

## Chapter CIX.

### REPORTS FROM THE COMMITTEE OF THE WHOLE.

---

1. A series of bills considered in the order reported. Sections 4869, 4870.
  2. Amendments and their consideration. Sections 4871–4898.
  3. Amendment in the nature of a substitute. Sections 4899–4905.
  4. Paragraphs ruled out not reported. Section 4906.
  5. Irregular reports. Sections 4907–4912.<sup>1</sup>
  6. As affected by failure of a quorum. Sections 4913, 4914.
  7. House has no authority over bills in Committee of Whole. Section 4915.
  8. As to reading of bills reported from. Section 4916.
  9. Discharge of Committee of Whole. Sections 4917–4922.
- 

**4869.** A series of bills reported from the Committee of the Whole should be considered in the House in the order in which they are reported.—On March 2, 1906,<sup>2</sup> the Committee of the Whole House had risen and reported sundry bills, with favorable recommendations.

As the bills were being acted on by the House, Mr. John N. Garner, of Texas, asked if the bills were being acted on in the order in which they passed the Committee of the Whole, and made the demand that such order should be observed.

The Speaker<sup>3</sup> said:

The Chair is informed that they are not, strictly speaking, and the Chair supposes that, strictly speaking, they ought to be so taken up. \* \* \* The Clerk will proceed with the remainder of the bills and call them in the order in which they were considered and reported. Those that have already passed are beyond the control of the Speaker or of the House, except by unanimous consent. The Clerk will proceed, as stated by the Chair.

**4870.** On February 8, 1899,<sup>4</sup> the House proceeded to the consideration of a series of bills for the erection of public buildings, reported from the Committee of the Whole House on the state of the Union on the preceding day.

Mr. Eugene F. Loud, of California, rising to a parliamentary inquiry, asked in what order the bills would come before the House.

---

<sup>1</sup> Speaker entertains only reports made by the Chairman. (Sec. 6987 of Vol. V.)

<sup>2</sup> First session Fifty-ninth Congress, Record, p. 3303.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>4</sup> Third session Fifty-fifth Congress, Record, p. 1628.

The Speaker<sup>1</sup> replied that they would come up in the order in which they were reported, as shown by the Journal, which would not, as he understood, be the order in which they were considered in Committee of the Whole.

Then, by unanimous consent, it was arranged that the bills should be taken up in the order in which they were considered in Committee of the Whole.

**4871. All amendments to a bill reported from the Committee of the Whole stand on an equal footing and must be voted on by the House.**—On December 15, 1900,<sup>2</sup> the Committee of the Whole House on the state of the Union had risen and had reported with sundry amendments the bill (H. R. 12394) “to amend an act entitled ‘An act to provide ways and means to meet war expenditures, and for other purposes.’”

A separate vote being demanded on several amendments, Mr. H. Henry Powers, of Vermont, raised the point that one amendment on which a separate vote had been demanded was in the Committee of the Whole accepted on behalf of the Committee on Ways and Means,<sup>3</sup> and no notice was given that a separate vote would be called for.

The Speaker<sup>4</sup> said:

The gentleman from Vermont makes the parliamentary inquiry if the fact that this amendment was accepted by or agreed to by the Committee on Ways and Means or the chairman in charge of the bill, and that no notice of a separate vote was given in the Committee of the Whole, would not make it out of order to be considered now. The Chair does not know anything about what transpired in the Committee of the Whole House on the state of the Union, except as reported by the Chairman. It is a pending amendment, and in respect to that a separate vote may be demanded.

**4872. When a bill is reported from the Committee of the Whole with amendments it is in order to submit additional amendments, but the first question is on the amendments reported.**—On May 28, 1846,<sup>5</sup> the civil and diplomatic appropriation bill was reported from the Committee of the Whole House on the state of the Union with amendments. The House proceeded to the consideration of these amendments, when Mr. George W. Jones, of Tennessee, proposed a new amendment. Thereupon Mr. Robert C. Winthrop, of Massachusetts, raised the question of order that a motion to amend the original bill is not in order until the amendments reported from the Committee of the Whole House on the state of the Union shall have been acted on.

The Speaker<sup>6</sup> decided that the proposition to amend the original bill was in order, but that the question must first be taken on the amendments of the committee and then on the amendment proposed to the original bill.<sup>7</sup>

On an appeal the decision of the Chair was sustained.

<sup>1</sup> Thomas B. Reed, of Maine, Speaker.

<sup>2</sup> Second session Fifty-sixth Congress, Record, p. 346.

<sup>3</sup> The acceptance of an amendment by those in charge of a bill on the floor amounts to no more than notice that they do not oppose it. The amendment must be voted on like any other before it is adopted.

<sup>4</sup> David B. Henderson, of Iowa, Speaker.

<sup>5</sup> First session Twenty-ninth Congress, Journal, p. 865; Globe, p. 876.

<sup>6</sup> John W. Davis, of Indiana, Speaker.

<sup>7</sup> Of course, if the previous question is moved at once, amendments by Members are cut off.

**4873.** On January 18, 1810,<sup>1</sup> the House was considering the amendments reported by the Committee of the Whole House to the bill respecting the commercial intercourse between the United States and Great Britain and France.

Mr. Edward St. L. Livermore, of Massachusetts, moved to amend the bill by striking out the fifth section thereof.

The Speaker<sup>2</sup> decided that the motion was not in order until after the consideration of the amendments reported by the Committee of the Whole House.

Mr. Livermore having taken an appeal, the decision of the Chair was overruled, 65 to 48.

Thereupon the question was put on the amendment proposed by Mr. Livermore.

**4874.** On February 18, 1833,<sup>3</sup> the House was considering the tariff bill, which had been reported from the Committee of the Whole House on the state of the Union, with amendments.

During consideration of these amendments, and before they had all been disposed of, Mr. Thomas T. Bouldin, of Virginia, proposed to offer an amendment in the nature of a substitute.

The Speaker<sup>4</sup> held that it would not be in order until the amendments were disposed of.

**4875.** On February 26, 1839,<sup>5</sup> the Journal records that the Committee of the Whole House on the state of the Union rose and reported, with certain amendments, the civil and diplomatic appropriation bill.

The bill being taken up in the House, the following procedure is recorded:

And then, by unanimous consent, and before acting on the amendments reported from the Committee of the Whole House, the said bill was, on motion of Mr. Chambers, amended.

The amendments reported from the Committee of the Whole House on the state of the Union were then in part concurred in by the House.

**4876.** On April 17, 1844,<sup>6</sup> the House was considering the bill (H. R. 126) making appropriations for the improvement of certain rivers and harbors, the question being on agreeing to the amendments to the bill reported from the Committee of the Whole House on the state of the Union.

A motion was made by Mr. Andrew Kennedy to amend the bill by striking out all after the enacting clause and inserting the text of a new bill.

Mr. George C. Dromgoole, of Virginia, raised the question of order that, according to the parliamentary practice, an amendment was not in order, except to an amendment of the Committee, until the House had first acted upon the amendments of the Committee.

The Speaker pro tempore<sup>7</sup> decided that, as the amendments proposed by the Committee were embraced in the part proposed to be stricken out, the question would be first put on the amendments of the Committee, under the usual parlia-

---

<sup>1</sup> Second session Eleventh Congress, Journal, p. 180 (Gales and Seaton ed.); Annals, p. 1219.

<sup>2</sup> Joseph B. Varnum, of Massachusetts, Speaker.

<sup>3</sup> Second session Twenty-second Congress, Debates, p. 1729.

<sup>4</sup> Andrew Stevenson, of Virginia, Speaker.

<sup>5</sup> Third session Twenty-fifth Congress, Journal, p. 652.

<sup>6</sup> First session Twenty-eighth Congress, Journal, p. 807; Globe, p. 552.

<sup>7</sup> George W. Hopkins, of Virginia, Speaker pro tempore.

mentary practice of perfecting what was proposed to be stricken out. He held that the amendment of Mr. Kennedy was in order, but the question was put first on the Committee amendments.

