

Chapter CXVIII.

THE MOTION TO ADJOURN.

1. Rule as to precedence and debate. Sections 5359–5361.
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5359. The motion to adjourn is not debatable in the House. The rules of the House give the motion to adjourn the place of highest privilege when a question is under debate.

Section 4 of Rule XVI² 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.) * * *

5360. While a motion to adjourn takes precedence of other motions, yet it may not be put while the House is voting on another motion or while a Member has the floor in debate.

In the House the motion to adjourn may not be amended, as by specifying to a particular day.

There is no adjournment until the Speaker pronounces it, and no Member should leave his place until the Speaker has passed on.

Jefferson's Manual has the following provisions relating to adjournment:

In Section XXXIII: A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion can not be received after another question is actually put and while the House is engaged in voting.³

In Section XX: It might be asked whether a motion for adjournment or for the orders of the day can be made by one Member while another is speaking? It can not.

In Section L: A motion to adjourn, simply, can not be amended, as by adding "to a particular day;" but must be put simply "that this House do now adjourn;" and if carried in the affirmative,

¹In relation to conference reports. (Secs. 6451–6453 of this volume.)

Not in order in Committee of the Whole. (Sec. 4716 of Vol. IV.)

Use of the motion in the Senate sitting for an impeachment trial. (Secs. 2071–2074, 2041 of Vol. III.)

²For full form and history of this rule see section 5301 of this volume.

³The House once had a rule that the motion to adjourn should not be in order as against a pending question, before 4 p. m. The rule was rescinded March 13, 1824. (First session Eighteenth Congress, Journal, pp. 726, 310; Annals, p. 1776.)

it is adjourned to the next sitting day,¹ unless it has come to a previous resolution, "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day. (2 Hats., 82.)

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, etc., it adjourns during pleasure (2 Hats., 305); or for a quarter of an hour.² (4 Grey, 331.)

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. (5 Grey, 137.) And from courtesy and respect, no Member leaves his place till the Speaker has passed on.³

5361. Neither a motion nor an appeal may intervene between the motion to adjourn and the taking of the vote thereon.—On January 28, 1847,⁴ during proceedings incidental to a motion relating to closing of debate on the naval appropriation bill in Committee of the Whole House on the state of the Union, Mr. George Ashmun, of Massachusetts, moved that the House adjourn.

Mr. Edward W. McGaughey, of Indiana, moved that he be excused from voting on this question.⁵

The Speaker⁶ decided that the motion of Mr. McGaughey was not in order, as no motion could intervene between a motion to adjourn and the taking of the question thereupon.

From this decision Mr. McGaughey proposed to appeal.

The Speaker, for the same reason above given, refused to entertain the appeal.

The question was then put on the motion of Mr. Ashmun.

5362. When the House has not fixed an hour for daily meeting, the daily motion to adjourn fixes the hour.—In 1841⁷ the Congress assembled on May 31, and the House found a quorum present and elected a Speaker on that day. The organization of the House by the election of other officers and the adoption of rules was carried on through several days. The usual order or resolution fixing the hour of daily meeting of the House was not offered on the first day of the session, but the House went on for several days, determining the hour to which the House would stand adjourned in the motion to adjourn. On June 8 the following was agreed to:

Ordered, That the daily order to which the House shall stand adjourned be 12 o'clock meridian, until otherwise ordered.

The House had, on the preceding day, temporarily adopted rules, but the organization of the House had not been completed by the election of all the officers. The committees had been appointed.

¹This, of course, presupposed an established body meeting daily at an hour fixed by a standing order previously made, as is the case with the House of Representatives. In a body not meeting under these conditions the motion to adjourn must necessarily be amendable so as to fix the time to which it will adjourn.

²The motion to adjourn is never used this way in the House, the motion for a recess being used instead.

³The latter clause of this rule is not observed in the modern practice of the House.

⁴Second session Twenty-ninth Congress, Journal, pp. 255, 256; Globe, p. 282.

⁵The rules at this time gave to the motion to excuse a Member from voting a privileged condition. (See Rule 41, Journal, p. 538.)

⁶John W. Davis, of Indiana, Speaker.

⁷First session Twenty-seventh Congress, Journal, p. 62.

5363. On December 5, 1859,¹ before the election of a Speaker, Mr. William Kellogg, of Illinois, moved that when the House adjourn it adjourn to meet at 12 o'clock to-morrow.

