

Chapter CXII.

CONDUCT OF DEBATE IN THE HOUSE.

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4978. The rule of recognition and the hour rule for debate. Form and history of Rule XIV, section 2.

Section 2 of Rule XIV governs the recognition of Members for debate and the time of debate:

When two or more Members rise at once, the Speaker shall name the Member who is first to speak, and no Member shall occupy more than one hour in debate on any question in the House or in committee; except as further provided in this rule.

This rule is in the form adopted in the revision of 1880.³ Previous to that the subject was covered by rules 59 and 60. The former dated from April 7, 1789,⁴ and provided:

When two or more Members happen to rise at once, the Speaker shall name the Member who is first to speak.⁵

¹For cases of censure of Members for conduct in debate see sections 1244–1259 of Volume II.

As to recognitions by the Speaker, sections 1419–1479, Chapter XLVI of Volume II; the Speaker's right of participation in, is limited, sections 1367–1376 of Volume II.

The forty minutes of debate after the previous question is ordered, sections 5495–5509 of this volume.

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Debate on points of order, sections 6919, 6920, and on appeals, sections 6947–6952 of this volume.

“Leave to print” remarks in the Congressional Record, sections 6990–7012 of this volume.

²The motion to adjourn may not interrupt a Member having the floor in debate. (Secs. 5369, 5370.)

³Second session Forty-sixth Congress, Record, pp. 206, 830.

⁴Journal, first session First Congress, p. 9.

⁵The rule of the Continental Congress (Journal, May 26, 1778) was: “When two persons rise together, the President shall name the person to speak.”

The clause limiting the time the Member may occupy in debate to one hour dates from December 18, 1847.¹ The hour limitation, however, is older than that rule, the first rule for the purpose having been adopted on motion of Mr. Lott Warren, of Georgia, July 6, 1841.² This was a temporary rule, but on June 13, 1842,³ it was made one of the standing rules of the House that no Member should occupy "more than one hour in debate on any question, either in the House or in the Committee of the Whole." This rule was adopted on motion of Mr. Benjamin S. Cowen, of Ohio. The rule had been long agitated. On March 26, 1820, Mr. John Randolph, of Virginia, spoke more than four hours on the Missouri bill,⁴ and on April 28, 1820, Mr. Stevenson Archer, of Maryland, proposed a rule that no Member should speak longer than an hour at a time and that no question should be discussed over five days.⁵ This proposed rule was not acted on. In 1822 the hour limit of debate was again proposed by Mr. John Cocke, of Tennessee, but was not adopted.⁶ In 1828, Mr. William Haile, of Mississippi, reviewed the tediousness of the debates and again proposed the hour rule, but unsuccessfully.⁷ On March 1, 1833,⁸ Mr. Frank E. Plummer, of Mississippi, so wearied the House in the last hours of the Congress that repeated attempts were made to induce him to resume his seat, and the House was frequently in extreme confusion and disorder. But the hour rule was not adopted until the practice of unlimited debate had caused the greatest danger to bills in Committee of the Whole.⁹ The rule was often attacked,¹⁰ but the necessities of public business always compelled its retention.

4979. Rule regulating the act of the Member in seeking recognition for debate.

Rule governing the Member in debate, forbidding personalities and requiring him to confine himself to the question.

Form of history of Rule XIV, section 1.

Section 1 of Rule XIV provides:

When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized, may address the House from any place on the floor or from the Clerk's desk,¹¹ and shall confine himself to the question under debate, avoiding personality.

¹ Congressional Globe, first session Thirtieth Congress, p. 47.

² First session Twenty-seventh Congress, Globe, pp. 152–155.

³ Second session Twenty-seventh Congress, Globe, p. 620; Journal, p. 954.

⁴ First session Sixteenth Congress, Annals, p. 1541.

⁵ First session Sixteenth Congress, Journal, p. 456; Annals, p. 2093.

⁶ First session Seventeenth Congress, Annals, Vol. II, p. 1301.

⁷ First session Twentieth Congress, Journal, p. 370; Debates, pp. 1754–1756.

⁸ Second session Twenty-second Congress, Debates, p. 1919.

⁹ See section 5221 of this volume.

¹⁰ See Globe of December 18, 1847, first session Thirtieth Congress, pp. 43–47, for an attack in the House. Thomas H. Benton, in his *Thirty Years' View* (Vol. II, pp. 247–257), and Mr. Clement L. Vallandigham, in the House, at the time of the revision of 1860 (see Congressional Globe, first session Thirty-sixth Congress, March 15, 1860), assailed the rule vigorously.

¹¹ Thus, on February 1, 1875, Mr. Benjamin F. Butler, of Massachusetts, when Members made the point of order that he was addressing the galleries and not the Chair, took his place on the platform beside the Clerk's desk. A question being raised, Mr. Speaker Blaine said that the rule specifically gave the Member the right to speak from the Clerk's desk. (Second session Forty-third Congress, Record, pp. 1896, 1897.) At that time the rule was numbered 58 and was as follows: "Members may address the House or committee from the Clerk's desk, or from a place near the Speaker's chair." It has been extremely rare for a Member to avail himself of this privilege. (See sec. 4981.)

The rule has remained unchanged since the revision of the rules in 1880.¹ It was derived from the old rule, No. 57, which was, with the dates upon which the portions originated, as follows:

When any Member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat² and respectfully address himself to "Mr. Speaker,"—April 7, 1789³—and shall confine himself to the question under debate, and avoid personality—December 23, 1811.⁴

4980. A Member, in addressing the House, must also address the Chair.—On May 9, 1864,⁵ the Speaker⁶ called to order a Member who, in speaking from a position in front of the Chair, spoke for several minutes with his back to the Chair. The Speaker reminded the Member that it was the usage, in addressing Members of the House, to address the Chair.

4981. Instance wherein a Member addressed the House from the Clerk's desk.—On June 26, 1850,⁷ Mr. Jacob B. Thompson, of Kentucky, in addressing the House spoke "from the rostrum," these words of the record of debates meaning evidently that Mr. Thompson availed himself of the privilege given by the rule of addressing the House from the Clerk's desk.

On November 14, 1870,⁸ Mr. Simeon B. Chittenden, of New York, said in debate:

When I went to the unusual place of the Clerk's desk to speak yesterday, I went to speak the truth.

So unusual was this that another Member referred to him as having spoken "from his perch."⁹

4982. Debate should not begin until the question has been stated by the Speaker.—Section 2 of Rule XVI¹⁰ provides:

When a motion has been made, the Speaker shall state it or (if it be in writing) cause it to be read aloud by the Clerk before being debated.

4983. The House insists on compliance with the rule that a motion must be stated by the Speaker or read by the Clerk before debate shall begin.—On March 2, 1885,¹¹ the House took up the contested election case of Frederick *v.* Wilson. It having been voted to consider the case, Mr. Risdan T. Bennett, of North Carolina, proceeded to debate.

¹ Second session Forty-sixth Congress, Record, pp. 206, 830.

² This did not mean any particular seat, but merely that the Member should rise. (See ruling of Mr. Speaker Stevenson, July 12, 1832, first session Twenty-second Congress, Debates, p. 3910.)

³ First session First Congress, Journal, p. 9.

⁴ First session Twelfth Congress, Report No. 38.

⁵ First session Thirty-eighth Congress, Globe, p. 2194.

⁶ Schuyler Colfax, of Indiana, Speaker.

⁷ First session Thirty-first Congress, Globe, p. 294.

⁸ First session Forty-fifth Congress, Record, p. 405.

⁹ It is said to have been a custom of Thaddeus Stevens to speak, from the Clerk's desk; but the practice was then considered exceptional, and has ceased. (See footnote of sec. 4979.) In the assemblies of the Latin nations the Member always speaks from a rostrum in front of the desk of the presiding officer.

¹⁰ See section 5304 of this volume for the full form and history of this rule.

¹¹ Second session Forty-eighth Congress, Journal, p. 745; Record, pp. 2412, 2413.

Mr. Edward K. Valentine, of Nebraska, made the point of order that the resolutions accompanying the report must be stated by the Speaker or read by the Clerk, as required by clause 2 of Rule XVI,¹ before being debated.

The Speaker² sustained the point of order.

4984. A motion must be made before the Member may proceed in debate.—On June 25, 1902,³ the House had agreed to the conference report on the army appropriation bill, when Mr. John A. T. Hull took the floor and proceeded to debate as to the disposition of the remaining Senate amendments in disagreement.

Mr. James D. Richardson, of Tennessee, raised the question of order that as no motion had been made there was nothing before the House.

The Speaker⁴ said:

The Chair will state that if the gentleman from Tennessee insists upon his point of order the Chair will be obliged to sustain it.

Thereupon Mr. Hull submitted a motion, and proceeded in debate.

4985. On December 18, 1893,⁵ after the reading of two messages from the President, Mr. Charles A. Boutelle, of Maine, stated that he desired to submit a privileged motion, and proceeded to make remarks thereon.

Mr. Benjamin A. Enloe, of Tennessee, made the point of order that the motion should be first submitted before being discussed.

The Speaker⁶ sustained the point of order, holding that the motion proposed by Mr. Boutelle must be read at the desk before discussion thereof was in order.

4986. Before debate is in order the motion must be stated by the Member or even be reduced to writing if required, and announced by the Chair.

After a Member has offered a motion, the House has the right before debate begins to determine whether it will consider it or not.

On May 29, 1812,⁷ Mr. John Randolph, of Virginia, was addressing the House at length on the foreign relations of the nation. He had intimated his intention to submit a motion, but had not in fact done so. In the course of his remarks Mr. John C. Calhoun, of South Carolina, rising to a question of order, said there was no question before the House and the gentleman was speaking contrary to order.

Mr. William W. Bibb, of Georgia, who was temporarily in the chair, said that the objection was not valid, as the gentleman from Virginia had announced his intention to make a motion, and it had been usual in such cases to permit a wide range of debate.

Mr. Randolph was proceeding when Mr. Calhoun again interposed a point of order, that if the course now taken were parliamentary and should continue, it would be in the power of any Member at any time to embarrass the proceedings of the House.

¹ See section 5304 of this volume.

² John G. Carlisle, of Kentucky, Speaker.

³ First session Fifty-seventh Congress, Record, p. 7387.

⁴ David B. Henderson, of Iowa, Speaker.

⁵ Second session Fifty-third Congress, Journal, pp. 37–41; Record, p. 376.

⁶ Charles F. Crisp, of Georgia, Speaker.

⁷ First session Twelfth Congress, Journal, pp. 355, 534 (Gales & Seaton ed.); Annals, 1461–1466.

The Speaker¹ decided that Mr. Randolph was bound to state his proposition, which, moreover, ought to be seconded,² announced from the Chair, and reduced to writing, if required, before he proceeded to debate it.

Mr. Randolph having appealed, the decision of the Chair was sustained, yeas 67, nays 42.

The question of consideration being put, the House declined to consider Mr. Randolph's resolution when he presented it.

Mr. Clay, the Speaker, writing unofficially but to the public, said at this time:³

Two principles are settled by these decisions; the first is that the House has a right to know, through its organ, the specific motion which a Member intends making before he intends to argue it at large; and, in the second place, that it reserves to itself the exercise of the power of determining whether it will consider it at the particular time when offered prior to his thus proceeding to argue it.

It would seem to be altogether reasonable that when a Member intends addressing a copious argument to a public body for the purpose of enforcing a motion he should disclose the motion intended to be supported. It is the practice of the British Parliament, and of several, if not all, of the State assemblies to require not only that this should be done, but that it should be seconded, thus affording a protection against the obtrusion upon the body of the whimsical or eccentric propositions of a disordered or irregular mind by the coincidence in opinion of at least two individuals. At what particular period the proposition ought to be submitted is, perhaps, not exactly defined or definable. Certainly in the courtesy of all bodies will be found a sufficient safeguard against the exclusion of matter properly introductory, explanatory, or prefatory to the motion. The line separating matter of this kind from arguments in chief is not susceptible of accurate description. It does not, however, present more practical difficulty than to discriminate between observations which are relevant or otherwise, decorous or reprehensible.

4987. A communication or a report being before the House may be debated before any specific motion has been made in relation to it.—On January 14, 1875,⁴ the House was considering a communication from the Sergeant-at-Arms, when a question was raised as to the pending motion.

The Speaker⁵ said:

The communication from the Sergeant-at-Arms itself affords a basis of discussion. There might be some motion made in regard to it; as, for instance, to refer to a committee with or without instructions, but the Chair thinks the discussion is proceeding in a very natural manner upon the question, and that the House, prior to the discussion, need not be forced to a particular line of policy.

4988. On December 15, 1877,⁶ the House was proceeding to the consideration of resolutions providing for a general investigation of the Executive Departments, reported from the Committee on Ways and Means, when Mr. John M. Thompson, of Pennsylvania, made the point of order that it was not in order to discuss a report, however privileged it might be, without first making a motion to dispose of the subject-matter in some way.

The Speaker⁷ overruled the point of order, on the ground that a motion was neither required by the rules nor in accordance with the practice to debate a report from a committee.

¹ Henry Clay, Speaker.

² The second is no longer required.

³ Annals, first session Twelfth Congress, p. 1470 (footnote).

⁴ Second session Forty-third Congress, Record, p. 473.

⁵ James G. Blaine, of Maine, Speaker.

⁶ Second session Forty-fifth Congress, Journal, p. 137; Record, pp. 239, 240.

⁷ Samuel J. Randall, of Pennsylvania, Speaker.

4989. The withdrawal of a matter precludes further debate on it.—On February 17, 1834,¹ Mr. Abijah Mann, jr., of New York, objected to the printing of certain memorials relating to the United States Bank.

Subsequently Mr. Mann withdrew his objections.

Thereupon Mr. John G. Watmough, of Pennsylvania, proceeded to discuss the objection.

The Speaker² called him to order, on the ground that the objection was withdrawn.