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

**4877. Amendments rejected in Committee of the Whole are not reported to the House.**—On May 12, 1880,<sup>1</sup> the legislative appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. William J. Samford, of Alabama, moved an amendment reducing the salary of the President of the United States to \$25,000 yearly.

The amendment being disagreed to by the Committee of the Whole, Mr. James A. McKenzie, of Kentucky, rising to a parliamentary inquiry, asked if it would be possible to get the yeas and nays in the House on this proposition.

The Chairman<sup>2</sup> said:

Amendments rejected in Committee of the Whole do not go to the House.

**4878. The fact that a proposition has been rejected by the Committee of the Whole does not prevent it from being offered as an amendment when the subject comes up in the House.**

**An instance where the Committee of the Whole reported a new resolution in lieu of the one referred to it.**

On January 10, 1878,<sup>3</sup> the Committee of the Whole House on the state of the Union, to whom had been referred a series of two resolutions providing for a general investigation of the Executive Departments of the Government, reported as a substitute<sup>4</sup> an independent resolution relating to the same subject.

On January 11, the substitute resolution being under consideration, Mr. Eugene Hale, of Maine, demanded the previous question. The House refused to second<sup>5</sup> this demand.

Thereupon Mr. Fernando Wood, of New York, moved as an amendment in the nature of a substitute, a series of two resolutions identical with those referred to the Committee of the Whole.

Mr. Hale made the point of order that the amendment was not in order, it being the identical proposition rejected by the Committee of the Whole House on the state of the Union.

The Speaker<sup>6</sup> overruled the point of order, on the ground that the House, having practically rejected the report of the Committee of the Whole by refusing to second the demand for the previous question, left the subject open to debate and amendment.

**4879.** On February 12, 1902,<sup>7</sup> the previous question had been ordered on the bill (H. R. 9266) relating to oleomargarine and other imitation dairy products,

<sup>1</sup> Second session Forty-sixth Congress, Record, p. 3291.

<sup>2</sup> S. S. Cox, of New York, Chairman.

<sup>3</sup> Second session Forty-fifth Congress, Journal, pp. 150, 151, 160; Record, pp. 287, 288.

<sup>4</sup> Not as an amendment in the nature of a substitute. In this case the Committee of the Whole assumed the right often exercised by a standing committee of reporting a new measure in place of the one referred to it by the House. Such action by the Committee of the Whole is very rare.

<sup>5</sup> The second of the previous question is no longer required.

<sup>6</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>7</sup> First session Fifty-seventh Congress, Record, p. 1659.

when Mr. James W. Wadsworth, of New York, moved to recommit the bill with instructions to report an amendment in the nature of a substitute.

Mr. James A. Tawney, of Minnesota, rising to a parliamentary inquiry, said:

This proposition was voted on after consideration in Committee of the Whole and was defeated, and this is simply for the purpose of securing another vote on an amendment offered in Committee of the Whole.

The Speaker<sup>1</sup> said:

The House knows nothing about what was done in the Committee of the Whole except as was reported by the Chairman of the Committee. Besides, the point of order would be too late.

**4880.** On March 11, 1896,<sup>2</sup> the Committee of the Whole House on the state of the Union rose and the Chairman reported that they had had under consideration the Post-Office appropriation bill and reported it favorably with certain amendments.

Thereupon Mr. Jacob H. Bromwell, of Ohio, offered an amendment to strike out these lines of the bill—

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, \$196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. Charles F. Crisp, of Georgia, made the point of order that the express question raised by the amendment was voted on by the Committee of the Whole.

The Speaker<sup>3</sup> said:

The Chair can not know about that. \* \* \* The question is on the amendment of the gentleman from Ohio.

**4881. Amendments reported from the Committee of the Whole should be voted on in the order in which they are reported although they may be inconsistent one with another.**—On February 1, 1894<sup>4</sup> the House was considering the amendments reported from the Committee of the Whole on the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Among these amendments were two which were reported as separate amendments, because they were adopted at different times, but one of which was in reality an amendment to the other.

The first one was to the wool schedule, as follows:

Amend paragraph 686 by adding at the end of the paragraph the words "*Provided*, That this paragraph shall take effect immediately upon the passage of this act."

The second, adopted after the first had been agreed to, was:

In paragraph 686, amend by striking out all after the words "take effect," and insert the words "on or after August 2, 1894."

When the question came on the first amendment, Mr. Clifton R. Breckinridge, of Arkansas, made the point that the amendment was not before the House, for the

<sup>1</sup> David B. Henderson, of Iowa, Speaker.

<sup>2</sup> First session Fifty-fourth Congress, Record, p. 2710.

<sup>3</sup> Thomas B. Reed, of Maine, Speaker.

<sup>4</sup> Second session Fifty-third Congress, Journal, p. 129; Record, pp. 1794, 1795.

reason that the Committee of the Whole, by a subsequent amendment, had, in effect, amended the aforesaid amendment, and that the only question thereon was upon the subsequent amendment of the Committee of the Whole.

The Speaker<sup>1</sup> held that the amendments must be voted on in the order in which they were reported from the Committee of the Whole, regardless of any irregularity of the proceedings thereon or of any inconsistency between such amendments:

It seems from the reading that the committee first adopted an amendment providing that the bill should take effect immediately as to wool, and that subsequently an amendment was offered to that amendment and agreed to, which struck out all of it except the words "shall take effect," and inserted another date as the time at which the bill should go into operation. \* \* \* The trouble that the Chair finds arises from the fact that it has never been the custom or the rule that the Committee of the Whole should reconsider its action, therefore its action takes the form of a subsequent amendment to the first amendment, which accomplishes the same purpose as reconsideration, and yet gives effect and force to the change of mind in the committee on the question. \* \* \*

It seems to the Chair that every amendment which has been agreed to by the committee must be reported from the committee to the House, and that it is in the power of any Member of the House to have a separate vote on any amendments so reported. In the case before the House, it seem that there was an amendment offered by the gentleman from Ohio, and agreed to, which fixes a given time for the tariff on the woolen schedule to go into effect, and subsequently that amendment was amended so as to strike out that part of it which fixed the time and fixed another time. Now, it seems that the two reports from the Committee of the Whole on the question of the time when the bill should go into operation are inconsistent one with the other. One report is that it shall immediately take effect, and the other is that it shall take effect at another time, so that it seems to the Chair that perhaps the best solution of the question would be for the House to vote upon what it called the last amendment, the amendment to amend the first amendment that fixes the time. If that should be agreed to by the House, that would dispose of the question; if it should not, then the other amendment could be voted upon.

**4882.** On July 16, 1842,<sup>2</sup> the House considered the bill (H. R. 472) to provide revenue from imports, etc., which has been reported from the Committee of the Whole House on the state of the Union with a series of amendments. These amendments were taken up in order and acted on.

**4883. A proposition reported from the Committee of the Whole as an entire and distinct amendment may not be divided, but must be voted on in the House as a whole.**—On June 8, 1844,<sup>3</sup> the House was considering the bill (H. R. 22) to amend and continue in force the act to incorporate the inhabitants of the city of Washington, which had been reported from the Committee of the Whole House on the state of the Union with an amendment striking out all after the enacting clause and inserting a new bill.

Mr. Cave Johnson, of Tennessee, requested a division of the amendment, so as to take the question, first on all thereof except the twenty-sixth section, and then on that section alone.

The Speaker<sup>4</sup> decided that at this stage of the bill the amendment was not divisible, it having been adopted in committee and reported to the House as one entire amendment to strike out and insert.

<sup>1</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>2</sup> Second session Twenty-seventh Congress, Journal, pp. 1081–1106; Globe, p. 761.

<sup>3</sup> First session Twenty-eighth Congress, Journal, p. 1061; Globe, p. 653.

<sup>4</sup> John W. Jones, of Virginia, Speaker.