Mr. Samuel R. Curtis, of Iowa, made a point of order that the motion was not in order.

The Clerk² said:

The Clerk will state to the gentleman from Iowa that there is no time fixed for the adjournment of the House until the standing rules of the House shall have been adopted.

The motion was thereupon put and agreed to.

5364. Before the adoption of rules a motion to adjourn until a given hour is not in order until a previous order fixing the hour of daily meeting has been rescinded.—On January 7, 1856,³ before the election of a Speaker or the adoption of rules, Mr. Percy Walker, of Alabama, moved that when the House adjourn it should adjourn until Wednesday next, at 11 o'clock and 30 minutes a. m.

Mr. George W. Jones, of Tennessee, made the point of order that the motion was not in order without previously rescinding the order heretofore made, fixing the daily hour of meeting at 12 o'clock m.

And the question being put by the Clerk,⁴ "Will the House entertain the motion of the gentleman from Alabama?" it was decided in the negative.

5365. A motion to adjourn is in order when a quorum fails, notwithstanding any terms of an existing special order of the House.—On April 2, 1894,⁵ the proceedings relating to the Missouri and California election cases were still incomplete, when, no quorum appearing, Mr. Josiah Patterson, of Tennessee, moved that the House adjourn.

Mr. John F. Lacey, of Iowa, made the point of order that pursuant to the special order 11 of the 28th ultimo, under which the House was proceeding, the motion to adjourn was not now in order.

The Speaker⁷ overruled the point of order, holding that when the House finds itself without a quorum a motion to adjourn or for a call of the House is in order.

5366. A motion to adjourn may be made after the yeas and nays are ordered and before the roll call has begun.—On Friday evening, February 19, 1897,⁸ the House was proceeding under a call of the House, when Mr. Theodore L. Poole, of New York, moved that further proceedings under the can be dispensed with.

On this motion the yeas and nays were demanded and ordered.

¹ First session Thirty-sixth Congress, Globe, p. 4.

² James C. Allen, Clerk.

³ First session Thirty-fourth Congress, Journal, p. 266.

⁴ John W. Forney, Clerk.

⁵ Second session Fifty-third Congress, Journal, p. 299; Record, p. 3403.

⁶ This special order provided for the consideration of certain election cases and for the exclusion of dilatory motions.

⁷ Charles F. Crisp, of Georgia, Speaker.

⁸ Second session Fifty-fourth Congress, Record, p. 2017.

Mr. Alfred Milnes, of Michigan, rising to a parliamentary inquiry, asked if a motion to adjourn was in order.

The Speaker pro tempore¹ replied:

A motion to adjourn is in order.²

5367. Under the latest decision the motion to adjourn may not be made after the House has voted to go into Committee of the Whole and the Speaker has announced the result.—On February 17, 1882,³ Mr. Ezra B. Taylor, of Ohio, moved that the House resolve itself into the Committee of the Whole House for the consideration of the Private Calendar. This motion was agreed to.

Mr. William A. J. Sparks, of Illinois, moved that the House adjourn.

Mr. Julius C. Burrows, of Michigan, made the point of order that after the House had decided to go into Committee of the Whole House it was too late to make a motion to adjourn.

The Speaker⁴ overruled the point of order.⁵

The motion to adjourn was decided in the negative, and then the House, in accordance with its previous order, resolved itself into the Committee of the Whole House.

5368. On January 22, 1887,⁶ the House, by a yea and nay vote, decided to resolve itself into the Committee of the Whole House on the state of the Union, but after the Speaker had announced the vote, and before he had left the chair, Mr. Ormsby B. Thomas, of Wisconsin, moved to reconsider the vote. This motion to reconsider was laid upon the table, on motion of Mr. Albert S. Willis, of Kentucky, the vote being 161 yeas to 18 nays.

The Speaker having announced this result, Mr. William P. Hepburn, of Iowa, moved that the House adjourn.

Mr. Knute Nelson, of Minnesota, having made a point of order on this motion, the Speaker⁷ ruled:

The point of order being made, the Chair can not entertain the motion. The House having resolved to go into Committee of the Whole on the state of the Union, it is the duty of the Speaker, under the rules, to vacate the chair, and the House is no longer in session as a House. The Chair thinks the point of order well taken.

5369. A Member may not make a motion to adjourn while another Member is in possession of the floor.—On December 2, 1890,⁸ Mr. William E. Simonds, of Connecticut, had been recognized by the Speaker, when Mr. Albert J. Hopkins, of Illinois, moved that the House adjourn.

