# Chapter CXVII.

## MOTIONS IN GENERAL.[1]



**5300. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any Member.**

**Every motion entertained by the Speaker shall be entered on the Journal with the name of the Member making it unless it be withdrawn the same day.**

**Present form and history of section 1 of Rule XVI.**

Section 1 of Rule XVI provides:

Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any Member, and shall be entered on the Journal with the name of the Member making it, unless it is withdrawn the same day.

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[1] For precedents relating to the following motions:

To adjourn. (Secs. 5359–5388 of this volume.)

To lay on the table. (Secs. 5389–5442 of this volume.)

The previous question. (Secs. 5443–5520 of this volume.)

To refer. (Secs. 5521–5568 of this volume.)

To refer after previous question is ordered. (Secs. 5569–5604 of this volume.)

To reconsider. (Secs. 5605–5705 of this volume.)

To suspend the rules. (Secs. 6790–6862 of this volume.)

Dilatory motions. (Secs. 5706–752 of this volume.)

[2] The usage governing recognition by the Speaker. (Secs. 1419–1479 of Vol. II.) In an impeachment trial. (Sec. 2131 of Vol. III.)

[3] Relation of question of consideration to motions. (Secs. 4943, 4971–4977 of this volume.)

[4] Effect of motion to postpone to a day certain. (Sec. 263 of Vol. I.)

Relation of motion to postpone to special orders. (Secs. 3177–3182 of Vol. IV and 4958 of this volume.

[5] Use of, in proceedings at organization. (See. 222 of Vol. I.) See also section 2442 of Volume III.

This is the form agreed to in the revision of 1880. As reported originally it did not contain the words "and entertained by the Speaker," which were added on February 11, 1880,[1] on motion of Mr. J. S. C. Blackburn, of Kentucky. The rule was taken from the old rule, No. 39, of which the portion providing that "every motion shall be reduced to writing if the Speaker or any Member desire it," dated from April 7, 1789.[2] On March 22, 1806, a committee, which had been appointed to amend the rules in regard to the Journal, reported and the House adopted a rule that "every written motion made to the House shall be inserted in the Journal, with the name of the Member making it, unless it be withdrawn on the same day on which it was submitted."[3]

Mr. Michael Leib, of Pennsylvania, who proposed the rule, declared that the Journal generally should be kept so that the people might know what was being done.

**5301. When a question is under debate, certain motions only are received and their precedence is governed by rule.**

**The motions to adjourn, lay on the table, and for the previous question are not debatable and have precedence in the order named.**

**A motion to postpone to a day certain, refer or postpone indefinitely, being decided, is not again in order on the same day at the same stage of the question.**

**The House has long since discarded the use of the parliamentary motion to proceed to the orders of the day.**

**The motions to fix the day to which the House shall adjourn and for a recess are no longer in the list of privileged motions.**

**Present form and history of section 4 of Rule XVI.**

Section 4 of Rule XVI provides:

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

The first rule on this subject, adopted April 7, 1789,[4] was:

> When a question is under debate, no motion shall be received, unless to amend it, to commit it, for the previous question, or to adjourn.[5]

On December 23, 1811,[6] the rule adopted arranged the motions in this order: Adjourn, lie on the table, previous question, postpone indefinitely, postpone to a day certain, commit, or amend. The rule also provided that "these several motions shall have precedence of the other in the order they stand arranged."

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

[2] First session First Congress, Journal, p. 9.

[3] First session Ninth Congress, Journal, p. 264; Annals, p. 446.

[4] First session First Congress, Journal, p. 9.

[5] The rule of the Continental Congress (Journal, May 26, 1778) had been similar: "While a question is before the House, no motion shall be received, unless for an amendment, for the previous question, to postpone the consideration of the main question, or to commit it."

[6] First session Twelfth Congress, Journal, p. 187; Reports of the House No. 38.

In the early days of the House the motion to proceed to the orders of the day was used to set aside a pending proposition; but on March 9, 1822,[1] Mr. Speaker Barbour held that it could not be admitted conformably with this rule, although he admitted that he had entertained it more than once in the past, relying for authority on the usage of the English Parliament. As late as May 26, 1836,[2] however, the motion to proceed to the orders of the day was in use as a means of setting aside a bill up for consideration in the morning hour, although the rule for the order of business might not justify such a motion at that particular time.[3]

On March 13, 1822,[4] the order of motions mentioned in the rule of 1811 appears changed in one respect only. The motion to postpone indefinitely has been taken from its place after the previous question and placed at the end of the list. There is also added the clause:

> And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

On January 14, 1840,[5] the motion to fix the day to which the House shall adjourn was given privilege by inserting it in the rule of 1822 after the motion to adjourn.

In the revision of 1880[6] the motion to fix the day to which the House shall adjourn was given the first place, before the motion to adjourn, thereby conforming to a practice which had grown up; and the motion for a recess was inserted after the motion to adjourn.[7] The clause providing that there should be no debate on the previous question was a transfer of an old rule of December 17, 1805.[8]

In the revision of 1890 the motions to fix the day to which the House shall adjourn and for a recess were dropped from the list of privileged motions,[9] as they had been much used for obstructive purposes. They were restored in the Fifty-second and Fifty-third Congresses and dropped again in the Fifty-fourth.

The motion to rescind, it will be noted, is not in the list of privileged motions enumerated in this rule.

**5302. No question being under debate, and a motion to adjourn having been made, motions for a recess and to fix the day to which the House should adjourn were not entertained.**—On February 20, 1904,[10] Mr. Sereno E.

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[1] First session Seventeenth Congress, Annals, p. 1250.

[2] First session Twenty-fourth Congress, Journal, p. 885.

[3] The rule for the order of business (see sec. 3056 of Vol. IV) still retains "orders of the day" as the last stage in the daily order; but for many years no business has ever come up as an order of the day. The House makes special orders which set aside the entire order of business and come up as highly privileged, and has entirely abandoned the old method of directing a bill to be made the order for a certain day, then to come up at a period set apart for such orders.

[4] First session Seventeenth Congress, Journal, p. 350.

[5] First session Twenty-sixth Congress, Journal, p. 207; Globe, p. 121.

[6] Second session Forty-sixth Congress, Record, pp. 202–206.

[7] The motion for a recess was at times given a very high privilege, as in a ruling by Speaker pro tempore McCreary, which admitted it even during the reading of a bill. (First session Fiftieth Congress, Journal, p. 2255; Record, p. 5854.)

[8] First session Ninth Congress, Annals, pp. 284, 286.

[9] First session Fifty-first Congress, Report No. 23.

[10] Second session Fifty-eighth Congress, Record, p. 2178.

Payne, of New York, moved that the House do adjourn, there being no business before the House at the time.

Mr. John S. Williams, of Mississippi, moved that when the House adjourn it be to meet on Monday next.

Mr. Payne having objected that the motion was not in order, Mr. Williams moved that the House take a recess.

Mr. Payne objected that the motion was not in order.

The Speaker [1] said:

The Chair is informed that since the adoption of the rules of the Fifty-first Congress the motion to fix a day to which the House shall adjourn and the motion to take a recess lost their high privileges as against the motion to adjourn.

Before the adoption of the rules of the Fifty-first Congress and the rules of the present Congress, which are substantially the same, the motion which the gentleman refers to had precedence, as the Chair is informed, over the motion to adjourn; but under the rules of the House from the Fifty-first Congress to this time the motion to adjourn has had precedence.

**5303. Whether "a question is under debate" or not, a motion to lay on the table has precedence of a motion to refer.**—On January 3, 1854,[2] the Speaker announced as the business next in order the bill (H. R. 102) "granting lands equally to the several States to aid in the construction of railroads and for the support of schools," introduced on leave when the States were last called for resolutions; and that the pending question was on the motion of Mr. George W. Jones, of Tennessee, to lay the bill on the table.

Mr. Henry Bennett, of New York, made the point of order that the motion to lay on the table did not take precedence of the motion to refer to the Committee on Public Lands, which was made prior to the motion to lay on the table. Mr. Bennett held that the latter motion derived its precedence over the former from the forty-ninth rule only, and that rule applied only to "questions under debate," which was not the case in the present instance.[3]

The Speaker [4] decided that in this, as in all other cases, the motion to lay on the table took precedence of the motion to refer, and that the question must be first put on the former motion.

The House acquiesced in this decision.

**5304. When a motion is made, the Speaker shall state it or cause it to be read by the Clerk before being debated.**

**A motion which has been stated by the Speaker or read by the Clerk is in possession of the House, but may be withdrawn before a decision or amendment.**

**The rules of the House do not require that an ordinary motion be seconded.**

**Present form and history of section 2 of Rule XVI.**

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

[2] First session Thirty-third Congress, Journal, pp. 152, 153 Globe, pp. 111, 112.

[3] This bill had been introduced after leave had been given under the call for resolutions. Under that procedure, which no longer exists, debate was not in order on the date of introduction.

[4] Linn Boyd, of Kentucky, Speaker.

