On January 17, 1884,[1] the House had under consideration a bill for immediate improvement of the Mississippi River, the previous question having been moved on the third reading only, and not on the bill to its final passage. A motion was made to commit the bill with certain instructions. This motion was defeated. The question recurring on ordering the bill to be read a third time, Mr. John D. White, of Kentucky, inquired whether it would be in order to move to commit the bill with instructions; or, if not now, whether it would be in order after the previous question should have been ordered.

The Speaker[2] stated that under the rule of the House it was in order to move to commit with or without instructions pending the demand for the previous question or after the previous question had been ordered on the passage of the bill.

Mr. Albert S. Willis, of Kentucky, made the point of order that one such motion had been made and that the privilege was exhausted. But the Speaker replied that the motion had been made while the question was on ordering the bill to a third reading. Only one such motion was in order after the ordering of the previous question on the passage of a bill or pending the demand for the previous question on the passage.

It was then recalled to the Speaker's attention that the previous question had been demanded on the third reading before the motion to commit was made. The Speaker said that probably it was a mistake to entertain the motion to commit under the circumstances. But the previous question having been ordered on the passage, the motion to commit was in order.

5578. Where the motion for the previous question covers all stages of the bill to the final passage, the motion to commit is made after the third reading, and is not in order before engrossment or third reading or pending the motion for the previous question.—On May 26, 1896,[3] the House had under consideration the bill (H. R. 3282) relating to the use of alcohol in the arts, and the previous question, on motion of Mr. Walter Evans, of Kentucky, had been ordered on the bill and amendments to the passage, when Mr. William E. Barrett, of Massachusetts, proposed a motion to recommit with instructions.

The Speaker[4] held that the motion would not be in order until the bill had passed to be engrossed and had been read a third time, saying:

> The Chair supposes that the practical principle involved is this: After the House has proceeded to amendment of the bill, and the bill has reached its final position, ready to be engrossed, or ordered to be engrossed, then, if the House is dissatisfied with it, it may move to commit, or recommit, as the phraseology ordinarily is. That is to enable the House to correct its action in case the bill when finished is not satisfactory.

Again, on January 12, 1897,[5] the House having under consideration the bill (H. R. 9601) relating to the unlawful use of the franking privilege, and Mr. Eugene F. Loud, of California, having demanded the previous question on the engrossment

[1] First session Forty-eighth Congress, Record, p. 466; Journal, pp. 338, 339.

[2] John G. Carlisle, of Kentucky, Speaker.

[3] First session Fifty-fourth Congress, Record, p. 5753.

[4] Thomas B. Reed, of Maine, Speaker.

[5] Second session Fifty-fourth Congress, Record, pp. 739, 740.

and to the passage of the bill, Mr. William E. Barrett, of Massachusetts, moved to recommit the bill, with certain instructions.

The Speaker held that this motion would not be in order until after the bill had passed to be engrossed and been read a third time, saying:

The proposition is that it is the motion for the previous question upon the final passage that is spoken of as pending, and during the pendency or after the passage of which a motion to commit may be submitted. Now, the rule of the House permits a double motion, which is to move the previous question on the engrossment to the passage, so that when under the operation of that double motion, or a motion double in its effect, a motion to recommit is presented, it must wait until the bill has passed to be engrossed before it can become pending. Such has always been the ruling in the House, and such, as it seems to the Chair, is the plain meaning of the rule. * * * It is simply a question as to when the motion to recommit becomes effective in the proceedings. * * *

The bill could be passed in this way: First, by a motion for the previous question upon the engrossment of the bill, and then the previous question would exhaust itself, and the question might become a subject of discussion if the previous question were not renewed on the passage; and it is at that time that the motion to recommit is admissible under our rules, upon the theory that the House, having amended the bill, and having ordered it to be engrossed, and having presumably examined the engrossed copy, is not satisfied with the amendments which have been made in the bill, and therefore wants to recommit it, and then the House has a last chance to send it to a committee. According to our system the bill is up. The House has the right to send it to a committee or a right to amend it. It chooses to amend it. Having amended it, and having had it engrossed, and having examined it, the House comes to the conclusion that it is not satisfied with the bill, and therefore by its rules gives itself the right to send it again to a committee, to enable them to make such changes as may make it more acceptable to the House.

Now, where the gentleman from Massachusetts [Mr. Barrett] is misled is in the joining together, by the rule of the House, of the two motions for the previous question—the one on the motion that the bill be engrossed, and the other on the motion for the passage. Now, that seems to the Chair to be clear.

5579. On March 19, 1898,[1] the Post-Office appropriation bill was reported from the Committee of the Whole, and Mr. Eugene F. Loud, of California, demanded the previous question on the engrossment and third reading of the bill to its passage.

Mr. Leonidas F. Livingston, of Georgia, moved to recommit the bill.

The Speaker[2] said:

This is not the proper time to make that motion. The motion to recommit should be made after the bill is engrossed. The question is on ordering the previous question.

5580. On May 5, 1898,[3] the previous question had been ordered on the engrossment and third reading and to the passage of the bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees.

Mr. Samuel Maxwell, of Nebraska, moved that the bill be recommitted.

The Speaker[2] decided that the motion was not in order at that time, as the question was on the engrossment and third reading.