On an appeal the decision of the Chair was sustained.<sup>1</sup>

**4884.** On February 9, 1846,<sup>2</sup> the Committee of the Whole House on the state of the Union reported with an amendment the joint resolution (H. J. Res. 5) of notice to Great Britain to “annul and abrogate” the convention between Great Britain and the United States of the 6th of August, 1827, relative to the country “on the northwest coast of America, westward of the Stony Mountains,” commonly called Oregon.

The House proceeded to the consideration of the resolution, the question being on agreeing to the amendment reported from the Committee of the Whole House on the state of the Union.

This amendment was a substitute of two sections, the first to give notice of the annulment of the convention between the United States and Great Britain, and the second declaring that nothing herein was intended as interfering with the right and discretion of the proper authorities of the two contracting parties to renew negotiations for an amicable settlement.

A division of the question was demanded by Mr. Allen G. Thurman, of Ohio, so as to take the question on each branch of the resolution separately.

The Speaker stated that, in conformity with the usual practice of the House, the amendment was divisible, and was about proceeding to put the question on striking out the original resolution and inserting the first branch of the amendment, when

Mr. Linn Boyd, of Kentucky, raised the question of order that, as the amendment was reported from the Committee of the Whole House as an entire and distinct proposition, it could not be divided.

The Speaker<sup>3</sup> decided against the point of order raised by Mr. Boyd, but on appeal the House reversed the decision of the Chair.

On April 7, 1846<sup>4</sup> the House was considering a bill (H. Res. 46) to provide for the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois, which had been reported by the Committee of the Whole House on the state of the Union with an amendment of six new sections.

Mr. James Graham, of North Carolina, called for a division of the amendment, so as to take the question separately on portions of the amendment proposed to be inserted in lieu of the original bill.

The Speaker<sup>3</sup> decided that, in conformity with the decision of the House made on the 9th day of February last, on the Oregon question, wherein the decision of the Speaker, in a similar case, that the part to be inserted was divisible was overruled and reversed by the House, the division asked for by Mr. Graham was not in order.

From this decision an appeal was taken. The appeal was laid on the table; so the Chair was sustained.

---

<sup>1</sup> Before this, on February 24, 1841 (second session Twenty-sixth Congress, Journal, p. 311; Globe, p. 205), this principle was invoked and apparently recognized, although Mr. Speaker Hunter admitted a division of the amendment, there being doubt as to whether or not it had been adopted by the Committee of the Whole as an entire and distinct proposition.

<sup>2</sup> First session Twenty-ninth Congress, Journal, pp. 366, 642; Globe, pp. 348, 349.

<sup>3</sup> John W. Davis, of Indiana, Speaker.

<sup>4</sup> First session Twenty-ninth Congress, Journal, p. 641; Globe, p. 622.

**4885.** On July 18, 1848,<sup>1</sup> the Committee of the Whole House on the state of the Union rose and the chairman reported the civil and diplomatic appropriation bill with amendments. The House proceeded to the consideration of these amendments, among them being the following:

Insert between the thirty-sixth and thirty-seventh lines of the printed bill the following:

“For the purchase of the unpublished papers of Thomas Jefferson, late President of the United States, twenty thousand dollars; and for the purchase of the manuscript papers of the late Alexander Hamilton, twenty thousand dollars.”

Mr. Howell Cobb, of Georgia, called for a division of the question upon the amendment.

The Speaker<sup>2</sup> decided that the clause having been reported from the Committee of the Whole House on the state of the Union, as a whole, it could not be divided.

From this decision Mr. Cobb appealed. The decision of the Chair was sustained.

**4886.** The House, on March 1, 1849<sup>3</sup> proceeded to the consideration of the Senate amendments to the Indian appropriation bill, which had been considered in Committee of the Whole House on the state of the Union and reported therefrom.

The tenth amendment of the Senate related to an appropriation for carrying into effect the provisions of a treaty with the Cherokees. To this Senate amendment the Committee of the Whole House on the state of the Union recommended a single amendment in form, providing, however, not only for carrying into effect the provisions of the treaty with the Cherokees, but also providing for the issue of Treasury notes to meet the expenses of the appropriation for the payment to the Cherokees and also the expenses of two installments called for by the treaty with Mexico.

The question being upon agreeing to this amendment to the tenth amendment of the Senate, Mr. Richard Brodhead, of Pennsylvania, asked for a division of the question so as to take a separate vote upon each subject of the amendment, the Cherokee treaty and the provision for Treasury notes.

The Speaker<sup>2</sup> stated that the question was not divisible.

On an appeal, the decision was sustained.

**4887.** On January 13, 1862,<sup>4</sup> the House resumed, as the regular order of business, the consideration of the bill of the House (H. R. 154) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1863, and additional appropriations for the year ending June 30, 1862, reported on Friday last from the Committee of the Whole House on the state of the Union with sundry amendments, the pending question when the House adjourned on that day being on agreeing to the amendments.

The fifteenth amendment having been read, as follows:

Add at the end of the first section:

*Provided*, That the appropriation of \$178,000 for Atlantic and Gulf survey, \$100,000 for western coast survey, and \$11,000 for Florida reefs and keys, shall not be expended, nor any part thereof, while

<sup>1</sup> First session Thirtieth Congress, Journal, p. 1059; Globe, p. 948.

<sup>2</sup> Robert C. Winthrop, of Massachusetts, Speaker.

<sup>3</sup> Second session Thirtieth Congress, Journal, p. 574; Globe, p. 642.

<sup>4</sup> Second session Thirty-seventh Congress, Journal, p. 170; Globe, p. 305.

the present insurrection exists: *Provided further*, That such portion of the Coast Survey appropriation as shall be deemed by the President important to the prosecution of the blockade and suppression of the rebellion, or for any other purpose, shall not be suspended.

Mr. Francis P. Blair, jr., of Missouri, demanded a division of the question.

The Speaker<sup>1</sup> decided that no division was in order, the same having been reported as one amendment.

From this decision of the Chair Mr. Blair appealed. And the question being put, "Shall the decision of the Chair stand as the judgment of the House?" it was decided in the affirmative.

The record of debate shows that Mr. Blair contended that the two provisos of the amendment were adopted at different times and to different sections.

The Speaker decided, however, that even though this might be so, the amendment was reported by the committee as a single amendment and could not be divided in the House.

**4888.** On March 19, 1880,<sup>2</sup> the House was considering amendments made to the deficiency appropriation bill by the Committee of the Whole House on the state of the Union, when this amendment was reached:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections for performing any duties in reference to any election shall receive the sum of \$5 per day in full for their compensation, and that the appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties or by the district judge in the absence of the circuit judge, such special deputies to be appointed in equal numbers from the different political parties; and the persons so appointed shall be persons of good moral character and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. Frank Hiscock, of New York, demanded a division of the question on agreeing to the amendment.

The Speaker<sup>3</sup> held, in accordance with the uniform practice of the House, based upon decisions of former Speakers and sustained by the House on appeal, that an amendment reported from the Committee of the Whole House as an entire amendment was not divisible.

Mr. Omar D. Conger, of Michigan, having appealed, the appeal was laid on the table, 167 yeas to 49 nays.

**4889.** On January 21, 1891,<sup>4</sup> the House was considering amendments of the Committee of the Whole House on the state of the Union to the District of Columbia appropriation bill.

The question was on agreeing to the following amendment:

*Provided further*, That the sum total of the accounts so allowed shall not exceed in amount \$20,000, and that the Commissioners of the District of Columbia shall report to the next Congress the amounts so allowed and to whom.

Mr. William M. Springer, of Illinois, demanded a division of the said-named amendment.

---

<sup>1</sup> Galusha A. Grow, of Pennsylvania, Speaker.

<sup>2</sup> Second session Forty-sixth Congress, Journal, p. 816; Record, pp. 1713-1715.

<sup>3</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>4</sup> Second session Fifty-first Congress, Journal, p. 167.