Section 2 of Rule XVI provides:

When a motion has been made, the Speaker shall state it[1] or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

This is the form adopted in the revision of 1880.[2] The rule at that time was made up from two old rules, each of which dated from April 7, 1789:[3]

38. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, shall be handed to the Chair and read aloud by the Clerk before debated.[4]

40. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

The Journals of the earlier Congresses show that motions were seconded, but many years before the requirement of a second was dropped from the rule it seems to have been dropped in practice.

**5305. A privileged motion loses its precedence if other matter be connected therewith.—**On November 1, 1877,[5] Mr. Clarkson N. Potter, of New York, presented the following:

*Resolved,* That when the House adjourn to-morrow it adjourn to meet upon Tuesday next, and that when it then meets no business shall be in order but a motion to then adjourn to the following Thursday.

Mr. Horatio C. Burchard, of Illinois, made the point of order that the latter portion of the resolution required unanimous consent for its present consideration.[6]

The Speaker[7] sustained the point of order, whereupon Mr. Potter modified the motion by striking out all after the words "Tuesday next."

Debate arising over the motion as modified, Mr. Auburn L. Pridemore, of Virginia, made the point of order that the question was not debatable.

The Speaker[7] sustained the point of order.

**5306. A motion to postpone must include the whole of a pending resolution, and may not apply to a portion only.—**On January 8, 1850,[8] the House was proceeding under the following order, adopted on December 31, 1849:

*Resolved,* That the House will proceed to the election of Clerk and other officers on Thursday, the 3d day of January, 1850.

On the tenth vote for Clerk, no person having received a majority of the whole number of votes given in, Mr. James Brooks, of New York, moved that the further

[1] If a motion shall appear to the Speaker as incorrect in point of form, or contrary to some standing order, he will state his reason to the House for not putting it in the words given, and suggest an alteration, which the House may adopt without going through the form of taking a question upon the alteration by motion of amendment. (Cobbett's Parliamentary History of England, vol. 31, p. 202.)

[2] Second session Forty-sixth Congress, Record, p. 206.

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

[4] The rule of the Continental Congress (Journal, May 26, 1778) was: "When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any Member, delivered in at the table, and read by the President, before the same shall be allowed to be debated."

[5] First session Forty-fifth Congress, Journal, pp. 115, 116; Record, pp. 214, 215.

[6] The motion to adjourn over had a privilege under the rules then.

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

[8] First session Thirty-first Congress, Journal, pp. 190, 251; Globe, p. 117.

execution of the resolution be postponed, so far as the same related to the election of officers other than the Sergeant-at-Arms, until the 1st of September next.

The Speaker[1] stated that, as the resolution provided for the election of Clerk and other officers, it was not in order to move to postpone a part thereof, but that the motion must include the whole resolution.

**5307. The motion to postpone may specify the day but not the hour of that day.—**On February 17, 1855,[2] the House was considering the message of the President transmitting his reasons for not approving the bill for the payment of French spoliation claims, when Mr. John Letcher, of Virginia, moved that the consideration of the message be postponed until Wednesday next, at 7.30 o'clock in the evening.

Mr. Rufus W. Peckham, of New York, raised a question of order.

The Speaker[3] said:

> The motion is not in order in the opinion of the Chair. A question of order being raised upon the Chair, the Chair asks the attention of gentlemen to his decision, which is, that it is not in order to fix the hour at all. There is but a single proposition pending, which is to postpone this subject until Wednesday next.

**5308. The election of certain officers of the House having been postponed to a day certain, the Speaker ruled out a motion providing for their earlier election.—**On January 24, 1850,[4] the House agreed to the concurrent resolution of the Senate providing for the election of two chaplains of different denominations, one by the Senate and the other by the House.[5]

Mr. John Van Dyke, of New Jersey, then moved that the House proceed to the election of chaplain.

Mr. David K. Cartter, of Ohio, moved to amend by adding after the word "chaplain" the words "a doorkeeper and a postmaster."

The Speaker[1] decided the amendment out of order, on the ground that the House had postponed the election of a doorkeeper and a postmaster until the 1st of March, 1851.

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

**5309. The motion to postpone to a day certain is debatable within very narrow limits only.—**On April 9, 1869,[6] while the House was considering the election case of Myers *v.* Moffit, Mr. George W. Woodward, of Pennsylvania, moved to postpone the further consideration of the resolution until the first Monday in December next.

Mr Woodward having proposed to debate, the Speaker[7] said in relation to the motion:

> Under the rules it is debatable within very narrow limits.

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[1] Howell Cobb, of Georgia, Speaker.

[2] Second session Thirty-third Congress, Globe, p. 802.

[3] Linn Boyd, of Kentucky, Speaker.

[4] First session Thirty-first Congress, Journal, pp. 404, 405; Globe, p. 223.

[5] At this time the chaplain was not an officer of the House in the sense that he is at present, being elected in accordance with a joint arrangement of the two Houses.

[6] First session Forty-first Congress, Globe, p. 683.

[7] James G. Blaine, of Maine, Speaker.

Also on February 21, 1857,[1] on a motion to postpone to a day certain a resolution for the impeachment of John C. Watrous, district judge of the United States for the district of Texas, the Speaker[2] said:

The Chair must remind the gentleman that the question of postponement does not open the general question of impeachment.

**5310.** On March 9, 1904,[3] the House was considering a resolution relating to the conduct of Members in relation to transactions in the Post-Office Department.

Mr. Jesse Overstreet, of Indiana, moved to postpone the resolution to a day certain, viz, Monday next.

Mr. Henry A. Cooper, of Wisconsin, rising to a parliamentary inquiry, asked if that motion was debatable.

The Speaker[4] said:

The motion is debatable only as to the desirability of postponing the consideration of the resolution until Monday next.

**5311. On motion to postpone to a day certain, the merits of the bill may not be debated.—**On April 22, 1826,[5] Mr. George W. Owen, of Alabama, offered a resolution relating to the claim of Francis Larche.

After debate Mr. Owen moved that the consideration of the subject be postponed until Tuesday next.

Mr. Lewis Williams, of North Carolina, and Mr. John Forsyth, of Georgia, in the course of the debate, were severally called to order, the Speaker[6] holding that they were discussing the merits of the case, whereas their remarks should be confined to the question of postponement alone.

**5312.** On February 27, 1833,[7] the House was considering the bill further to provide for the collection of the revenue.

Mr. Gulian C. Verplanck, of New York, moved that the bill be postponed until the next day.

Twice during the debate, once while Mr. Samuel Beardsley, of New York, was speaking, and again when Mr. Albert G. Hawes, of Kentucky, had the floor, the Speaker[8] called to order, on the ground that the question before the House was postponement, and the merits of the bill could not be gone into.

**5313.** On February 26, 1836,[9] the House was considering a contested election case from North Carolina, when Mr. Abijah Mann, jr., of New York, moved to postpone the subject till Tuesday week.

Mr. James Graham, of North Carolina, in debating this motion, was called to order by Mr. Jesse A. Bynum, of North Carolina, who asked if it was in order for his colleague to go into a detailed statement of the case at this stage of the proceeding.

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[1] Third session Thirty-fourth Congress, Globe, p. 798.

[2] Nathaniel P. Banks, of Massachusetts, Speaker.

[3] Second session Fifty-eighth Congress, Record, p. 3047.

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

[5] First session Nineteenth Congress, Debates, pp. 2509, 2510.

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

[7] Second session Twenty-second Congress, Debates, pp. 1819, 1822.

[8] Andrew Stevenson, of Virginia, Speaker.

[9] First session Twenty-fourth Congress, Debates, p. 2640.

The Speaker[1] said that, though the merits of the question were not open, the gentleman had a right to state the grounds upon which he urged that the House should not postpone the subject to a day certain.

**5314.** On February 27, 1852,[2] Mr. Speaker Boyd, after brief consultation with Members, decided that a motion to postpone to a day certain was not debatable under the practice of the House.

**5315.** On February 17, 1855,[3] the House was considering the message of the President vetoing the bill providing for the payment of certain French Spoliation claims, the pending question being a motion to postpone the message until Wednesday next.

Mr. James L. Orr, of South Carolina, raised a question of order as to the extent of debate allowable on the motion.

The Speaker[4] said:

> The Chair thinks the practice under the rules uniformly has been, when debate has been allowed at all—and, I believe, some of my predecessors have decided that the motion was not debatable at all—that it must be limited to the question of time to which the consideration shall be postponed.

**5316. A motion to postpone indefinitely opens to debate all the merits of the proposition.—**On January 11, 1836,[5] a motion was proposed to postpone indefinitely the "bill to reduce the revenue of the United States to the wants of the Government."

Mr. Joseph R. Ingersoll, of Pennsylvania, rising to a parliamentary inquiry, asked if such a motion would open a discussion.

The Speaker[1] replied that the motion to postpone indefinitely opened the whole merits of a proposition to discussion.