The bill having been ordered to be engrossed and read a third time, Mr. James Hamilton Lewis moved to recommit the bill with certain instructions.

This motion having been decided in the negative, the question recurred on the passage of the bill, when Mr. Maxwell proposed a motion to recommit.

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[1] Second session Fifty-fifth Congress, Record, p. 3015.

[2] Thomas B. Reed, of Maine, Speaker.

[3] Second session Fifty-fifth Congress, Record, p. 4649.

The Speaker said:

A motion to recommit will not be in order. Only one motion to recommit is in order. The gentleman could have amended by moving to strike out the instructions, but not now.

5581. On May 23, 1900,[1] the House was considering the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, and Mr. George W. Ray, of New York, moved the previous question on the bill and amendment to the final passage.

Mr. D. A. De Armond, of Missouri, made a motion to recommit, claiming that such motion was in order pending the motion for the previous question, under section 1 of Rule XVII.

The Speaker pro tempore[2] read to the House section 1015 of the "Parliamentary Precedents," and held that in accordance with the precedents of the House the motion was not at that time in order.

5582. After the previous question is ordered the motion to commit may be amended, as by adding instructions, unless such amendment be precluded by moving the previous question on the motion to commit.

The motion to commit, made after the previous question is ordered, is not debatable.

Under the rule for the previous question, but one motion to commit is in order.

To a bill proposing one mode of arranging the Presidential succession, an amendment proposing a joint resolution for submitting a constitutional amendment on a plan differing as to details was held germane.

On January 15, 1886,[3] the House was considering a bill relating to the Presidential succession, and the previous question had been demanded on its passage, when Mr. Andrew J. Perkins, of Tennessee, proposed to recommit the bill; and at the same time, as a parliamentary inquiry, asked if a motion to recommit with instructions would be in order in case the motion to recommit should be voted down.

The Speaker[4] replied:

The Chair thinks not. Under the rule but one motion to recommit is in order,[5] whether with or without instructions. The Chair, however, has ruled heretofore that a motion to recommit without instruction is subject to an amendment, so as to instruct the committee.

Thereupon Mr. Thomas Ryan, of Kansas, made this motion:

Recommit the bill with instructions to report as a substitute a resolution submitting an amendment to the Constitution providing one or more additional Vice-Presidents, upon whom, in their order, the office of President shall devolve in case of the removal, death, resignation, or inability both of President and Vice-President.

Mr. Roger Q. Mills, of Texas, made the point of order that these instructions were not germane.

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[1] First session Fifty-sixth Congress, Record, p. 5921.

[2] Charles H. Grosvenor, of Ohio, Speaker pro tempore.

[3] First session Forty-ninth Congress, Record, pp. 694, 695; Journal, pp. 378, 379.

[4] John G. Carlisle, of Kentucky, Speaker.

[5] See also sections 5577, 5580, 5604.

The Speaker ruled:

The Chair thinks on examination that the matter of the resolution which it is proposed to instruct the committee to report is germane to the subject-matter of this bill. It is upon the succession to the Presidential office; and though it may come back to the House in the form of a joint resolution instead of a bill, technically speaking, yet it requires the same proceeding in the House, and is a similar legislative proposition.

The inquiry having been made as to whether or not these instructions might be amended, the Speaker replied that the motion to recommit was amendable, but not debatable.[1]

An amendment having been proposed to the instructions, Mr. William M. Springer, of Illinois, made the point of order that the motion to commit was not amendable.

The Speaker said:

That point was made during the Forty-eighth Congress, and the Chair then decided that under the rule of the House one motion to recommit with or without instruction, and one motion only, was in order, but that from the very nature of the case Members upon the floor ought to have the right to offer an amendment to the motion, and for the very obvious reason that an advocate of the pending measure, and therefore an opponent of recommitment, might offer a motion to recommit with such instructions as it was evident the House would not agree to, thereby preventing anybody who desired in good faith to recommit the measure from submitting such a motion. The Chair thought it was a matter of simple justice to those on the floor who desired to recommit with substantial instructions that they should have an opportunity to propose amendments. The motion to recommit is an independent proposition, upon which the previous question may be ordered, and until such order is made by the House the Chair thinks amendments may be proposed as in other cases.[2]

5583. On June 12, 1884,[3] the House having under consideration a bill relating to certain public works on rivers and harbors, Mr. John D. White, of Kentucky, moved that the bill be committed to a select committee, with certain instructions.

Pending this, Mr. James D. Belford, of Colorado, moved to amend the motion of Mr. White by adding the following: "And shall be paid in the standard silver coin of the United States or in silver certificates."

Mr. William H. Calkins, of Indiana, made the point of order that the motion of Mr. White to commit with instructions was not amendable.

The Speaker[4] held the motion to be amendable, for the reason that, there being a special rule permitting a motion to commit with or without instructions pending the demand for or after the previous question was ordered, the motion to commit was subject to amendment as provided by the rules of the House, and amendments could only be precluded by ordering the previous question on the motion to commit.

5584. On December 11, 1894,[5] the House was considering the bill (H. R. 7273) to amend an act entitled "An act to regulate commerce," approved Feb-

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[1] For similar ruling that motion to commit under these circumstances is not debatable see Record, first session Fifty-fourth Congress, p. 4477.