The Speaker<sup>1</sup> ruled that an amendment reported from the Committee of the Whole was not divisible.

**4890.** On February 1, 1894<sup>2</sup> the House was considering the tariff bill, the question being on the amendment reported from the Committee of the Whole relating to internal revenue.

Mr. W. Bourke Cockran, of New York, demanded that the question be divided so as to enable the House to vote separately on so much thereof as provided for a tax on incomes. Objection being made, the Speaker<sup>3</sup> held that under the practice of the House it was not in order to demand a division of the question on an amendment reported from the Committee of the Whole as a single amendment.

**4891.** On June 22, 1894,<sup>4</sup> the Committee of the Whole House on the state of the Union rose and the Chairman reported favorably with amendments the antioption bill (H. R. 7007).

Mr. William P. Hatch, of Missouri, demanded a division of an amendment providing that the terms of the act should not apply to contracts entered into by the actual owners of the articles sold. A portion of this amendment had been offered by Mr. Nicholas N. Cox, of Tennessee, and to it a second portion had been added as an amendment to the amendment by Mr. Charles J. Boatner, of Louisiana. Mr. Hatch demanded a division, so that the portion offered by each of these two gentlemen might be voted on separately.

The Speaker pro tempore<sup>5</sup> held that under the practice of the House of long standing it was not in order to demand a division of the question on an amendment reported from the Committee of the Whole as a single amendment, notwithstanding such amendment included distinct and independent propositions.

**4892.** On February 4, 1895,<sup>6</sup> the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve, etc., was reported from the Committee of the Whole House on the state of the Union with amendments.

The question being on this amendment:

And in lieu of all existing taxes every association shall pay to the Treasury of the United States in the months of January and July a duty of one-eighth of 1 per cent each half year upon the average amount of the notes issued to it by the Comptroller of the Currency. And banks with a capital of not less than \$20,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants.

Mr. William J. Bryan, of Nebraska, demanded that the question be divided, so as to permit the House to vote separately on each of the two propositions therein contained.

The Speaker<sup>3</sup> held that the amendment having been reported from the committee as an entire amendment it was not in order to demand that it be divided.

---

<sup>1</sup>Thomas B. Reed, of Maine, Speaker.

<sup>2</sup>Second session Fifty-third Congress, Journal, p. 130; Record, p. 1795.

<sup>3</sup>Charles F. Crisp, of Georgia, Speaker.

<sup>4</sup>Second session Fifty-third Congress, Journal, p. 445; Record, pp. 6736, 6737.

<sup>5</sup>Joseph W. Bailey, of Texas, Speaker pro tempore.

<sup>6</sup>Third session Fifty-third Congress, Journal, pp. 105, 110, 111, 114.

**4893. It is a frequent practice for the House, by unanimous consent, to act at once on all the amendments to a bill reported from the Committee of the Whole, but it is the right of any Member to demand a separate vote on any amendment.**—On February 2, 1898,<sup>1</sup> the Committee of the Whole rose and the Chairman reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, and had directed him to report the same back with amendments, and with the recommendation that the bill as amended be passed.

The Speaker having, in the usual form, stated to the House the report of the Chairman, Mr. William W. Grout, of Vermont, asked for a separate vote upon the amendment striking out the provision for the bridge across Rock Creek Park.

Mr. William P. Hepburn, of Iowa, thereupon made this parliamentary inquiry:

The gentleman from Vermont [Mr. Grout] moved that the committee rise and report the bill with amendments to the House with a favorable recommendation. Is it now competent for him to make this motion for a separate vote upon this amendment? The amendments all came in on his motion.

The Speaker<sup>2</sup> said:

The Chair can not know on whose motion it was done. Even if he did, every Member of the House has a right to call for a separate vote upon any amendment. Is there a separate vote asked for upon any other amendment?<sup>3</sup>

**4894.** On February 23, 1855,<sup>4</sup> when the civil and diplomatic appropriation bill was reported with amendments from the Committee of the Whole, and came before the House for action, Mr. Speaker Boyd said:

For convenience sake, and to facilitate the action of the House upon the bill, it is usual to vote upon such amendments as are not objected to in gross. The amendments therefore will be read, and as to such amendments as any gentleman on the floor may desire a separate vote upon, he will so declare when it is read from the Clerk's desk, and it will be reserved for such separate vote.

**4895. The right to debate and amend a bill reported from the Committee, of the Whole depends upon the will of the House.**—On July 20, 1841,<sup>5</sup> the Committee of the Whole House on the state of the Union rose and reported the fortifications appropriation bill with amendments. The question being on the amendments, and the previous question having been demanded, Mr. James W. Williams, of Maryland, submitted the following as a question of order:

That, by the one hundred and ninth rule of the House, "every bill shall receive three several readings in the House;"

<sup>1</sup> Second session Fifty-fifth Congress, Record, p. 1363.

<sup>2</sup> Thomas B. Reed, of Maine, Speaker.

<sup>3</sup> It is usual to put the question first on the amendments on which no separate vote is asked. These are voted on together. Then the separate votes are taken, as requested. But it has always been in order to have a separate vote on amendments reported from the Committee of the Whole. Thus see an instance in the case of the bill (H. R. 439) to organize a Territorial government in the Oregon Territory, considered by the House February 3, 1845. (Second session Twenty-eighth Congress, Journal, p. 318.)

<sup>4</sup> Second session Thirty-third Congress, Globe, p. 914.

<sup>5</sup> First session Twenty-seventh Congress, Journal, pp. 260, 342 Globe, pp. 233, 313.

That, by the one hundred and nineteenth rule, “after report (from the committee) the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken;”<sup>1</sup>

That, by the one hundred and nineteenth rule, “after report (from the committee) the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken;”

That, by the one hundred and twenty-ninth rule, the rules of practice comprised in Jefferson’s Manual “shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House;”

That, in the Manual, it is stated that “when through the amendments of the committee, the Speaker pauses, and gives time for amendments to the body of the bill, as he does, also, if it has been reported without amendments, putting no question but on amendments proposed; and, when through the whole, he puts the question whether the bill shall be read a third time;”

That, according to the Manual, “the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and, when through the whole, he puts the question whether it shall be engrossed and read a third time.”

Mr. Williams contended that this rule of practice, as laid down in the Manual was not inconsistent with the rules and standing orders of the House, and therefore could not be dispensed with or suspended unless by a vote of two-thirds of the Members present.

The Speaker<sup>2</sup> decided the question against the position assumed by Mr. Williams.

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

Again, on August 9, Mr. Williams raised the same point of order, and again the Speaker overruled it, being sustained by the House.

**4896. The recommendation of the Committee of the Whole being before the House, the motion is considered as pending without being offered from the floor.**—On December 23, 1851<sup>3</sup> the Committee of the Whole House on the state of the Union rose and reported a joint resolution (No. 1) in relation to bounty land warrants, with the recommendation that it be referred to the Committee on the Judiciary.

No motion having been made to carry out the recommendation of the Committee of the Whole, Mr. William H. Bissell, of Illinois, made the point of order that the question could not come before the House except by a motion.

The Speaker<sup>4</sup> said:

The Chair decides that the recommendation of the Committee of the Whole is now before the House, and the question pending therefore is to refer the bill to the Committee on the Judiciary.

**4897. There is a question as to whether or not the recommendation of the Committee of the Whole that a bill do lie on the table may be accepted in the House as a pending motion.**

**When a bill is reported from the Committee of the Whole with an adverse recommendation, an opponent of it is recognized to make a motion as to its disposition.**

On January 22, 1897,<sup>5</sup> the House had under consideration a bill (S. 90) for the relief of William P. Buckmaster, reported from the Committee of the Whole House with the recommendation that it do lie upon the table.

<sup>1</sup>This rule was long ago rescinded.

<sup>2</sup>John White, of Kentucky, Speaker.

<sup>3</sup>First session Thirty-second Congress, Globe, p. 148.

<sup>4</sup>Linn Boyd, of Kentucky, Speaker.