**5317. The motion to postpone indefinitely may not be applied to the motion to refer.—**On June 21, 1809,[6] while the House was considering a report of the Committee on Manufactures relating to the imposition of additional duties, Mr. Thomas Newton, of Virginia, moved that the report be committed to the consideration of a Committee of the Whole House.

Mr. John Randolph, of Virginia, moved that the question of commitment be postponed indefinitely.

The Speaker[7] declared the motion out of order.

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

**5318. It has been held in order to move to postpone indefinitely the further execution of an order relating to the election of officers of the House.—**On January 10, 1850,[8] the House was proceeding with the election of a Clerk in accordance with the following:

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[1] James K. Polk, of Tennessee, Speaker.

[2] First session Thirty-second Congress, Globe, p. 648.

[3] Second session Thirty-third Congress, Globe, p. 802.

[4] Linn Boyd, of Kentucky, Speaker.

[5] Second session Twenty-fourth Congress, Debates, p. 1349.

[6] First session Eleventh Congress, Journal, p. 75 (Gales and Seaton ed.).

[7] Joseph B. Varnum, of Massachusetts, Speaker.

[8] First session Thirty-first Congress, Journal, p. 281; Globe, pp. 130, 131.

*Resolved,* That the House will proceed to the election of Clerk and other officers on Thursday, the 3d day of January, 1850.

Mr. Edward D. Baker, of Illinois, moved that the further execution of the order be postponed indefinitely.

Mr. James Thompson, of Pennsylvania, raised the question of order that the motion to postpone indefinitely was not in order, it being equivalent to the motion to rescind, which motion had heretofore been decided out of order.

The Speaker [1] decided that a motion to postpone indefinitely, or a motion to postpone to a day certain, was in order.

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

**5319. After the previous question is ordered on a bill a motion to postpone the bill is not in order.—**On July 23, 1886,[2] the joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company was before the House, the previous question having been ordered on its engrossment and third reading.

Mr. William S. Holman, of Indiana, moved that the bill be postponed until the next Friday.

Mr. William C. Oates, of Alabama, raised a point of order against that motion.

The Speaker [3] said:

The Chair thinks that until the question has been taken upon the engrossment and third reading of the joint resolution, upon which the previous question has been ordered, postponement could be made only by unanimous consent. As soon as the vote is taken on that question it could be postponed by a majority vote of the House. The reason, the Chair will state, is this: The effect of the previous question is to bring the House to an immediate vote on the question then pending, which is the engrossment and third reading of the resolution. The motion to postpone would defeat that order; but as soon as that vote is taken a majority can then postpone the resolution or take such other steps as it may see proper.

**5320. The motion to postpone may not be entertained after the previous question has been ordered.—**On May 30, 1900,[4] the bill (S. 1939) "authorizing the President of the United States to appoint a commission to study and make fall report upon the commercial and industrial conditions of China and Japan," etc., was before the House, the previous question having been ordered on April 30, 1900, on a motion to concur in the recommendation of the Committee of the Whole House on the state of the Union that the enacting clause of the bill be stricken out.

The bill being brought up on a demand for the regular order, Mr. William H. Moody, of Massachusetts, rising to a parliamentary inquiry, asked if it would be in order to move that the consideration of the bill be postponed until the next day.

The Speaker [5] said:

That can not be done after the previous question has been ordered by the House.

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[1] Howell Cobb, of Georgia, Speaker.

[2] First session Forty-ninth Congress, Record, p. 7393; Journal, pp. 2313, 2314.

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

[4] First session Fifty-sixth Congress, Record, p. 6250.

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

**5321.** On February 9, 1899,[1] the House was considering the bill (H. R. 10969) for the erection of a public building at Blair, Nebr., upon which the previous question had been ordered to the final passage.

The bill having been read a third time, Mr. Alexander M. Dockery, of Missouri, moved to recommit the bill to the Committee on Public Buildings and Grounds.[2]

Pending this motion, Mr. Joseph G. Cannon, of Illinois, rising to a parliamentary inquiry, asked whether or not it would be in order to move to postpone the bill to a certain day.

The Speaker[3] said:

It is not in order after the previous question has been ordered, because it is a motion made when the bill is not under consideration. When the previous question is ordered, consideration has ceased.

**5322. The motion to postpone indefinitely may not be applied to a motion to suspend the rules.**

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

On January 14, 1840,[4] Mr. Waddy Thompson, of South Carolina, handed to the Chair the following resolution, which was read for the information of the House, and moved a suspension of the rules to enable him to offer it:

*Resolved,* That upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the reception of such memorial, petition, resolution, or paper shall be considered as objected to, and the question of its reception shall be laid upon the table without debate or further action thereon.

Mr. Horace Everett, of Vermont, asked for the yeas and nays on the question.

Mr. John Quincy Adams, of Massachusetts, moved the indefinite postponement of the motion to suspend the rules.

The Chair[5] was of the opinion that the motion of the gentleman from Massachusetts was not in order, because, if it prevailed, the effect would be that no motion to suspend the rules would be in order for the remainder of the session.

Mr. Edward J. Black, of Georgia, asked whether, if the motion of the gentleman from South Carolina (Mr. Thompson) to suspend the rules should prevail, it would be in order for him to offer an amendment to the resolution of that gentleman.

The Chair replied in the affirmative.

**5323. A motion to rescind a special order was decided by the House not to be privileged under the rules.**

**Discussion as to the distinction between a special order and a standing order.**

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

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[1] Third session Fifty-fifth Congress, Record, p. 1661.

[2] This motion is authorized by a special rule. (See sec. 5443 of this volume.)

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

[4] First session Twenty-sixth Congress, Globe, p. 121.

[5] Robert M. T. Hunter, of Virginia, Speaker.

On April 12, 1884,[1] Mr. Philip B. Thompson, jr., of Kentucky, on the ground of its being a privileged question under clause 1, Rule XXVIII,[2] moved to rescind the special order adopted by the House on the 7th instant, setting apart Wednesday, April 9, for consideration of bills from the Committee on Public Buildings and Grounds.

Mr. Samuel Dibble, of South Carolina, made the point of order that the motion was not in order for the reason that the special order was adopted by a two-thirds vote of the House on a motion to suspend the rules, and was in terms a "special order," and therefore was not a "standing order" in the sense contemplated in clause 1, Rule XXVIII.

The Speaker[3] having expressed the opinion that the order of the 7th instant under consideration was not a "standing order," under the rules and practices of the House, stated that in view of its being a new as well as important question touching the power of a majority to control the business of the House, he would submit the question for the consideration of the House.

It was decided, 101 yeas to 78 nays, that Mr. Thompson's motion was not a privileged question.

**5324. Under general parliamentary law, before the adoption of rules, the motion to rescind is used.—**On December 28, 1855,[4] and January 21 and February 2, 1856, before the election of a Speaker and before the adoption of rules, the motion to rescind was entertained as the proper way of abrogating such rules and orders as had been made temporarily.

**5325. As to the repetition of the motion to rescind under general parliamentary law.—**On February 2, 1856,[5] before the election of Speaker or the adoption of rules, a motion was made to rescind the rule providing for the choice of Speaker by a plurality of votes, and that motion to rescind was laid on the table.

A motion to adjourn was then made and decided in the negative.

Then Mr. Percy Walker, of Alabama, moved again to rescind the rule.

Mr. Thomas L. Clingman, of North Carolina, made the point of order that it was not in order to repeat the motion to rescind.

The Clerk[6] expressed the opinion that the motion was in order, but submitted the matter to the House.[7]

And the question being put, the motion was decided to be out of order, yeas 83, nays 128.

**5326. The motion to strike out the enacting words (which is authorized in a rule relating to the Committee of the Whole) has precedence of a motion to amend.**

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[1] First session Forty-eighth Congress, Journal, p. 1051.

[2] See section 6790 of this volume. This rule at that time provided: "No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor." This clause is no longer a part of the rule.

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

[4] First session Thirty-fourth Congress, Journal, pp. 195, 338, 434, 435.

[5] First session Thirty-fourth Congress, Journal, pp. 434, 435; Globe, p. 336.

[6] John W. Forney, Clerk.

[7] While the Clerk decided points of order during this time, he repeatedly declined to make a decision where there was an evident division of opinion on the part of the Members. Such a division existing, he referred the question to the House. (See instance on February 1, Journal, p. 417.)

**Striking out the enacting words of a bill constitutes its rejection.**

**When the House disagrees to the recommendation of the Committee of the Whole that the enacting words be stricken out, the bill stands recommitted to the Committee of the Whole unless the House refer it otherwise.**

**Present form and history of section 7 of Rule XXIII.**

Rule XXIII, which relates to procedure in Committee of the Whole, has, as section 7, the following:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House; but before the question of concurrence is submitted it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.

Although not often used at the present time, this rule has played an important part in the parliamentary history of the House. The present form of the rule dates from the revision of 1880;[1] but that revision made no essential changes in the form of old Rule No. 123 that had existed since 1870, and which was as follows, with the dates of the adoption of its various portions:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.—March 13, 1822. Whenever a bill is reported from a Committee of the Whole with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.—March 16, 1860. But before the question of concurrence is submitted it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate, and resume its original place on the Calendar.—May 26, 1870.