4990. The hour rule applies to debate on a question of privilege as well as to debate on other questions.—On September 4, 1890,³ Mr. Amos J. Cummings, of New York, claimed the floor on a question of personal privilege, and, being recognized, addressed the House. When he had spoken for one hour, the Speaker pro tempore⁴ stated that the time allotted under the rule (clause 2, Rule XIV) had expired.

From the ruling of the Speaker pro tempore that a Member was entitled to but one hour on a question of privilege Mr. Cummings appealed.

After debate on the appeal, Mr. Cummings withdrew the same.

4991. No Member may speak more than once to the same question unless he be the mover or proposer, in which case he may speak in reply after all choosing to speak have spoken.

Present form and history of section 6 of Rule XIV.

Section 6 of Rule XIV is as follows:

No Member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every Member choosing to speak shall have spoken.

This form was established in the revision of 1880.⁵ It was taken verbatim from the old rule, No. 63, which was made up on January 14, 1840, from the original rule of April 7, 1789.⁶ The form of 1789⁶ was:

No Member shall speak more than twice to the same question without leave of the House;⁷ nor more than once until every Member choosing to speak shall have spoken.

In 1840 the words “more than twice” were changed to “more than once,” and the clause allowing the speech in reply was added, although it was opposed as too suggestive of legal proceedings and as tending to produce inequality in debate.⁸ At this time the hour rule for debate had not been adopted.⁹

4992. It is too late to make the point of order that a Member has already spoken if no one claims the floor until he has made some prog-

¹ First session Twenty-third Congress, Debates, p. 2728.

² Andrew Stevenson, of Virginia, Speaker.

³ First session Fifty-first Congress, Journal, p. 1013; Record, p. 9679.

⁴ Julius C. Burrows, of Michigan, Speaker pro tempore.

⁵ Second session Forty-sixth Congress, Record, p. 206.

⁶ First session First Congress, Journal, p. 9.

⁷ On May 18, 1798 (second session Fifth Congress, Journal, pp. 302, 322; Annals, pp. 1855, 1866) the House agreed to a rule that a Member should not in House or in Committee of the Whole speak more than once to a measure, but on June 1 rescinded it, because of the difficulty of preventing evasions.

⁸ First session Twenty-sixth Congress, Globe, p. 121.

⁹ See section 4978 of this volume.

ress in his speech.—On June 9, 1846,¹ Mr. Shelton F. Leake, of Virginia, rose, was recognized by the Speaker, and proceeded to address the House.

While proceeding in his remarks Mr. Thomas J. Henley, of Indiana, rose and claimed the floor on the ground that Mr. Leake, having once addressed the House on the question, had no right, under Rule 36, which provided that “No Member shall speak more than once on the same question without leave of the House,” to proceed with his remarks.

The Speaker² decided that Mr. Leake, having risen, been recognized, and proceeded to address the House, no one claiming the floor, and no one having objected, must be considered as speaking by leave of the House, and he therefore overruled the question of order raised by Mr. Henley, and decided that Mr. Leake was in order.

4993. A Member who has spoken once to the main question may speak again to an amendment.—Jefferson’s Manual, in Section XXXV, provides:

On an amendment being moved, a Member who has spoken to the main question may speak again to the amendment. (Scob., 23.)

4994. On March 7, 1844,³ the House was considering the bill (No. 80) to amend an act entitled “An act relative to the election of a President and Vice-President of the United States, and declaring the officers who shall act as President and Vice-President of the United States in case of vacancies in the offices of both President and Vice-President,” approved March 1, 1792.

Mr. Alexander Duncan, of Ohio, rose and debated the question for one hour. Then Mr. Lucius Q. C. Elmer, of New Jersey, moved an amendment striking out all after the enacting clause and inserting a substitute. And, after debate, Mr. Duncan again obtained the floor and proceeded to debate the question on the amendment.

Mr. David W. Dickinson, of Tennessee, made a question of order that Mr. Duncan, having spoken one hour since this bill was taken up for consideration, was not in order in speaking again.

The Speaker pro tempore⁴ decided that, inasmuch as an amendment had been offered since Mr. Duncan had spoken, and the question was entirely changed, he was entitled to the floor.

On an appeal the decision of the Chair was sustained by the House.

4995. The right of the “mover, proposer, or introducer of the matter pending” to close debate does not belong to a Member who has merely moved to reconsider the vote on a bill which he did not report.

In the earlier practice of the House the right of the mover to close the debate might not be cut off by the previous question.

On January 12, 1876,⁵ the House proceeded to the consideration of the unfinished business, which was the motion to reconsider the vote by which the amnesty bill was rejected by the House. This motion to reconsider had been made by Mr. James G. Blaine, of Maine.

¹First session Twenty-ninth Congress, Journal, p. 934.

²John W. Davis, of Indiana, Speaker.

³First session Twenty-eighth Congress, Journal, p. 532; Globe, p. 356.

⁴George W. Hopkins, of Virginia, Speaker pro tempore.

⁵First session Forty-fourth Congress, Record, pp. 382, 390.

Mr. Samuel J. Randall, of Pennsylvania, announced that it was his purpose at an appropriate time that day to call for the previous question.

This elicited from Mr. Blaine the following inquiry:

By what right, under the rules, does the gentleman from Pennsylvania, Mr. Randall, observing the courtesies of debate, announce that he will call the previous question on my motion?

Mr. Randall replied:

I claim the right, just as the gentleman did, he being on the prevailing side, to move a reconsideration. The gentleman will observe that the motion for the previous question is a majority motion which I have the right to make. * * * Because otherwise the minority side of this House might continue the debate without limit, contrary to the wish of the majority, of which I am one.

Mr. Blaine then cited Rule 63:¹

No Member shall speak more than once to the same question without leave of the House unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every Member choosing to speak shall have spoken,

and made the point that as the amnesty bill, which the gentleman from Pennsylvania had introduced, was utterly defeated by the House, he had lost all control of it. Therefore he, Mr. Blaine, as the mover, the proposer, the introducer of the motion to reconsider was entitled to the privilege given by the rule.

There was some debate on the point, Mr. Nathaniel P. Banks, of Massachusetts, holding that the motion to reconsider was a subsidiary motion merely, like the motion to postpone, and did not give the Member making it the benefit of the rule.

The Speaker,² in ruling, said:

It is claimed that because the motion in this case to reconsider the vote by which the amnesty bill was defeated was made by the gentleman from Maine, therefore he is entitled to open and close the debate—practically to control it. The Chair invites the attention of the House to the sixtieth rule,³ a part of which the Chair will read:

“No Member shall occupy more than one hour in debate on any question in the House or in committee; but a Member reporting the measure under consideration from a committee may open and close debate.”

The gentleman from Maine did not report this measure from a committee. A ruling is given on page 86 of the Digest, which is as follows:

“The right of the ‘Member reporting the measure’ to open and close debate is not affected by an order either for the previous question or that debate shall cease in committee.”

Now, the Chair is very reluctant to hold that in this case the gentleman from Maine is not of right entitled to close this debate. The Chair would prefer to hold that under this ruling, which relates to Rule 60, the right of the gentleman to close the debate is clear, notwithstanding the House may have sustained the previous question; that, in other words, he would be entitled, after the previous question is sustained, to close the debate. But upon the peculiar attitude of this question the Chair feels compelled to rule that, inasmuch as the gentleman from Maine did not report this bill to the House from any committee or in any other way, he has no right to close the debate or to speak after the previous question shall have been demanded by another Member, as in this case. * * * The Chair desires only in addition to say, and he is glad to be able to say it, that in this ruling he is upon all points sustained by the venerable journal clerk⁴ of this House, the author of our Digest, who has had experience of twenty-eight years.

¹ Now section 6 of Rule XIV. (See sec. 4991 of this volume.)

² Michael C. Kerr, of Indiana, Speaker.

³ Now section 3 of Rule XIV. (See sec. 4996 of this chapter.)

⁴ Mr. Barclay.

4996. The Member reporting the measure under consideration may open and close where general debate is had; and may have an additional hour to close if debate extend beyond a day.

Present form and history of section 3 of Rule XIV.

Section 3 of Rule XIV provides:

The Member reporting the measure under consideration from a committee may open and close where general debate has been had thereon; and if it shall extend beyond one day he shall be entitled to one hour to close notwithstanding he may have used an hour in opening.

This is the exact form of rule adopted in the revision of 1880.¹ While it was considered a new rule at that time, it was in reality an amplification of the idea contained in the old rule, No. 60, which dated from December 18, 1847,² when the hour rule of debate was adopted permanently and the five-minute rule was instituted:

No Member shall occupy more than one hour in debate on any question in the House or in committee; but a Member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any Member shall be allowed in committee five minutes to explain any amendment he may offer.

The Committee on Rules, who made the revision of 1880, explained that the form of rule which they adopted, and which is the present form, was intended to cover a point settled by repeated decisions.

4997. In the later practice of the House the Member reporting the matter under consideration may not exercise his right to close after the previous question is ordered.

The earlier practice as to the right to close debate permitted its exercise after the time for terminating general debate in Committee of the Whole as well as after the ordering of the previous question.

On June 28, 1850,³ the House resumed the consideration of the report of the Committee on Elections in the Iowa contested-election case of *Miller v. Thompson*, the following resolution, with an amendment, being pending:

Resolved, That William Thompson is entitled to the seat in this House which he now holds as the Representative from the First Congressional district of Iowa.

Mr. Armistead Burt, of South Carolina, moved the previous question; which was seconded, and the main question ordered to be put; when Mr. William Strong, of Pennsylvania, rose and was proceeding to close the debate.

Mr. Alexander Evans, of Maryland, made the point of order that the previous question having been seconded, and the main question ordered to be put, it was not in order for Mr. Strong to proceed.

The Speaker⁴ decided that the Member from Pennsylvania [Mr. Strong], having reported the measure under consideration from a committee, was entitled, under the thirty-fourth rule⁵ of the House, to open and close the debate thereon, and that he did not think he was deprived of that right by the previous question having been seconded and the main question ordered to be put. That rule was adopted during the last

¹ Second session Forty-sixth Congress, Record, p. 206.

² First session Thirtieth Congress, Globe, pp. 43–47. (See also sec. 4978 of this volume.)

³ First session Thirty-first Congress, Journal, p. 1056; Globe, p. 1308.

⁴ Howell Cobb, of Georgia, Speaker.

⁵ See sections 4991 and 4996 of this chapter.

Congress, and, at the same session, the question arose in Committee of the Whole on the state of the Union as to the right of the Member to make his closing speech after the expiration of the hour at which the debate had been ordered to be closed. It was then held by the committee¹ that he had the right, and, by a parity of reasoning (the rule applying as well to the House as the committee), it would seem to be his privilege in the present case, especially as there had been no debate on the subject in Committee of the Whole on the state of the Union; otherwise the Member reporting the measure would be deprived of the benefit of the rule.

From this decision Mr. Alexander Evans appealed, and the question being put, Shall the decision of the Chair stand as the judgment of the House? it was decided in the affirmative. So the decision of the Chair was sustained, and Mr. Strong, proceeded to close the debate.

4998. On January 10, 1877,² the regular order being demanded, the Speaker announced the regular order of business to be the further consideration of the bill of the House (H. R. 2263) for the repeal of so much of the act of December 17, 1872, as provides for a pivot draw in any bridge to be erected across the Ohio River between the cities of Covington, Ky., and Cincinnati, Ohio.

The House having resumed its consideration, after debate,

Mr. John H. Reagan, of Texas, demanded the previous question; which was seconded and the main question ordered to be put.

Then Mr. Reagan rose, and was proceeding to further debate the bill; when Mr. Milton Saylor, of Ohio, made the point of order that Mr. Reagan, having already consumed an hour in opening the debate upon the pending bill, was not entitled to another hour to close it.

The Speaker³ sustained the point of order.

This point of order gave rise to much debate, and was carefully considered by the Speaker, who on January 17 gave his reasons at length, as follows:

¹This ruling occurred on February 16, 1848 (first session Thirtieth Congress, Globe, p. 363), the House being in Committee of the Whole House on the state of the Union considering the bill to authorize a loan of not to exceed \$18,500,000. The hour of 2 o'clock arrived and the general debate was closed in accordance with previous order. Then Mr. Samuel F. Vinton, of Ohio, who reported the bill from the Committee on Ways and Means, availed himself of the privilege granted under the thirty-fourth rule of closing the debate.

This point first arose January 6, 1848 (first session Thirtieth Congress, Globe, p. 119), while the House was in Committee of the Whole House on the state of the Union (Mr. Caleb B. Smith, of Indiana, in the chair) considering a bill relating to the transportation of mails. The hour which the House had fixed for the closing of debate having arrived, Mr. William L. Goggin, of Virginia, chairman of the Committee on the Post-Office and Post-Roads, who had reported the bill, was on the floor in the midst of his speech. Mr. Jacob Thompson, of Mississippi, made the point that the hour had arrived at which the House had ordered the termination of the debate.

The Chairman said that the gentleman from Virginia [Mr. Goggin], being the chairman of the committee which had reported the resolution, was entitled to one hour after the point of time fixed for the conclusion of the debate.

Mr. C. J. Ingersoll, of Pennsylvania, remarked that the explanation of the Chairman perfectly accorded with the opinion which prevailed in the Committee on Rules when the rule was adopted.

On appeal the question was debated at length, and on January 7 (Globe, p. 127) the Chair was sustained by a vote of 101 to 73.

²Second session Forty-fourth Congress, Journal, pp. 201, 202, 250; Record, pp. 544, 708.

³Samuel J. Randall, of Pennsylvania, Speaker.

Rule 63 reads as follows:

“No Member shall speak more than once to the same question without leave of the House (April 7, 1789) unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every Member choosing to speak shall have spoken (January 14, 1840).”

It appears that this last clause of the present sixty-third rule, adopted January 14, 1840, was intended to restrict debate, as indeed it was so stated at the time.