<sup>5</sup>Second session Fifty-fourth Congress, Record, p. 1069.

A question arising as to time for debate on the bill, the Speaker<sup>1</sup> said:

The Chair does not know that a report of the Committee of the Whole House that the bill do lie on the table is itself a motion to lay upon the table. It may be a question of whether the chairman of the committee should not carry out the direction of the committee by making the motion to lay upon the table.

After some discussion the motion to lay the bill on the table was made by Mr. Joseph G. Cannon, of Illinois, who was recognized as an opponent of the bill in Committee of the Whole to make the motion.

**4898. If a Committee of the Whole amend a paragraph and subsequently strike out the paragraph as amended, the first amendment falls and is not reported to the House or voted on.**

**The old form of report from the Committee of the Whole House on the state of the Union.**

**Modern forms and ceremony of the report by the Chairman of the Committee of the Whole and the reception thereof by the Speaker. (Footnote.)**

On February 25, 1851,<sup>2</sup> the Committee of the Whole House on the state of the Union rose and its Chairman<sup>3</sup> reported that the committee having, according to order, had the state of the Union generally<sup>4</sup> under consideration, and particularly the bill of the House (H. R. 461) "making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1852, and for other purposes," had directed him to report the same with sundry amendments.<sup>5</sup>

The Speaker stated the question to be on agreeing to the amendments.

An amendment striking out a paragraph of the bill providing for a survey of the public lands having been reached, and the Speaker having stated the question to be upon agreeing thereto, Mr. George W. Jones, of Tennessee, made the point of order, that, inasmuch as the committee had struck out the said paragraph upon two separate and distinct motions, it should have been reported as two amendments, and the question should be taken in the House upon each, as in the committee.

<sup>1</sup> Thomas B. Reed, of Maine, Speaker.

<sup>2</sup> Second session Thirty-first Congress, Journal, p. 346; Globe, p. 679.

<sup>3</sup> Armistead Burt, of South Carolina, Chairman.

<sup>4</sup> This is the old form of report. The phrase relating to the state of the Union generally is no longer included in the form.

<sup>5</sup> In the present practice a chairman of the Committee of the Whole takes his place in the area in front of the Clerk's desk as soon as the Speaker takes the chair, and reports in form as follows:

"Mr. Speaker, the Committee of the Whole House [or Whole House on the state of the Union, as the case may be] have had under consideration the bill [giving number and title] and have directed me to report the same with amendments, with the recommendation that the amendments be agreed to and that the bill do pass."

If there are no amendments the Chairman shortens the report in that particular.

If the Committee of the Whole has recommended that the bill do not pass, or be laid on the table, etc., the Chairman modifies his report to conform to the fact.

As soon as the Chairman has reported to the Speaker the latter repeats the report to the House, beginning:

"The gentleman from ———, Chairman of the Committee of the Whole House [or Whole House on the state of the Union] reports that that committee have had under consideration," etc.

The Speaker<sup>1</sup> overruled the point of order, and stated that, notwithstanding the committee had first amended the paragraph by striking out the proviso, the fact of their afterwards striking, out the rest of the paragraph must necessarily bring the House to vote upon the question of striking out the whole. The second vote was to strike out the paragraph as amended; and, under the uniform practice of the House, the amendments previously adopted thereby fell.

From this decision of the Chair Mr. Robert Toombs, of Georgia, appealed. And the question being put, Shall the decision of the Chair stand as the judgment of the House? it was decided in the affirmative, yeas 104, nays 71.

**4899. A Committee of the Whole, like any other committee, may adopt and report an amendment in the nature of a substitute.**—The Committee of the Whole, like any other committee, may report to the House an amendment striking out all after the enacting clause and inserting a new text. Thus, on April 29, 1846,<sup>2</sup> this was done with the bill for establishing the Smithsonian Institution.

**4900. An amendment in the nature of a substitute is reported from the Committee of the Whole in its perfected form, amendments to the substitute not being noted in the report.**

**An amendment reported from the Committee of the Whole may not be withdrawn, and a question as to its validity is not considered by the Speaker.**

On March 1, 1907<sup>3</sup> the Committee of the Whole House on the state of the Union arose and reported the merchant marine bill (S. 529) with an amendment in the nature of a substitute and a pending amendment thereto.<sup>4</sup>

Mr. James E. Watson, of Indiana, rising to a parliamentary inquiry, asked if a separate vote might be demanded on certain amendments which the Committee of the Whole had adopted to perfect the substitute.

The Speaker<sup>5</sup> said:

The Chair reads from the Manual:

“An amendment in the nature of a substitute is reported from the Committee of the Whole in its perfected form, amendments to the substitute not being noted in the report.”

Not being noted, the Chair has no knowledge of them.

Thereupon Mr. Joseph W. Fordney, of Michigan, who had offered in Committee of the Whole the amendment which was reported as pending, asked if he might withdraw it.

The Speaker said:

The Committee of the Whole House has reported it to the House and the gentleman has no more control over it than any other Member.

<sup>1</sup> Howell Cobb, of Georgia, Speaker.

<sup>2</sup> First session Twenty-ninth Congress, Journal, p. 732; Globe, p. 749.

<sup>3</sup> Second session Fifty-ninth Congress, Record, pp. 4371, 4372.

<sup>4</sup> The bill and substitute with pending amendment were reported in accordance with the provisions of a special order. Ordinarily a pending amendment would be disposed of in committee before a report could be made.

<sup>5</sup> Joseph G. Cannon, of Illinois, Speaker.

Thereupon Mr. Watson made the point of order that in fact Mr. Fordney had never actually offered the amendment reported as pending, but that it had merely been read in Committee of the Whole for information.

The Speaker said:

The Chair must depend upon the report made by the Chairman of the Committee of the Whole House, and this amendment is reported as a pending amendment.

**4901.** On January 17, 1903,<sup>1</sup> the Committee of the Whole House on the state of the Union rose, and its chairman<sup>2</sup> reported that that committee had had under consideration the bill (S. 569) to establish the department of commerce and labor, and had directed him to report the same back with an amendment in the nature of a substitute, with the recommendation that the substitute be agreed to, and that the bill as amended do pass.

Mr. William C. Adamson, of Georgia, rising to a parliamentary inquiry, asked if a separate vote might be asked on certain amendments which the Committee of the Whole had incorporated in the substitute amendment.

The Speaker pro tempore<sup>3</sup> said:

The Chair will state to the gentleman from Georgia that there are no amendments upon which separate votes could be had. The report of the Chairman of the Committee of the Whole House was upon an amendment in the nature of a substitute which had been perfected. \* \* \* The Chair will state the parliamentary situation: The Senate passed a bill (S. 569) to establish a department of commerce and labor and sent it to the House. The House sent the bill to its Committee on Interstate and Foreign Commerce. That committee reported the bill to the House, striking out all after the enacting clause, and offering one single amendment by way of a substitute. The Committee of the Whole, in the consideration of that amendment by way of substitute, perfected it by various amendments, but of those amendments the House knows nothing. The House knows nothing except what it has learned from the report of the Chairman of the Committee of the Whole, and he reported that the Committee of the Whole had agreed upon an amendment in the nature of a substitute to the Senate bill.

**4902.** On April 6, 1900,<sup>4</sup> the House was considering in Committee of the Whole House on the state of the Union, the bill (S. 222) to provide a government for the Territory of Hawaii, with an amendment reported from the Committee on Territories to strike out all after the enacting clause and insert a new text.

The text of the substitute having been read through by paragraphs and amended the question recurred on agreeing to the substitute as amended.

Mr. Charles L. Bartlett, of Georgia, rising to a parliamentary inquiry, asked if the adoption of the substitute would prevent a separate vote in the House on each of the amendments to the substitute agreed upon in the Committee of the Whole.

The Chairman<sup>5</sup> said:

The question will arise in the House and there be disposed of. \* \* \* The Chair has no authority to express an opinion upon what will arise in the House.