[2] On March 15, 1888 (first session Fiftieth Congress, Journal, pp. 1182, 1183; Record, p. 2111), Mr. Speaker Carlisle reaffirmed this position, saying that if the motion to recommit was not amendable it would be in the power of the opponents of recommittal to make the motion in such form that the House would vote it down, and thus deprive the other side of the power to submit a proposition that might be acceptable to the House.

[3] First session Forty-eighth Congress, Journal, p. 1430.

[4] John G. Carlisle, of Kentucky, Speaker.

[5] Third session Fifty-third Congress, Journal, pp. 28, 29; Record, p. 230.

ruary 4, 1889, and the question was on the passage, the previous question being ordered.

Mr. Charles M. Cooper, of Florida, moved to recommit the bill to the Committee on Interstate and Foreign Commerce.

Mr. W. C. P. Breckinridge, of Kentucky, moved to amend the motion of Mr. Cooper by substituting the following:

That the bill be recommitted to the Committee on Interstate and Foreign Commerce with instruction to report the bill with an amendment that no agreement contemplated, authorized, or permitted shall become valid until the same has been submitted to the Interstate Commerce Commissioners and by said Commissioners approved and promulgated.

On motion of Mr. Josiah Patterson, of Tennessee, the previous question was ordered on the amendment and on the motion of Mr. Cooper, of Florida, to recommit.

The amendment proposed by Mr. Breckinridge having been disagreed to, the question recurred on the motion of Mr. Cooper, of Florida, to recommit.

Mr. James D. Richardson, of Tennessee, made the point of order that the motion of Mr. Breckinridge was an independent motion to recommit with instructions and that the same having been rejected no other motion to recommit was in order, inasmuch as the rule permitted but one motion to recommit at this stage of the bill.

The Speaker [1] overruled the point of order, holding that the proposition of Mr. Breckinridge, whatever might be its form, was offered as an amendment, and was in effect an amendment to the motion of Mr. Cooper, of Florida, to recommit. The Speaker further said:

It is not an open question at all. This matter was very thoroughly discussed in the Forty-eighth Congress and decided at that time by the then Speaker of the House. It was held by the Speaker in a decision covering the whole ground, that this motion to commit with or without instructions was merely an enlargement of the right of amendment. It gave an additional opportunity to amend the bill and carried with it all the incidents of an original amendment, unless, of course, the offering of the amendment was precluded by the previous question. The Journal of the Forty-eighth Congress, page 1430, contains this decision:

"A motion to commit under clause I of Rule XVII, with or without instructions, is subject to amendment under Rule XIX, unless precluded by ordering the previous question on the motion to commit."

And ever since that time such has been the practice of the House invariably.

5585. When the previous question has been ordered on a simple resolution (as distinguished from a joint resolution) and a pending amendment, the motion to commit should be made after the vote on the amendment.— On April 22, 1892,[2] the House was considering the contested-election case of Noyes *v.* Rockwell, from New York, and the previous question was offered on the resolutions reported by the committee and on a substitute offered by the minority.

Mr. William J. Bryan, of Nebraska, submitted the question of order whether it would be in order at this stage to move to recommit the report to the Committee on Elections.

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[1] Charles F. Crisp, of Georgia, Speaker.

[2] First session Fifty-second Congress, Journal, pp. 154, 155; Record, p. 3538.

The Speaker [1] held as follows:

The Chair thinks that motion is not in order at this time. The rule provides that a motion to recommit may be made either before or after the previous question is ordered upon the passage of a bill. It has been frequently held by presiding officers that the word "bill" in this case is used as a generic term, applying to and including all legislative propositions which can properly come before the House. So that in this case the House must first dispose of the substitute, which is but an amendment; and after the disposition of that, when the question shall be upon the original resolutions as amended or without amendment, the motion to recommit will be in order. The motion to recommit may be made whether the substitute be voted down or not.

5586. On September 5, 1890,[2] the House was considering the election case which involved the title of Mr. Clifton R. Breckinridge, of Arkansas, to his seat. The previous question was ordered on the resolutions proposed by the majority of the committee, and also at the same time on a substitute therefore proposed by the minority.

Mr. Charles F. Crisp, of Georgia, then offered a resolution which was, in effect, a motion to recommit with instructions.

The Speaker pro tempore [3] ruled that the resolution was not in order for present consideration, as the pending question was on agreeing to the substitute, while the resolution had reference to the recommitment of the resolutions reported by the Committee on Elections.

5587. On April 21, 1896,[4] the House had considered the contested-election case of Goodwyn *v.* Cobb, from Alabama, and the previous question had been demanded on the original resolutions and a substitute therefore proposed by the minority.

Mr. Charles L. Bartlett, of Georgia, asked if a motion to recommit would be entertained after the previous question had been ordered.

The Speaker [5] said:

The Chair thinks that after the question on the substitute has been decided a motion to recommit may be in order.

Again, on April 26, 1898 [6] in the case of Wise *v.* Young, from Virginia, the previous question was ordered on the resolutions and substitute; and then, before the substitute was voted on, the motion to recommit with instructions was entertained.

After this vote had been taken the Speaker [5] said:

The Chair thinks that properly the motion to recommit should have come in after the resolution had been perfected, after the substitute had been disposed of. The question now is on agreeing to the substitute.