Rules 29 and 30, as existing at the close of the Twenty-fifth Congress, were as follows, namely:

“Rule 29. No Member shall speak more than twice to the same question without leave of the House, nor more than once until every Member choosing to speak shall have spoken.

“Rule 30. If a question pending be lost by adjournment of the House and revived on the succeeding day, no Member who shall have spoken twice on the preceding day shall be permitted to speak without leave.”

These rules were merged, as amended, into what is now the sixty-third rule of the House, in the Twenty-seventh Congress. From the debate it fully appears that it was intended to restrict or curtail debate, and that this was rendered necessary by the dilatory debates of preceding Congresses, especially those in the Twenty-sixth Congress.

In the Twenty-seventh, Twenty-eighth, and Twenty-ninth Congresses it appears that this rule was construed and held to prevent any Member from speaking more than one hour, except where an amendment had been offered, thereby changing the question. The Member entitled to the floor on the pending measure was then entitled to an additional hour. (See House Journal, first session Twenty-eighth Congress, p. 532.)

It was found, however, that this rule was evaded by the practice of offering amendments, and the Committee on Rules in the first session of the Thirtieth Congress reported, on the 14th of December, 1847, the following as a substitute for the thirty-third, or “hour rule,” as it was called, namely:

“It shall be in order to entertain a motion when made to limit the time which each Member may occupy in debating any question in the House or committee to a period not less than one hour: *Provided*, That where the House has made an order fixing the time for discharging the committee from the further consideration of any bill, or other matter referred to it (after acting without debate on all amendments pending or that may be offered), debate by any one Member before such order takes effect may be limited to one-quarter of an hour, and thereafter the Member who reported the measure under consideration from any committee may debate the same for one hour; and any Member shall be allowed in committee five minutes to explain the object, nature, and effect of any amendment which he may offer; and all motions made to carry out this rule shall be decided without debate.”

And also the following as an alternative proposition:

“No Member shall occupy more than one hour and a half in debate on any question in the House or in committee; but a Member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any Member shall be allowed in committee five minutes to explain any amendment he may offer.”

From the debate which took place on the 18th of December, 1847, when the report was considered, it fully appears that the intent was to further limit or restrict debate, and this is confirmed by the amendment of Mr. Pollock to strike out the words “and a half,” so as to limit the debate to one hour, which amendment was adopted without division. In the case cited on the 9th instant by the gentleman from Illinois [Mr. Burchard], the decision by Speaker Cobb in the first session Thirty-first Congress (see House Journal, first session Thirty-first Congress, p. 1056), it was decided that the gentleman who reported the then pending measure was entitled to an hour to close the debate after the main question had been ordered to be put.

In that case—the contested election case of *Miller v. Thompson*, from Iowa—the report was made by Mr. Strong, who opened the debate, which occupied two days, and then, an amendment having been submitted and several gentlemen having spoken in opposition to the resolutions reported by the committee, the Speaker decided that Mr. Strong was entitled to an hour to close the debate, though the main question had been ordered. In that case every Member so desiring had spoken an hour or occupied so much of his hour as he wished. In the present case the gentleman reporting the measure opened the debate, occupied or controlled the floor for one hour, and then it was claimed, the previous question having been sustained, that he had a right to another hour to close.

The Chair believes that any other construction than the one he has given would tend to destroy the equality of privileges which should exist, and which in fact does exist, between Members of the House; and, in addition, the Chair is of opinion that the ruling will expedite and dispatch the public business, while the contrary course would retard and delay it.

The hour rule was adopted in these interests, and as practiced in the courts it gives to the plaintiff and defendant each the same extent of time, but to the plaintiff the privilege to divide his time so as to have the opportunity to open and close his case.

The Chair might give further reasons in support of his decision; but, believing the foregoing to be sufficient, will only refer to a decision made by the Speaker of the last House [Mr. Blaine] which is directly in point, which decision passed unquestioned by the gentlemen who have questioned the correctness of the decision under consideration.

On the 6th of June, 1874, in the first session of the Forty-third Congress, the gentleman from Illinois [Mr. Cannon], from the Committee on the Post-Office and Post-Roads, reported back with amendments House bill No. 3414, to provide for the prepayment of postage on printed matter, and for other purposes. Mr. Cannon took the floor, or, in the language of the rule, "opened the debate" on the said bill, and after replying to various interrogatories propounded, at the end of the hour demanded the previous question. Thereupon Mr. Hawley said he wanted it distinctly understood that if the previous question was to be ordered there could be no more debate. The Speaker said that there could be none, and after the previous question was ordered denied further time, on the ground that the gentleman took his hour before the previous question was ordered.¹

The Chair believes that a liberal construction should be allowed in case of general debate having occurred over a lengthened period, and in such a case would rule an hour to close debate by the Member reporting a measure, as in case where a bill has been open to amendments; but to give to a Member two consecutive hours in debate is, in the opinion of the Chair, at variance with the spirit of the rule, as well as against equity and propriety. The Committee on Rules have been consulted by the Chair in relation thereto, and are of the opinion, with a single exception [Mr. Banks], that the ruling made by the Chair is the correct one. They have, however, in view further action, so as to submit to the House an amendment to the rules which will make the present rule plainer by the use of more explicit language in relation thereto.²

4999. On January 17, 1884,³ the House had under consideration a bill for immediate improvement of the Mississippi River, and the previous question had been ordered on the passage. Thereupon Mr. Albert S. Willis, of Kentucky, who had called up the bill, said: "I believe that under the rule one hour is allowed for debate."

The Speaker⁴ said:

The Chair is in doubt whether, under the rule, there is an hour allowed for debate in this case. This is not a bill reported by the Committee on Rivers and Harbors, of which the gentleman from Kentucky [Mr. Willis] is chairman, but it is a Senate bill, which has been taken from the Speaker's table by action of the House and referred to the Committee of the Whole on the state of the Union, and it was reported back to the House by the gentleman from New York as chairman of the Committee of the Whole on the state of the Union. The Chair thinks that under the rule there is not an hour for debate.

5000. On February 15, 1884,⁵ the contested election case of *Chalmers v. Manning* being under consideration, Mr. Henry G. Turner, of Georgia, took the floor and

¹On January 10, 1879 (third session Forty-fifth Congress, Record, p. 412), we find Chairman Horatio C. Burchard, of Illinois, allowing an hour to close in Committee of the Whole after the time limit of general debate had expired. But this is not the present practice, and appears to have been an exceptional ruling.

²Such a rule does not seem to have been adopted at this session. The rules cited in this opinion were in the revisions of 1880 merged into sections 3 and 6 of Rule XIV. (See sees. 4996 and 4991 of this volume.)

³First session Forty-eighth Congress, Journal, pp. 338, 339; Record, p. 466.

⁴John G. Carlisle, of Kentucky, Speaker.

⁵First session Forty-eighth Congress, Record, p. 1167.

announced that at the end of an hour he should demand the previous question, whereupon Mr. John A. Kasson, of Iowa, told him that he must demand it at once. Then arose a controversy as to whether the Member reporting a measure was entitled to an hour after the previous question was ordered.

The Speaker¹ said:

Under the former rules of the House it was well settled that the hour for closing debate could be occupied as well after as before the previous question was ordered; and, indeed, it was the practice to occupy it after the ordering of the previous question. But under the new rules the question is presented, which so far the present incumbent of the chair has not decided, whether the hour can be taken after the previous question is ordered unless it is so understood at the time when it is ordered. * * * The present occupant of the chair is inclined to think the hour can be occupied after as before the previous question is ordered. But the Chair has not yet been called upon to render a decision on this question.

5001. Discussion as to the rights of a contestant who is permitted to address the House to close debate in a contested election case.—On May 6, 1864,² a question arose as to the respective rights of a contestant and a sitting Member to close debate in a contested election case, wherein the contestant had received the usual permission to take a seat on the floor and speak to the merits of the case.

The Speakers³ said:

The Chair would suggest that the proper way would be for the contestant to open, the sitting Member to follow, and the gentleman from New York [Mr. Ganson], representing the majority of the committee, to close the debate. The Chair finds in the case of Barrett against Blair, Mr. Phelps, of Missouri, at that time the father of the House, made this remark:

“During my service in this body in the various cases of contested elections that have arisen, whenever the contestant has been permitted to address the House he has presented his argument and the sitting Member has replied and, so far as those two persons were concerned, there was an end of that argument.”

Mr. Phelps, then the oldest Member of the House, proposed that the contestant should open with a speech of one hour, that the sitting Member should then follow with a speech of two hours, and that the contestant should then have one hour for reply, which was adopted by unanimous consent, changing the practice as it had before existed. The Chair has merely stated these facts, hoping that the sitting Member and the contestant will agree as to the order of debate.

Mr. Henry L. Dawes, of Massachusetts, recalled that in the case referred to the position of Mr. Phelps was contested and the principle was enforced that the man who had the affirmative of the case, as every other plaintiff in court, had the right to close. So the contestant in that case was permitted to close after the sitting Member had spoken.

The Speaker, in accordance with suggestions from Members, put to the House the request that the sitting Member should speak first and then that the contestant should occupy the time in closing that the member of the committee in charge of the majority report would be entitled to under the practice. By unanimous consent this request was granted, and the debate was arranged in this way.

5002. A Member rising to a question of personal privilege was not permitted to take from the floor another Member who had been recog-

¹John G. Carlisle, of Kentucky, Speaker.

²First session Thirty-eighth Congress, Globe, p. 2166.

³Schuyler Colfax, of Indiana, Speaker.

nized for debate.—On May 29, 1906,¹ Mr. Sereno E. Payne, of New York, had the floor on his motion to approve the Journal, when Mr. Arthur P. Murphy, of Missouri, claimed the floor for a question of personal privilege.

The Speaker² said:

The gentleman from Missouri rises to a question of the highest personal privilege. The motion before the House is to approve the Journal. The gentleman from New York [Mr. Payne] has the floor. In the opinion of the Chair, the gentleman from Missouri [Mr. Murphy] can raise his question of the highest personal privilege when the gentleman from New York is not upon the floor.

Mr. John W. Gaines, of Tennessee, rising to a parliamentary inquiry, said:

Does the gentleman state that his question of personal privilege grows out of the approval of the Journal?

The Speaker replied:

No; nor has the Chair conceded that it would make any difference if it did, in the time of the gentleman from New York. The gentleman from Missouri can not take the gentleman from New York [Mr. Payne] off of the floor upon a question of personal privilege, in the opinion of the Chair.

5003. Under the rules only the Speaker or Chairman may recognize for debate, but by unanimous consent the time is sometimes controlled by the two Members in charge of the two contentions on the floor.

Under the rules the Speaker recognizes the Members who address the House.

On March 1, 1898,³ the House being about to consider the bill (H. R. 5359) to amend the postal laws relating to second-class matter, a question arose as to the division of time.

The Speaker⁴ said:

Under the rules of the House, unless the House unanimously agrees to the contrary, the Speaker recognizes the Members who address the House, and it has usually been understood that the Speaker will endeavor to see that the debate is fairly conducted. That is a part of the duties of his office.

Sometimes, by unanimous consent, the debate is controlled by Members in charge on the floor.⁵

¹First session Fifty-ninth Congress, Record, p. 7622.

²Joseph G. Cannon, of Illinois, Speaker.

³Second session Fifty-fifth Congress, Record, p. 2328.

⁴Thomas B. Reed, of Maine, Speaker.

⁵It is quite common for the House to arrange for the time to be controlled by the two Members in charge, one on either side. But if such arrangement can not be made, the Speaker recognizes. On January 31, 1898 (second session Fifty-fifth Congress, Record, p. 1260), Senate concurrent resolution No. 22, relating to the redemption of bonds in silver, was before the House under a special order which provided for a vote at 5 p. m. that day. An attempt was made to have the distribution of time made by Mr. Dingley, of Maine, on one side, and Mr. Bailey, of Texas, on the other (party leaders, respectively, on Ways and Means Committee, which reported the resolution), but this attempt failed, leaving the control of recognitions with the Speaker. He recognized first the chairman of the Ways and Means Committee (Mr. Dingley), and next Mr. Bailey. This was in accordance with usage, and each was entitled to an hour. So, also, would the other members of the Ways and Means Committee who would come next in order be entitled to an hour each. But with so much pressure for time the leading members of the committee did not attempt to monopolize the time. Mr. Dingley spoke thirty minutes and yielded the rest of the time. Mr. Bailey took even less of his time, yielding the remainder. Other members of the Ways and Means Committee (Messrs. Payne, of New York, and Robertson, of Louisiana) were also recognized, and after using a little time yielded the remainder. Thus the time was appor-

5004. The time of a debate having been divided and assigned to the control of the two sides, it must be assigned to Members in accordance with the rules, no Member being allowed more than one hour.—On May 13, 1896,¹ the House was considering the contested election case of Rinaker v. Downing, and by unanimous consent it had been agreed that the time should be divided between the two sides and controlled by gentlemen representing them. Mr. Edward D. Cooke, of Illinois, who controlled the time on the side of the majority of the committee, having yielded to Mr. James A. Connolly, of Illinois, such time as he might desire, the latter in his remarks exceeded one hour.

Mr. William H. Moody, of Massachusetts, made the point of order that the other side were entitled to the floor.

The Speaker pro tempore² said:

If the gentleman makes the point of order that the time of the gentleman from Illinois has expired, the Chair will so hold. He was about to state why he so held; but if the gentleman from Illinois does not care to hear the reason he need not. The Chair holds that the gentleman's time has expired. * * * The present occupant of the Chair fails to find from the Record that there was an absolute agreement as to unlimited time. There was simply an agreement, not to fix any time, but to allow the time occupied to be controlled on the one side by the gentleman from Illinois [Mr. Cooke] and on the other side by the gentleman from Massachusetts [Mr. Moody]. Under the circumstances, the time occupied by any particular Member would be governed by the rules of the House, and the gentleman from Illinois could have been granted but one hour. He has exceeded that time; therefore his time has expired, and he can not proceed now unless by unanimous consent.

