

Chapter XLV.

THE SPEAKER PRO TEMPORE.

1. Appointment and election of. Sections 1377–1393.¹
 2. Functions and powers of. Sections 1394–1404.²
 3. Notifications of Senate and President as to appointment of. Sections 1405–1412.
 4. The office of President pro tempore in the Senate. Sections 1413–1418.
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1377. A Speaker pro tempore is appointed by the Speaker or elected by the House.

Form and history of Rule I, sec. 7.

The rule relating to the Speaker's appointment of a Speaker pro tempore is section 7 of Rule I:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.³ *Provided, however,* That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall, proceed to elect a Speaker pro tempore to act during his absence.

On December 23, 1811,⁴ a rule was proposed which included a provision that the Speaker “shall, when pressing occasion calls him from the chair, have the right to name any Member to substitute him and to perform the duties of the Chair temporarily, but such substitution shall not extend beyond an adjournment.” As finally adopted in the Twelfth Congress the rule was in these words:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

¹The Clerk presides during the election of, section 64 of Volume I.

²See also section 229 of Volume 1.

³January 14, 1828, Mr. John Randolph, of Virginia, commenting on changes in the usages of the House, said that the old Speakers and old Chairmen of the Committees of the Whole never asked the privilege of calling others to the chair. He recalled seeing Chairman John Cotton Smith continue in the chair seventeen hours. (First session Twentieth Congress, Debates, p. 1004.) The Speakers in later years have usually called only Members of the majority party to preside temporarily, although there are a few exceptions.

On April 16, 1878 (second session Forty-fifth Congress, Record, p. 2576), Speaker Randall called Mr. Eugene Hale, of Maine, a Member of the minority, to the chair during consideration of a bill relating to the government of the District of Columbia. Again on May 6, 1878 (second session Forty-fifth Congress, Record, p. 3211), Mr. Hale was called to the chair.

⁴First session Twelfth Congress, Report No. 38.

On April 28, 1876, Mr. Samuel J. Randall, of Pennsylvania, "at the personal request of the Chair," as he explained, submitted a resolution to amend the rule so that "in case of the personal illness of the Speaker he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made."¹

In the general revision of 1880 the rule was reported from the Committee on Rules in its present form and adopted.²

1378. Form of Speaker's designation of a Speaker pro tempore.—On February 7, 1907,³ the House was called to order at 12 m. by Mr. Dalzell, who directed the Clerk to read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,

February 7, 1907.

I hereby designate Hon. John Dalzell, of Pennsylvania, to act as Speaker pro tempore to-day.

J. G. CANNON.

1379. The Speaker does not always name in open House the Member whom he calls to the chair temporarily during the day's sitting.—On April 22, 1834,⁴ during a session of the Committee of the Whole House on the state of the Union, a quorum failed, and the Committee, by direction of the Chairman, rose.

The Speaker being absent, Mr. Jesse Speight, of North Carolina, took the chair as Speaker pro tempore.

A point of order having been raised by Mr. John Quincy Adams, of Massachusetts, the question of Mr. Speight's occupancy of the chair was brought up for discussion on the succeeding day, on a motion to correct the Journal. Mr. Adams held that the proceeding had been irregular, the Speaker pro tempore having really been named by the Chairman of the Committee of the Whole instead of by the Speaker, as the rule required.

The Speaker,⁵ after debate had proceeded, said he owed it to himself to explain the circumstances under which he had been in the habit of appointing the Speaker pro tempore to preside in his absence. He did not consider, by the rule, that he was bound to nominate by name to the House the individual whom he selected. It was not a fact that the Chairman of the Committee had nominated Mr. Speight in his absence. It was a fact that he was nominated by himself, and, having been suffering under some indisposition, he had, previous to his leaving the House, who were then in Committee, informed the Clerk of the Member whom he had named. After referring to the practice and usage of the British Parliament on the matters involved, he concluded by saying it was competent for the House to express their decision on them.

The House laid on the table Mr. Adams's motion to amend the Journal.

¹ Cong. Record, first session Forty-fourth Congress, p. 2826. The Speaker was Michael C. Kerr, of Indiana, who, after a long illness, died before the expiration of his term.

² Cong. Record, second session Forty-sixth Congress, p. 204.

³ Second session Fifty-ninth Congress, Record, p. 2426.

⁴ First session Twenty-third Congress, Debates, pp. 3758, 3760, 3762.