5588. On April 22, 1892,[7] the previous question was ordered on the resolutions reported by the Committee on Elections in the New York case of Noyes *v.* Rockwell, and on a substitute offered by the minority.

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[1] Charles F. Crisp, of Georgia, Speaker.

[2] First session Fifty-first Congress, Journal, p. 1014; Record, p. 9749.

[3] Julius C. Burrows, of Michigan, Speaker pro tempore.

[4] First session Fifty-fourth Congress, Record, p. 4242.

[5] Thomas B. Reed, of Maine, Speaker.

[6] Second session Fifty-fifth Congress, Record, p. 4286.

[7] First session Fifty-second Congress, Journal, p. 156; Record, pp. 3538–3540.

The substitute having been agreed to, and the question being on agreeing to the resolutions as amended, Mr. William J. Bryan, of Nebraska, moved to recommit the resolutions with certain instructions.

Mr. Asher G. Caruth, of Kentucky, submitted the question of order whether it would not be inconsistent, the House having voted that the contestee was entitled to his seat, to now recommit the case to the committee.

The Speaker[1] held that, by analogy to the practice in the consideration of a bill, it was in order to recommit at any time before the report as amended was finally agreed to.

5589. The previous question having been ordered, and a motion to recommit having been made in the form of a resolution with a preamble, the preamble was ruled out of order.—On June 3, 1882,[2] the House was considering the contested-election case of Lowe *v.* Wheeler, from the Eighth district of Alabama, when, the previous question having been demanded, Mr. William M. Springer, of Illinois, proposed a motion to recommit, under section 1 of Rule XVII.

This motion to recommit was in form of a preamble of seventeen paragraphs reciting statements relating to the case, followed by a resolution of recommittal with instructions.

Mr. John A. Kasson, of Iowa, made the point of order that the preamble was not in order, being in the nature of argument or debate, which was not in order pending the motion for the previous question, and asked for an inspection of the paper by the Chair before being read to the House.

After debate the Speaker[3] said:

> The Chair desires to state that it does not feel called on to define the form of any motion of this character. Nor will the Chair, in determining whether a motion of this character is in order, look to see whether the matters referred to in it are true or false, or in any sense look to the motive of the mover.
>
> The difficulty with this resolution (if it turns out to be on inspection in proper form) lies, in the opinion of the Chair, not so much in the fact that it is long, because it might be the desire of the mover and of the House to commit a bill on a proposition of any kind with instructions of very considerable length, but in reading the preamble over many things are found in it which could not possibly relate to a motion to commit with instructions. * * * As, for instance, such as these:
>
> "Whereas the essential points in the report of the majority are based entirely upon the papers above mentioned."
>
> That could not in any sense be connected with the motion to recommit. Again—
>
> "Whereas the House of Representatives of the United States should not deprive a Member of his prima facie right to his seat except in pursuance of law."
>
> What has that to do with the motion to recommit? And so it goes on in other portions of the preamble.
>
> Cushing, in his Law and Practice of Legislative Assemblies, defines a preamble to be in the nature of a reason, or debate; and though it is sometimes connected with a bill, or adopted with a bill, it is never regarded as good legislation. Now, the Chair thinks that the gentleman from Illinois has the right, as he undoubtedly has under the rule, to move to recommit with or without instructions, and to do that without reducing the motion to writing. But would it be held to be in order for him to rise in his place and state "whereas," etc., going on, as preliminary to the motion, to arraign the committee at great length, or for a limited time, and then conclude by making the motion to recommit? The

[1] Charles F. Crisp, of Georgia, Speaker.

[2] First session Forty-seventh Congress, Journal, pp. 1395, 1396; Record, pp. 4501–4504.

[3] J. Warren Keifer, of Ohio, Speaker.

Chair think that would not be in order, for if that could be done, he might do it whether he desired to recommit with instructions or not, and for other reasons.

The Chair holds that it would be a very bad precedent to allow the motion to recommit to contain any matter, whether in the form of a preamble or otherwise, that was in its nature debate. If this preamble, as submitted by the gentleman from Illinois, contained nothing but a statement in the form of a preamble even of the particular thing that the committee would be required, under the instructions, to investigate, the Chair would not stop with the form of it, but would treat it as if it were a motion to recommit with instructions; and in that case the Chair would hold that the motion would be to recommit for the purpose of investigating the foregoing matter. Possibly the motion might come in and be allowed to go that far. There are other objections to it, but, taking this as a whole, the Chair thinks it is not properly a motion to recommit.

Mr. John E. Kenna, of West Virginia, having appealed from the decision of the Chair, the Speaker directed the preamble and resolution to be read before submitting the appeal to the House.

The appeal being submitted, it was laid on the table on motion of Mr. Thomas B. Reed, of Maine.

5590. The vote whereby a bill was passed having been reconsidered, amendments having been made and the third reading ordered again under operation of the previous question, a motion to recommit was held to be in order, although such a motion had previously been rejected.—On August 12, 1890,[1] the Speaker laid before the House a bill recalled from the Senate, being a bill (S. 3917) to adopt regulations for preventing collisions at sea. The vote whereby the bill had been passed having been reconsidered, and an amendment having been adopted, Mr. Nelson Dingley, jr., of Maine, demanded the previous question on the amendment and on the third reading and passage of the bill, which was ordered, and under the operation thereof the amendment was agreed to.