Several parliamentary inquiries having been made as to the right of Mr. Cooke to yield unlimited time to Mr. Connolly, the Speaker,³ who had resumed the Chair, said:

Whenever the time is under the control of two gentlemen on opposite sides of the question, it is always understood that it is under such control subject to the rules of the House, and the rule of the House limits any Member to sixty minutes unless by unanimous consent it is changed.

5005. On January 5, 1897,⁴ the bill (H. R. 4566) to amend the postal laws relating to second-class matter was under consideration in Committee of the Whole House on the state of the Union, and the time of debate had, by unanimous consent, been placed under the control of Mr. Eugene F. Loud, of California, on the one side, and Mr. Lemuel E. Quigg, of New York, on the other.

Mr. Quigg having taken the floor, and having at the end of an hour been informed that one hour had expired, was proceeding, when the Chairman informed him that he was proceeding by unanimous consent.

Mr. Quigg thereupon made the point that he was proceeding in his own time.

tioned out by members of the Ways and Means Committee, the Speaker making only the recognitions required by usage. With a longer time for debate the usage generally is to recognize the members of the committee for an hour each, and then, if it is necessary to economize time and there is much pressure, it is customary for the Speaker or Chairman by general consent to recognize members for stipulated periods less than the hour allowed by the rules. In this way more members are allowed to speak than could be accommodated did each Member recognized use the hour allotted him by the rules.

¹First session Fifty-fourth Congress, Record, p. 5199.

²James S. Sherman, of New York, Speaker pro tempore.

³Thomas B. Reed, of Maine, Speaker.

⁴Second session Fifty-fourth Congress, Record, pp. 462, 465.

The Chairman¹ said:

But the gentleman could not, without the unanimous consent of the committee, which had been given, occupy more than one hour.

On January 7, 1897,² the House was in Committee of the Whole House on the state of the Union considering the Pacific Railroad funding bill (H. R. 8189), and it had been arranged by unanimous consent that the time should be controlled by Mr. H. Henry Powers, of Vermont, on the one side, and by Mr. Joel D. Hubbard, of Missouri, on the other.

Mr. Powers having taken the floor, was informed, at the end of one hour, that his time had expired.

Mr. Powers made the point that he had entire control of the time on one side.

The Chairman³ said:

That is correct; but under the rules of the House, even where unlimited time is within the control of a Member, he is not allowed, except by unanimous consent, to occupy the floor for more than one hour.

5006. A Member desiring to interrupt another in debate should address the Chair for permission of the Member speaking.—On January 5, 1901,⁴ during debate on the bill (H. R. 12740) “making an apportionment of Representatives in Congress among the several States under the Twelfth Census,” a discussion arose between Messrs. Charles E. Littlefield, of Maine, and Albert J. Hopkins, of Illinois.

The Chair,⁵ interrupting, said:

The Chair wants to say that it is utterly out of the question to have an orderly debate in the House unless the rules of the House are observed. The rules of the House require that when a Member rises he shall first address the Chair, and the rules also forbid one Member to address another in the second person. The Chair hopes that Members will conform to the rules of the House.

On January 8,⁶ during discussion of the same bill and under similar circumstances, the Speaker⁷ said:

The Chair will state that if anyone desires to interrupt the Member who is speaking he must rise and address the Chair, and get permission.

5007. It is entirely within the discretion of the Member occupying the floor in debate to determine when and by whom he shall be interrupted.—

On January 15, 1868,⁸ the House was considering the bill (H. R. 208) “extending the time for the completion of the Dubuque and Sioux City Railroad,” Mr. Benjamin F. Hopkins, of Wisconsin, having the floor.

Mr. Hopkins yielded to Mr. Elihu B. Washburne, for an interruption, and then, having withdrawn his consent to further interruption, yielded the floor to Mr. Rufus P. Spalding, of Ohio.

¹ James S. Sherman, of New York, Chairman.

² Second session Fifty-fourth Congress, Record, p. 559.

³ John A. T. Hull, of Iowa, Chairman.

⁴ Second session Fifty-sixth Congress, Record, p. 593.

⁵ John Dalzell, of Pennsylvania, Speaker pro tempore.

⁶ Record, p. 710.

⁷ David B. Henderson, of Iowa, Speaker.

⁸ Second session Fortieth Congress, Journal, p. 191; Globe, p. 541.

Mr. Washburne made the point of order that it was not competent for a Member entitled to the floor to refuse to be interrupted by one Member and then yield to another.

The Speaker,¹ overruled the point of order.

Mr. Washburne having appealed, the decision of the Chair was affirmed, yeas 136, nays 0.

5008. On March 23, 1904,² during debate on the post-office appropriation bill in Committee of the Whole House on the state of the Union, Mr. Robert Baker, of New York, interrupted a Member who had declined to yield to him.

Whereupon the Chairman³ said:

The gentleman from New York is out of order, and the gentleman has transgressed the rules of orderly procedure of the House of Representatives.

And when Mr. Baker persisted, the Chairman said:

The gentleman is still out of order. The gentleman from New York [Mr. Baker] has again transgressed the rules of orderly procedure of the House of Representatives.

5009. In the House a Member may yield the floor for a motion to adjourn without losing his right to continue when the subject shall be considered again.—On May 16, 1900,⁴ the regular order being demanded, the Speaker directed the call of committees in the morning hour.

The call rested on the Committee on Foreign Affairs, which on the preceding day had presented the bill (S. 2931) “to incorporate the American National Red Cross Association, and for other purposes.”

This bill being undisposed of, the Speaker announced that Mr. Frederick H. Gillett, of Massachusetts, who on the previous day had yielded the floor for a motion to adjourn, was recognized for the fifteen minutes remaining of his hour.

Mr. Champ Clark, of Missouri, rising to a parliamentary inquiry, asked if the gentleman from Massachusetts did not on the previous day, by yielding the floor for a motion to adjourn, lose his right to reoccupy it.

The Speaker⁵ said:

The Chair thinks not, as he only yielded for a motion to adjourn.

5010. On January 29, 1861,⁶ Speaker pro tempore George A. Briggs, of New York, decided that a Member who in the House yielded the floor for a motion to adjourn, yielded it unconditionally and lost the right to resume it. On appeal this decision was sustained.

5011. A Member who has yielded the floor for a motion to adjourn is entitled to prior recognition after that motion is decided in the negative.—On March 26, 1836,⁷ during the consideration of a contested election case from North Carolina, Mr. John Calhoun, of Kentucky, who had the floor in debate,

¹ Schuyler Colfax, of Indiana, Speaker.

² Second session Fifty-eighth Congress, Record, p. 3587.

³ H. S. Boutell, of Illinois, Chairman.

⁴ First session Fifty-sixth Congress, Record, p. 5618.

⁵ David B. Henderson, of Iowa, Speaker.

⁶ Second session Thirty-sixth Congress, Journal, p. 247; Globe, pp. 628, 629.

⁷ First session Twenty-fourth Congress, Debates, p. 2986.

yielded the floor in order that Mr. Henry A. Wise, of Virginia, might move an adjournment.

The motion to adjourn having been made, and decided in the negative on a vote by yeas and nays, Mr. Samuel Cushman, of New Hampshire, arose and addressed the Chair for the purpose of demanding the previous question.

The Speaker¹ decided that Mr. Calhoun was entitled to the floor. To give the gentleman from Kentucky the floor under the circumstances was in conformity with the practice and courtesy of the House.

5012. A Member having the floor in debate in Committee of the Whole may yield for a motion that the committee rise without losing his right to continue at the next sitting.—On February 14, 1850,² the House resolved itself into the Committee of the Whole House on the state of the Union, and the Chairman stated that the business before the committee was the consideration of the resolution referring the various subjects of the President's message to the several committees of the House, and that on that question the gentleman from Alabama, Mr. Henry W. Hilliard, who held the floor in continuation of remarks commenced by him on a previous day, was entitled to the floor. Mr. Hilliard had obtained the floor on February 12, and had yielded to a motion that the committee rise.

Mr. Preston King, of New York, moved to lay aside the consideration of the resolutions before the committee, with a view to take up the message of the President concerning California.

The Chairman³ decided that the gentleman from Alabama [Mr. Hilliard] was entitled to the floor, and that the motion of the gentleman from New York [Mr. King] was not in order.

On appeal the decision of the Chair was sustained.

5013. On February 22, 1851,⁴ the House was in Committee of the Whole House on the state of the Union, considering the fortifications appropriation bill. Mr. John W. Houston, of Delaware, had the floor, when he yielded it to Mr. Robert M. McLane, of Maryland, to move that the committee might rise in order to close debate.

Mr. George W. Jones, of Tennessee, raised the point of order that the gentleman from Delaware could not, under the rules and practice of the House, yield the floor, even for an explanation, without the unanimous consent, and that the gentleman from Maryland, having had the floor on this subject, was not entitled to it again.

The Chairman⁵ stated that it had been the invariable practice of the House for one Member to yield the floor to another for a motion to rise. It was not, of course, for the Chair to inquire what was the object in moving that the committee rise.

On an appeal by Mr. Jones the decision of the Chair was sustained.

5014. A Member who has yielded the floor to enable the subject to be postponed to a day certain was held to be entitled to prior recognition

¹ James K. Polk, of Tennessee, Speaker.

² First session Thirty-first Congress, *Globe*, pp. 340, 358.

³ Linn Boyd, of Kentucky, Chairman.

⁴ Second session Thirty-first Congress; *Globe*, p. 645.

⁵ James S. Green, of Virginia, Chairman.

when the subject was again considered.—On April 25, 1836,¹ the House was considering resolutions of the legislature of Kentucky relating to the revenue arising from the sale of public lands, and Mr. Albert G. Hawes, of Kentucky, arose to address the House.

Mr. Sherrod Williams, of Kentucky, rose and inquired whether Mr. Hawes, who had yielded the floor on the day when the subject was last under consideration of the House, to another Member to make a motion to postpone the same to a future day, had now the right to the floor on the question pending before the House “until every Member choosing to speak shall have spoken.”

The Speaker² stated the facts to the House, viz: Mr. Hawes, when the subject was last under discussion, being entitled to the floor, had proceeded to address the House, and before he had concluded his remarks, yielded the floor to a Member to make a motion to postpone the subject to a future day; and the subject was accordingly postponed. Under this state of facts the Speaker took the sense of the House, whether Mr. Hawes was now entitled to the floor.

The House decided in the affirmative, and Mr. Hawes proceeded, concluding his remarks.

5015. A Member who resumes his seat while a paper is being read in his time does not thereby lose his right to proceed.—On May 20, 1830,³ the House was considering a bill to reduce the duty on salt, and a motion to commit the bill was pending.

Mr. Ralph I. Ingersoll, of Connecticut, moved to amend the motion to commit by adding certain instructions, which he sent to the Clerk’s desk to be read.

While the Clerk was reading Mr. Ingersoll resumed his seat.

At the conclusion of the reading Mr. Starling Tucker, of South Carolina, rose and addressed the Chair.

Mr. Ingersoll claimed his right to the floor.

The Speaker⁴ decided that he was entitled to proceed in speaking to his motion,

5016. A Member who resumes his seat after being called to order, loses his claim to prior right of recognition.—On February 27, 1810,⁵ during the consideration of the bill entitled “An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes,” Mr. Barent Gardenier, of New York, was called to order by Mr. John W. Eppes, of Virginia, for deviating from the question before the House, which was a motion to refer to a select committee.

The Speaker⁶ sustained the point of order.

Mr. Gardenier having sat down, and being about to proceed after another Member had risen and addressed the Chair, the Speaker decided that the Member from New York had lost his prior right to the floor.

An appeal being taken, the decision of the Chair was sustained, yeas 77, nays 43.

¹First session Twenty-fourth Congress, Journal, p. 749; Debates, p. 3360.

²James K. Polk, of Tennessee, Speaker.

³First session Twenty-first Congress, Journal, p. 987.

⁴Andrew Stevenson, of Virginia, Speaker.

⁵Second session Eleventh Congress, Journal, p. 253 (Gales and Seaton ed.); Annals, p. 1462.

⁶Joseph B. Varnum, of Massachusetts, Speaker.

5017. A Senator who had yielded the floor to a message from the House was held entitled to resume the floor to the exclusion of other business.—On February 25, 1868,¹ in the Senate, Mr. Garrett Davis, of Kentucky, had the floor in debate, when a committee from the House of Representatives appeared at the bar of the Senate to impeach Andrew Johnson, President of the United States.

The President pro tempore² said:

The Senator from Kentucky will yield.

Mr. Davis thereupon yielded, and the committee delivered their message and withdrew.

Thereupon Mr. Jacob M. Howard, of Michigan, proposed as a question of privilege a resolution relating to the message just received.

Mr. Davis claimed the floor and declined to yield for the resolution. He said that, according to the universal usage and courtesy between the two Houses, he had yielded for the message, but that as soon as that had been delivered his right to the floor was resumed, and he could not be taken from the floor by a privileged motion or anything else. Mr. George F. Edmunds, of Vermont, argued in support of this contention.

The President pro tempore having submitted the question to the Senate, it was decided that Mr. Davis was entitled to the floor.

5018. According to the later practice a Member having time for debate may yield such portion of it as he may choose to another.—On July 17, 1866,³ Mr. Rufus P. Spalding, of Ohio, having a few minutes of his hour remaining, proposed to yield the remaining time to Mr. Nathaniel P. Banks, of Massachusetts.

Mr. Charles A. Eldridge, of Wisconsin, raised a question of order as to the right of the gentleman from Ohio to do this.

The Speaker⁴ said:

The Chair sustains the right of the gentleman from Ohio to keep the floor and yield it until the end of his hour.⁵ The gentleman has fourteen minutes remaining, which he yields to the gentleman from Massachusetts.

