

he has just counted both the total number of Members and the number standing to demand the yeas and nays.

The question is on the motion to adjourn.⁽⁸⁾

§ 26.10 Although a demand for the yeas and nays had been seconded by 20 percent of those voting, the Speaker noted that, counting himself, less than the minimum number of Members present had seconded the demand—so the yeas and nays were refused.

On June 30, 1937,⁽⁹⁾ Mr. Sam Rayburn, of Texas, moved that the House adjourn. The Speaker⁽¹⁰⁾ put the question; it was taken, and on a division vote demanded by Mr. John E. Rankin, of Mississippi, there were—ayes 41, noes 24.

Immediately thereafter, Mr. Rankin demanded the yeas and nays. The Speaker then proceeded to count those in favor of that demand, and announced that:

. . . Thirteen gentlemen have arisen, not a sufficient number. The rule provides that the yeas and nays may be ordered by one-fifth of the Members present.

Since the Speaker had counted himself in reaching his conclusion,

8. See also §§26.4, *supra* and 31.1, *infra*.

9. 81 CONG. REC. 6642, 75th Cong. 1st Sess.

10. William B. Bankhead (Ala.).

the 13 seconding Members—while comprising one-fifth of those who had voted—did not comprise one-fifth of those present. Accordingly, the demand was refused.

§ 27. Interruption of Vote

For Parliamentary Inquiry

§ 27.1 The Speaker has permitted the interruption of a yea and nay vote for a parliamentary inquiry where no Member had as yet responded to his name when called.

On June 27, 1935,⁽¹¹⁾ the House voted on the passage of a bill (H.R. 8555) to develop a strong merchant marine, among other purposes. A division having been demanded, there were—ayes 145, noes 131. Mr. William D. McFarlane, of Texas, then demanded the yeas and nays.

Immediately thereafter, the following proceedings occurred:

MR. MCFARLANE: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

MR. [RALPH O.] BREWSTER [of Maine]: Mr. Speaker—

THE SPEAKER:⁽¹²⁾ For what purpose does the gentleman from Maine rise?

11. 79 CONG. REC. 10288, 10289, 74th Cong. 1st Sess.

12. Joseph W. Byrns (Tenn.).

MR. BREWSTER: To propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BREWSTER: Mr. Speaker, it was my intention to offer a motion to recommit.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I rise to a point of order. The Clerk has already begun the calling of the roll and has called the first name, "Allen." I make the point of order the gentleman from Maine cannot interrupt the roll call.

THE SPEAKER: The Chair overrules the point of order. The gentleman from Maine is entitled to propound a legitimate parliamentary inquiry, and the Chair presumes that the inquiry propounded is a proper one. The gentleman from Maine will state his parliamentary inquiry.

MR. BREWSTER: Mr. Speaker, do I understand that a motion to recommit cannot be submitted at this stage?

THE SPEAKER: Such a motion is not in order at this time.

The inquiry having been answered, the question was then taken by the yeas and nays.⁽¹³⁾

For Unanimous—consent Request

§ 27.2 A yea and nay vote having been ordered, the Chair declined to entertain a unanimous-consent request before the Clerk called the roll.

13. The Chair has also permitted a parliamentary inquiry where the yeas and nays had been ordered but the Clerk had not yet been directed to call the roll. See § 27.2, *infra*.

On May 3, 1940,⁽¹⁴⁾ the House considered an amendment adopted in the Committee of the Whole to a bill (H.R. 5435) to amend the Fair Labor Standards Act of 1938. The Chair having put the question on agreeing to the amendment, the following proceedings occurred:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

MR. [FRANK H.] BUCK [of California]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The gentleman will state it.

MR. BUCK: On what is the vote by yeas and nays ordered?

THE SPEAKER PRO TEMPORE: On the amendment as amended in Committee of the Whole.

MR. [JOSEPH W.] MARTIN [Jr. of Massachusetts]: I wanted the House to have the benefit of that knowledge.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker—

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman rise?

MR. CASE of South Dakota: To [make] a unanimous-consent request.

THE SPEAKER PRO TEMPORE: The yeas and nays have been ordered. The Chair will not entertain a unanimous-consent request at this time.

A parliamentary inquiry then followed, after which the Clerk was directed to call the roll.

14. 86 CONG. REC. 5499, 76th Cong. 3d Sess.

15. Sam Rayburn (Tex.).