The first rule of 1822 was merely for the purpose of giving greater definiteness to a practice which had been growing in the House for a decade at least. On April 13, 1812,[2] the Committee of the Whole reported the bill to incorporate the Louisiana Lead Company, with an amendment striking out the first section. The House having concurred in this amendment, Mr. Speaker Clay decided that the bill was rejected. Apparently this practice continued, and on April 5, 1814,[3] the Committee of the Whole again reported a bill with an amendment striking out the first section. As the bill had only one section, Mr. Speaker Cheves ruled that the amendment would amount to a rejection of the bill, and therefore was not in order. He did not, however, refuse to receive the entire report, as was afterwards intimated when this ruling was discussed during the Kansas-Nebraska contest, for the bill came before the House and was indefinitely postponed. The use of the motion to strike out the first section continued, and on February 25, 1822,[4] while the bill to establish a system of bankruptcy was under consideration in Committee of the Whole, Mr. A. Smyth, of Virginia, made the motion and it was debated until March 9, when it was

[1] Second session Forty-eighth Congress, Record, p. 206.

[2] First session Twelfth Congress, Journal, pp. 289, 290, 533; Annals, p. 1318.

[3] Second session Thirteenth Congress, Journal, p. 386.

[4] First session Seventeenth Congress, Annals, pp. 792, 1246.

decided in the negative. A few days later, on March 13, 1822,[1] the House adopted the rule giving the motion a definite standing and defining it as a motion "to strike out the enacting words."[2] And it was not included among the rules relating particularly to the Committee of the Whole, but as a part of that rule[3] which prescribed the precedence of motions admissible when a question was under debate.

In 1841[4] the Committee on Rules reported a proposed amendment to the rule providing that in Committee of the Whole the motion to strike out the enacting clause should not have precedence of the motion to amend, but the House apparently did not agree to it.[5] This proposed amendment indicates what is shown in fact that the motion to strike out the enacting clause was in use in the House as well as in Committee of the Whole. Thus, on March 1, 1830,[6] when a bill had been reported from the Committee of the Whole with amendments, Mr. Speaker Stevenson held that a motion to strike out the enacting clause had precedence of the question on concurring in the amendments.

In 1843[7] the rule was separated from its old connection and became a separate rule, numbered 119 and classified under the subdivision of "Bills."

In 1854,[8] during the contest over the bill (H. R. 236) "to organize the Territories of Kansas and Nebraska," Mr. Alexander H. Stephens, of Georgia, moved to strike out the enacting clause in order to avert a course of proposed amendments apparently interminable. Mr. Israel Washburn, jr., of Maine, urged that this motion under the rule applied in the House but not in Committee of the Whole; but his contention was overruled, and after five minutes of debate for the motion and five against the question was taken. The votes of the friends of the measure carried the motion to strike out the enacting clause, and the bill with that amendment was reported to the House, where the previous question could be used to cut off the obstructive amendments which threatened the bill in Committee of the Whole. The House disagreed to the recommendation that the enacting clause be stricken out, and then the bill was put on its passage.

This device, to avoid full and sometimes obstructive consideration in Committee of the Whole, came into quite frequent use, and in 1858[9] the Committee on Rules reported an amendment to prevent it which, on March 16, 1860,[10] became a

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[1] First session Seventeenth Congress, Journal, p. 350.

[2] On March 24, 1826 (first session Nineteenth Congress, Journal, p. 377; Debates, p. 1764), the old motion to strike out the first section was made and carried in Committee of the Whole, but the report made to the House stated that the enacting clause had been stricken out.

[3] Now section 4 of Rule XVI. See section 5301 of this volume.

[4] First session Twenty-seventh Congress, Report No. 11, p. 12.

[5] Yet on February 16, 1842 (second session Twenty-seventh Congress, Globe, pp. 244, 245), Chairman George N. Briggs, of Massachusetts, held that the motion might not be made in Committee of the Whole before the bill had been read for amendments.

[6] First session Twenty-first Congress, Journal, pp. 986, 987.

[7] See Appendix of Journal, first session Twenty-eighth Congress.

[8] First session Thirty-third Congress, Globe, p. 1241.

[9] Second session Thirty-fifth Congress, Report No. 1.

[10] First session Thirty-sixth Congress, Globe, p. 1179. For further particulars as to this rule and the rules to prevent obstruction in Committee of the Whole see sections 5221, 5224 of this volume.

part of the rule. That amendment destroyed much of the usefulness of the rule, which was restored by the addition made on May 26, 1870.[1]

It was not until the revision of 1880[2] that the rule relating to the motion to strike out the enacting clause was classified among those rules relating particularly to the Committee of the Whole.

**5327. The motion to strike out the enacting clause may not be made until the first section of the bill has been read.—**On May 12, 1902,[3] the bill (H. R. 13405) "authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes," was under consideration in Committee of the Whole House on the state of the Union, and general debate had been closed. The Clerk began the reading of the bill by sections for amendment, when Mr. William S. Cowherd, of Missouri, moved to strike out the enacting clause.

The Chairman[4] ruled that the first section should be read before the motion was submitted.

**5328. The motion to strike out the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending.—**On February 22, 1851,[5] the use of the motion to strike out the enacting clause in Committee of the Whole was discussed in the light of the rule and recent usage, and Chairman James S. Green, of Missouri, decided, and on appeal was sustained by the Committee, that in Committee of the Whole the motion to strike out the enacting clause had precedence of a motion to amend. The Chairman admitted that the practice had heretofore been different.

**5329.** On January 27, 1855,[6] while the bill (H. R. 117) to provide for the ascertainment and satisfaction of the French spoliation claims was under consideration for amendment in Committee of the Whole House on the state of the Union, Mr. Edward A. Warren, of Arkansas, moved to strike out the enacting clause.

Mr. Samuel W. Parker, of Indiana, made the point of order that, as there was an amendment pending, the motion was not in order.

The Chairman[7] said:

> Whatever doubts the Chair may have upon that question, the precedents are such that he does not feel himself at liberty to disregard them, and he therefore rules the motion of the gentleman from Arkansas to be in order.

An appeal having been taken, the Chair was sustained, ayes 96, noes 31.

**5330.** On February 20, 1857,[8] Chairman Humphrey Marshall, of Kentucky, held that a motion to strike out the enacting words of a bill was in order pending an amendment. This was during the consideration of the tariff bill in Committee of the Whole, and the motion was made and carried for the purpose of getting

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[1] Second session Forty-first Congress, Globe, pp. 3848, 3349.

[2] Second session Forty-eighth Congress.

[3] First session Fifty-seventh Congress, Record, p. 5336.

[4] Kittredge Haskins, of Vermont, Chairman.

[5] Second session Thirty-first Congress, Globe, p. 648.

[6] Second session Thirty-third Congress, Globe, pp. 426–428.

[7] Origen S. Seymour, of Connecticut, Chairman.

[8] Third session Thirty-fourth Congress, Journal, p. 479; Globe, p. 789.

the bill out of the Committee of the Whole and into the House, where it could be acted on.

**5331.** On June 12, 1858,[1] the bill (H. R. 582) to authorize a fifteen millions loan was taken out of the Committee of the Whole by striking out the enacting clause before the consideration for amendment had ceased. Speaker Orr sustained the proceeding, although objection was made.

**5332. The motion to strike out the enacting clause applies in the Committee of the Whole.—**On April 30, 1900,[2] the bill (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan was under consideration in Committee of the Whole House on the state of the Union, the reading of the bill for amendments had begun and amendments had been agreed to.

Pending further amendment, Mr. John S. Williams, of Mississippi, asked if a motion to strike out the enacting clause would be in order.

The Chairman,[3] having read the rule,[4] stated that it would be in order.

Mr. Williams having made the motion, Mr. William P. Hepburn, of Iowa, made the point of order that the motion was not in order in Committee of the Whole.

The Chairman said:

> This is a rule relating to the Committee of the Whole. The Chairman overrules the point of order.

The motion to strike out the enacting clause was then agreed to.

**5333. In Committee of the Whole the motion to strike out the enacting clause is debatable, and in later usage is governed by the five-minute rule.—**On December 6, 1882,[5] the bill (H. R. 110) to refund to the State of Georgia certain money expended for the common defense in 1777 was under consideration in Committee of the Whole House on the state of the Union, when Mr. Frank Hiscock, of New York, moved to strike out the enacting clause.

Debate continuing, Mr. Hiscock made the point of order that the motion was not debatable.

After debate on the point of order, the Chairman[6] submitted the question to the decision of the Committee, and the Committee voted not to sustain the point of order,[7] and the debate proceeded.[8]

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[1] First session Thirty-fifth Congress, Journal, p. 1116; Globe, pp. 3022, 3023.

[2] First session Fifty-sixth Congress, Record, p. 4887.