The substitute having been agreed to, the Committee of the Whole voted to rise and report the bill and amendment to the House.

---

<sup>1</sup> Second session Fifty-seventh Congress, Record, pp. 924, 925.

<sup>2</sup> George P. Lawrence, of Massachusetts, Chairman.

<sup>3</sup> John Dalzell, of Pennsylvania, Speaker pro tempore.

<sup>4</sup> First session Fifty-sixth Congress, Record, pp. 3865, 3866.

<sup>5</sup> William H. Moody, of Massachusetts, Chairman.

Thereupon the committee rose and the chairman reported that the committee had had under consideration the bill S. 222, and had directed him to report the same with an amendment in the nature of a substitute, with the recommendation that the bill as thus amended do pass.

The question was then taken on agreeing to the substitute, no report having been made as to the amendments to this substitute, and a separate vote on them being therefore impossible.

**4903.** On December 6, 1900,<sup>1</sup> the bill (S. 4300) "an act increasing the efficiency of the military establishment of the United States" was under consideration in Committee of the Whole House on the state of the Union. This bill had been reported from the House Committee on Military Affairs with an amendment striking out all after the enacting clause and inserting a new text. The new text of this substitute amendment was under consideration by sections, and Mr. Charles E. Littlefield, of Maine, as an amendment to the amendment, offered the following, which was agreed to:

The sale of or dealing in beer, wine, or intoxicating liquors by any person in any post, exchange, or canteen, or army transport, or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

The new text having been gone through for amendment, the question recurred on agreeing to the substitute as amended, and it was agreed to.

The committee having risen, the Speaker resumed the chair, and Mr. Dalzell reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 4300, a bill to increase the efficiency of the military establishment of the United States, had instructed him to report the same to the House with an amendment in the nature of a substitute and with the recommendation that as so amended the bill do pass.

The bill being before the House, Mr. John F. Fitzgerald, of Massachusetts, as a parliamentary inquiry, raised the question as to whether or not it would be in order to have a separate vote on the amendment to the substitute adopted in Committee of the Whole on motion of Mr. Littlefield.

The Speaker<sup>2</sup> said:

It is not, the Chair will state, because that question is not before the House in a separate form, not being reported as a separate amendment, as the Chair understands it, from the Committee of the Whole. \* \* \* The Chair understands from the report of the chairman of the committee that no separate amendment was reported to the House, but that a substitute was presented for its action. \* \* \* The Chair will state to the gentleman that the House can only vote upon the perfected amendment which has been reported from the Committee of the Whole—that is, the substitute for the Senate bill as amended.

**4904. The practice of reporting Committee of the Whole amendments only in their perfected forms had its origin in an old rule.**—It was an old rule<sup>3</sup> of the House that "all amendments made to an original motion in committee shall be incorporated with the motion and so reported."

<sup>1</sup> Second session Fifty-sixth Congress, Record, pp. 112–122.

<sup>2</sup> David B. Henderson, of Iowa, Speaker.

<sup>3</sup> Rule 76, First session Nineteenth Congress, Journal, p. 789.

**4905. The Committee of the Whole having reported two amendments as distinct, the one from the other, the Speaker held that they should be considered independently although apparently one was a proviso attaching to the other.**—On July 19, 1876,<sup>1</sup> the Committee of the Whole House on the state of the Union rose and the chairman reported that the committee, having had under consideration the joint resolution of the House (H. Res. 96) to provide for the protection of the Texas frontier on the lower Rio Grande, had directed him to report the same with sundry amendments.

The House having proceeded to its consideration, the question was taken on this amendment:

Add to the first section the following words: "And the measures herein directed shall be carried out without any restrictions or limitations in the laws in regard to the Army notwithstanding."

The said amendment was agreed to.

The question then being on the adoption of the following amendment:

Add at the end of the first section the following proviso: "*Provided*, That no part of the troops provided for by this resolution shall be taken from any State or service where troops may now or hereafter be stationed, if in the judgment of the President the public service requires a continuance of troops in such localities."

Mr. William S. Holman, of Indiana, made the point of order that the amendment to which the aforesaid proviso was attached having been disagreed to, the proviso was also disagreed to.

The Speaker pro tempore<sup>2</sup> overruled the point of order, holding that the proviso attached to the section and not to the amendment thereto.

The record of debate quotes the Chair as saying:

The Chair is informed by the Clerk that the amendment, and what is apparently a proviso to it, were entertained in the Committee of the Whole as entirely different propositions.

**4906. Paragraphs ruled out in Committee of the Whole on points of order are not reported to the House.**—On May 2, 1906,<sup>3</sup> the Military Academy appropriation bill was considered in Committee of the Whole House on the state of the Union, and no amendments were made thereto; but one paragraph was ruled out on a point of order.

When the committee rose, the Chairman<sup>4</sup> reported the bill with the recommendation that it be passed; but made no mention of the paragraph stricken out.

The bill coming up for action in the House, Mr. Oscar W. Underwood, of Alabama, suggested that a paragraph had gone out on a point of order.

The Speaker<sup>5</sup> said:

Paragraphs that go out on points of order are not reported. The question is on the engrossment and third reading of the bill.

**4907. A Committee of the Whole may not report a recommendation which, if carried into effect, would change a rule of the House.**

---

<sup>1</sup> First session Forty-fourth Congress, Journal, p. 1297; Record, p. 4746.

<sup>2</sup> Milton Saylor, of Ohio, Speaker pro tempore.

<sup>3</sup> First session Fifty-ninth Congress, Record, p. 6295.

<sup>4</sup> John F. Lacey, of Iowa, Chairman.

<sup>5</sup> Joseph G. Cannon, of Illinois, Speaker.

**Where a Committee of the Whole reported a recommendation which was ruled out as in excess of its powers, it was held that the accompanying bill stood recommitted to the Committee of the Whole.**

On April 18, 1890,<sup>1</sup> the Committee of the Whole House rose, and the Chairman reported that the committee, having had under consideration the bill of the House (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman Act, had directed him to report the same back with the following recommendation, viz:

*Resolved*, That House bill 7616 be reported back to the House with the recommendation that the same be recommitted to the Committee on War Claims with instructions to consider the evidence obtainable as to the loyalty of each of the claimants and as to the justice of each of the claims, and to report the bill and amendments back for consideration within two weeks, including also claims of a similar character in which favorable findings of the Court of Claims have been sent to the House of Representatives since the bill was reported by the committee, and when so reported back said bill shall be placed at the head of the Private Calendar, and shall be considered on the next private-bill day, and until disposed of, a separate vote to be taken when demanded on each separate claim, the said claims to be reported back in this bill and amendments in the order in which they were reported to Congress by the Court of Claims.

The same having been read, Mr. Charles H. Grosvenor, of Ohio, made the point of order that the resolution was not in order, for the reason that its effect was to change a standing rule of the House; also, the further point of order that the Committee of the Whole could not originate and report a resolution fixing the order in which the House should vote upon the several provisions of the bill.

Mr. Joseph G. Cannon, of Illinois, made the additional point of order that the said resolution was a recommendation for the adoption of a rule, and that under clause 51 of Rule XI<sup>2</sup> it should go to the Committee on Rules.

After debate on the question of order,

The Speaker<sup>3</sup> sustained the points of order raised and held the resolution out of order; and in reply to a parliamentary inquiry by Mr. W. C. P. Breckinridge, of Kentucky, held that the bill stood recommitted to the Committee of the Whole House.

**4908.** On February 4, 1896,<sup>4</sup> the Committee of the Whole House on the state of the Union had concluded the consideration of the District of Columbia appropriation bill, and Mr. William P. Hepburn, of Iowa, moved that the committee rise and report the bill to the House, with the recommendation that it be recommitted to the Committee on Appropriations with instructions to strike out all paragraphs making appropriations to purely private charitable institutions and objects, and to insert a provision appropriating an amount equal to the sum of the appropriations striken out to be expended under the direction of the Board of Children's Guardians.