⁵ Andrew Stevenson, of Virginia, Speaker.

1380. A Speaker pro tempore is sometimes elected for a temporary absence of the Speaker within the legislative day.—On May 15, 1906,¹ when the House met at 12 o'clock, the Speaker was not present, and the House was called to order by the Clerk.

Mr. Sereno E. Payne, of New York, moved that Mr. John Dalzell, of Pennsylvania, be elected Speaker pro tempore. The motion was agreed to, and Mr. Dalzell took the chair.

During the reading of the Journal the Speaker entered the Hall and took the chair.

Mr. John S. Williams, of Mississippi, suggested a question as to the length of time for which the House had elected a Speaker pro tempore; but the point was not pressed.²

1381. For an absence extending beyond the legislative day and not caused by illness, the Speaker may designate a Speaker pro tempore only with consent of the House.—On Friday, April 23, 1897,³ the Speaker,⁴ desiring to be absent to attend the ceremonies at the tomb of General Grant, designated Mr. Charles W. Stone, of Pennsylvania, to be Speaker pro tempore for the succeeding week, having previously asked and obtained unanimous consent of the House authorizing him to make the designation. The House had previously constituted a committee, of which the Speaker was made chairman, to attend the ceremonies. The House, by unanimous consent, had previously arranged to adjourn to Monday, and on that day to adjourn again to Thursday, and on Thursday to adjourn again to the succeeding Monday.

1382. In rare instances in the later practice members of the minority party have been called to preside in the Committee of the Whole or as Speakers pro tempore.—Mr. Speaker Blaine, in 1875,⁵ called members of the minority party to the chair. Thus, on January 6, Mr. Charles A. Eldridge, of Wisconsin, presided in Committee of the Whole during consideration of the fortifications appropriation bill; on February 9, Mr. Samuel S. Cox, of New York, presided in Committee of the Whole during the consideration of the Private Calendar; and on March 3, 1875, Mr. Samuel J. Randall, of Pennsylvania, was called to the chair as Speaker pro tempore.⁶

On February 22, 1901,⁷ during the consideration of pension bills in the House, the Speaker called to the chair for a time Mr. Jasper A. Talbert, of South Carolina, a member of the minority side of the House.

1383. Instance wherein a member of the minority party was designated as Speaker pro tempore for an occasion of ceremony.—On February 25, 1907,⁸ the Speaker⁹ designated Mr. William A. Jones, of Virginia, a member of

¹ First session Fifty-ninth Congress, Record, p. 6903.

² Section 7 of Rule I provides that in the absence of the Speaker when he has not made a designation "the House shall proceed to elect a Speaker pro tempore to act during his absence."

³ Cong. Record, first session Fifty-fifth Congress, pp. 826, 840.

⁴ Thomas B. Reed, of Maine.

⁵ Second session Forty-third Congress, Journal, pp. 131, 498, 499; Record, pp. 284, 1501, 2216.

⁶ It is quite common to call a member of the minority to the chair during the pronouncing of eulogies of a deceased member belonging to the minority.

⁷ Second session Fifty-sixth Congress, Record, p. 2864.

⁸ Second session Fifty-ninth Congress, Record, p. 3917.

⁹ Joseph G. Cannon, of Illinois, Speaker.

the minority, as Speaker pro tempore during eulogies on the late John F. Rixey, of Virginia, who had been a member of the minority party in the House.

1384. A Speaker pro tempore sometimes designates another Speaker pro tempore.—On February 12, 1885,¹ Mr. J. C. S. Blackburn, of Kentucky, who had been elected Speaker pro tempore by the House, designated, by written communication, Mr. Richard P. Bland, of Missouri, to act as Speaker pro tempore during an evening session.

1385. In the Senate a temporary President pro tempore sometimes designates another.—On May 28, 1902,² in the Senate, the following designation was presented:

UNITED STATES SENATE,
Washington, D.C., May 28, 1902.

To the Senate:

The undersigned, performing the duties of the Chair during the absence of the President pro tempore, names Hon. Jacob H. Gallinger, Senator from New Hampshire, to perform said duties during Wednesday, the 28th day of May, 1902.

O. H. PLATT.

1386. In the absence of the Speaker, the House, unless it adjourn, elects a Speaker pro tempore for the day or part of the day.

A Speaker pro tempore elected only for the temporary absence of the Speaker is not sworn.