¹James S. Sherman, of New York, Speaker pro tempore.

²For other instances of motion to adjourn after ordering of yeas and nays see first session Fiftieth Congress, Record, p. 5607; first session Fifty-fourth Congress, Record, p. 3697; second session Fifty-fourth Congress, Record, p. 2221.

³First session Forty-seventh Congress, Journal, p. 609; Record, p. 1252.

⁴J. Warren Keifer, of Ohio, Speaker.

⁵This ruling was followed in 1885. (Second session Forty-eighth Congress, Journal, p. 210; Record, P. 558.)

⁶Second session Forty-ninth Congress, Record, p. 917; Journal, p. 353.

⁷John G. Carlisle, of Kentucky, Speaker.

⁸Second session Fifty-first Congress, Journal, pp. and 15; Record, p. 35.

The Speaker¹ held the motion out of order on the ground that Mr. Hopkins had not the floor, Mr. Simonds having been recognized and being in possession of the floor.

On November 1, 1893,² Mr. William L. Wilson, of West Virginia, took the floor. Mr. Henry C. Snodgrass, of Tennessee, submitted a motion to adjourn.

The Speaker³ held that, Mr. Wilson having the floor, he could not be deprived of it by a motion to adjourn.

5370. On September 27, 1893,⁴ the House proceeded, pursuant to the special order, to the consideration of the bill (H. R. 2331) to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

Mr. Thomas G. Lawson, of Georgia, took the floor and was recognized by the Speaker.

Mr. Elijah A. Morse, of Massachusetts, thereupon claimed the floor for the purpose of submitting a motion to adjourn.

The Speaker³ held that a Member having the floor for debate could not be interrupted by a motion to adjourn.

5371. The motion to adjourn is in order only in its simple form.—On February 22, 1898,⁵ Mr. Joseph G. Cannon, of Illinois, moved that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Pending this Mr. Joseph W. Bailey, of Texas, moved “that the House, as a mark of respect to the memory of George Washington, do now adjourn.”

The Speaker¹ held that such a motion was not in order.⁶

5372. On February 22, 1904,⁷ Mr. John S. Williams, of Mississippi, rising to a parliamentary inquiry, asked if it would be in order to move that at the expiration of a certain time, or at the expiration of a certain contingency, the House adjourn.

The Speaker⁸ replied in effect that it would not be in order.

Mr. Williams then moved that in memory of George Washington the House do now adjourn.

The Speaker said:

That motion is not in order. It is in order to move that the House do now adjourn.

5373. There must be intervening business before a motion to adjourn may be repeated.—On July 6, 1850,⁹ Mr. Jacob Thompson, of Mississippi, moved to reconsider the vote last taken and to lay that motion upon the table.

¹Thomas B. Reed, of Maine, Speaker.

²First session Fifty-third Congress, Journal, p. 162.

³Charles F. Crisp, of Georgia, Speaker.

⁴First session Fifty-third Congress, Journal, p. 117.

⁵Second session Fifty-fifth Congress, Record, p. 2024.

⁶The usual form is for the Member, before moving to adjourn, to announce that he is about to do so “out of respect,” etc. Then he makes the simple motion. (Second session Fifty-fifth Congress, Record, pp. 135, 143.)

⁷Second session Fifty-eighth Congress, Record, p. 2208.

⁸Joseph G. Cannon, of Illinois, Speaker.

⁹First session Thirty-first Congress, Journal, p. 1092.

Mr. Charles M. Conrad, of Louisiana, moved to adjourn, which motion was disagreed to.

The question recurring upon the motion of Mr. Jacob Thompson, Mr. William A. Sackett, of New York, moved that the House adjourn. (Seven minutes had elapsed since the last motion to adjourn.)

The Speaker¹ decided that, inasmuch as there had been no intervening business since the House had refused to adjourn, the motion was not in order.

An appeal having been taken, the decision of the Chair was sustained.

5374. A motion to adjourn may be repeated after debate, although no question may have been put or decided in the meantime.—On May 22, 1834,² Mr. John McKinley, of Alabama, moved that the House do adjourn.

Thereupon an inquiry was made of the Chair whether that motion was in order, as no question had been put or decided since the House had voted on a motion to adjourn.

The Speaker pro tempore³ decided that the motion was in order, and would be entertained, debate having taken place on a motion to postpone subsequent to the decision of the question on the motion made by Mr. Augustin S. Clayton, of Georgia, to adjourn.