The bill as amended was then read the third time, and the question being on its passage as amended, Mr. John H. Rogers, of Arkansas, moved that the bill, as amended, be committed to the Committee on Merchant Marine and Fisheries.

Mr. Dingley made the point of order that the motion was not in order for the reason that the same had been previously made and rejected by the House.

The Speaker[2] overruled the point of order on the ground that the vote by which the bill was passed had been reconsidered and the bill amended, thus presenting a new question for the judgment of the House.

5591. A bill recommitted under section 1 of Rule XVII (rule of the previous question) and reported back to the House must again be put on its passage to be engrossed for a third reading.

A bill recommitted under the rule relating to the previous question, and on which, when it is again reported and considered, the previous question is again ordered, may again be subjected to the motion to commit.

A bill which, after consideration in Committee of the Whole, is recommitted with instructions to strike out a portion, does not, when again reported, require consideration in Committee of the Whole.

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[1] First session Fifty-first Congress, Journal, p. 946; Record, pp. 8473–8476.

[2] Thomas B. Reed, of Maine, Speaker.

Interpretation of the rule which forbids the repetition of the motions to postpone or refer at the same stage of the question.

On July 10, 1886,[1] pending the demand for the previous question on the passage of the general deficiency appropriation bill, the House recommitted the bill to the Committee on Appropriations with instructions to strike out that portion of the bill which provided for one month's extra compensation to certain employees of the House.

Mr. James N. Burnes, of Missouri, having reported the bill back with an amendment striking out the portion referred to in the instructions, Mr. Thomas M. Browne, of Indiana, made the point of order that the bill stood now as it did when originally reported from the committee, and that it must be considered in Committee of the Whole.

The Speaker,[2] in response to suggestions from various Members, said that it was undoubtedly true, should the bill go to the Committee of the Whole, that that committee could not strike out anything that had been inserted by the House; that the bill as now reported contained no provision which had not already received full consideration in Committee of the Whole House on the state of the Union, and that the amendment which had now been reported by the Appropriations Committee was to strike out a subject which was considered and adopted in Committee of the Whole. Therefore the Chair would decide that the bill should not be considered in Committee of the Whole.

Mr. Thomas M. Browne, of Indiana, then moved to recommit the bill to the Committee on Appropriations, with instructions to strike out the paragraph appropriating for rental of a wharf at Galveston, Tex.

The previous question was ordered.

Mr. Browne's motion having been disagreed to, the amendment reported by the Appropriations Committee, to strike out the provision relating to a month's extra pay for employees, was agreed to.

The Speaker then announced that the question was on the engrossment and third reading of the bill.

Mr. Charles S. Baker, of New York, moved to recommit the bill, with instructions to strike out a provision of the bill relating to United States commissioners.

The Speaker ruled:

> That motion is not in order now. After the previous question has been demanded and ordered on the passage of a bill under a special rule of the House, a motion to recommit may be made. * * * Under the old rule of the House, which corresponds with the old parliamentary law, no motion was allowed to be made to recommit when the previous question had been ordered on its passage; but under a special rule of the House, after a bill has been ordered to be engrossed and read a third time and the question is on the passage of the bill, even though the previous question has been demanded and ordered, one motion to recommit is in order.

The bill having been ordered to be engrossed and read a third time, and the question being on the passage, Mr. Baker moved that the bill be recommitted with certain instructions relating to United States commissioners.

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[1] First session Forty-ninth Congress, Record, pp. 6757, 6758; Journal, pp. 2168–2170.

[2] John G. Carlisle, of Kentucky, Speaker.

Mr. Thomas M. Bayne, of Pennsylvania, made the point of order under section 4 of Rule XVI, which provided:

* * * No motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided shall be again allowed on the same day at the same stage of the question.

The Speaker ruled:

This is not the same proposition at all. At the time the House recommitted the bill to the Committee on Appropriations with instructions to report it back after striking out a certain clause, there was in the bill a provision to pay certain employees of the Government a month's extra compensation. The bill being then on its passage, it was recommitted to the Committee on Appropriations under these instructions. It now comes back under a rule of the House, and is on its third reading and open to further amendment. The bill does not now contain that clause. It is an entirely different report from the Committee on Appropriations from that upon which the House was acting an hour or so ago. * * * Under the rule there can be but one motion to recommit the bill when the question is on its passage, and no other motion can be made. But this is a different bill, a different report from the committee, and the motion is in order.

5592. The Committee of the Whole having decided between two propositions and the House having agreed to the amendment embodying that decision, it was held to be in order in the House to move to recommit with instructions that in effect brought the two propositions to the decision of the House.—On February 23, 1899,[1] the House under operation of the previous question had passed to be engrossed and read a third time the naval appropriation bill, when Mr. Charles A. Boutelle, of Maine, moved that the bill be recommitted with instructions to report it back with an amendment fixing the price of armor plate at $545 instead of $445 per ton.

Messrs. Charles H. Grosvenor, of Ohio, and James D. Richardson, of Tennessee, made the point of order that this would be adopting by a motion to recommit a proposition which the Committee of the Whole had voted down, since the Committee of the Whole had by an amendment to an amendment stricken out $545 and inserted $445.[2]

The Speaker[3] said:

The Chair thinks the motion to recommit is under the circumstances in order.