It is proper to inform the Senate of the election of a Speaker pro tempore.

In the absence of the Speaker the Clerk calls the House to order.

On February 7, 1846,³ at five minutes after 10 o'clock, the Speaker not being present, at the request of several Members, the Clerk called the House to order.

Mr. Charles J. Ingersoll, of Pennsylvania, moved that Mr. James J. McKay, of North Carolina, be appointed Speaker pro tempore until the Speaker should arrive.

And the question being put by the Clerk, it was decided in the affirmative.

Mr. McKay accordingly took the chair.

A call of the House was then ordered, during which the Speaker appeared, and took the chair.

The Journal does not record that the Speaker pro tempore was sworn, or that any notice was sent to the Senate.

1387. On several occasions in 1888⁴ the House elected Speakers pro tempore in the absence of the Speaker. In each instance the resolution specified that the election was during the "temporary absence of the Speaker," and in each instance a resolution directing the Clerk to inform the Senate was agreed to, but no similar instruction was given in regard to the President.

1388. On May 19 and 20, 1812,⁵ the Speaker being indisposed and unable to attend, the House at once adjourned.

¹ Second session Forty-eighth Congress, Journal, p. 535.

² First session Fifty-seventh Congress.

³ First session Twenty-ninth Congress, Journal, p. 361.

⁴ First session Fiftieth Congress, Journal, pp. 2705, 2786, 2868.

⁵ First session Twelfth Congress, Journal, p. 346 (Gales & Seaton ed.).

1389. On June 19, 1848,¹ the regular hour of meeting having arrived, the Clerk called the House to order, and stated that in consequence of the indisposition of the Speaker, he could not attend the session of the House and that therefore it became necessary that the House should choose a presiding officer pro tempore.

Thereupon, on motion of Mr. George Ashmun, of Massachusetts—

Resolved, That Mr. Burt, of South Carolina, should preside as Speaker of the House this day.

Mr. Burt accordingly took the chair.

It does not appear that any message was sent to the Senate informing them of the election of a Speaker pro tempore.

1390. A Speaker about to be absent sometimes obtains the consent of the House to name a Speaker pro tempore.

In the earlier practice a Member of the minority party was sometimes named as Speaker pro tempore.

On April 18, 1850,² the Speaker stated to the House that he would probably be absent for the next two days, and the House gave its unanimous consent, to the appointment of a Speaker pro tempore. Thereupon the Speaker appointed Mr. Robert C. Winthrop, of Massachusetts. The Speaker was Howell Cobb, of Georgia, a Democrat, and Mr. Winthrop, who was an ex-Speaker, was a Whig.

1391. On Monday, June 2, 1856,³ the Speaker, by unanimous consent, named Hon. William Aiken, of South Carolina, to perform the duties of the Chair until Thursday next. The Speaker was a Republican, and Mr Aiken a Democrat.

1392. On March 17, 1864,⁴ the Speaker, by unanimous consent, was authorized to name a Member, on Friday of each week, who should perform the duties of the Chair at the Saturday sittings of the House.

1393. On March 22, 1867,⁵ Mr. Speaker Colfax asked leave of absence for the ensuing day, and also the privilege of designating a Speaker pro tempore. Both requests were granted.

1394. A Speaker pro tempore is not sworn.—On June 20, 1848,⁶ the Clerk called the House to order and stated that the Speaker was still so much indisposed as to prevent him from resuming the duties of the Chair.

And thereupon, on motion of Mr. Daniel P. King, of Massachusetts, it was unanimously

Resolved, That Mr. Armistead Burt, of South Carolina, be appointed Speaker pro tempore to discharge the duties of the Chair during the present week, if the Speaker shall remain so long unable to give his attendance.

Mr. Burt, before taking the Chair, suggested that it might be necessary that he should be sworn before entering upon the temporary duties of the office, but it being shown that the Speaker took no other oath than that taken by other Members at the beginning of the session, the only difference between him and the others being that he was sworn first, the point was not pressed.

¹ First session Thirtieth Congress, Journal, p. 915; Globe, p. 850.

² First session Thirty-first Congress, Journal, p. 808.

³ First session Thirty-fourth Congress, Journal, p. 1078; Globe, p. 1367.

⁴ First session Thirty-eighth Congress, Journal, p. 401; Globe, p. 1174.

⁵ First session Fortieth Congress, Journal, p. 93; Globe, p. 289.