In this decision the House acquiesced.

5375. The reception of a message from the Senate, the making of an announcement by a Member and the submitting of a motion in relation thereto were held to constitute sufficient intervening business to permit a motion to adjourn to be repeated.—On February 22, 1894,⁴ a motion to adjourn was decided in the negative.

Then a message from the Senate, by Mr. Platt, one of its secretaries, announced that the Senate had agreed to a certain resolution.

Mr. George W. Hulick, of Ohio, stated that while absent under leave of the House he had received from the Sergeant-at-Arms a telegram announcing that his leave of absence had been revoked, and at the same time requesting him to accept service of a warrant for his arrest for failure to attend the session of the House.

Mr. Richard P. Bland, of Missouri, moved that Mr. Hulick be discharged; on which motion Mr. Bland demanded the previous question.

Pending this Mr. Daniel E. Sickles, of New York, moved that the House adjourn.

Mr. Bland made the point of order that there having been no intervening business since the last preceding motion to adjourn was voted upon, the motion to adjourn was not now in order.

The Speaker pro tempore⁵ entertained the motion to adjourn.⁶

¹ Howell Cobb, of Georgia, Speaker.

² First session Twenty-third Congress, Journal, p. 651.

³ Henry Hubbard, of New Hampshire, Speaker pro tempore.

⁴ Second session Fifty-third Congress, Journal, p. 191; Record, p. 2369.

⁵ Alexander M. Dockery, of Missouri, Speaker pro tempore.

⁶ The Record shows that the Speaker pro tempore entertained the motion reluctantly, and with an expression of opinion that it might not be strictly in order.

5376. Ordering the yeas and nays is such intervening business as to justify a repetition of the motion to adjourn.—On April 4, 1888,¹ dilatory proceedings were going on in the House over the bill to refund the direct tax of 1861.

In the course of the proceedings a motion was made that the House do now adjourn.

Mr. Ezra B. Taylor, of Ohio, having made a point of order as to whether or not the motion was in order, the Speaker² said:

It is in order. It has been frequently decided, as gentlemen will find by looking at the Digest, that ordering the yeas and nays on a pending proposition is itself sufficient intervening business to justify a repetition of the motion to adjourn.

5377. On April 5, 1852,³ the House was considering a resolution affirming the Missouri compromise, and a motion to adjourn had been made and decided in the negative. In the course of proceedings immediately following, Mr. Humphrey Marshall, of Kentucky, made the point of order that another motion to adjourn was not in order.

The Speaker⁴ gave the following statement and decision:

A motion was made, and a vote taken upon the adjournment; following that, a motion was made to lay the resolution upon the table, and upon that proposition the yeas and nays were ordered. Then followed another motion to adjourn, which is now pending. The Chair has no doubt that the motion to adjourn is in order, for the reason that the House had taken such action as renders it perfectly in order for the House to adjourn; otherwise the House would never adjourn until some distinct vote was taken upon some measure before it. The Chair has no doubt of the correctness of the decision.

No appeal was taken.⁵

5378. A decision of the Chair on a question of order is such intervening business as permits the repetition of a motion to adjourn.—On

¹First session Fiftieth Congress, Record, pp. 2713, 2714.

²John G. Carlisle, of Kentucky, Speaker.

³First session Thirty-second Congress, Globe, p. 982.

⁴Linn Boyd, of Kentucky, Speaker.

⁵This ruling reversed an earlier ruling. On June 10, 1842 (second session Twenty-seventh Congress, Journal, p. 945; Globe, p. 617), the House was considering a resolution to close debate in Committee of the Whole on the tariff bill, when a motion was made that the House do adjourn.

Mr. Nathan Clifford, of Maine, moved that the motion lie on the table, and on Mr. Clifford's motion the yeas and nays were ordered.

The previous question was moved by Mr. Thomas D. Arnold, of Tennessee.

A call of the House was moved by Mr. Lewis Steenrod, of Tennessee, and the yeas and nays were moved on the question, "Shall there be a call?"

A motion was made by Mr. Hopkins L. Turney, of Tennessee, that the House do adjourn.

The Speaker (John White, of Kentucky, Speaker) decided that, as no vote had been taken, and no distinct action of the House had taken place since the question had been taken on a motion to adjourn, the present motion to adjourn was not in order.