5593. Although the decisions conflict, those last made do not admit the motion to commit after the previous question has been ordered on a report from the Committee on Rules.—On January 8,1894,[4] the previous question had been ordered on a resolution reported from the Committee on Rules, providing for the consideration of the bill (H. R. 4864) to reduce taxation, provide revenue, etc.

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[1] Third session Fifty-fifth Congress, Record, p. 2257.

[2] The proposition fixing the price of armor plate at $545 had been offered February 22 as an amendment and on February 23 this amendment was adopted after being amended by striking out $545 and inserting $445. (Record, p. 2255.) The House, when it voted on the amendment as reported from the Committee of the Whole, had either to agree to it or reject it, as the previous question had been ordered. So the only opportunity to test the opinion of the House on the question of the two prices was by the motion to recommit with instructions.

[3] Thomas B. Reed, of Maine, Speaker.

[4] Second session Fifty-third Congress, Journal, pp. 71, 72; Record, p. 534.

Mr. Thomas B. Reed, of Maine, moved to recommit the resolution to the Committee on Rules, with instructions to report an order for the consideration of the bill (H. R. 4864), which would allow more time for general debate.

Mr. William M. Springer, of Illinois, made the point of order that it was not in order to recommit a report from the Committee on Rules.

The Speaker [1] held that the motion to recommit was in order.

5594. On March 28, 1894,[2] the previous question had been ordered on a resolution reported from the Committee on Rules, fixing times for the consideration of the contested election cases of O'Neill *v.* Joy, from Missouri, and English *v.* Hilborn, from California.

Mr. Thomas B. Reed, of Maine, moved to recommit the pending resolution to the Committee on Rules with instruction to so modify the resolution that an additional vote might be had in the Joy case on the question of ordering a new election, if the House should determine that the facts required one, and with instruction to allow a suitable time for discussion.

Mr. Joseph H. Outhwaite, of Ohio, made the point of order that a motion to recommit a report of the Committee on Rules was not now in order.

The Speaker [1] sustained the point of order, holding as follows:

In the first place ordinarily under all parliamentary rules with which the Chair has any acquaintance, except the system under which we are now operating, a motion to recommit is not in order after the previous question is demanded or ordered. A motion to recommit is simply another method of permitting the House to amend, and under ordinary rules the the right of amendment is cut off by the previous question. The House has, however, a provision in its rules that even pending the demand for the previous question or after it is ordered a motion to recommit may be in order.

Rule XI provides that "It shall always be in order to call up for consideration a report from the Committee on Rules, and pending the consideration thereof the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of."

Now, the purpose of the rule, as disclosed by the language which has been read, was that on reports from the Committee on Rules the House should have the right, without delay and without motions tending to delay, to dispose of such report. The language is similar to that used in reference to motions to suspend the rules; and the Chair is aware that there may be some embarrassment at times because of the distinction between a report from the Committee on Rules and a motion to suspend the rules. But take the case now before the House. The Chair has no doubt that it is within the power of the House to amend a report from the Committee on Rules. The Chair has never entertained any doubt about that. If the House should vote down the demand for the previous question, then this report could be amended.

The idea that the Chair has always had in enforcing this new rule was so to construe it as to permit the House to vote without delay upon the final proposition, either as reported by the committee or as agreed upon by the House if the House should choose to amend it.

Now, the House has ordered the previous question. What does the previous question mean? It means that the House shall proceed to vote upon the proposition on which it is ordered. If a motion to recommit is in order, perhaps a motion to lay on the table might be in order; and the effect of both these motions, whatever the motive of the mover might be, would be to delay the House in reaching a final vote on the proposition before it, and on which the House has expressed a desire for a final vote by ordering the previous question. The Chair has always held, in construing the rule, that any motion which would tend to prevent the House from a speedy vote upon the final proposition is not in order.

The Chair holds that on a report from the Committee on Rules, when the previous question has been ordered, it is not in order to move to recommit to the committee. The Chair thus holds the more

[1] Charles F. Crisp, of Georgia, Speaker.

[2] Second session Fifty-third Congress, Journal, pp. 279, 280; Record, p. 3284.

willingly because the matter is entirely in the power of the House. If the House desires to amend or alter in any respect a report of this character, it need only vote down a demand for the previous question, and then the whole field of amendment is open; the report can be altered in any way to suit the wishes of the House.

In other words, the Chair accepts the ordering of the previous question as an expression of the desire of the majority of the House to vote upon the resolution as it stood when the previous question was called upon it. Therefore the Chair holds that the motion to recommit is not in order.[1]

5595. On May 18, 1896,[2] Mr. David B. Henderson, of Iowa, presented from the Committee on Rules a report fixing a time for the consideration of bills reported from the Committee on Immigration and Naturalization.

The previous question having been ordered, Mr. Grove L. Johnson, of California, rising to a parliamentary inquiry, asked if it would be in order to move to recommit the resolution to the Committee on Rules with instructions.

The Speaker[3] replied that it would be in order.

5596. On May 20, 1896,[4] the previous question had been ordered on a resolution reported from the Committee on Rules providing certain days. for business reported from the Committee on Labor.

Mr. Thaddeus M. Mahon, of Pennsylvania, moved to recommit the resolutions with certain instructions.