[3] Sereno E. Payne, of New York, Chairman.

[4] Section 7 of Rule XXIII. (See sec. 5326 of this volume.)

[5] Second session Forty-seventh Congress, Record, pp. 60–62.

[6] John Turner Wait, of Connecticut, Chairman.

[7] Under the earlier usage, when the motion was used as a means for getting bills out of the Committee of the Whole, the motion to strike out the enacting clause was held not to be debatable. (First session Thirty-fifth Congress, Globe, p. 154.) In a recent instance of the use of the motion, in 1893, there was no attempt to debate. (Second session Fifty-third Congress, Record, pp. 120, 121.)

[8] On January 5, 1826, Mr. Charles F. Mercer, of Virginia, moved to strike out the "first section" of the Judiciary bill in Committee of the Whole, and that motion was debated at length. (First session Nineteenth Congress, Debates, p. 892.)

**5334.** On February 7, 1855,[1] the bill (S. 96) for the payment of certain creditors of the late Republic of Texas was under consideration in the Committee of the Whole House on the state of the Union, when Mr. John C. Breckinridge, of Kentucky, moved to strike out the enacting clause.

Mr. John S. Millson, of Virginia, raised a question of order as to whether or not the motion was debatable.

The Chairman[2] held:

The recollection of the Chair is that on some occasions during this session of Congress it has been held that the motion to strike out the enacting clause of a bill is debatable, but that the last decision was that the motion is not debatable. The Chair now decides that the motion is not debatable.

On December 22, 1857,[3] the Committee of the Whole House on the state of the Union was considering the bill (S. 13) to authorize the issue of Treasury notes, the bill being in the course of being read for amendment under the five-minute rule, when Mr. William Barksdale, of Mississippi, moved to strike out the enacting clause.

Mr. Lewis D. Campbell of Ohio, was proceeding to debate the motion when the Chairman[4] ruled:

The motion to strike out the enacting clause takes precedence of an amendment, and is not of the nature of an amendment for it is for the purpose of withdrawing the bill. The Chair therefore rules that the motion is not debatable.

On an appeal the decision of the Chair was sustained.

**5335.** On June 10, 1902,[5] the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture. The reading of the bill for amendment having begun, Mr. Joseph G. Cannon, of Illinois, moved to strike out the enacting clause.

A question having arisen as to debate the Chairman[6] held:

At this point, in order to avoid possible misunderstanding later, the Chair calls attention to the fact that whether a motion to strike out the enacting clause is debatable at all, or, if so, to what extent, is a matter upon which the precedents are conflicting. In the second session of the Thirty-third Congress (February 7, 1855, Globe, p. 616) Mr. Thomas A. Hendricks, of Indiana, in the chair, sustained the point of order made by Mr. John S. Millson, of Virginia, and ruled that "the motion is not debatable." In the Thirty-fifth Congress, first session (December 22, 1857, Globe, p. 154), Mr. John S. Phelps, of Missouri, in the chair, a similar ruling was made, and on an appeal the decision of the Chair was sustained.

On the other hand, in the Forty-seventh Congress, second session, the point of order having been made by Mr. Hiscock, of New York, was submitted by the Chair to the Committee of the Whole and not being sustained, the motion was apparently treated as debatable without limit (Hinds' Precedents, 941). This ruling was made without much discussion or citation of precedents, and was manifestly wrong. As the motion to strike out the enacting clause is not in order at all in Committee of the Whole until general debate has been closed, it certainly can not be, under the rules properly construed, the subject of general debate. Such a motion is in order after the first paragraph of the bill has been read for amendment under the five-minute rule. It is now made at that point.

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[1] Second session Thirty-third Congress, Globe, p. 616.

[2] Thomas A. Hendricks, of Indiana, Chairman.

[3] First session Thirty-fifth Congress, Globe, p. 154.

[4] John S. Phelps, of Missouri, Chairman.

[5] First session Fifty-seventh Congress, Record, p. 6567.

[6] Marlin E. Olmsted, of Pennsylvania, Chairman.

The present occupant of the chair is of opinion that it should be treated for this purpose as in the nature of, or at least analogous to, an amendment and debatable accordingly, and in this view is apparently sustained by the observation of Speaker Blaine in the first session of the Forty-third Congress (Record, p. 2338), who, in ruling that such a motion when made in the House was debatable, said:

"There is no express rule prohibiting its being debated in Committee of the Whole. The impression prevails that it is not debatable from this fact that the motion is usually made in Committee of the Whole after debate has been closed or when the five-minute debate is in order. The motion in Committee of the Whole to strike out the enacting clause would never by any usage of the House be debated over five minutes on each side, and generally not debated at all."

The Chair holds that the motion is debatable five minutes on either side, and after that only by unanimous consent.

**5336. On a motion to strike out the enacting clause a Member may debate the merits of the bill, but must confine himself to its provisions.—** On July 1, 1841,[1] the House was in Committee of the Whole House on the state of the Union considering a bill "to appropriate the proceeds of the sale of the public lands and to grant preemption rights," the pending motion being to strike out the enacting clause of the bill, on which extended debate had taken place.

While Mr. Aaron V. Brown, of Tennessee, had the floor, Mr. Christopher Morgan, of New York, asked if they were to be detained "by discussing everything under the heavens." The gentleman's remarks had no reference to the subject under consideration.

The Chairman[2] stated that the question then pending was on striking out the enacting clause of the bill, and the gentleman had a right to go into the whole merits of it; but the gentleman must confine himself to the provisions of the bill.[3]

**5337. A bill being reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, the motion to concur is debatable in the House.**

**A bill being reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, a motion to lay on the table is not in order.**

**The Member on whose motion the enacting clause of a bill is stricken out in Committee of the Whole is entitled to prior recognition when the bill is reported to the House.**

On March 21, 1874,[4] the House was considering the bill (H. R. 2106) to authorize the construction of a bridge across the Eastern Branch of the Potomac. The bill had been reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, and the question before the House was upon concurring in the recommendation of the Committee of the Whole.

A question arising as to the construction of the rule, the Speaker[5] expressed the opinion that the question of concurring was debatable in the House, and that the

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[1] First session Twenty-seventh Congress, Globe, p. 135.

[2] Joseph Lawrence, of Pennsylvania, Chairman.

[3] This decision was made before the adoption of the rule limiting debate on amendments in Committee of the Whole to five minutes for and five minutes against.

[4] First session Forty-third Congress, Journal, p. 629; Record, p. 2342.

[5] James G. Blaine, of Maine, Speaker.

spirit of the rule was, under such circumstances, adverse to a motion to lay on the table. The Speaker also made the following statement as to the rule:

As the motion to strike out the enacting clause of a bill may be frequently used hereafter, the Chair, if the House will give its attention, will state very briefly the history of the rule on the subject. Previous to the revision of the rules in 1860, the motion to strike out the enacting clause was used in one notable instance to bring a bill from the Committee of the Whole, and the bill when reported to the House was regarded as before the House for whatever action it might see fit to adopt. The Nebraska bill was brought out of the Committee of the Whole on the motion to strike out the enacting clause; and when the House refused to concur in that motion, the Speaker ruled that the bill was before the House. The House, however, was dissatisfied with that construction, because it enabled the majority in the Committee of the Whole at any time to terminate debate, thus practically carrying into the Committee of the Whole the full force and effect of the previous question, which it is one object of the Committee of the Whole to get rid of. Hence in the revision of 1860, which was a very notable revision of the rules, there was added to the rule a provision that when a bill should be reported from the Committee of the Whole with the enacting clause struck out, the first question in the House should be upon concurrence in that recommendation; that if the House should nonconcur in striking out the enacting clause, the bill was thereby at once recommitted to the Committee of the Whole, and stood upon its original place upon the Calendar, while, if the motion was concurred in, the bill, of course, would be dead.

The operation of this rule was found inconvenient in practice, as it really kept the House in a parliamentary straitjacket. In the summer of 1870 a lengthy tariff bill was under discussion in Committee of the Whole, under the charge of the then chairman of the Committee on Ways and Means, a very skillful parliamentarian, now minister to England. The House found that it had before it in Committee of the Whole a bill of several hundred pages, which could not be got rid of except by going through every paragraph. It was found that striking out the enacting clause would do no good, because when the bill was returned to the House, the House must either concur or nonconcur. If it concurred, the bill was dead; and the House did not desire to kill the bill. If it nonconcurred, the bill was put right back to its original place in the Committee of the Whole. In view of the difficulty thus arising the rule was subsequently amended by the addition of this clause:

"But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee of the House, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate, and resume its original place on the Calendar."

Under the rule, when the Committee of the Whole reports a bill to the House, with the enacting clause struck out, the House can send the bill to the standing committee from which it came, with instructions to report it in a new form; and when so reported, it goes back to its original place on the Calendar. Now, the Chair thinks that, when a bill is reported from the Committee of the Whole with the enacting clause struck out, this rule, fairly construed, prohibits any motion whatever, except those specifically defined in the rule—first, will the House concur or nonconcur with the recommendation of the Committee of the Whole; or, secondly, will it prefer to refer the bill to some standing committee, with or without instructions? The Chair thinks that it will simplify the practice to hold the House rigidly to the motions provided for in the rule.