⁶ First session Thirtieth Congress, Journal, p. 923; Globe, p. 855.

On motion of Mr. George Ashmun, of Massachusetts, by leave it was

Resolved, That the Clerk inform the Senate that in the absence of the Speaker, by reason of illness, the House has made choice of the Hon. Armistead Burt, one of the Representatives from the State of South Carolina, as Speaker pro tempore.

1395. A Speaker pro tempore by designation merely asks consent of the House before appointing committee.—On February 5, 1903,¹ Mr. Theodore F. Kluttz, of North Carolina, announced the death of his colleague, Mr. J. M. Moody, and proposed the usual resolutions providing a committee to take order concerning the funeral.

The resolutions having been agreed to, the Speaker pro tempore,² asking and obtaining the consent of the House, appointed the committee.

1396. A Speaker pro tempore by designation merely asks consent of the House before appointing conferees.—On June 12, 1906,³ the House further insisted on its disagreement to the Senate amendments to the bill (H.R. 12987) relating to regulation of railway rates, and agreed to the further conference asked by the Senate.

Thereupon the Speaker pro tempore⁴ (who had not been chosen by the House, but had been temporarily called to the Chair by the Speaker) asked and received the unanimous consent of the House empowering him to name the managers for the House.

1397. On February 18, 1903,⁵ the House insisted on its disagreement to the Senate amendments to the army appropriation bill, and asked a further conference.

By unanimous consent the Speaker pro tempore⁶ (by designation merely) appointed the conferees.

1398. On February 9, 1903,⁷ the House voted to further insist and ask a conference on the disagreeing votes of the two Houses on the bill (S. 1425) to provide for a union railroad station in the District of Columbia.

Thereupon the Speaker pro tempore⁸ (by designation merely), by the unanimous consent of the House, appointed the conferees.

1399. A Member called to the Chair during the day's sitting does not usually sign enrolled bills.—On March 29, 1867,⁹ Mr. Speaker Colfax announced that he would not be able to be present during the day, and under the rule would designate Mr. George S. Boutell, of Massachusetts, to preside in his absence. He would, however, return to the House during the day to sign enrolled bills.

1400. On December 22, 1869,¹⁰ Mr. Speaker Blaine "named Mr. Henry L. Dawes, of Massachusetts, to perform the duties of the Chair during the remainder of the present day's sitting of the House."

¹ Second session Fifty-seventh Congress, Journal, p. 209; Record, p. 1772.

² John F. Lacey, of Iowa, Speaker pro tempore.

³ First session Fifty-ninth Congress, Record, p. 8345.

⁴ Thomas S. Butler, of Pennsylvania, Speaker pro tempore.

⁵ Second session Fifty-seventh Congress, Journal, p. 261; Record, p. 2353.

⁶ John Dalzell, of Pennsylvania, not an elected Speaker pro tempore.

⁷ Second session Fifty-seventh Congress, Journal, p. 224; Record, p. 1971.

⁸ Charles H. Grosvenor, of Ohio, Speaker pro tempore.

⁹ First session Fortieth Congress, Globe, p. 441.

¹⁰ Second session Forty-first Congress, Journal, pp. 103, 104.

Soon after several enrolled bills were reported from the Committee on Enrolled Bills, and the Speaker pro tempore signed the same. It does not appear that any question was raised as to this proceeding.

1401. There being doubt about the signing of enrolled bills by a Speaker pro tempore designated by the Speaker, the House proceeded to elect.

A Speaker pro tempore being elected, the Senate and President are informed.

Form of designation of Speaker pro tempore.

On July 7, 1898,¹ the House was called to order at 12 o'clock m. by Hon. Alexander McDowell, its Clerk, who read the following communication:

I hereby designate Hon. Sereno E. Payne, of New York, to preside over the House this day.

T. B. REED, *Speaker*.

JULY 7, 1898.

Mr. Payne took the chair as Speaker pro tempore.

Later in the day, there being doubt whether or not a Speaker pro tempore thus designated, and of whose incumbency neither the President nor the Senate had official knowledge, might sign the enrolled bills, the following proceedings occurred: Mr. William P. Hepburn, of Iowa, being temporarily called to the chair by Mr. Payne, Mr. John Dalzell, of Pennsylvania, offered the following resolutions, which were successively adopted:

Resolved, That Hon. Sereno E. Payne, a Representative from the State of New York, be, and hereby is, elected Speaker pro tempore during the temporary absence of the Speaker.