From this decision Mr. Turney appealed, on the ground that, by the rule, a motion to adjourn was always in order; and, further, that the order for the yeas and nays on several propositions, made since the motion to adjourn had been decided, was such action on the part of the House as to make the present motion to adjourn in order.

The appeal was laid on the table, yeas 102, nays 72.

April 12, 1894,¹ the House being engaged in proceedings under a call of the House, Mr. Thomas B. Reed, of Maine, moved that the House adjourn.

Mr. William M. Springer, of Illinois, made the point that there being no intervening business since the preceding motion had been rejected, the motion to adjourn was, therefore, not now in order.

The Speaker pro tempore² overruled the point, holding that the decision of the Chair on questions of order constituted intervening business.

5379. Under the custom of the House, which differs somewhat from the general parliamentary law, the motion to fix the day to which the House shall adjourn is not debatable.

An opinion that the rule relating to motions in order when a question is under debate does not apply to a condition when there is no question under debate.

As to the extent of debate under the general parliamentary law on a motion to fix the day to which the House shall adjourn.

On April 17, 1897,³ Mr. Nelson Dingley, of Maine, moved that when the House adjourn it adjourn to meet on Wednesday next.

Debate having arisen, and the Speaker having stated that the motion was not debatable, Mr. Jerry Simpson, of Kansas, made the point of order that the motion was debatable, quoting section 4 of Rule XVI.

The Speaker having overruled the point of order, Mr. Simpson appealed.

In stating the appeal, the Speaker⁴ said:

The Chair desires to say that the clause in the rules to which the gentleman from Kansas alludes speaks of motions that are in order when a question is under discussion. No question is now under discussion; consequently that rule, according to the rulings of Speaker Randall,⁵ is not applicable. The motion to fix the day to which the House shall adjourn may be made when a question is under discussion, or it may be made when there is no question under discussion. It is now made when there is no question under discussion. The question is, What has been the custom of the House? For many years in regard to such a motion the custom has been to regard it as not debatable, and no question as to the correctness of the practice has ever even been raised. It has been repeatedly declared that the motion was not debatable. That custom was borne in mind when the rules were changed, and they were changed with reference to it.

While the general rule of parliamentary law makes this a debatable question, it is debatable solely with reference to itself or what is involved in it; it does not permit irrelevant discussion. While that is the status of the motion under parliamentary law, the House of Representatives has adopted a different custom. The custom of the House is very different in many respects from what is ordinarily called parliamentary law. The Chair made this statement at the time the question was raised by the gentleman from Texas, but the gentleman from Kansas may not have had an opportunity to hear what was said.

The appeal was laid on the table.

5380. On April 10, 1897,⁶ after the reading and approval of the Journal, Mr. Nelson Dingley, of Maine, moved that when the House adjourn it adjourn to meet on Wednesday next.

¹ Second session Fifty-third Congress, Journal, pp. 330, 331; Record, p. 3715.

² Benton McMillin, of Tennessee, Speaker pro tempore.

³ First session Fifty-fifth Congress, Record, p. 743.

⁴ Thomas B. Reed, of Maine, Speaker.

⁵ See section 5419 of this volume.

⁶ First session Fifty-fifth Congress, Record, p. 672.

Debate having begun and objection having been made that the motion was not debatable, Mr. Joseph W. Bailey, of Texas, submitted a question of order as to whether or not the motion was debatable.

The Speaker¹ said:

As a rule of general parliamentary law, the Chair thinks the motion is debatable. But the question presents itself to the mind of the Chair in this way: Originally this motion was included in the list of motions which, when a question was under discussion, should be decided without debate, leaving to the House its own method of dealing with the question when no subject was under discussion. But it has been the universal practice of the House to treat the motion as not debatable, even when it did not come within that rule. Hence the Chair would be inclined to hold, under the custom of the House, that it is not debatable, even when not included in the terms of the rule. * * * The Chair has been thinking somewhat about this question. The motion was originally left out of the list, because it was one of the motions that were used to delay public business, and the motive in leaving it out was to lessen the opportunities for such delay. But the House has come to other conclusions upon that subject; and very likely it would be wiser to have this matter explicitly determined by the rules, because it might be a question whether under our present system the motion is admissible when a subject is under discussion. Perhaps when the rules are gone over the House may think it wise to reestablish the former rule of proceeding, the objection to it having perished by common consent of all parties.