5019. On May 27, 1870,⁶ Mr. Samuel J. Randall, having three minutes of time remaining, proposed to yield it to another Member.

A question as to his right so to do being raised, Mr. Speaker Blaine said:

When a gentleman has been granted time by the House, he has the control of the disposition of that time.

5020. On March 31, 1870,⁷ a question arose as to the right of a Member in debate to yield of his time to another.

Mr. James Brooks, of New York, contended that a Member might yield to another for explanation, but not for general discussion.

¹ Second session Fortieth Congress, Globe, pp. 1405, 1406.

² Benjamin F. Wade, of Ohio, President pro tempore.

³ First session Thirty-ninth Congress, Globe, p. 3890.

⁴ Schuyler Colfax, of Indiana, Speaker.

⁵ This is the unquestioned practice of the House at the present time.

⁶ Second session Forty-first Congress, Globe, p. 3863.

⁷ Second session Forty-first Congress, Globe, pp. 2324, 2325.

The Speaker¹ said that a Member might yield any portion of his time for the discussion of whatever measure might be pending. He only lost his right to the floor when he yielded for an amendment. He also quoted the Journal Clerk,² whose service reached back twenty-five years, in support of this as the usage of the House, Mr. Brooks having denied that such had been the practice of the past.

5021. The practice of permitting a Member to yield time within his control for debate to another Member began about 1852, but was questioned even as late as 1879.

The practice of yielding time in debate grew up in the House after the establishment of the hour rule had made it practicable. (Footnote.)

A Member who has the floor in debate may not yield to another Member to offer an amendment without losing control of his time.

On March 29, 1852,³ Mr. Frederick P. Stanton, of Tennessee, from the Committee on Naval Affairs, to whom was referred a Senate bill (No. 154), "An act to enforce discipline and promote good conduct in the naval service of the United States," the rules having been suspended for that purpose, reported the same with an amendment.

The Speaker stated the question to be on agreeing to the said amendment.

During discussion, Mr. Charles E. Stuart, of Michigan, who was entitled to the floor, yielded the same to Mr. Willard P. Hall, of Missouri.

Mr. George W. Jones, of Tennessee, made the point of order that the gentleman from Missouri [Mr. Hall] was not in order in explaining the bill, it only being competent for him to make a personal explanation.

The Speaker⁴ decided that under the uniform practice of the House it was competent for Mr. Hall to pursue the course of remarks in which he was engaged.

On appeal, the Speaker was sustained by a vote of 93 to 30, by tellers.

The record of the debate shows that Mr. Jones, in rising to the question of order, asked if the gentleman from Michigan, Mr. Stuart, could take the floor and "farm it out" to everyone who wished to speak upon the bill.

The Speaker stated that the universal practice of the House had been for a Member having the floor to yield to others for explanation connected with the subject-matter before the House. It was a different case to yield the floor for amendments. That might be objected to. It had been common for gentlemen having the floor for an hour to yield to other gentlemen who might wish to make explanations within that hour.⁵

Mr. Jones, in taking his appeal, said he wished to let the House determine whether gentlemen could take the floor and "farm it out" to others.

¹James G. Blaine, of Maine, Speaker.

²Mr. Barclay.

³First session Thirty-second Congress, Journal, p. 524; Globe, p. 911.

⁴Linn Boyd, of Kentucky, Speaker.

⁵On February 9, 1827 (second session Nineteenth Congress, Debates, p. 1045), before the adoption of the hour rule in debate, Mr. Speaker Taylor decided that a gentleman who yielded the floor had no power to determine who next should have it.

5022. On February 19, 1855,¹ during debate on the veto message relating to the French spoliation claims, Mr. Mordecai Oliver, of Missouri, having the floor, Mr. Louis D. Campbell, of Ohio, asked the gentleman to allow him "to say a word." Mr. John Wheeler, of New York, objected to "this farming out the floor."

The Speaker² said:

The Chair would remark that it is not in order for any gentleman to yield the floor except for the purpose of explanation.

5023. On August 12, 1848,³ during consideration of a communication from the Commissioner of Indian Affairs, Mr. James J. Faran, of Ohio, having the floor in debate, yielded it to Mr. John D. Cummins, of Ohio.

Mr. Cummins was proceeding to offer some remarks when Mr. William Duer, of New York, raised the question of order that the gentleman could not yield the floor without losing entirely his right to reoccupy it.

The Speaker⁴ stated that, by the courtesy of the House, gentlemen had been allowed to yield to others for explanations and still retain the floor; but, by the strict parliamentary law, if it was insisted on, but one gentleman could be entitled to the floor at a time.

5024. On February 22, 1853,⁵ Mr. Thomas S. Bocock, of Virginia, as Chairman of the Committee of the Whole House on the state of the Union, held that during debate a gentleman had the right to yield the floor only for explanation. A Member having an hour had announced his disposition to transfer his time to such members of the Indian Affairs Committee as might wish to speak on the bill. The Chairman did not permit this.

5025. On February 14, 1861,⁶ Speaker pro tempore William Kellogg, of Illinois, held that a Member having the floor might yield his time to another Member; but the House overruled this decision.

5026. On June 21, 1864⁷ Mr. Speaker Colfax informing Mr. Robert C. Schenck, of Ohio, who, after speaking some time, proposed to yield to Mr. Garfield, of Ohio, for a few minutes, that he could not yield the floor unless he yielded it unconditionally.

5027. On May 13, 1879,⁸ Mr. Speaker Randall said:

On a recent occasion the Chair decided upon an expressed opinion of the House that a Member had no right to "farm out" to other Members portions of his time. * * * The members of a committee reporting a bill have a right to the preference. The Chair thinks that that preference, under the disposition manifested by the House, should be confined to the time occupied by the Member himself, or they might otherwise take up the whole time allowed for the discussion of a bill, and exclude from participation in debate those who are perhaps as much interested in the subject as members of the committee, and who may not have an opportunity of inducing a member of the committee to give them the time they desired. Now, the Chair thinks that the practice is right, because the responsibility of the disposition of the floor should be in the Chair, and not in Members on the floor of the House.

¹ Second session Thirty-third Congress, Globe, p. 815.

² Linn Boyd, of Kentucky, Speaker.

³ First session Thirtieth Congress, Globe, p. 1069.

⁴ Robert C. Winthrop, of Massachusetts, Speaker.

⁵ Second session Thirty-second Congress, Globe, p. 785.

⁶ Second session Thirty-sixth Congress, Journal, p. 318; Globe, pp. 916, 917.

⁷ First session Thirty-eighth Congress, Globe, p. 3147.

⁸ First session Forty-sixth Congress, Record, p. 1312.

5028. The right of a Member to yield of his time has been modified by the principle that members of the committee reporting the subject are entitled to prior recognition.—On January 22, 1874,¹ during the consideration of the West Virginia election cases, the Speaker² said:

The Chair suggests that the rules of the House give to a committee making a report the first right to the floor; and the gentleman from Ohio, Mr. Robinson [who had proposed to yield to one not a member of the Committee on Elections], is clearly entitled to an hour in his own right. But if that gentleman has no disposition to occupy his hour, the Chair suggests that the balance of his time should go to other members of the Committee on Elections before gentlemen who are not members of the committee are heard. That would be in accordance with the groundwork of the rules of the House on this subject.

5029. A Member may control the time allowed him by the rules, yielding time to others for debate, but not for amendment.—On April 9, 1869,³ during debate on the election case of *Myers v. Moffet*, the Speaker² ruled:

The Chair would state that according to the uniform and unbroken usage of the House, where a gentleman rises to debate under the hour rule, if he yields a portion of his time he controls the question of making motions within that hour if he yields for debate only, and it is not the right of any gentleman speaking within his time to make an adverse or hostile motion.

5030. On January 30, 1904,⁴ the House was considering the bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians. Mr. Charles H. Burke, of South Dakota, having the floor, proposed to yield for an amendment.

The Speaker⁵ said:

The Chair will state to the gentleman from South Dakota that the Chair understands the rule to be this: In the hour that the gentleman controls the bill is not subject to amendment, and that so far the amendments have been read for information. Now, if the gentleman yields the floor the bill will be subject to amendment. * * * The amendments reported from the committee are pending. The gentleman from South Dakota can offer an amendment if he sees proper, and then call the previous question. He can test the sense of the House at any time he desires.

5031. A Member who, having the floor in debate, yields to another to offer an amendment loses his right to resume.—On January 29, 1840,⁶ the House having before it a proposition relating to the printing of the House, the question was on an amendment submitted by Mr. William J. Graves, of Kentucky, when a motion was made by Mr. Rice Garland, of Louisiana, to amend the same by inserting therein, after the word “same,” these words: “And into the expediency of entirely separating the patronage of the Government from the newspaper or public press of the country.”

A question of order was raised by Mr. Aaron Vanderpoel, of New York, that the amendment proposed by Mr. Garland was not in order for this—that Mr. Graves, who was entitled to the floor, had no right to yield it to Mr. Garland to offer his amendment, and that, therefore, the amendment of Mr. Garland was not rightfully before the House.

¹First session Forty-third Congress, Record, p. 848.

²James G. Blaine, of Maine, Speaker.

³First session Fifty-first Congress, Globe, p. 683.

⁴Second session Fifty-eighth Congress, Record, p. 1428.

⁵Joseph G. Cannon, of Illinois, Speaker.

⁶First session Twenty-sixth Congress, Journal, p. 248; Globe, pp. 153, 154.

The Speaker¹ decided that Mr. Graves had a right to yield the floor to Mr. Garland, but that when he did so he yielded it unconditionally; that any other Member would have been entitled to succeed Mr. Garland who could obtain the floor by rising first; that, consequently, the amendment of Mr. Garland was rightfully before the House.

From this decision Mr. Vanderpoel appealed to the House, and the decision of the Chair was sustained—126 yeas to 71 nays.

5032. When a Member yields of his time for debate, an amendment may not be offered in the yielded time without his consent.—On February 24, 1897,² Mr. John P. Tracey, of Missouri, presented a resolution from the Committee on Accounts, and took the floor, yielding time to others with the apparent intention of moving the previous question before the expiration of the hour, thus confining the debate within that time.

Mr. Sereno E. Payne, of New York, to whom a few moments had been yielded by Mr. Tracey, proposed to offer an amendment, asking of the Speaker if it would be in order for him to do so.

The Speaker³ said:

The Chair thinks it is not in order without the consent of the gentleman from Missouri. * * * The Chair thinks that when a gentleman yields the floor under such circumstances, retaining control of it, an amendment can not be offered without his consent, because he has a right to test the will of the House by moving the previous question free from the amendment. * * * The proper way is to vote the previous question down if the House desires to consider the amendment.

5033. A Member who receives time in debate from another may yield of it to a third only with the consent of the original possessor.—On February 19, 1897,⁴ Mr. Fernando C. Layton, of Ohio, presented a conference report on the bill (S. 3150) granting a pension to Mary Gould Carr.

Mr. G. C. Crowther, of Missouri, having been recognized in his own right, yielded of his time to others. Among them was Mr. Layton, who, as a parliamentary inquiry, asked of the Speaker if in turn he could yield a portion of his time to another Member, his colleague.

The Speaker³ said:

The Chair would suppose that the gentleman could yield to his colleague, with the consent of the gentleman from Missouri [Mr. Crowther.]

5034. On February 10, 1898,⁵ the House was considering the bill (H. R. 2196) directing the issue of a duplicate lost check.

Mr. George D. Perkins, of Iowa, being recognized, yielded thirty minutes to Mr. Joseph W. Bailey, of Texas, whereupon Mr. Bailey proposed to yield the time so obtained to Mr. Levin I. Handy, of Delaware.

Mr. Perkins made the point of order that Mr. Bailey could not thus yield yielded time.

¹ Robert M. T. Hunter, of Virginia, Speaker.

² Second session Fifty-fourth Congress, Record, p. 2208.

³ Thomas B. Reed, of Maine, Speaker.

⁴ Second session Fifty-fourth Congress, Record, p. 1995.

⁵ Second session Fifty-fifth Congress, Record, p. 1632.

The Speaker¹ decided that time thus yielded could not be yielded again except by the consent of the Member originally yielding the time.

Mr. Perkins having consented to the transfer of the time to Mr. Handy, the latter proceeded.

5035. Members may not yield time during the five-minute debate.—On May 14, 1890,² the House was in Committee of the Whole House on the state of the Union considering the bill (H. R. 9416) to reduce the revenue and equalize the duty on imports, and for other purposes.

The time of Mr. Mark H. Dunnell, of Minnesota, having expired, the debate being under the five-minute rule, Mr. Richard P. Bland, of Missouri, proposed to be recognized in order to yield time to Mr. Dunnell.

The Chairman³ said:

The Chair will follow the ruling of his predecessor in the chair, and will not recognize the right of gentlemen to yield time in the five-minute debate.

Again, on May 16,⁴ the same Chairman, in a similar case, said, in response to a suggestion of Mr. David B. Henderson, of Iowa, in regard to yielding time:

The Chair can not recognize the gentleman's right to yield to anybody; that is the established usage in the Committee.

5036. On March 30, 1897,⁵ the House was in Committee of the Whole House on the state of the Union considering the tariff bill (H. R. 379) under the five minute rule. Mr. George W. Steele, of Indiana, having been recognized, proposed to yield a portion of his five minutes to another Member.

The Chairman⁶ said:

The Chair thinks the gentleman must occupy his own time.⁷

5037. On June 13, 1902,⁸ the Committee of the Whole House on the state of the Union was considering the bill (S. 3057) "for the reclamation of arid lands by irrigation," when Mr. Frank W. Mondell, of Wyoming, having been recognized for debate under the five-minute rule, proposed to yield four minutes to Mr. James R. Mann, of Illinois.

Mr. James M. Robinson, of Indiana, objected.

The Chairman⁹ held that the gentleman from Wyoming was not entitled to yield time.