Resolved, That the Clerk of the House be directed to notify the Senate that the House has elected Hon. Sereno E. Payne, a Representative from the State of New York, as Speaker pro tempore during the temporary absence of the Speaker.

Resolved, That the Clerk be instructed to inform the President of the election of Hon. Sereno E. Payne, a Representative from the State of New York, as Speaker pro tempore of the House of Representatives during the temporary absence of the Speaker.²

1402. The Senate, by resolution, empowered its acting President pro tempore to sign enrolled bills.—On May 20, 1902,³ the Senate agreed to the following resolution:

Resolved, That the Hon. O. H. Platt, a Senator from the State of Connecticut, designated by the President pro tempore to perform the duties of the Chair during his temporary absence, be empowered to sign as acting President pro tempore the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States, and that the President be notified hereof.

1403. The Senate, by rule, empowers a presiding officer by designation to sign enrolled bills.—On January 4, 1905,⁴ in the Senate, Mr. Orville H. Platt, of Connecticut, presented this resolution:

Resolved, That the Hon. George C. Perkins, a Senator from the State of California, designated by the President pro tempore to perform the duties of the Chair during his temporary absence, be empow-

¹ Congressional Record, second session Fifty-fifth Congress, July 7, 1898.

² These resolutions are in form like those adopted May 26, 1890, in a similar case. (See Cong. Record, first session Fifty-first Congress, p. 664.)

³ First session Fifty-seventh Congress, Record, p. 5664.

⁴ Third session Fifty-eighth Congress, Record, pp. 440, 441.

ered to sign as acting President pro tempore the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States, and that the President be notified thereof.

In explanation, Mr. Platt said:

I think there is a question as to whether the designation by the President pro tempore of a Senator to act in his place and discharge the duties devolving upon the Chair carries with it the right to sign enrolled bills. The precedent of the Senate is that a resolution should be passed in such a case. In 1892, I think, the President pro tempore designated me to act as presiding officer during his absence of perhaps a fortnight. The question then arose as to whether, under such designation, I would have the same power to sign enrolled bills as the President pro tempore has under the rules. There being a doubt about it, a resolution similar to the resolution which I have now presented was prepared and passed at that time.

There is no constitutional power devolved upon the President pro tempore of the Senate to sign enrolled bills, and I do not know of any law which requires him to sign such bills. There may be, but I think there is not; so that he signs bills by virtue of a custom which has sprung up, and that custom has certainly come to be an unwritten law.

The rule authorizes the designation by the President pro tempore of a Senator to act as presiding officer during his absence, who shall perform all the duties of the Chair. It is quite possible that that is of itself sufficient to authorize the Senator acting as presiding officer under such circumstances to sign bills, but on a former occasion it was thought better that there should be an actual authority given by the Senate, and I think it is better that there should be.

After debate the resolution was amended and agreed to, as follows:

Resolved, That whenever a Senator shall be designated by the President pro tempore to perform the duties of the Chair during his temporary absence he shall be empowered to sign, as acting President pro tempore, the enrolled bills and joint resolutions coming from the House of Representatives or presentation to the President of the United States.

1404. A Speaker pro tempore whose designation has received the approval of the House signs enrolled bills and appoints committees.—On April 26, 1880,¹ Mr. Speaker Randall asked and received the consent of the House to name Mr. J. S. C. Blackburn, of Kentucky, as Speaker pro tempore for the next three days. Mr. Speaker Randall stated that it was necessary that messages be sent to inform the Senate and the President of this, and such messages were ordered to be sent. The Speaker pro tempore thus appointed, signed enrolled bills and appointed Members on committees of conference, and also on a select committee.

1405. A Speaker pro tempore being elected by the House, the Senate is notified.—On April 20, 1798,² the Speaker being indisposed³ and unable to attend, it was, on motion,

Resolved, That this House do now proceed, by ballot,⁴ to the choice of a Speaker pro tempore, to perform the duties assigned to the Chair, during the absence of the Speaker.

The House accordingly, after some discussion as to the propriety of the action, proceeded, by ballot, to the appointment of a Speaker pro tempore; and the ballots being taken, a majority of the votes of the whole House was found in favor of George Dent, one of the Representatives for the State of Maryland.

¹ Second session Forty-sixth Congress, Journal, pp. 1115, 1116, 1123; Record, pp. 27,57, 2770.