Mr. John Dalzell, of Pennsylvania, raised a question as to whether or not such a motion was in order.

The Speaker[3] held that it was in order.

5597. On April 11, 1900,[5] the House was considering a resolution reported from the Committee on Rules providing time and conditions for consideration of the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes," with Senate amendments.

The previous question having been ordered on the resolution, Mr. James D. Richardson, of Tennessee, moved to recommit with instructions.

Mr. John Dalzell, of Pennsylvania, made the point of order against the motion.

The Speaker[6] said:

The Chair will state that on the proposition of the gentleman from Tennessee there has been a conflict of rulings. Some Speakers have held that the motion was in order, and others have held that the motion is not in order. Speaker Crisp has held that the motion was not in order. Speaker Reed has admitted it. The present Chair is clearly of the opinion that a rule reported by the Committee on Rules, upon which the previous question is ordered, is not subject to a motion to recommit, and therefore overrules the motion.

5598. On May 31, 1900,[7] the previous question had been ordered on a resolution reported from the Committee on Rules relating to the consideration of House

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[1] A similar decision was also made on January 30, 1895. (See Journal, pp. 94, 95, third session Fifty-third Congress.) Also on February 26, 1883 (second session Forty-seventh Congress, Record, p. 3315), Mr. Speaker Keifer held that the motion to recommit after the previous question was ordered applied only to bills, which had several stages, and not to the pending resolution from the Committee on Rules.

[2] First session Fifty-fourth Congress, Record, p. 5382.

[3] Thomas B. Reed, of Maine, Speaker.

[4] First session Fifty-fourth Congress, Record, p. 5469.

[5] First session Fifty-sixth Congress, Record, p. 4032; Journal, p. 457.

[6] David B. Henderson, of Iowa, Speaker.

[7] First session Fifty-sixth Congress, Record, p. 6303; Journal, p. 647.

resolution 138, proposing an amendment to the Constitution relating to trusts, and the bill (H. R. 10539) to amend the law relating to unlawful restraints and monopolies.

The question being on agreeing to the resolution, Mr. James D. Richardson, of Tennessee, proposed a motion to recommit the resolution with instructions.

Mr. John Dalzell made the point of order against the motion.

The Speaker [1] sustained the point of order. saying:

The Chair has ruled in this session on this question, following the ruling of Speaker Crisp, who made the ruling distinctly. * * * The Chair will say that he has thoroughly examined all of these authorities, that he did so before making the ruling he made in the early part of the session, and therefore the Chair follows the ruling that he then made. The Chair will hear arguments when the Chair has not made up his mind and is in doubt; but when his mind is clear, of course there is no use in making arguments and unnecessarily taking up the time of the House.

5599. On February 17, 1902,[2] Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented the following:

Resolved, That immediately on the adoption of this rule, and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole on the state of the Union for consideration of the bill (H. R. 10530) to repeal wax-revenue taxation, and for other purposes; that on February 18, at 4 o'clock p. m., general debate shall be closed in Committee of the Whole, when the committee shall rise and report the bill with such amendments as have been recommended by the Committee on Ways and Means; and immediately the House shall vote without debate or intervening motions on the several amendments reported from the Committee of the whole on the engrossment and third reading, and (if the bill shall have passed to be engrossed and read a third time) on the final passage. General leave to print is granted for ten days from February 18 on the bill H. R. 10530.

The previous question having been ordered, Mr. James D. Richardson, of Tennessee, moved to recommit the resolution with certain instructions.

The Speaker [1] declined to entertain the motion to recommit, announcing that in respect to this question he would be governed by the ruling of Mr. Speaker Crisp.

Mr. Richardson having appealed, the appeal was laid on the table, yeas 166, nays 123.

5600. On March 25, 1904,[3] Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented a resolution to permit consideration in the post-office appropriation of a paragraph relating to the rural free-delivery service which had been ruled out on a point of order.

After debate Mr. Dalzell moved the previous question.

Thereupon Mr. James R. Mann, of Illinois, proposed a resolution to recommit with certain instructions.

Mr. Dalzell made the point of order that the motion was not in order.

The Speaker [4] held:

The Chair sustains the point of order. After the previous question is ordered on a report from the Committee on Rules the motion to recommit is not admitted under the more recent practice of the House.

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[1] David B. Henderson, of Iowa, Speaker.

[2] First session Fifty-seventh Congress, Record, pp. 1834, 1835.

[3] Second session Fifty-eighth Congress, Record, pp. 3708, 3709.

[4] Joseph G. Cannon, of Illinois, Speaker.

That ruling was made twice by Speaker Crisp, was followed by Speaker Henderson, and has been followed by the present occupant of the chair.

5601. On February 2, 1904,[1] Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, submitted a resolution relating to the status of the Resident Commissioner from Porto Rico, and demanded thereon the previous question.

Pending this motion for the previous question, Mr. John S. Williams, of Mississippi, proposed a motion to recommit the resolution to the Committee on Rules with certain instructions.

Mr. Dalzell made the point of order that the motion was not in order.

After debate and a citation of precedents, the Speaker[2] said:

The gentleman from Mississippi [Mr. Williams] moves to recommit the bill with instructions, pending a motion for the previous question. Rule XVII provides:

"It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit the motion to recommit, with or without instructions, to a standing or select committee."

