

Chapter CCVII.¹

THE MAKING OF THE JOURNAL.

1. Proceedings only are recorded. Sections 635, 636.
 2. Record of votes and roll calls. Section 637.
-

635. The Journal records proceedings subsequently vacated.

On August 10, 1912,² at the conclusion of the reading of the Journal, Mr. James R. Mann, of Illinois, said:

Mr. Speaker, before the Journal is approved I desire to say that in the reading of the Journal I did not hear whether it showed that last night at the evening session a point of no quorum was made and that the proceedings respecting that point of order were afterwards vacated. A point of no quorum was made and the Chair, after counting, declared that no quorum was present. The Record shows that subsequently some one asked unanimous consent that all proceedings should be vacated. I am not very particular about what the Journal shows, but I wish to emphatically dissent from the idea that when the House finds itself without a quorum, the Chair having counted and declared there was no quorum present, thereafter by unanimous consent that finding may be set aside until a quorum does appear.

Inquiry disclosed that the Journal, as written, did not record the vacating of the proceedings referred to, and the Speaker³ said:

The gentleman is entirely correct. The Chair thinks the Journal ought to show what occurred, because the Chair has been as particular as could be about not doing anything at all after the fact has appeared that there is no quorum present. The Chair has always believed that the Record itself ought to show exactly what happens in this House and what is said in the House and nothing else. The Journal will be corrected accordingly.

636. The Journal and the Record record proceedings vacated under the rules.—On December 23, 1932,⁴ the Journal of the preceding day having been read, Mr. Carl E. Mapes, of Michigan, objected to its approval for the reason that it failed to record the roll call and attendant proceedings vacated under the rule⁵ when the House adjourned without a quorum on the preceding day.

The Speaker⁶ explained that the proceedings referred to were not recorded because vacated, and were omitted pursuant to the rule which he read as follows:

¹ Supplementary to Chapter LXXXIV.

² Second session Sixty-second Congress, Record, p. 10678.

³ Champ Clark, of Missouri, Speaker.

⁴ Second session, Seventy-second Congress, Record, p. 980.

⁵ Section 4 of Rule XV.

⁶ John N. Garner, of Texas, Speaker.

At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded, by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated.

The Speaker continued:

The Chair does not know what this language can mean unless it means that where a quorum failed on an automatic roll call and the House adjourned the entire proceedings relating to the call shall be vacated. What can it possibly mean other than to vacate the proceedings? And that, of course, includes the roll call.

The gentleman from Alabama called attention to the definition of "vacate" found in Webster's Dictionary. The Parliamentarian calls the Chair's attention to the definition appearing in Bouvier's Law Dictionary, which is:

"To render null and void; to vacate an entry which has been made on a record."

That is exactly what was done in this case.

Let the Chair suggest to the gentleman from New York that we can adjourn, if the House desires, at the present time, and the Chair will recognize the gentleman from New York on next Tuesday to move to correct the Journal of the proceedings of yesterday.

Whereupon, the House adjourned, and on the next legislative day,¹ on motion of Mr. Bertrand H. Snell, of New York, by unanimous consent, both the Journal and the Record were amended to include the omitted proceedings.

Thereupon, Mr. Mapes inquired if the action of the House in agreeing to the motion incorporating a record of the vacated proceedings in the Journal and Record was to be taken as a precedent, and if such proceedings would be included in full when a similar occasion should again arise.

The Speaker said:

Yes. If the same question arises again, the names will be included in the Journal and the Record.

637. No business is in order until the Journal has been approved.

The Journal does not record the names of Members not voting.

On January 15, 1909,² pending the approval of the Journal, Mr. John W. Gaines, of Tennessee, submitted as a parliamentary inquiry:

Mr. Speaker, a parliamentary inquiry. I notice that on the roll call on yesterday Mr. George L. Lilley, of the State of Connecticut, was called as a Member of this House. Now, I want to ask the Speaker if he is any longer a Member of this House, having been sworn in as and being now Governor of the State of Connecticut? I think his name ought not to be on the roll.

The Speaker³ said:

The Chair is informed by the Clerk that the Journal makes no mention of the name of the gentleman from Connecticut, Mr. Lilley. The gentleman reads from the Record. The Record is one thing and the Journal is another. The Journal does not, the Chair is informed, record the name of the gentleman "not voting." It records only the yeas and nays and those answering "present."

Whereupon Mr. Gaines claimed the floor for a question of privilege.

The Speaker said:

It is not customary to dispose of questions of privilege not involved in the order of the House pending the approval of the Journal.

¹ Record, p. 986.

² Second session Sixtieth Congress, Record, p. 951.

³ Joseph G. Cannon, of Illinois, Speaker.