5038. Before the adoption of rules, while the House was proceeding under general parliamentary law, it was held that a Member having the floor in debate might not yield the floor to another without losing the

¹ Thomas B. Reed, of Maine, Speaker.

² First session Fifty-first Congress, Record, p. 4662.

³ Charles H. Grosvenor, of Ohio, Chairman.

⁴ Record, p. 4776.

⁵ First session Fifty-fifth Congress, Record, p. 481.

⁶ James S. Sherman, of New York, Chairman.

⁷ Time is quite often yielded under the five-minute rule, no one objecting, and in at least one instance with the approval of the Chairman. (See Record, first session Fifty-fourth Congress, p. 2503.)

⁸ First session Fifty-seventh Congress, Record, p. 6751.

⁹ James A. Tawney, of Minnesota, Chairman.

right to resume.—On January 29, 1890,¹ the House not having adopted rules, and the proceedings being under general parliamentary law, Mr. Charles F. Crisp, of Georgia, took the floor and was proceeding to discuss the ruling of the Speaker in relation to the counting of the quorum present, when Mr. Joseph W. Covert, of New York, requested that the gentleman from Georgia yield to him for a moment.

A question arising as to the right to yield, the Speaker² said:

The gentleman from Georgia has the floor and if he yields the floor he must yield it entirely

5039. On February 7, 1890,³ the House being still conducting its proceedings under general parliamentary law⁴ a bill (H. R. 14) for the erection of a monument to the memory of Major-General Knox was under consideration.

Mr. Charles H. Mansur, of Missouri, having the floor, proposed to yield to another Member, when Mr. Richard P. Bland, of Missouri, made the point of order that a Member occupying the floor can not yield it to other Members and still retain the right to the floor.

The Speaker pro tempore⁵ sustained the point of order.

5040. On December 23, 1859,⁶ before the election of a Speaker or the adoption of rules, the Clerk (Mr. James C. Allen, of Illinois) gave the following opinion in regard to yielding the floor in debate:

The Clerk will state that by the parliamentary law the gentleman, if he yield the floor, will only be entitled to it again as a matter of courtesy.⁷ It has been usual, however, when the gentlemen yield the floor for any purpose whatever, with an understanding that they shall resume it, that they are permitted to resume it when the discussion is resumed.

5041. In the Senate a Senator may not take the floor and then yield periods of time to other Senators.—On March 3, 1905,⁸ in the Senate, the President⁹ pro tempore said:

The Chair does not wish to be misunderstood. The Chair did not rule that a Senator could not yield to a brother Senator. He simply ruled that it is entirely beyond the custom in the United States Senate for a Senator to take the floor and hold it for a quarter of an hour, or half an hour, or an hour, and parcel out the time, as is done sometimes in the other House. The Chair intended to say nothing that would prevent a Senator from yielding to a brother Senator once or more. * * * The Chair never has ruled in relation to that matter before an objection has been made; and, in the opinion of the Chair, when objection is made the Chair will be obliged to rule that the Senator has no right to yield the floor.¹⁰

¹First session Fifty-first Congress, Record, pp. 955, 1010.

²Thomas B. Reed, of Maine, Speaker.

³First session Fifty-first Congress, Journal, p. 209; Record, p. 1146.

⁴The rules were not adopted until February 14, 1890.

⁵Lewis E. Payson, of Illinois, Speaker pro tempore.

⁶First session Thirty-sixth Congress, Globe, p. 224.

⁷As there is no rule in general parliamentary law limiting the time which a Member may use in debate, the right to yield the floor to another would evidently be subversive of the rights of Members generally.

⁸Third session Fifty-eighth Congress, Record, p. 3945.

⁹William P. Frye, of Maine, President pro tempore.

¹⁰As the Senate has no rule limiting the time during which a Senator may occupy the floor in debate, the principle of this rule is evidently essential to the fairness of procedure. In the House with the hour rule, it is not necessary.

5042. The Member shall confine himself to the question under debate, avoiding personality.—The final clause of section 1 of Rule XIV¹ provides that the Member “shall confine himself to the question under debate, avoiding personality.”

Jefferson’s Manual, in Section XVII, also has the still older parliamentary rule:

No one is to speak impertinently or beside the question, superfluous, or tediously. (Scob., 31, 33; 2 Hats., 166, 168; Hale Parl., 133.)

5043. It has always been held, and generally quite strictly, that in the House the Member must confine himself to the subject under debate.

Reference to an early criticism of the rules as too strict in relation to freedom of debate. (Footnote.)

On February 7, 1825,² the rules for the government of the coming Presidential election by the House were taken from the Committee of the Whole, and Mr. George McDuffie, of South Carolina, proceeded to continue the debate begun in Committee of the Whole. The question before the House was a motion to strike out a provision allowing the galleries to be cleared on the motion of one State during the election of President. Mr. McDuffie was discussing whether the people had the right to instruct their delegates, this being brought about through discussion of the influence of people in the galleries.

In the midst of the speech Mr. Daniel Webster, of Massachusetts, observed that he rose with great pain, and he hoped the gentleman from South Carolina would do him the justice to believe that nothing but an imperious conviction of duty induced him to interrupt an argument which he knew it would give him pleasure to hear; but he submitted whether it was in order to go into an argument in the House in reply to an argument urged in Committee of the Whole any more than if it had been urged in a select committee.

The Speaker³ decided that the observations of Mr. McDuffie were not in order, on the ground stated, and that they were not in order for another reason, viz, that the whole scope of the debate was irrelevant to the question actually before the House.

Mr. McDuffie, upon the latter ground, submitted to the decision of the Chair.⁴

¹ For the form and history of this rule see section 4979 of this volume.

² Second session Eighteenth Congress, Debates, p. 510.

³ Henry Clay, of Kentucky, Speaker.

⁴ A commentary on the strictness with which the rule was enforced is afforded at an earlier date than this. On January 19, 1816 (first session Fourteenth Congress, Annals, p. 698), Mr. John Randolph, of Virginia, in debating the rule relating to the previous question, said: “There are other members of those rules which might well content those gentlemen, whatever their appetite might be for despotism. Some that might satisfy the Grand Inquisitor himself.” One of these was the “call to order.” The Annals say: “On this subject Mr. Randolph was very pointed and powerful. He showed from the rules of the British House of Commons, laid down by Mr. Hatsell, that no instance ever was known in that body of a member’s being prevented from discussing any proposition, either immediately sub judice or that he wished to bring before them, and that the only interruption allowable in it was confined to cases where anything touching the royal authority was introduced.”

It was the custom of the earlier Speakers to hold the Member speaking strictly to the question before the House, without waiting for the point to be made on the floor. (See instances in 1828, first session Twentieth Congress, Debates, pp. 927, 928, 933, 937, 947, 965.)

5044. On May 7, 1846,¹ a motion was made by Mr. Joshua R. Giddings, of Ohio, to reconsider the vote by which the House on the previous day ordered the message of the President of the United States, in relation to shooting soldiers for desertion, printed.

Mr. Giddings proceeded to debate his motion, and while proceeding therein was called to order by Mr. Armistead Burt, of South Carolina, for irrelevancy.

Mr. Giddings took his seat.

The Speaker² decided that the remarks of Mr. Giddings were not in order.

From this decision Mr. Reuben Chapman, of Alabama, appealed, and moved that his appeal be laid upon the table; which motion was agreed to.

And so Mr. Giddings was precluded from debating further his motion to reconsider.

5045. On April 9, 1884,³ the House having passed a bill requiring the governors of Territories to be residents of the Territories for two years preceding appointment, the question of agreeing to the title of the bill came up.

Pending this, Mr. John D. White, of Kentucky, moved to amend the title by adding thereto the following words, viz, "by restricting the appointing power of the President."

During debate on this amendment Mr. James H. Budd, of California, made the point of order that Mr. White was not in order in discussing the amendment, for the reason that he was not confining himself to the question under debate.

The Speaker⁴ sustained the point of order, and held that under the rule Mr. White must confine himself to the question before the House.

5046. On December 2, 1890,⁵ the Speaker laid before the House the bill of the Senate (S. 2591) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities.

The House having proceeded to its consideration, and the question being on its third reading, Mr. Joseph Wheeler, of Alabama, obtained the floor and proceeded to address the House upon the subject of the tariff.

Mr. William J. Stone, of Kentucky, made the point of order that Mr. Wheeler was not speaking upon the question before the House, and was therefore not in order.

The Speaker⁶ sustained the point of order.

5047. On February 10, 1898,⁷ the House was proceeding with the consideration of the bill (H.R. 7559) making Rockland, Me., a subport of entry. Mr. Levin I. Handy, of Delaware, having obtained the floor, was proceeding to discuss a subject relating to a citizen of his own State, when Mr. John Dalzell, of Pennsylvania, called him to order.

¹ First session Twenty-ninth Congress, Journal, pp. 764, 769.

² John W. Davis, of Indiana, Speaker.

³ First session Forty-eighth Congress, Journal, p. 1014.

⁴ John G. Carlisle, of Kentucky, Speaker.

⁵ Second session Fifty-first Congress, Journal, p. 13; Record, p. 30.

⁶ Thomas B. Reed, of Maine, Speaker.

⁷ Second session Fifty-fifth Congress, Record, pp. 1632-1635.

The Speaker¹ said:

The Chair has no desire to make any strict enforcement of the rule upon any subject unless it be such as is absolutely necessary for the proper transaction of the public business of this House.

While the custom of the House of Representatives heretofore has allowed a very wide latitude of debate in the Committee of the Whole House on the state of the Union, such latitude has not been allowed—or such has not been the custom—in the House itself. In the House itself a Member addressing himself to a subject under consideration is expected to confine himself to the subject of the debate. If he wanders from that, and it is evident that it is his intention to do so, then he is out of order, and either the Speaker of the House himself, or any Member of the House, can call him to order. That being the case, he must proceed in order under the rules and address himself to the subject-matter of debate—the matter under consideration.

Now, the gentleman from Texas and the gentleman from Delaware [Mr. Handy] both, with the utmost frankness, have stated that the gentleman from Delaware, to whom time was yielded, did not intend to discuss the bill before the House for consideration, but that he did propose to introduce extraneous matter; and the Chair is quite sure that both sides of the House will see that it is not a suitable subject for discussion on a bill of this character.

All sides will agree that it is not suitable that we should adopt here a system by which any matter or subject could be discussed in the consideration of a proposition pending before the House rather than the one actually before it.

The early custom of the House, as the Chair has stated, when there was plenty of time and the House had little to do, comparatively, permitted a very great latitude of debate in Committee of the Whole House on the state of the Union in general debate. But the Chair doubts very much if any such latitude was ever allowed, even in the early days, under the five-minute rule of debate, as has been so frequently exercised here during the present session.

The Chair desires to repeat that it is quite sure that both gentlemen, and all gentlemen on both sides of the Chamber, must feel it to be wise to conform to the parliamentary usages and rules of the body, intended to promote the transaction of the public business, namely, that the Members shall address themselves exclusively to the matter under consideration.

5048. On March 1, 1898,² the House having under consideration the bill (H. R. 5359) to amend the postal laws relating to second-class matter, Mr. William W. Kitchin, of North Carolina, proceeded to speak concerning current party politics.

After the Speaker had admonished the gentleman from North Carolina that he should confine himself to the subject under discussion, and after some discussion as to the propriety of invoking the rule, the Speaker¹ said:

The Chair hopes the House will listen to him for one moment. In Committee of the Whole House on the state of the Union, in general debate, it has been somewhat the custom—it was much the custom in earlier days—to discuss any question that a Member saw fit to discuss. But gradually that has been very much lessened, and very little has been done in the way of general discussion. That was owing to the general sentiment and feeling of the House; but the practice of discussing general questions in Committee of the Whole House on the state of the Union seems to have been rather on the increase of late, and now it is proposed that when the House itself has one subject before it, another subject shall be discussed.

It seems to me that every Member of the House must realize that the result of that will be confusion and nothing else. There have been one or two instances this session in which, without interference from anybody, the present occupant of the chair not being in the chair at the time, general debate has been allowed to go on, although the temporary chairman, when appealed to, decided against it. It is very evident from the little discussion we have had that it is really necessary and desirable that the public sentiment of the House should reach that point that Members should not discuss in the House anything but the question before them.

¹ Thomas B. Reed, of Maine, Speaker.

² Second session Fifty-fifth Congress, Record, pp. 2343, 2344.

For that is the plain rule of the House; and while the Chair would not undertake to interfere with a gentleman's method of presenting an argument, yet the difference between addressing the House upon the subject that is before it and the making of a political or other discourse upon a subject not before the House is exceedingly obvious, and so far as there being any different kind of treatment to be administered to either side of the House, the Chair will try to take care of that. The first gentleman who came to me was a gentleman on the Republican side of the House, and the Chair told him very distinctly that so far as he was concerned he should call him to order.

On May 27, 1898,¹ the House had under consideration the bill (S. 1424) granting a pension to Richard P. Seltzer, when Mr. Thomas H. Tongue, of Oregon, having been recognized, proceeded to speak generally upon the subject of pensions and the early struggles for possession of the Oregon Territory.

A point of order having been made by Mr. William L. Greene, of Nebraska, that the gentleman from Oregon was not confining himself to the question under debate, the Speaker pro tempore² ruled as follows:

The question before the House is the bill S. 1424, an act granting a pension to Richard P. Seltzer. There is no question before the House as to the expediency or in expediency of general pension legislation. The remarks of the gentleman from Oregon have related so far simply to pension legislation in general, and the Chair feels constrained, in construing the rule as it has been construed this session, to hold that the gentleman is out of order.

Mr. Joseph G. Cannon, of Illinois, having appealed from the decision, the appeal was laid on the table, and the Chair was sustained by a vote of yeas 104, nays 9, present 36.

5049. On a motion to amend, debate in the House is confined to the amendment and may not include the general merits of the proposition.— On January 19, 1810,³ the House was considering the bill respecting commercial intercourse between the United States and Great Britain and France.