² First session Fifth Congress, Journal, pp. 266, 316; Annals, pp. 1475, 1835.

³ This was before the present rule relating to sickness of Speaker. (See section 1377 of this chapter.)

⁴ Speakers are now elected viva voce (see section 187 of Volume I this work) and Speakers pro tempore by resolution.

After the Speaker pro tempore had been conducted to the chair,

Ordered, That a message be sent to the Senate to notify them of the said appointment; and that the Clerk of this House do go with the said message.¹

Again, on May 28, 1798, a similar proceeding took place.²

1406. When the House elects a Speaker pro tempore for any considerable time, it is usual to notify the Senate and sometimes the President of the United States also.—On June 26, 1876,³ when the House elected Mr. Milton Sayler, of Ohio, Speaker pro tempore, a resolution was adopted notifying the Senate and President.

1407. On May 18, 1878,⁴ the House chose Milton Sayler, of Ohio, Speaker pro tempore, the Speaker having announced that he would be absent for a few days. The House also passed a resolution directing that the Senate be notified. No notification was sent to the President. The Speaker did not ask leave of absence.

1408. On July 5, 1884,⁵ the House took a recess, and at the end of the recess, the Speaker being absent, the Clerk called the House to order, and Mr. Samuel J. Randall, of Pennsylvania, offered the following resolution, which was agreed to:

Resolved, That Hon. J. C. S. Blackburn, a Representative from the State of Kentucky, be, and he is hereby, elected Speaker pro tempore during the present absence of the Speaker.

Also a resolution was adopted instructing the Clerk to inform the President of the United States and the Senate of the election of the Speaker pro tempore.

The Speaker pro tempore received a vote of thanks for his services, this being the last day of the session, and adjourned the House sine die.

The Speaker had already received the thanks of the House.

1409. On January 31, 1885,⁶ the Clerk having called the House to order in the absence of the Speaker, Mr. Samuel J. Randall, of Pennsylvania, offered a resolution, which was agreed to, electing Hon. J. C. S. Blackburn, of Kentucky, Speaker pro tempore. No other resolution instructing the Clerk to inform the Senate or the President appears from the records to have been adopted, but it appears that at the next sitting of the Senate the Clerk of the House did inform the Senate of the election.

1410. On September 3, 1890,⁷ the House having elected a Speaker pro tempore, a resolution was adopted directing the Clerk to notify the Senate and President of this fact.

1411. On March 19, 1886,⁸ Mr. Charles F. Crisp, of Georgia, in the absence of the Speaker, took the chair and called the House to order, and before the prayer by the Chaplain or the reading of the Journal, presented to the House a letter from the Speaker (Mr. Carlisle) designating him "to preside as Speaker pro tempore dur-

¹The present usage is to send a message to the President also.

²Second session Fifth Congress, Journal, p. 316, Annals, p. 1835.

³First session Forty-fourth Congress, Journal, p. 1154; Record, p. 4156.

⁴Second session Forty-fifth Congress, Journal, p. 1108; Record, pp. 3555, 3556.

⁵First session Forty-eighth Congress, Journal, pp. 1740, 1743, 1749; Record, p. 6155.

⁶Second session Forty-eighth Congress, Journal, p. 407; Record, pp. 1120, 1145.

⁷First session Fifty-first Congress, Journal, p. 1012.

⁸First session Forty-ninth Congress, Journal, p. 982; Record, p. 2534.

ing this day." No action was taken to inform the Senate. This letter of the Speaker was directed to the Clerk of the House.⁷

1412. On January 5, 1892,² the House elected Mr. Benton McMillin, of Tennessee, Speaker pro tempore. A message was sent to the Senate informing that body of the election, but not to the President.

1413. The President pro tempore of the Senate has general power to designate in writing a Senator to perform the duties of the Chair during his absence.—On December 15, 1904,³ in the Senate, Mr. John C. Spooner, of Wisconsin, chairman of the Committee on Rules., said:

Subdivision 4 of Rule I of the Senate provides that—

"In event of the death of the Vice-President the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence," etc.

That limits the power given to the President pro tempore of the Senate to a vacancy caused by the death of the Vice President. He should have that power however the vacancy is occasioned; and there is a vacancy now.⁴ * * * I ask the unanimous consent of the Senate to amend this subdivision of Rule I by striking out in the first line the words "the death of" and inserting in lieu thereof the words "a vacancy in the office of;" so that it will read:

"In the event of a vacancy in the office of the Vice-President the President pro tempore shall have the right to name," etc.