In response to inquiries the Speaker further gave the opinion that when a bill reaches the House, having been thus reported with the enacting clause stricken out, the right to the floor belongs to the Member upon whose motion the enacting clause was struck out in Committee of the Whole.

After debate, Mr. Robert S. Hale, of New York, moved the previous question.

Mr. Samuel J. Randall, of Pennsylvania, moved that the bill be laid on the table.

The Speaker decided that the motion was out of order, and in this decision of the Chair the House acquiesced.

The question then recurring on the demand for the previous question, it was seconded and the main question ordered and put, viz, Shall the enacting words be stricken out? And it was decided in the affirmative, yeas 121, nays 84.

**5338.** On December 8, 1893,[1] on motion of Mr. William C. Oates, of Alabama, the House resolved itself into Committee of the Whole House on the state of the Union; and after some time spent therein, the Speaker resumed the chair, and Mr. Joseph H. Outhwaite, of Ohio, reported that the committee, having had under consideration the bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States, had directed him to report the same to the House with the recommendation that the enacting clause be stricken out.

The question being on concurring in the recommendation of the Committee of the Whole, Mr. Joseph G. Cannon, of Illinois, took the floor and proceeded to debate the question.

Mr. William H. Hatch, of Missouri, made the point of order that the pending question was not subject to debate.

The Speaker[2] overruled the point of order, holding as follows:

The Chair thinks that under our system of rules all matters are debatable unless there is some express limitation in the rules. The general rule is that any proposition is debatable. Debate was exhausted in Committee of the Whole, but not in the House. The House instructed the committee to close debate, but this is in the nature of an amendment. True, if it is concurred in by the House, it finally disposes of the bill; but in the absence of the previous question the Chair thinks the matter is debatable.

After debate the House concurred in the recommendation of the Committee of the Whole.

**5339.** On April 21, 1826,[3] the bill providing for the expense of the mission to Panama was reported to the House from the Committee of the Whole House on the state of the Union.

Thereupon, in the House, Mr. George McDuffie, of South Carolina, moved to strike out the enacting words[4] of the bill, and proceeded to debate it at length.

The motion was decided in the negative.

**5340.** On March 21, 1874,[1] the bill (H. R. 2106) to authorize the construction of a bridge over the Potomac was reported from the Committee of the Whole with, the enacting clause stricken out.

Mr. Samuel J. Randall, of Pennsylvania, objected to debate.

The Speaker[6] said:

The motion to strike out the enacting clause is debatable.

Thereupon Mr. William S. Holman, of Indiana, said that the motion was not debatable in Committee of the Whole, to which the Speaker replied:

It is not usually debated in Committee of the Whole. There is no express rule prohibiting its being debated in Committee of the Whole. The impression prevails that it is not debatable from this fact, that the motion is usually made in Committee of the Whole after debate has been closed, or when the five-minute debate is in order. The motion in Committee of the Whole to strike out the enacting

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[1] Second session Fifty-third Congress, Journal, pp. 21, 22; Record, pp. 120, 121, 124.

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

[3] First session Nineteenth Congress, Journal, p. 459; Debates, p. 2491.

[4] Rule 30 in 1826 provided for striking out the enacting clause, and contemplated its use in the House. (See sec. 5326 of this volume.)

[5] First session Forty-third Congress, Record, p. 2338.

[6] James G. Blaine, of Maine, Speaker.

clause would never, by any usage of the House, be debated over five minutes on each side, and generally not debated at all. But there is nothing in the rules that prevents its debate in the House.[1]

**5341. An amendment reported from Committee of the Whole striking out all after the enacting clause of a bill and inserting new matter is, when reported, treated like any other amendment reported from that Committee.—**On January 26, 1887,[2] the Committee of the Whole House on the state of the Union had risen and had reported the river and harbor appropriation bill with an amendment which struck out all after the enacting clause and inserted a new text. This amendment had been agreed to before the consideration of the bill by paragraphs had been completed.[3]

Mr. Nelson Dingley, jr., of Maine, rising to a parliamentary inquiry, asked:

If the House shall refuse to agree to the substitute amendment, would the vote then come up under the operation of the previous question on passing the bill for which the substitute was made, or would the bill have to go back to the Committee of the Whole to be considered?

The Speaker[4] said:

If the House refuse to agree to the substitute the next question is on ordering the bill to be engrossed and read a third time; that is to say, on the bill referred to the Committee of the Whole House on the state of the Union, without regard to any amendments which may have been agreed to.

Mr. Julius C. Burrows, of Michigan, having suggested that the bill had never been considered by the committee, the Speaker said:

That is a question for the House. The Committee has reported it back to the House. The Committee has no power over it.

The Chair will further state, in response to the gentleman from Maine, that the bill will not go back to the Committee unless the House refers it to the Committee. Under the rules and practice of the House, when the Committee of the Whole House on the state of the Union strikes out the enacting clause of a bill, the effect of which is to destroy the bill, and the House refuses to concur in that action, the committee resumes its session. But where the committee strikes out all after the enacting clause it is but an amendment. Then a vote to nonconcur in the amendment of the Committee in the nature of a substitute would at once bring the House to vote on the bill.

**5342. A bill being reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, the previous question may be moved on a motion to concur without applying also to further action on the bill.**

**Instances of the former practice of using the motion to strike out the enacting words as a means of taking bills from the Committee of the Whole.**

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[1] It is very rare that a motion to strike out the enacting clause is made in the House as an original motion, and the practice has not always been in accordance with this opinion of Mr. Speaker Blaine. On December 9, 1902 (second session Fifty-seventh Congress, Record, p. 168), the House was considering the bill (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," when Mr. James S. Sherman, of New York, moved to strike out the enacting clause.

Mr. James A. Tawney, of Minnesota, having asked if the motion was debatable, the Speaker pro tempore (John Dalzell, of Pennsylvania) said:

"The Chair would state that it is not."

[2] Second session Forty-ninth Congress, Record, p. 1060.

[3] Such proceeding was irregular. Under the ordinary practice, an amendment in the nature of a substitute may not be voted on until the original text has been perfected.

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

**Instance of prolonged obstruction by the alternating of privileged motions.**

On May 2, 1854,[1] the Chairman of the Committee of the Whole House on the state of the Union reported that the Committee having, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 236) to organize the Territories of Nebraska and Kansas, had directed him to report the same, with a recommendation that the enacting clause be stricken out.

The Speaker having stated the question to be on agreeing to the report, Mr. William A. Richardson, of Illinois, moved the previous question.

Finally, after fifteen roll calls on motions to adjourn, to fix the day, and to lay on the table, alternated for purposes of delay, the previous question was ordered, and under its operation the report of the Committee of the Whole was disagreed to.

Mr. Richardson then moved a substitute for the bill.[2]

Mr. Solomon G. Haven, of New York, made the point of order that the previous question was not exhausted, but was still pending, which would prevent the offering of the substitute.

The Speaker[3] ruled:

> The Chair overrules the question of order raised by the gentleman from New York, and for the reason that the proposition of the Committee of the Whole on the state of the Union was nothing more nor less, in substance, than a motion to reject the bill; and it has no such connection with any one of the readings of the bill as that the previous question would cover both. For instance, the previous question ordered to be put will not cover two readings of a bill, neither can it cover the report of the Committee, which proposed to reject the bill, and an amendment that is afterwards offered, or the ordering of the bill to a third reading.[4]

The previous question was then ordered and the substitute was agreed to.

**5343.** On February 20, 1857,[1] Mr. Humphrey Marshall, of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having, according to order, had the state of the Union generally under consideration, and particularly the special order, H. R. 566, a bill reducing the duty on imports, and for other purposes, had directed him to report the same, with a recommendation that the enacting clause be stricken out.

The Speaker having stated the question to be on agreeing to the said report,

Mr. Lewis D. Campbell, of Ohio, moved the previous question; which was seconded and the main question ordered, and under the operation thereof the report was disagreed to.

The Speaker then stated the question to be on the engrossment of the bill.

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[1] First session Thirty-third Congress, Journal, pp. 872, 901, 918.

[2] This procedure occurred when the motion to strike out the enacting clause was used as a means of taking a bill from the Committee of the Whole before it had been read through for amendment, and before amendments to the rule had stopped the practice. See section 5326 of this volume.

[3] Linn Boyd, of Kentucky, Speaker.

[4] The rule for the previous question has been changed since this decision. (See sec. 5443 of this volume.)

[5] Third session Thirty-fourth Congress, Journal, p. 479; Globe, pp. 789, 790.

Mr. Lewis D. Campbell moved to amend the same by striking out all after the enacting clause and inserting in lieu thereof a new tariff bill.

This substitute was agreed to, and ultimately became the law.