The pending question was a motion to amend by striking out the twelfth section, which section limited the duration of the proposed act.

During the debate Mr. Philip B. Key, of Maryland, who was addressing the Chair, was called to order by Mr. Daniel Sheffey, of Virginia, who alleged that he thought the gentleman from Maryland out of order, because he says his object is to show that there are features in the bill which ought not to be adopted, and consequently that the bill ought not to be unlimited, and therefore the amendment ought not to prevail.

The Speaker⁴ decided the range of argument taken by the gentleman from Maryland to be out of the order of debate upon the question under the consideration of the House.

Mr. Key having appealed, the decision of the Chair was sustained, yeas 68, nays 46.

5050. On December 31, 1827,⁵ the House was considering a resolution,

Resolved, That the Committee on Manufactures be vested with the power to send for persons and papers.

¹ Second session Fifty-fifth Congress, Record, p. 5303.

² John Dalzell, of Pennsylvania, Speaker pro tempore.

³ Second session Eleventh Congress, Journal, p. 183 (Gales and Seaton ed.); Annals, p. 1245.

⁴ Joseph B. Varnum, of Massachusetts, Speaker.

⁵ First session Twentieth Congress, Debates, pp. 866–869.

Mr. Thomas J. Oakley, of New York, proposed an amendment to add the words, "with a view to ascertain and report to the House such facts as may be useful to guide the judgment of this House in relation to a revision of the tariff duties on imported goods."

Mr. Rollin C. Mallery, of Vermont, was proceeding to debate generally the resolution when Mr. Oakley made the point of order that it was not in order to go into the merits of the resolution itself when an amendment to it only was under consideration.

The Speaker¹ held that the remarks of Mr. Mallery were not strictly in order. Later, on January 8, 1828,² the Speaker, in a similar case, said that it was not in order, on a question of amendment, to discuss the general merits of the proposition.

5051. On February 8, 1833,³ the tariff bill was under consideration in the House, having been reported from the Committee of the Whole House on the state of the Union with certain amendments.

The pending question was on the first amendment, relating to the duty on twist and yarn made of wool.

Mr. John Davis, of Massachusetts, having the floor in debate, spoke of the general features of the bill.

The Speaker¹ said:

The gentleman must confine his remark to the amendment.

5052. It has been held not in order during debate in the House to answer an argument made in Committee of the Whole.—On January 18, 1828,⁴ the House was occupied in discussion of the bill "for the relief of Marigny D'Auterive," which had been reported from the Committee of the Whole on a preceding day. The pending question being on a motion to recommit the bill to the Committee on Claims, Mr. John Leeds Kerr, of Maryland, in the course of debate devoted his remarks to a reply to a speech of "the gentleman from New York," in Committee of the Whole.

Mr. Henry R. Storrs, of New York, made the point of order that it was not in order in the House to answer an argument made in Committee of the Whole.

The Speaker¹ sustained the point of order. Later, in the same debate, he called Mr. Joel B. Sutherland, of Pennsylvania, to order for the same thing, admonishing him "that he could not follow the honorable Member into his debate in committee."

5053. It is not in order in debate to refer to a bill not yet reported from a committee.—On March 10, 1828,⁵ Mr. John Taliaferro, of Virginia, in debating resolutions relating to deported slaves, referred to a bill before a committee relating to the same subject.

The Speaker¹ held that it was not in order to refer to a bill now under consideration in a committee of the House, and not reported therefrom.

¹ Andrew Stevenson, of Virginia, Speaker.

² Debates, p. 927.

³ Second session Twenty-second Congress, Debates, p. 1661.

⁴ First session Twentieth Congress, Debates, pp. 1049, 1055.

⁵ First session Twentieth Congress, Debates, p. 1830.

5054. On January 20, 1810,¹ the House was considering the bill respecting commercial intercourse between the United States and Great Britain and France, the pending question being the motion “that the said bill be recommitted to a select committee.”

That motion being under debate Mr. John W. Eppes, of Virginia, who was addressing the Chair, was called to order by Mr. Daniel Sheffey, of Virginia, for asserting that the gentleman from Pennsylvania [Mr. John Smilie] declared that his friends were determined, if he would not go with them in war measures, they would not go with him in any other, which declaration was out of order, and was so declared. In answer to this Mr. Eppes arose and explained that he was a farmer and all his interests were against war.

The Speaker² decided that the range of debate taken by the gentleman from Virginia, Mr. Eppes, was out of order.

On an appeal this decision was sustained.

5055. On an appeal from a decision of the Chair it is not in order to debate the merits of the measure under consideration when the question of order was raised.—On January 4, 1836,³ Mr. John Quincy Adams, of Massachusetts, presented a memorial from sundry inhabitants of his State praying the abolition of slavery in the District of Columbia.

A question of order being raised, the Chair decided that a motion that the petition be not received was debatable. Mr. Adams having appealed from this decision, a discussion arose, in the course of which Mr. Jesse A. Bynum, of North Carolina, declared that whenever the rights of his constituents to their property was “invaded, it would be settled, not here, but on the battlefield.”

The Speaker⁴ reminded Mr. Bynum that he could not debate the merits of the main question on an appeal, and must confine himself to the motion before the House.

5056. While the Speakers have entertained appeals from their decisions as to irrelevancy in debate they have held that such appeals were not debatable.—On August 11, 1842,⁵ Mr. W. W. Irwin, of Pennsylvania, asked to be excused from serving on the select committee appointed on the Message of the President returning with his objections the bill (H. R. 472) “to provide revenue from imports,” etc. Mr. Irwin was giving reasons why he should be excused, saying that the Constitution provided in express terms the mode in which either House of Congress should dispose of the objections made by the Executive to a bill returned by him to it; and considering that the injunction of the Constitution had already been complied with—namely, by spreading those objections on the Journal and making them a matter of record—he believed that neither House of Congress had any power, by any rule or regulation of its own, to depart from the mode of procedure prescribed by that instrument. Therefore he considered that the reference of the message was unconstitutional.

¹ Second session Eleventh Congress, Journal, p. 188 (Gales & Seaton ed.).

² Joseph B. Varnum, of Massachusetts, Speaker.

³ First session Twenty-fourth Congress, Debates, p. 2131.

⁴ James K. Polk, of Tennessee, Speaker.

⁵ Second session Twenty-seventh Congress, Journal, p. 1265; Globe, p. 882.

The Speaker¹ here called Mr. Irwin to order for irrelevancy.

Mr. Irwin appealed to the House from the decision of the Speaker.

This appeal was laid on the table, yeas 78, nays 74.

5057. On January 21, 1851,² the House was considering the bill (S. 12) "allowing exchanges of and granting additional school lands in the several States which contain public lands, and for other purposes," the pending question being on a motion to recommit the bill with instructions to amend so as to give an equal share of the public lands to all the schools in the United States.

Mr. Richard K. Meade, of Virginia, had the floor in debate, when Mr. William Strong, of Pennsylvania, submitted as a point of order that it was not in order for the gentleman from Virginia, on the pending motion, to discuss the general policy of the Government in reference to the disposition of the public lands.

The Speaker³ decided that it was not competent for the gentleman from Virginia to take so wide a range, and that in doing so he was clearly out of order. He must confine his remarks to the question of the disposition of the public lands in reference to the public schools.

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

5058. On February 1, 1847,⁴ the House was considering the bill (H. R. 637) "to regulate the carriage of passengers in merchant vessels," when Mr. Lewis C. Levin, of Pennsylvania, who had the floor, was called to order by Mr. George W. Hopkins, of Virginia, for irrelevancy.

The Speaker pro tempore decided that Mr. Levin was not in order in discussing the subject of the late election while this bill was under consideration.

Mr. Levin called on Mr. Hopkins to reduce the objectionable words to writing.

The Speaker pro tempore⁵ decided that Mr. Levin could not, under the rules of the House, require Mr. Hopkins to reduce the objectionable words to writing.

Mr. Robert C. Schenck, of Ohio, having appealed, the decision of the Chair was sustained.

5059. On January 4, 1842,⁶ the House was considering a motion to reconsider the vote whereby the appointment of three select committees had been authorized, when Mr. Thomas D. Arnold, of Tennessee, proceeded to make a reply to a Member who had charged in debate that some of the constituents of Mr. Brown could not read or write.

Mr. Samuel S. Bowne, of New York, called Mr. Arnold to order for not discussing the question before the House.

The Speaker¹ said that strictly the debate was not in order. Nor had much of the debate on the question been in order. But as the debate had widened out by degrees, he did not feel at liberty to arrest it now. Therefore he should allow the gentleman from Tennessee to proceed.

¹ John White, of Kentucky, Speaker.

² Second session Thirty-first Congress, Journal, p. 171; Globe, p. 292.

³ Howell Cobb, of Georgia, Speaker.

⁴ Second session Twenty-ninth Congress, Journal, pp. 289, 290.

⁵ Howell Cobb, of Georgia, Speaker pro tempore.

⁶ Second session Twenty-seventh Congress, Journal, pp. 120, 123; Globe, pp. 92, 95.

From this decision Mr. Bowne appealed, and on the succeeding day the decision of the Speaker was reversed, yeas 67, nays 89.

During the consideration of this appeal on January 5, the Speaker decided that appeals on questions of irrelevancy and personality were not debatable.

5060. On August 11, 1842,¹ Mr. Speaker John White ruled that a Member was not confining himself to the subject under debate. The Member appealed, and attempted to debate the appeal, but the Speaker held that the appeal was not debatable.

5061. On September 4, 1850,² Mr. Speaker Cobb held:

When a Member is called to order in debate, all questions arising out of the point of order, whether upon appeal or otherwise, must be decided without debate.

5062. On January 15, 1816,³ Mr. John Randolph, of Virginia, was called to order by the Speaker for not confining himself, in his remarks, to the question under debate.

From which an appeal was taken to the House by Mr. Alexander C. Hanson, of Maryland.

And on the question the decision of the Chair was sustained, yeas 79, nays 59.⁴

5063. On March 3, 1849,⁵ a Member being called to order for irrelevancy, Mr. Speaker Winthrop decided that he was in order and might proceed. An appeal was taken, and the Speaker was overruled, and thus the Member was not allowed to proceed.

5064. Personal explanations are allowed only by unanimous consent.— On April 27, 1846,⁶ Mr. C. J. Ingersoll, of Pennsylvania, rose and asked leave to make a brief personal explanation. Mr. Hugh A. Haralson, of Georgia, said that if the application related to personal matters between the gentleman from Pennsylvania, Mr. Ingersoll, and the gentleman from Massachusetts, Mr. Webster,⁷ he should object. The time of the country was too precious to be wasted in personal criminations and recriminations.

Mr. Ingersoll then proposed a motion to suspend the rules to enable him to make the statement, whereupon Mr. Thomas J. Henley, of Indiana, asked the Speaker what rule it was necessary to suspend in order that a gentleman might make a personal explanation.

The Speaker⁸ said that there was no such thing in matters of legislation as a personal explanation. Such things were constantly tolerated by unanimous consent. No personal explanation could be made within any strict technical rule of the House, and, if tolerated at all, it must be either by unanimous consent or by a suspension of all rules relating to the order of business.

¹ Second session Twenty-seventh Congress, Globe, p. 882.

² First session Thirty-first Congress, Globe, p. 1747.

³ First session Fourteenth Congress, Journal, p. 165 (Davis ed.); Annals, pp. 677, 678.

⁴ Instance of an appeal from a decision of the Speaker as to whether or not a Member was taking too wide a latitude in debate. (January 28, 1828, first session Twentieth Congress, Journal, p. 1037; Debates, p. 1222.)

⁵ Second session Thirtieth Congress, Journal, p. 645.

⁶ First session Twenty-ninth Congress, Globe, p. 729.

⁷ Daniel Webster was at this time a Senator.

⁸ John W. Davis, of Indiana, Speaker.

5065. Unanimous consent having been given for a personal explanation, the Member may not be interrupted by a single objection.—On April 20, 1864,¹ Mr. Francis W. Kellogg, of Michigan, moved to reconsider the vote by which the Raritan and Delaware Railroad bill was postponed for two weeks. Over this motion a desultory debate arose as to whether an arrangement made did not require that the bill should not be considered before the expiration of the two weeks. A motion was made for a call of the House, but was negatived. Mr. Charles A. Eldridge, of Wisconsin, objected to further debate. Air. Henry L. Dawes, of Massachusetts, inquired whether, after unanimous consent had been given, a discussion could be stopped.

The Speaker² said:

When a Member has unanimous consent given to make a speech or personal explanation he can not be stopped by a single objection. But when, in the absence of a quorum, a desultory debate is progressing by general consent, any Member can arrest it by demanding the enforcement of the rules.

5066. A Member having the floor to make a personal explanation may not be interrupted while he keeps within parliamentary bounds.—On February 28, 1867,³ Mr. Francis C. Le Blond, having obtained unanimous consent to make a personal explanation, proceeded to comment on the recent action of certain State legislatures in regard to a pending constitutional amendment.

Mr. Hamilton Ward, of New York, raised the point of order that the gentleman from Ohio [Mr. Le Blond] had been granted leave to make a personal explanation.

The Speaker² said:

As the point of order has been raised, although the gentleman from Ohio [Mr. Le Blond] has taken his seat, the Chair will rule upon the point of order. When the House grants unanimous consent to any Member to make a personal explanation, the rulings of all Speakers, whose decisions the Chair has examined, is that the Chair can not interrupt the Member while he keeps within parliamentary practice.

5067. In the earlier practice of the House a Member having the floor for a personal explanation was allowed the largest latitude in debate.—On February 11, 1846,⁴ Mr. Thomas Butler King, of Georgia, asked and obtained the unanimous consent of the House to make an explanation, personal to himself, and while proceeding with such explanation, Mr. George Rathbun, of New York, objected to his proceeding on the ground that his remarks were taking a wider range than leave to make a mere personal explanation allowed.