5381. No question being under debate, a motion to fix the day to which the House should adjourn already made was held not to give way to a motion to adjourn.—On February 10, 1898,² the House having just laid aside the bill (H. R. 7559) to make Rockland, Me., a subport of entry, Mr. Nelson Dingley, of Maine, moved that when the House adjourn it be to meet on Monday next.

Thereupon Mr. James D. Richardson, of Tennessee, moved that the House do now adjourn, and claimed that this motion took precedence of the motion of the gentleman from Maine, making the point that the motion to fix the day to which the House should adjourn was not privileged.

The Speaker¹ overruled the point of order, and entertained the motion made by Mr. Dingley.³

5382. The motion to fix the day to which the House shall adjourn may not be amended by substituting the day on which it would meet after agreeing to a simple motion to adjourn.—On November 1, 1893,⁴ Mr. William J. Bryan, of Nebraska, moved that when the House adjourn to-day it be to meet on Friday next.

¹Thomas B. Reed, of Maine, Speaker.

²Second session Fifty-fifth Congress, Record, p. 1637.

³Section 4 of Rule XVI (see sec. 5301 of this work) provides, that “when a question is under debate” the motion to adjourn shall have the highest privilege. In this case no question was under debate. Formerly both the motions to adjourn and to fix the day were given high privilege by section 5 of Rule XVI, but this was eliminated in the revision of 1890. Under general parliamentary law the motion to fix the day “is in order against any pending motion, including the motion to adjourn itself. It does not, however, have privilege over the motion for a recess already pending. But if the assembly has already fixed the time for the regular meeting after adjournment, the motion to fix the time to which the assembly shall adjourn has no privilege or priority over pending motions.” (Reed’s Parliamentary Rules, sec. 171.)

⁴First session Fifty-third Congress, Journal, p. 162.

Mr. Henry C. Snodgrass, of Tennessee, moved to amend the latter motion by striking out Friday and substituting Thursday (to-morrow).

The Speaker¹ held that the amendment was not in order, inasmuch as the day named therein was the day to which the House would regularly adjourn on a simple motion to adjourn.

5383. When privileged, the motion to fix the day to which the House shall adjourn may be repeated after intervening business.

The motion to fix the day to which the House shall adjourn may be amended.

On February 21, 1893,² Mr. William C. Oates, of Alabama, moved that when the House adjourn to-day it be to meet on Friday next.

Mr. James D. Richardson, of Tennessee, moved to amend the motion of Mr. Oates by substituting Thursday for Friday.

Mr. Sereno E. Payne, of New York, made the point of order that the motion of Mr. Richardson was not in order, inasmuch as a motion that when the House adjourn to-day it be to meet on Friday next had heretofore to-day been disagreed to by the House, and that until that vote was reconsidered it was not in order to repeat or renew such motion.

The Speaker¹ overruled the point of order, holding that under clause 5 of Rule XVI,³ and under the usage and practice of the House, said motion was in order at any time, and might be repeated on the same day after intervening business.

5384. On January 22, 1858,⁴ Mr. John Hickman, of Pennsylvania, moved that when the House adjourn it adjourn to Monday next.

Mr. Benjamin Stanton, of Ohio, raised the question of order that, the same motion having been once made and voted down during the day, it was not in order to repeat it.

The Speaker⁵ said:

The Chair will report the rule:

“A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order. These motions, and the motion to lie on the table, shall be decided without debate.”

The decision of the Chair is in conformity with the practice of the House certainly for the last ten years, with a single exception during that time, when the Speaker decided that it was in order to repeat the motion, and the House overruled the decision. That has been the uniform practice.

So Mr. Hickman's motion was held to be in order.

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

Again, on February 9, during dilatory proceedings pending action on the message of the President relating to the Lecompton constitution of Kansas, the Speaker affirmed this ruling.⁶

¹ Charles F. Crisp, of Georgia, Speaker.

² Second session Fifty-second Congress, Journal, p. 104; Record, p. 1960.

³ This rule has been so modified that the motion now is not privileged. (See sec. 5301 of this work.)

⁴ First session Thirty-fifth Congress, Journal, pp. 232, 309 340; Globe, pp. 372, 598.

⁵ James L. Orr, of South Carolina, Speaker.

⁶ The motion to fix the day is not now among the privileged motions enumerated in the rule. Also, in earlier years the motion does not seem to have had privilege. On Friday, December 23, 1836, Mr. Abijah Mann, jr., of New York, moved that the rules might be suspended in order that he might make

5385. A motion to adjourn is not of itself such intervening business as to allow the repetition of a motion to fix the day to which the House shall adjourn.—On February 2, 1885,¹ Mr. Samuel W. Moulton, of Illinois, moved that when the House adjourns to-day it be to meet on Wednesday next.