**5344.** On December 22, 1857,[1] Mr. John S. Phelps, of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having, according to order, had the state of the Union generally under consideration, and particularly the bill of the Senate (S. 13) to authorize the issue of Treasury notes, had directed him to report the same, with a recommendation that the enacting clause be stricken out.

The Speaker having stated the question to be on agreeing to the recommendation of the committee, that the enacting clause of the bill be stricken out, Mr. J. Glancy Jones, of Pennsylvania, moved the previous question; which was seconded and the main question ordered, and, under the operation thereof, the House refused to strike out the enacting clause of the bill.

The bill was then put upon its passage.

**5345. When the House disagrees to the recommendation of the Committee of the Whole that the enacting words of a bill be stricken out, the bill goes back to the Calendar of the Committee of the Whole as unfinished business.—**On Friday, March 14, 1890,[2] the Speaker announced as the regular order the bill (H. R. 3538) for the relief of Albert H. Emery, which had been reported from the Committee of the Whole House on the preceding Friday, with the recommendation that the enacting clause be stricken out. The Speaker then put the question, "Will the House concur in that recommendation?"

The question being taken, there were yeas 66, nays 143; so the House refused to concur.

Mr. William M. Springer, of Illinois, then asked, as a parliamentary inquiry, as to the status of the bill on the Calendar of the Committee of the Whole House, to which it was recommitted under the rule.[3]

The Speaker[4] said:

> This bill goes to the Committee of the Whole House and takes its position on the Calendar as if it had never been sent back to the House. It becomes the first bill on the Calendar, as the unfinished business, to be considered when the House again resumes consideration of the Private Calendar.

**5346.** On May 30, 1900,[5] the House was about to vote on the bill (S. 1939) "authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan," etc., the bill having been reported from the Committee of the Whole House on the state of the Union with the recommendation that the enacting clause be stricken out and the previous question having been ordered on the motion to concur in the recommendation of the Committee of the Whole.

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[1] First session Thirty-fifth Congress, Journal, p. 107; Globe, p. 154.

[2] First session Fifty-first Congress, Record, pp. 2237, 2238.

[3] See section 5326 of this volume.

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

[5] First session Fifty-sixth Congress, Record, p. 6250.

Mr. William P. Hepburn, of Iowa, having made a parliamentary inquiry as to the situation of the bill, the Speaker [1] said:

The Chair is of the opinion that if the action of the Committee of the Whole is sustained, that ends it. If the action of the Committee of the Whole is reversed, the bill will fall back to its old place in the Committee. * * * It will be on the Calendar of the Committee of the Whole House on the state of the Union. * * * In other words, it would leave this bill practically where it was when the first motion was made in the morning hour. On this matter the previous question has been ordered. So the question is on concurring in the recommendation of the Committee of the Whole, to strike out the enacting clause.

**5347. A motion may be withdrawn in the House, although an amendment to it may have been offered and may be pending.—**On April 14, 1892,[2] Mr. Julius C. Burrows, of Michigan, moved that there be omitted from the Congressional Record the chapters of a book entitled "Protection and Free Trade," which had been incorporated in the remarks of Mr. William Stone, of Kentucky.

Mr. George W. Fithian, of Illinois, moved to amend the motion by striking out from the Record a certain letter published in a speech of Mr. J. P. Dolliver, of Iowa.

Mr. Burrows then withdrew his motion, to which withdrawal Mr. Fithian objected, and submitted the question of order, whether the resolution could be withdrawn without the consent of the House pending the motion to amend.

The Speaker [3] held that the mover could withdraw the resolution, there having been no amendment adopted or decision thereon.

**5348. Even after the affirmative side had been taken in a division on a motion in Committee of the Whole, the withdrawal of the motion was permitted, as the Committee had come to no decision.—**On February 8, 1850,[4] the House was in Committee of the Whole House on the state of the Union, considering the joint resolution from the Senate "limiting the expenses of collecting revenue from customs for the present fiscal year."

An amendment from the Committee of Ways and Means was pending, when Mr. David Rumsey, jr., of New York, moved that the Committee now rise and report the bill.

The question was put, and the Chair proceeded to count the affirmative, when Mr. Robert C. Schenck, of Ohio, made the point of order that the Committee had not yet voted on the amendment pending.

The Chairman stated that the gentleman from New York, before the count was completed, withdrew the motion for the Committee to rise.

Mr. Samuel W. Inge, of Alabama, made a point of order against the withdrawal of the motion after the count on one side was announced.

The Chairman [5] decided that in accordance with the practice of the House the motion could be withdrawn at any time before the decision was announced.[6]

On an appeal the Chair was sustained.

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

[2] First session Fifty-second Congress, Journal, p. 144; Record, pp. 3299–3301.

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

[4] First session Thirty-first Congress, Globe, p. 318.

[5] Emery D. Potter, of Ohio, Chairman.

[6] The withdrawal of this motion should not be confounded with the rule of the Committee of the Whole, adopted August 13, 1850, to prevent the withdrawing of amendments.

**5349. A motion may be withdrawn after the viva voce vote has been taken and after tellers have been ordered and appointed.—**On February 5, 1881,[1] Mr. William J. Samford, of Alabama, moved that the House adjourn. On division there appeared, ayes 62, noes 63. Tellers being ordered, Messrs. Thomas B. Reed, of Maine, and S. S. Cox, of New York, were appointed tellers.

Thereupon Mr. Samford withdrew his motion.

Mr. Omar D. Conger, of Michigan, objected that it was not in order to withdraw the motion.

The Speaker[2] held that under Rule XVI,[3] section 2, Mr. Samford had the right to withdraw the motion, no decision or amendment having been made thereon.

Mr. Conger appealed, as follows:

I appeal from the decision of the Chair that a motion to adjourn may be withdrawn while the House is dividing, and after the viva voce vote has been taken and announced.

This appeal was laid on the table.

**5350. While the House was dividing on a second of the previous question on a motion to refer a proposition, a Member was permitted to withdraw it, the House having made no decision.—**On January 27, 1847,[4] Mr. Robert C. Schenck, of Ohio, by unanimous consent of the House, introduced a joint resolution providing for a termination of the war with Mexico.

Mr. Schenck moved that the resolution be committed to the Committee of the Whole House on the state of the Union, and that it be printed.

Mr. Thomas J. Henley, of Indiana, moved the previous question; and while the House was in the act of dividing for the purpose of ascertaining whether there was a second for the same,[5] Mr. Schenck proposed to withdraw his resolution.

Mr. Reuben Chapman, of Alabama, made the point of order, that while the House was in the act of dividing upon a question, it was not in order for the mover to withdraw the proposition under consideration.

The Speaker[6] overruled the point of order, no decision having been made by the House, and decided that Mr. Schenck could withdraw his resolution.[7]

On Mr. Chapman's appeal, the Chair was sustained, 93 to 87.

**5351. A refusal to lay a motion on the table was held to be such a decision by the House as would prevent the withdrawal of the motion.—**On March 23, 1880,[8] during the consideration of a motion made by Mr. James A. Garfield, of Ohio, to amend the Journal, the House voted to lay Mr. Garfield's motion on the table.

The Speaker having stated that a motion to reconsider the last vote and to lay that motion on the table would be in order, Mr. Richard W. Townshend, of Illinois,

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[1] Third session Forty-sixth Congress, Journal, p. 338; Record, p. 1277.

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

[3] See section 5304 of this volume.

[4] Second session Twenty-ninth Congress, Journal, p. 241 , Globe, p. 272.

[5] The previous question no longer requires a second. (See sec. 5343 of this volume.)

[6] John W. Davis, of Indiana, Speaker.

[7] This was cited in the Manual and Digest for many years previous to 1900 as the withdrawal of a motion, and it was such in effect. Had Mr. Schenck been reporting the joint resolution from a committee, instead of on his own motion, the case would have been very different.

[8] Second session Forty-sixth Congress, Record, pp. 1807, 1808; Journal, p. 842.

made such motion. Upon a vote the House refused to lay on the table the motion to reconsider.

Thereupon Mr. Townshend proposed to withdraw the motion to reconsider.

The Speaker[1] said:

> The Chair would consider that the vote of the House against laying on the table the motion to reconsider is a procedure on the part of the House to consider the motion to reconsider, and in a vital sense a proceeding upon that subject. Therefore, if objection be made to the withdrawal, the Chair would rule that the motion to reconsider is in possession of the House. A decision by the Chair to the contrary would be unusual and unjust to the House, because a majority of the House by a yea-and-nay vote have indicated a purpose to proceed with the motion to reconsider to its conclusion.

Objection being made, the Chair decided that the motion could not be withdrawn.

An appeal having been taken by Mr. Townshend, the appeal was laid on the table by a vote of 152 yeas to 57 nays.

**5352.** On April 27, 1846[2] Mr. Robert C. Schenck, of Ohio, offered a resolution relating to a statement made on the floor as to the use of the contingent funds of the State Department, and providing for a select committee to determine how the seal of confidence imposed by law in regard to that subject had been broken.