The Speaker⁵ then put the question, "Shall Mr. King have leave to proceed?" and it was decided in the affirmative, yeas 86, nays 63.

Mr. King then proceeded and concluded his remarks.

5068. On April 27, 1846,⁶ the House, by vote, suspended the rules to enable Mr. George Ashmun, of Massachusetts, to reply to the remarks of Mr. Charles J.

¹ Globe, first session Thirty-eighth Congress, p. 1762.

² Schuyler Colfax, of Indiana, Speaker.

³ Congressional Globe, second session Thirty-ninth Congress, p. 1651.

⁴ First session Twenty-ninth Congress, Journal, p. 382; Globe, pp. 357, 358.

⁵ John W. Davis, of Indiana, Speaker.

⁶ First session Twenty-ninth Congress, Journal, pp. 720, 721; Globe, p. 732.

Ingersoll, of Pennsylvania, who had criticised the official acts of Daniel Webster as Secretary of State.

Mr. Ashmun proceeded with his reply, and was remarking upon the course of Mr. Ingersoll when he held the office of district attorney of the United States in the eastern district of Pennsylvania.

Mr. George W. Hopkins, of Virginia, raised the question of order that it was not in order, under the leave granted to Mr. Ashmun, to go into a history of the course of Mr. Ingersoll while district attorney, that having no relation to the remarks of Mr. Ingersoll, to which he was replying.

The Speaker¹ decided Mr. Ashmun to be in order, there being no particular subject under debate, and therefore the question of irrelevancy of remarks could not apply.

Mr. Hopkins having appealed, the appeal was laid on the table, yeas 90, nays 67.

5069. On February 2, 1848,² Mr. Robert Barnwell Rhett, of South Carolina, by the unanimous consent of the House, proceeded to make an explanation personal to himself.

While he was so doing, Mr. Caleb B. Smith, of Indiana, raised the question of order, that the House, by unanimous consent, permitted the gentleman from South Carolina to make a personal explanation, and that he, abusing the courtesy of the House, was reaffirming his former positions, and supporting those positions by arguments; whereas a personal explanation could alone consist in correcting a misstatement of fact, which impute motives, or argument, or positions to a gentleman which, not being corrected, would be injurious to his standing as a gentleman or his character as a public man.

The Speaker³ said that the gentleman was speaking by the unanimous consent of the House; there was no question before the House, and the remarks of the gentleman could hardly be objected to on the score of irrelevancy. The gentleman from South Carolina had received permission to say whatever he might deem necessary to an explanation of his personal course; and as long as he confined himself to the general subject of the charges which had been brought against him, and avoided personalities, the Chair could perceive no grounds for arresting his remarks. Permissions to make personal explanations had always been subject to abuse, and the only remedy would be for the House to make some specific rule in regard to them. It had been uniformly decided by his predecessors that the Chair could not undertake to decide as to what any gentleman might think necessary to a personal explanation. The Speaker, therefore, overruled the point of order.

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

5070. On December 15, 1851,⁴ on motion of Mr. Fayette McMullin, of Virginia, the rules having been suspended for that purpose, leave was granted to Mr. William R. Smith, of Alabama, to make a personal explanation.

Mr. Smith was proceeding with his remarks when Mr. Charles Skelton, of New Jersey, made the point of order that it was not competent for the gentleman from

¹ John W. Davis, of Indiana, Speaker.

² First session Thirtieth Congress, Journal, p. 343; Globe, pp. 285, 286.

³ Robert C. Winthrop, of Massachusetts, Speaker.

⁴ First session Thirty-second Congress, Journal, p. 91; Globe, pp. 97, 98.

Alabama to discuss the general policy of the Government in regard to Kossuth. The House had only given him the privilege of making a personal explanation, and it was not in order for him to discuss such matters, especially when the previous question deprived other Members of an opportunity to answer.

The Speaker¹ overruled the point of order on the ground that under the uniform practice of the House, whenever a Member was allowed to make a personal explanation, much latitude was allowed. It was not in the power of the Chair to anticipate the application which the gentleman from Alabama might make of the course of remarks he was now pursuing.

Mr. David K. Cartter, of Ohio, having appealed, the appeal was laid on the table.

5071. In 1861 the House, overruling the Speaker, established the new rule that a Member making a personal explanation should confine his remarks to that which was personal to himself.—On July 18, 1861,² the House was considering a report from the Committee on the Judiciary in relation to charges that Hon. Henry May, of Maryland, a Member of the House, had been holding intercourse and correspondence with persons in armed rebellion against the Government of the United States.

Leave having been granted to Mr. May to make a personal explanation, Mr. May was proceeding with his remarks, when Mr. Thaddeus Stevens, of Pennsylvania, called him to order on the ground that he was abusing the privilege granted him by the House.

The Speaker³ decided that under the usage, the House having granted unanimous consent for a personal explanation, he had no power to control the line of remarks to be pursued by Mr. May.

Mr. Stevens having appealed from this decision, Mr. Clement L. Vallandigham, of Ohio, moved that the appeal be laid on the table. This motion was decided in the negative, yeas 53, nays 82.

Then, the question being taken, "Shall the decision of the Chair stand as the judgment of the House?" it was decided in the negative.

Then, on motion of Mr. Henry L. Dawes, of Massachusetts, it was

Ordered, That leave be granted to Mr. May to proceed in order.

5072. On March 15, 1866,⁴ Mr. Green Clay Smith, of Kentucky, was addressing the House, having obtained the floor for a personal explanation.

A question arose as to whether or not Mr. Smith was confining himself to the subject, and Mr. Nathaniel P. Banks, of Massachusetts, expressed the opinion that leave for a personal explanation gave the Member having it freedom to discuss whatever he considered necessary to his explanation.

The Speaker⁵ said:

The Chair will state, as the gentleman from Massachusetts has alluded to the subject, that the present occupant of the chair since he has filled the position, has always held that in a personal explana-

¹ Linn Boyd, of Kentucky, Speaker.

² First session Thirty-seventh Congress, Journal, pp. 105, 106; Globe, pp. 196, 197.

³ Galusha A. Grow, of Pennsylvania, Speaker.

⁴ First session Thirty-ninth Congress, Globe, p. 1423.

⁵ Schuyler Colfax, of Indiana, Speaker.

tion a gentleman may state any ground on which he considers himself aggrieved, connecting his remarks in some way with the subject, directly or indirectly. The Chair thinks that the gentleman from Kentucky, in vindicating himself against what he deems an unjust attack upon him in a newspaper article for having introduced a resolution to admit upon this floor a gentleman claiming a seat as a Representative, has the right to vindicate himself by reference both to the gentleman to whom the resolution referred and also to his own position.

5073. On March 13, 1879,¹ Mr. Speaker Randall sustained the principle that a Member having the floor for a personal explanation must in his remarks confine himself to that which is personal to himself.

5074. A Member in making a personal explanation has the largest latitude, but must confine himself to the point on which he has been criticized, and may not yield time for debate to another.—On January 30, 1865,² Mr. John F. Farnsworth, of Illinois, asked unanimous consent to make a personal explanation. Leave having been granted, he proceeded to have read an article from a newspaper commenting upon his attitude on the duty on paper, and then continued with his personal explanation.

After a time Mr. Robert Mallory, of Kentucky, made the point of order that the gentleman was not making a personal explanation, but was arguing at length the tariff question.

The Speaker³ said:

The Chair, in deciding the point of order, would state that if the gentleman from Illinois had submitted this matter as a question of privilege, the Chair would have ruled that this debate was not in order, as the gentleman, in proceeding in this line of remarks, would be debating a proposition which the House had determined, by sustaining the previous question, should not be debated. It has always been held that when the House grants unanimous consent to a gentleman to make a personal explanation the largest latitude of debate is given. The Chair, therefore, can not attempt to control the line of the gentleman's remarks so long as he confines himself to the point upon which he has been criticized and in regard to which he has asked consent to make a personal explanation. The House having, by unanimous consent, granted him that privilege, the Chair can not arrest the gentleman's remarks.

Later, in the course of his remarks, Mr. Farnsworth proposed to yield to Mr. Spalding, who asked time to make some remarks.

The Speaker said:

Permission to make a personal explanation is not a transferable right, as is a transfer of the floor under the hour rule for general debate.

5075. While a Member rising to a question of personal privilege may be allowed some latitude in developing the case, yet the rule requiring the Member to confine himself to the subject holds in this as in other cases.—On August 26, 1890,⁴ Mr. Joseph G. Cannon, of Illinois, submitted a preamble and resolution reciting that certain Members, specified by name, had not answered to their names, and that certain others were absent, thus interrupting business for want of a quorum, and directing the Sergeant-at-Arms to notify absent Members to return.

¹ First session Forty-sixth Congress, Record, p. 1297.

² Congressional Globe, second session Thirty-eighth Congress, p. 503.

³ Schuyler Colfax, of Indiana, Speaker.

⁴ First session Fifty-first Congress, Journal, p. 992; Record, pp. 9189, 9191.

Mr. William H. Crain, of Texas, claiming the floor on a question of personal privilege, called to attention that he was among those whose names were on the list, and proceeded to speak of his responsibility to his constituents alone for his acts.

Mr. David B. Henderson, of Iowa, made the point of order that Mr. Crain had not presented a case of personal privilege.

The Speaker pro tempore ¹ held:

When a Member of the House rises to a question of privilege great latitude is allowed to him in developing the question of privilege as he understands it, and the Chair would not undertake at this point of time to say that the gentleman from Texas is not in order, he asserting that there is an implied censure upon himself in the terms of the pending resolution.

A little later, Mr. Charles H. Turner, of New York, having also claimed the floor on a question of personal privilege, was discussing the right of the majority of the Members to rule, when Mr. Benjamin Butterworth, of Ohio, made the point of order that he was not addressing the House on the question of privilege.

The Speaker pro tempore said:

The Chair sustains the point of order, and the gentleman will confine himself to the question of personal privilege.

5076. On September 4, 1890,² Mr. Amos J. Cummings, of New York, claimed the floor on a question of personal privilege, and was proceeding with criticisms of the Committee on Rules, when Mr. Daniel Kerr, of Iowa, and Mr. Jonathan H. Rowell, of Illinois, made the points of order that Mr. Cummings was not confining himself to the question on which he claimed the floor, and that no question of personal privilege had been presented or was involved.

The Speaker pro tempore³ sustained the points of order and stated that Mr. Cummings must proceed in order under the rules.

5077. In presenting a case of personal privilege, arising out of charges made against him, the Member must confine himself to the charges.—On May 19, 1898,⁴ Mr. Thomas H. Tongue, of Oregon, rising to a question of personal privilege, presented a circular, purporting to be a certified extract from the Congressional Record, making certain charges against himself. While Mr. Tongue was speaking Mr. Charles F. Cochran, of Missouri, rose to a point of order.

The Speaker⁵ said:

The gentleman must confine himself to the charges made against him.

5078. A Member making a statement in a matter of personal privilege should confine his remarks to the matter which concerns himself personally.—On April 12, 1892,⁶ Mr. George W. Cooper, of Indiana, as a matter of personal privilege, announced that in the course of the pending investigation before a committee of the House charges had been made by a witness reflecting on

¹ Lewis E. Payson, of Illinois, Speaker pro tempore.

² First session Fifty-first Congress, Journal, p. 1013; Record, p. 9676.

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

⁴ Second session Fifty-fifth Congress, Record, p. 5056.

⁵ Thomas B. Reed, of Maine, Speaker.

⁶ First session Fifty-second Congress, Journal, p. 142; Record, p. 3213.

himself, which charges had been extensively published, and thereupon proceeded to make a statement in reply to the charges.

During the remarks of Mr. Cooper Mr. Julius C. Burrows, of Michigan, Mr. John Lind, of Minnesota, and Mr. Albert J. Hopkins, of Illinois, presented the question of order, whether it was in order to make a statement severely reflecting on others by way of a personal explanation and as a matter of privilege.

The Speaker,¹ in response to the question of order, stated that it was difficult to determine precisely what was or what was not in order on a question of this character, but admonished Mr. Cooper to confine his remarks to the matter which concerned himself personally.

5079. As part of a personal explanation relating to matter excluded from the Congressional Record as out of order a Member may read the matter, subject, however, to a point of order if the reading should develop anything in violation of the rules of debate.—On August 5, 1886,² Mr. Charles S. Baker, of New York, having obtained unanimous consent to make a personal explanation, proceeded with his remarks and asked to have read certain resolutions which had been offered on a previous occasion and had been denied insertion in the Congressional Record, objection having been made that they were “indecent and disrespectful.” Mr. Baker said that it was far from his purpose to propose to the House anything disrespectful or lacking in decency, and therefore proposed to have the resolutions read as part of his remarks, in order that Members might know whether or not the objections had been justified.

Mr. William M. Springer, of Illinois, made the point of order that, the House having previously refused to receive this resolution or allow it to be printed in the Record, it was not in order now, under the form of a personal explanation, to insert matter which the House had already excluded from the Record.

The Speaker³ said:

The gentleman from Illinois, [Mr. Springer] will remember that during the Forty-eighth Congress this precise question arose in the case of a matter presented by Mr. White, of Kentucky. The paper was not printed in the Record, and afterwards the gentleman from Kentucky rose to a personal explanation and claimed the right to read as a part of his remarks the matter which the House had refused to allow to go into the Record, and after considerable discussion the Chair decided that the gentleman had the right to read it as a part of his remarks. Of course if the matter itself is personal, is offensive, is a violation of the privileges of the House, a point of order can be made against it as the reading proceeds, just as the point of order can be made against remarks of the same character while they are being made.

The resolutions, having been read, were printed in the Record:

¹ Charles F. Crisp, of Georgia, Speaker.

² First session Forty-ninth Congress, Record, pp. 8031, 8032; Journal, pp. 2547, 2548.

³ John G. Carlisle, of Kentucky, Speaker.