Mr. Joseph G. Cannon, of Illinois, suggested the point of order that the motion was broad enough to authorize legislation on a general appropriation bill.

---

<sup>1</sup>First session Fifty-first Congress, Journal, p. 495; Record, p. 3504.

<sup>2</sup>Now section 53 of Rule XI. (See sec. 4321 of this volume.)

<sup>3</sup>Thomas B. Reed, of Maine, Speaker.

<sup>4</sup>First session Fifty-fourth Congress, Record, p. 1310.

The Chairman<sup>1</sup> said:

The Chair is ready to rule upon the question. The Chair reads from the Digest:

“A recommendation reported from the Committee of the Whole which, if carried into effect, would change a rule of the House is not in order.”

The resolution as drawn would authorize the Board of Children’s Guardians, if adopted, to expend all this fund as they please. It would enlarge their powers and would be a change of existing law without question in the mind of the Chair; and the point of order is sustained.

**4909. A Committee of the Whole having reported not only what it had done, but by whom it had been prevented from doing other things, the Speaker held that the House might not amend the report, which stood.**—On June 24, 1842<sup>2</sup> the Committee of the Whole House rose, and the Chairman<sup>3</sup> reported certain bills which had been acted on favorably, and further reported that he was instructed specially to report that the committee, in obedience to the rule, had gone through the entire calendar of private bills; but that, owing to objections interposed by a gentleman from Georgia, the committee had been unable to do any business except as above reported.

A question was raised as to this report, and considerable debate ensued. The Speaker<sup>4</sup> held that the House might not amend the report, and that the Committee of the Whole had the right to report what they pleased.

On the succeeding day a motion was made to amend the Journal by striking out the portion of this report which gave the reasons why the Committee of the Whole were unable to act on certain bills.

This motion to amend the Journal was laid on the table.

**4910. The hour for taking a vote having arrived, an amendment pending and undisposed of in Committee of the Whole at the time is not acted on by the House.**—On January 31, 1899,<sup>5</sup> the bill (H. R. 11022) was under consideration in Committee of the Whole House on the state of the Union, when the hour of 3 o’clock, which had been fixed for voting on the bill in the House, arrived. The Chairman<sup>1</sup> accordingly directed the committee to rise, and made his report to the House. In the course of that report he mentioned “one amendment pending,” which was an amendment recommended by the Committee on Military Affairs and which had been amended but not voted on when the Committee of the Whole rose.

Mr. Joseph W. Bailey, of Texas, made the point of order that such pending amendment could not be reported to the House and was not before the House for its consideration.

After debate the Speaker<sup>6</sup> held:

The Chair would say that, inasmuch as the order of the House was to the effect that the vote should be taken at 3 o’clock, and while there is no exact precedent, it seems that in accordance with the practice, as far as the Chair has had an opportunity to examine it, the point made by the gentleman from Texas should be sustained.

---

<sup>1</sup> Sereno E. Payne, of New York, Chairman.

<sup>2</sup> Second session Twenty-seventh Congress, Journal, pp. 1011, 1013; Globe, pp. 680, 685, 686.

<sup>3</sup> John C. Clark, of New York, Chairman.

<sup>4</sup> John White, of Kentucky, Speaker.

<sup>5</sup> Third session Fifty-fifth Congress, Record, p. 1332.

<sup>6</sup> Thomas B. Reed, of Maine, Speaker.

**4911. A Committee of the Whole, directed by order of the House to consider certain bills, reported also certain other bills, whereupon the Speaker held that so much of the report as related to the latter bills could be received only by unanimous consent.**—On January 26, 1836,<sup>1</sup> the House agreed to a special order providing that after a certain date the general appropriation bills should have precedence each day. On March 3, the House, in pursuance of the provisions of this order, resolved itself into Committee of the Whole House on the state of the Union, and, after some time spent therein, the committee rose and the Chairman reported that the committee had had the state of the Union generally under consideration, and particularly the naval appropriation bill, and had come to no resolution thereon. He further reported that the committee did, by common consent, also take into consideration other bills, viz, a bill relating to the functions of the bank of the United States in performing the duties of commissioner of loans, and a bill to carry into effect a convention between the United States and Spain.

The Speaker<sup>2</sup> stated that as the last-mentioned bills had not been included in the special order under which the House had, this day, resolved itself into Committee of the Whole House on the state of the Union, the report, so far as it related to those bills, could only be received by the unanimous consent of the House.

No objection being made, and it being stated that the bills were acted on by general consent in the committee, the report was received.

**4912. A matter alleged to have arisen in Committee of the Whole but not reported by the chairman may not be brought to the attention of the House even on the claim that a question of privilege is involved.**—On April 26, 1900,<sup>3</sup> the Committee of the Whole House on the state of the Union had risen and reported the post-office appropriation bill to the House.

Mr. Eugene F. Loud, of California, asked for the previous question on the bill and amendments to the final passage.

Mr. John F. Fitzgerald, of Massachusetts, claiming the floor for a question of personal privilege, stated that he had been deprived of an opportunity of offering a certain amendment in Committee of the Whole, although the gentleman in charge of the bill had assured him that he should have such opportunity.

The Speaker<sup>4</sup> interrupting Mr. Fitzgerald, said:

The gentleman will suspend. No such matter has been referred from the committee to the House, and the gentleman will readily see that the Chair can take no cognizance of any matter except it takes place in the House.

**4913. The Committee of the Whole having risen because a quorum had failed, the bills that had been laid aside to be reported remained in the committee until the next occasion when the committee rose without question as to a quorum.**—On May 6, 1896,<sup>5</sup> the House, under a special order, considered the class of bills usually in order at a Friday evening session.<sup>6</sup> A quorum

---

<sup>1</sup>First session Twenty-fourth Congress, Journal, pp. 238, 461.

<sup>2</sup>James K. Polk, of Tennessee, Speaker.

<sup>3</sup>First session Fifty-sixth Congress, Record, p. 4730.

<sup>4</sup>David B. Henderson, of Iowa, Speaker.

<sup>5</sup>First session Fifty-fourth Congress, Record, pp. 4914, 5011.

<sup>6</sup>See section 3281 of this volume.

having failed in the Committee of the Whole House, and the roll call having failed to disclose a quorum, the session of the committee closed without any report of the bills considered.

On Friday evening, May 8, the same class of bills had been considered, and when the Committee of the Whole House rose the Chairman<sup>1</sup> reported not only the bills acted on that evening, but also those that had been laid aside to be reported on May 6.

When the report had been made, Mr. Constantine J. Erdman, of Pennsylvania, made the point of order that the Chairman had reported bills that had not been considered by the Committee of the Whole, and which were therefore improperly reported.

The Speaker<sup>2</sup> pro tempore overruled the point of order.<sup>3</sup>

**4914. The fact that the vote whereby the Committee of the Whole rose did not show a quorum was held not sufficient to prevent the reception of the report of the committee by the House.**

**The Speaker can not review any matter in Committee of the Whole, not even the failure of a quorum, unless it be mentioned in the report to the House.**

**A quorum is not required on a motion that the Committee of the Whole rise.**

On May 14, 1858,<sup>4</sup> the Committee of the Whole having risen, and the House being engaged in receiving the report from the Committee of the Whole, Mr. Humphrey Marshall, of Kentucky, who was making the report, gave the list of measures severally, with a recommendation that the said report be concurred in, and reported that the committee had subsequently found itself without a quorum.

The record of debates shows that in committee the bills had been laid aside to be reported with a favorable recommendation. The motion was made that the committee rise, and on a vote by tellers there were 48 in the affirmative and 46 in the negative. So the motion was agreed to.

The point was made that no quorum had voted,<sup>5</sup> and a demand was made that the roll must be called.

The Chairman<sup>6</sup> ruled that no quorum was necessary for the committee to rise.

---

<sup>1</sup> William P. Hepburn, of Iowa, Chairman.