Mr. Patrick A. Collins, of Massachusetts, made the point of order that the motion was not in order, for the reason that it had just been voted on and rejected.

The Speaker pro tempore² sustained the point of order, on the ground that the motion to adjourn over was not in order to be repeated unless other business had intervened, and held that the motion to adjourn was not intervening business.³

Mr. Nathaniel J. Hammond, of Georgia, moved that when the House adjourns to-day it be to meet on Thursday next; which motion was disagreed to.

5386. On April 4, 1888,⁴ the House had disagreed to the motion of Mr. William C. Oates, of Alabama, that when the House adjourn it be to meet on Monday next, and then had disagreed by a ye and nay vote to a motion made by Mr. Clifton R. Breckinridge, of Arkansas, that the House adjourn.

Thereupon Mr. J. B. Weaver, of Iowa, moved that when the House adjourned that day it be to meet on Monday next.

Mr. W. P. Taulbee, of Kentucky, made a point of order that the motion was not in order.

The Speaker⁵ held that the motion was not in order upon the ground that the last vote preceding the one just taken was on a motion to adjourn over until Friday, and it had been decided, and had been the constant practice of the House since that decision, that although the motion to adjourn over might be repeated, some business should intervene before the motion could again be in order. And it had been held that a motion to adjourn was not such intervening business as would make a repetition of the motion to adjourn over in order.

5387. Under the former rule which made the motion to fix the day to which the House should adjourn “always in order” it was admitted during a division, i. e., before the result of a vote had been announced.—On January 31, 1840,⁶ the House proceeded, viva voce, to the choice of the committee ordered on the preceding day on the subject of the printing of the House; and after the votes were given in, but before they were counted, or the result ascertained, or reported,

a motion that when the House should adjourn it should adjourn to meet on Monday next. This motion was agreed to, the rules were suspended, the motion was made and agreed to by the House. (Second session Twenty-fourth Congress, Journal, p. 113.)

The House on December 14, 1857 (first session Thirty-fifth Congress, Journal, p. 65; Globe, pp. 31, 32)—

Resolved, That when this House adjourns to-morrow it will adjourn to meet in the new Hall of Representatives, in the south wing of the Capitol, on Wednesday, at noon.

¹ Second session Forty-eighth Congress, Journal, p. 428; Record, pp. 1176, 1177.

² Joseph C. S. Blackburn, of Kentucky, Speaker pro tempore.

³ The motion to fix the day is not privileged now, as it was when this decision was made. (See sec. 5301 of this work.)

⁴ First session Fiftieth Congress, Journal, p. 1461; Record, p. 2709.

⁵ John G. Carlisle, of Kentucky, Speaker.

⁶ First session Twenty-sixth Congress, Journal, p. 266; Globe, p. 158.

A motion was made that when the House shall adjourn to-day it adjourn until Monday next;

Then Mr. David Petrikin, of Pennsylvania, raised the following question of order:

It is not in order for the Speaker to entertain any motion during the division of the House, or before the result is publicly announced by the Speaker.

The Speaker pro tempore¹ decided that, under the forty-second rule [forty-third rule],² as amended at the present session, and which provides that a motion to fix the day to which the House shall adjourn shall be always in order, the motion was in order.

On an appeal this decision was sustained.

5388. A motion fixing the hour as well as the day to which the House shall adjourn was held not privileged when the simple motion to fix the day was privileged.—On May 27, 1876,³ Mr. Clinton D. MacDougall, of New York, moved that when the House adjourn, it adjourn to meet on Wednesday next at 11 a. m.

Mr. Samuel S. Cox, of New York, made the point of order that the House could not adjourn to meet at 11 o'clock without a suspension of the rules, which motion was not in order.

The Speaker pro tempore⁴ sustained the point of order.⁵

¹ Levi Lincoln, of Massachusetts, Speaker pro tempore.

² This motion is no longer privileged.

³ First session Forty-fourth Congress, Journal, p. 1026, Record, p. 3364.

⁴ William M. Springer, of Illinois, Speaker pro tempore.

⁵ The motion to fix the day was then privileged. The House also had fixed the hour of meeting by standing order. When there is no standing order of this nature, the condition is obviously different.