Section 4 of Rule XIV, as to resolutions, conflicts with this rule. The Chair has been called upon already at this session of Congress to rule upon a motion to recommit a resolution, and held, somewhat reluctantly, that it was in order to make the motion as to a resolution the same as to a bill, and the Chair stated at the time that the rules might well have been construed together and one applied to a resolution and another to a bill.

But owing to the precedents, which were quite numerous and which the Chair carefully examined, the Chair held that Rule XVII applied to resolutions as well as to bills, and that it was in order to move to recommit a resolution pending the motion for the previous question. Now, the gentleman moves to recommit pending a motion for the previous question. Ordinarily this motion would be in order, but as to reports from the Committee on Rules it is well settled by a ruling made by Mr. Speaker Crisp and by three rulings following that of Mr. Speaker Crisp, made by Mr. Speaker Henderson (the last one being appealed from and the House by a decided majority sustaining the ruling), that reports from the Committee on Rules are exceptional and that the same rule does not apply to those reports as applies to reports from other committees.

Some gentlemen may say that this ruling is not logical. Examining it, however, in the light of Rule XI, which has been read, the Chair is inclined to hold that it is logical. But let that be as it may, the rules are what the House construes them to be; and this rule of construction having been given first by Mr. Speaker Crisp in a matter of very considerable importance, and followed in three different rulings of Mr. Speaker Henderson, and affirmed by the House on a yea-and-nay vote by a decided majority, the Chair feels that it his duty to follow the precedents, and therefore holds that the motion of the gentleman from Mississippi is not in order.

5602. The House having determined in the negative the question on the engrossment and third reading of a bill, a motion to commit is not in order under the rule for the previous question.—On February 4, 1895,[3] the House had refused to order to be engrossed the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve, etc., the vote having been ordered under the terms of a special order.

Mr. William M. Springer, of Illinois, having moved to reconsider, that motion was laid on the table on motion of Mr. William H. Hatch, of Missouri.

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[1] Second session Fifty-eighth Congress, Journal, p. 233; Record, pp. 1523–1525.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] Third session Fifty-third Congress, Journal, p. 114.

Mr. W. C. P. Breckinridge, of Kentucky, submitted the question whether it was in order to now move that the bill be recommitted to the Committee on Banking and Currency.

The Speaker[1] held that the House having refused to order the bill to a third reading it was not in order to move to recommit it.

5603. On January 11, 1897,[2] the Pacific Railroad funding bill was considered under the terms of a special order which provided that the "previous question be ordered on this bill to its final passage" immediately after the reading of the Journal on this day.

The question being taken on the engrossment and third reading of the bill, it was decided in the negative, and the motion to reconsider this vote was laid on the table.

Mr. H. Henry Powers, of Vermont, moved, then, after intervening business, to recommit the bill to the Committee on the Pacific Railroads.

Mr. Joel D. Hubbard, of Missouri, made a point of order against the motion.

After debate and on the succeeding day, the Speaker[3] decided:

On the question of the Pacific Railroad funding bill, the Chair thinks that the motion made yesterday by the gentleman from Vermont [Mr. Powers] to recommit the bill was not in order. The Chair thinks that such a motion could have been made if the House had passed the bill to a third reading, or if other business had not intervened.[4]

5604. Before the adoption of rules, while the House was acting under general parliamentary law, it was held that the motion to commit was in order pending the motion for the previous question or after it had been ordered on a resolution.

Reference to the rules and practices of the House as persuasive authority on general parliamentary law.

On August 8, 1893,[5] before the adoption of rules, Mr. Charles T. O'Ferrall, of Virginia, called up a resolution providing that George F. Richardson "be now sworn in as a Representative in this Congress from the Fifth district of the State of Michigan."

To this Mr. Julius C. Burrows, of Michigan, had submitted an amendment in the nature of a substitute.

Upon the resolution and substitute Mr. O'Ferrall demanded the previous question, the question being on ordering the previous question on the resolution submitted by Mr. O'Ferrall, including the amendment thereto proposed by Mr. Burrows.

Mr. Nelson Dingley, jr., of Maine, moved to commit the resolution to a special committee of five, with instructions to report thereon within ten days.

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[1] Charles F. Crisp, of Georgia, Speaker.

[2] Second session Fifty-fourth Congress, Record, pp. 690, 725.

[3] Thomas B. Reed, of Maine, Speaker.

[4] Evidently by this language Mr. Speaker Reed must have meant that either the failure to pass the bill to be engrossed or the intervention of other business was sufficient to prevent the motion to recommit.

[5] First session Fifty-third Congress, Journal, pp. 8, 9.

Mr. O'Ferrall thereupon submitted the point of order that the motion of Mr. Dingley was not in order, inasmuch as the previous question had been demanded upon the resolution submitted by him, including the amendment thereto submitted by Mr. Burrows.

The Speaker [1] overruled the point of order on the ground that under parliamentary law as indicated by the rules and practice prevailing in the House of the Congresses preceding the present the motion to commit was in order pending the demand for the previous question or after the previous question is ordered on agreeing to the resolution.[2]

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[1] Charles F. Crisp, of Georgia, Speaker.

[2] See also sections 5582, 5577, 5580.