Mr. Shelton F. Leake, of Virginia, moved that the whole subject be laid on the table. This motion was decided in the negative, yeas 61, nays 100.

Mr. Schenck then proposed to modify his resolution.

Mr. Reuben Chapman, of Alabama, raised the question of order that, a vote having been taken on the motion to lay on the table, it was not now in order for the mover to modify it.

The Speaker[3] decided that, in accordance with the invariable custom of the House, the modification was in order.

Mr. Chapman appealed, but later withdrew the appeal.

**5353. The ordering of the yeas and nays on a motion is such a decision by the House as prevents withdrawal of the motion.—**On April 10, 1894,[4] Mr. Thomas B. Reed, of Maine, called up for consideration, as involving a question of privilege, the motion of Mr. William M. Springer, of Illinois, to discharge the Sergeant-at-Arms from the further execution of a warrant of arrest, which motion was pending when the House adjourned on Saturday last.

Mr. William M. Springer, of Illinois, thereupon proposed to withdraw the motion.

Mr. Reed made the point that, the yeas and nays having been ordered on the question of agreeing to the motion, and the yeas and nays having been taken thereon and a quorum not being disclosed, it was not now in order to withdraw the motion.

By unanimous consent, the further consideration of the question of order was postponed until the next day, when the Speaker[5] held that where the yeas and nays have been ordered on a proposition it is not in order for the mover to withdraw such proposition.

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[1] Samuel.T. Randall, of Pennsylvania, Speaker.

[2] First session Twenty-ninth Congress, Journal, pp. 723–725; Globe, p. 734.

[3] John W. Davis, of Indiana, Speaker.

[4] Second session Fifty-third Congress, Journal, pp. 323, 324; Record, pp. 3630, 3683.

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

**5354. The ordering of the yeas and nays on a motion to lay an appeal on the table was held to be such a "decision" by the House as would prevent the withdrawal of the appeal.—**On June 21, 1890,[1] the Speaker stated the pending question to be the motion of Mr. William McKinley, jr., of Ohio, to lay on the table the appeal of Mr. Richard P. Bland, of Missouri, from the decision of the Chair pending when the House adjourned on the previous day, on which motion the yeas and nays were ordered. Mr. William M. Springer, of Illinois, made the point of order that Mr. Bland was entitled to withdraw his appeal.

The Speaker[2] overruled the point of order on the ground that under the established practice of the House the order for the yeas and nays, a constitutional right, was a "decision" of the House that it desired to vote upon the pending question.

**5355. A motion may not be withdrawn after the previous question has been ordered on it.—**On April 30, 1890,[2] the House was considering the bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, etc., under a special order, the terms whereof provided that "the previous question be considered as ordered to the passage, at 4 o'clock, on the bill and all pending amendments."

Amendments having been submitted by Messrs. Joseph B. Cheadle, of Indiana, Charles H. Turner, of New York, and John G. Sawyer, of New York, after debate, the hour of 4 o'clock having arrived, at which time the previous question was to be considered as ordered, the Speaker stated the pending question to be on agreeing to the amendment submitted by Mr. Sawyer to the amendment submitted by Mr. Turner, of New York.

Mr. William M. Springer, of Illinois, made the point of order that the said amendment submitted by Mr. Turner, of New York, had been withdrawn.

The Speaker[2] overruled the point of order, on the ground that the previous question having been ordered, an amendment could not be withdrawn without unanimous consent, which had not been granted.

**5356. Instance of the withdrawal of a motion after the previous question had been ordered on an appeal from a decision on a point of order as to the motion.**

**A motion being withdrawn, all proceedings on an appeal arising from a point of order related to it, fell thereby.**

**Reference to proceedings during the contest over the organization of the House in 1839.**

On December 14, 1839,[4] before the House had organized and while Mr. John Quincy Adams, of Massachusetts, was acting as Chairman of the House, Mr. Daniel D. Barnard, of New York, submitted the following resolution:

*Resolved,* That the execution of the order of this House, adopted yesterday, that the House do proceed to the election of Speaker, be suspended to give opportunity to any Member who may be so disposed, to move the House that the Members proceed in the first place to hear and adjudge, pursuant to a resolution of this House heretofore adopted, upon the elections, returns, and qualifications of persons

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[1] First session Fifty-first Congress, Journal, pp. 770–772; Record, p. 6353.

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

[3] First session Fifty-first Congress, Journal, p. 550; Record, pp. 4026, 4061.

[4] First session Twenty-sixth Congress, Journal, p. 57 Globe, pp. 51, 52.

who appear to be contesting seats on this floor from New Jersey, or to move that the names of John B. Aycrigg, John P. B. Maxwell, William Halstead, Charles C. Stratton, and Thomas Jones Yorke, the regular-return Members from the State of New Jersey, be not called or their votes counted in the election of Speaker, or to move that Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, and Joseph Kille be called and their votes counted in the election of Speaker.

Mr. Robert Craig, of Virginia, moved the question of consideration.

Mr. William Beatty, of Pennsylvania, objected to the introduction of the resolution, and submitted the following point of order, in writing:

That, under the fifty-second rule of the House, no motion or any other business shall be received, without special leave of the House, until the unfinished business in which the House was engaged at the last preceding adjournment shall have been disposed of.

The Chairman referred to the House the decision upon the question of order submitted by Mr. Beatty; and after debate Mr. Hopkins L. Turney, of Tennessee, moved that the resolution moved by Air. Barnard and the question of order do lie on the table; which motion was decided by the Chair to be in order; when Mr. Barnard submitted the following question of order, in writing:

A point of order having been made, that a resolution offered by Mr. Barnard was not in order at this time pending the discussion on that point of order, Mr. Turney rises and moves to lay the subject of the point of order on the table; and also, at the same time, to lay the resolution of Mr. Barnard on the table. On this motion of Mr. Turney, Mr. Barnard makes this point of order: That it is not now in order to move to lay the resolution of Mr. Barnard on the table.

The Chairman decided against the point of order submitted by Mr. Barnard; from which decision Mr. Millard Fillmore, of New York, appealed to the House; and after debate,

The previous question was moved by Mr. Turney, and demanded by a majority of Members; and the previous question was put, viz: Shall the main question be now put? And passed in the affirmative.

The main question was then stated, i. e., that the decision of the Chair stand as the judgment of the House; when Mr. Barnard withdrew the resolution moved by him to suspend the execution of the order for the election of a Speaker; and all the incidental questions arising thereon fell, of course.

**5357. The vote whereby the previous question was ordered having been reconsidered, it was held in order to withdraw the motion for the previous question, the "decision" having been nullified.—**On April 20, 1894,[1] Mr. Julius C. Burrows, of Michigan, called attention to the fact that Mr. Joseph Wheeler, of Alabama, had, without leave of the House, caused to be printed in the Congressional Record of Wednesday extended remarks on the proposed rule adopted by the House on Tuesday.

Mr. Burrows suggested that the remarks should be omitted from the permanent Record.

After debate on the question, Mr. Alexander M. Dockery, of Missouri, moved to refer the subject to the Committee on Printing.

On motion of Mr. Dockery, the previous question was ordered on the motion to refer.

[1] Second session Fifty-third Congress, Journal, p. 345; Record, p. 3911.

Pending further proceedings, on motion of Mr. Thomas C. McRae, of Arkansas, the vote by which the previous question had just been ordered was reconsidered.

The question recurring on the demand for the previous question, Mr. Dockery proposed to withdraw his motion for the previous question.

Mr. Burrows made the point of order that there having been a decision of the motion it was not in order, under the rule, to withdraw it.

After debate, the Speaker [1] overruled the point of order, holding that the action of the House on the motion having been reconsidered the decision was, in effect, nullified, and that the motion might be withdrawn.

Mr. Dockery thereupon withdrew his motion for the previous question, and also withdrew his motion to refer the pending matter to the Committee on Printing.

**5358. The Member, having the right in the House to withdraw a motion before a decision thereon, has also the resulting power to modify the motion.—**On September 16, 1890,[2] the Speaker announced as the regular order of business the further consideration of the resolution submitted by Mr. Benjamin A. Enloe, of Tennessee, on September 15, relating to certain unparliamentary language of a Member published in the Record of September 14.

Mr. Henry G. Turner, of Georgia, suggested a modification of the resolution submitted by Mr. Enloe, leaving out the words "requiring a message to be sent to the Senate," which modification was accepted by Mr. Enloe.

Mr. Charles H. Grosvenor, of Ohio, made the point of order that it was not competent for the mover of a resolution to modify the same during its pendency before the House.

The Speaker [3] overruled the point of order on the ground that it had become the established practice of the House to permit the mover or proposer of a motion or resolution to modify the same at any time before an amendment thereto had been adopted or the previous question ordered thereon.[4]

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

[2] First session Fifty-first Congress, Journal, p. 1041; Record, p. 10105.

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

[4] In Committee of the Whole an amendment may not be withdrawn after it is once offered (see sec. 5221 of this volume), whence it results that the mover has no power to modify it after it is once offered.