There being no objection, the amendment was agreed to.

1414. In the Senate the process of designating a President pro tempore for the day's sitting has been the subject of much discussion.—On June 9, 1856,⁵ and on earlier occasions, the Senate has questioned the right of the Vice President to send to the Senate a written designation of a President pro tempore under the Senate rule, which is substantially the same as the House rule. It was the contention of Senator Thomas H. Benton and others that the designation should be by the Vice-President in the Senate chamber, and that the sending of written designations was liable to abuse. On this occasion the Vice-President sent several to be presented on successive days, but the Senators determined to elect.

1415. On June 2, 1882,⁶ in the Senate, the Secretary presented a letter from David Davis, of Illinois, President pro tempore, designating Hon. J. J. Ingalls, of Kansas, to perform the duties of the Chair until adjournment. The rule of the Senate under which this action was proposed was, "the Presiding Officer shall have the right to name a Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment." The question was raised that this language meant a designation in open Senate, and not by letter. The subject was debated all that day, precedents being cited. On the next legislative day the subject was referred to the Committee on Rules.

¹ Usually designations of a Speaker pro tempore are not only directed to the Clerk, but are read by him to the House, when he calls the House to order. Thus in 1902. (First session Fifty-seventh Congress, Journal, pp. 693, 753, 826.)

² First session Fifty-second Congress, Journal, p. 19.

³ Third session Fifty-eighth Congress, Record, p. 298.

⁴ Vacancy caused by the Vice-President, Mr. Roosevelt, becoming President.

⁵ First session Thirty-fourth Congress, Globe, p. 1368.

⁶ First session Forty-seventh Congress, Record, pp. 4448–4454, 4506.

1416. On December 13, 1883,¹ a proposed rule in regard to the calling of a Senator to the Chair by the presiding officer led to a long debate on the subject in the Senate.

1417. Nature of the office of President pro tempore of the Senate and its relation to the Vice-President.

The President pro tempore of the Senate holds the office at the pleasure of that body.

On January 10, 1876,² the Senate agreed unanimously to the following resolutions reported from the Committee on Privileges and Elections:

Resolved, That the tenure of office of the President pro tempore of the Senate elected at one session does not expire at the meeting of Congress after the first recess, the Vice-President not having appeared to take the Chair.

Resolved, That the death of the Vice-President does not have the effect to vacate the office of President pro tempore of the Senate.

Over the following resolution, reported from the same committee, there was long debate:

Resolved, That the office of President pro tempore of the Senate is held at the pleasure of the Senate.

It was urged, in the course of the argument, that the model in view, when both the office of Speaker and President pro tempore were created, was the House of Commons. Hence the makers of the Constitution did not consider it necessary to say that the Speaker should be elected from among the members of the House. The Speaker held his office at the pleasure of the House,³ and the same rule should apply to the President pro tempore.⁴ The resolution was discussed on January 10, 12, and was agreed to on the latter date, yeas 34, nays 15.⁵

1418. A member of the Senate elected President pro tempore was excused from serving by vote of the Senate.—On March 1, 1831,⁶ Mr. Tazewell, of Virginia, having been elected President pro tempore of the Senate, asked to be excused from serving.

Opposition being made to excusing Mr. Tazewell, a motion that he be excused was made and carried, yeas 20, nays 14.

¹ First session Forty-eighth Congress, Record, pp. 140–144, 160–163, 237.

² First session Forty-fourth Congress, Record, pp. 311, 360, 373.

³ Senate Report No. 3, page 8, first session Forty-fourth Congress. This report was submitted by Mr. Oliver P. Morton, of Indiana.

⁴ For fuller discussion see also the report of the Committee on Privileges and Elections.

⁵ On March 27, 1889, the subject of the tenure of the President pro tempore of the Senate was the subject of elaborate debate in that body. (First session Fifty-first Congress, Record, p. 43.) And after report from a committee it was determined, on March 12, 1890, that it was competent for the Senate to elect a President pro tempore who should hold office during the pleasure of the Senate, and until another was elected. (Record, pp. 1717, 2144–2153.)

On October 13, 1881 (special session Senate, Forty-seventh Congress, Record, pp. 519–521), the Senate removed one President pro tempore by electing another.

⁶ Second session Twenty-first Congress, Debates, p. 328.