<sup>2</sup> Albert J. Hopkins, of Illinois, Speaker pro tempore.

<sup>3</sup> Sometimes, when the Committee of the Whole has found itself without a quorum, it has risen according to the rule, and the Chairman has reported to the House such bills as had been acted on before the quorum failed, and then has reported to the House the fact that a quorum had failed, and the list of the absentees. See instances on May 5, June 2, and June 23, 1848. (First session Thirtieth Congress, Journal, pp. 773, 869, 947.) The Speaker (Robert C. Winthrop, of Massachusetts), decided on May 5, the propriety of the course having been questioned, that less than a quorum could rise and report. (Globe, p. 728.) It seems evident, however, that should the point of no quorum be made at once in the House, this report might require to be delayed until the presence of a quorum should be ascertained. The House, evidently, may not receive a report in the absence of a quorum.

<sup>4</sup> First session Thirty-fifth Congress, Journal, pp. 814, 822; Globe, p. 2141.

<sup>5</sup> At that time the presence of the quorum was determined only by the vote. See sections 2895–2904, etc., of this volume.

<sup>6</sup> Humphrey Marshall, of Kentucky, Chairman.

The report of the Committee of the Whole having been made, Mr. Calvin C. Chaffee, of Massachusetts, by unanimous consent, moved that the bills be recommitted.

Mr. George W. Jones, of Tennessee, made the point of order that there was no quorum present, and that consequently it was not in order to receive the report of the committee.

The Speaker<sup>1</sup> stated that there was no evidence that a quorum was not present, and overruled the said point of order.

The record of the debate shows that the Speaker expressed the opinion that the bills ordered to be reported back before the committee found itself without a quorum could be received.

Mr. Jones made the point that less than a quorum could not make a report, and that even if it be made, less than a quorum of the House could not receive it. There was no legal and constitutional House to receive the report if there were not a quorum present.

The Speaker said:

The Chair has no knowledge of the fact that there is no quorum present. The Chairman of the Committee of the Whole House reports to the House that they have had the Private Calendar under consideration, and have directed him to report sundry bills to the House, some with and some without amendment.

Mr. Jones having appealed, the appeal was laid on the table on the succeeding day.

**4915. It is not in order in the House to move to postpone or otherwise consider a bill which is still in the Committee of the Whole.**—On July 22, 1892,<sup>2</sup> during the call of committees for reports,<sup>3</sup> when the Committee on Public Lands was called, Mr. Thomas C. McRae, of Arkansas, from that committee, submitted the question of order, whether it was not in order to move to postpone the bill (H. R. 9072)—to fully adjust and settle the claims of Arkansas and other States under the swamp-land grants—until the 6th day of December next.

The Speaker<sup>4</sup> held that the motion was not in order, inasmuch as the bill was in Committee of the Whole House on the state of the Union, and must have its first consideration in that Committee.

On motion of Mr. McRae, the House resolved itself into the Committee of the Whole House on the state of the Union; and after some time spent therein, the Speaker resumed the chair, and the Chairman reported that the Committee, having had under consideration the bill (H. R. 9072) to fully adjust and settle the claims of Arkansas and other States, had come to no resolution thereon.

Mr. McRae moved that the further consideration of said bill be postponed until December 6, 1892.

Mr. Nelson Dingley, jr., of Maine, made the point of order that the motion was not in order, for the reason that the bill was still in Committee of the Whole.

---

<sup>1</sup>James L. Orr, of South Carolina, Speaker.

<sup>2</sup>First session Fifty-second Congress, Journal, p. 318; Record, pp. 6591, 6592.

<sup>3</sup>Reports are now filed with the Clerk.

<sup>4</sup>Charles F. Crisp, of Georgia, Speaker.

The Speaker sustained the point of order, holding that the bill having been referred to the Committee of the Whole House on the state of the Union, and not having been reported back, it was not now in order to postpone it or otherwise consider it in the House.

**4916. A bill presumed to have been read in Committee of the Whole and reported favorably therefrom is not read in full again when acted on by the House.**

**When a bill is reported from the Committee of the Whole the Speaker must assume that it has passed through all the stages necessary for the report.**

On April 29, 1902,<sup>1</sup> the bill (H. R. 14018) "to increase the limit of cost of certain public buildings, to authorize the purchase of sites," etc., was reported from the Committee of the Whole House on the state of the Union, and the Speaker put the question on the engrossment and third reading.

Mr. James D. Richardson, of Tennessee, made the point of order that the bill had not been read in the Committee of the Whole, and that it should be read before it was acted on by the House.

Debate developed the fact that the reading of the bill in full, when it had been taken up in Committee of the Whole, had been dispensed with by unanimous consent. There had been no reading for amendment under the five-minute rule, since a special order adopted previously by the House had dispensed with amendment.

After debate the Speaker<sup>2</sup> said:

The Clerk will read the first ruling found on page 647 of the Manual.

"A bill which has been read in Committee of the Whole and reported favorably therefrom is not read in full again when acted upon by the House."

\* \* \* There is not the slightest difficulty about the situation, as the Chair views it. The Chair is bound to assume that every necessary step has been taken in the Committee of the Whole, including the reading of the bill. The gentleman from Tennessee knows very well that the reading under the five-minute rule is not one of the readings referred to in the rule, but is merely a matter of convenience for the Members in case they wish to offer amendments. The rule adopted by the House makes that unnecessary, and the bill comes to the House with every presumption in favor of all having been done that is required to be done by the rules of the House of Representatives.

**4917. A motion to discharge the Committee of the Whole from the consideration of a matter committed to it is not privileged as against a demand for the regular order.**—On March 8, 1878,<sup>3</sup> the Committee of the Whole House rose and the Chairman reported that it had had under consideration the joint resolution (No. 20) to apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain southern mail contractors, and had come to no resolution thereon.

Mr. Alfred M. Waddell, of North Carolina, moved to discharge the Committee of the Whole House from further consideration of the resolution.

Mr. Omar D. Conger, of Michigan, called for the regular order and made the point that the motion of the gentleman from North Carolina was not in order.

---

<sup>1</sup>First session Fifty-seventh Congress, Journal, p. 659; Record, pp. 4840, 4841.

<sup>2</sup>David B. Henderson, of Iowa, Speaker.

<sup>3</sup>Second session Forty-fifth Congress, Journal, p. 619; Record, p. 1601.

The Speaker,<sup>1</sup> having first caused to be read a portion of Rule 109, as follows:

The House may at any time, by a vote of a majority of the Members present, provide for the discharge of the Committee of the Whole House and the Committee of the Whole on the state of the Union from the further consideration of any bill referred to it after acting without debate on all amendments pending and that may be offered.

said:

The Chair thinks that the rule runs to this fact, that the Committee of the Whole did not act upon all the amendments pending as provided for in the rule read. The gentleman from Michigan raises the point of order that the motion of the gentleman from North Carolina under a demand for the regular order was not in order, and the Chair thinks that it was not in order pending such demand for the regular order.<sup>2</sup>

**4918. The motion to discharge a Committee of the Whole was frequently in use until the necessary adherence to an order of business destroyed its privileged character.**—It is very evident that in the earlier history of the House a debate might be cut short in Committee of the Whole by a motion in the House that the Committee of the Whole be discharged from the consideration of the subject. Thus, on April 15, 1826,<sup>3</sup> during the prolonged debate in Committee of the Whole House on the state of the Union on the resolutions relating to the mission to Panama, a Member gave notice of his intention to make such a motion. But on the next day the Committee declining to rise, he was precluded from making the motion. On April 18<sup>4</sup> the motion to discharge the committee was made in the House, and after debate, on April 19, was decided in the negative.

**4919.** On April 1, 1826,<sup>5</sup> the Committee of the Whole House on the state of the Union was considering a certain resolution proposing amendments to the Constitution relating to the method of electing the President of the United States, and after long debate Mr. Daniel Webster, of Massachusetts, moved that the committee rise.

Mr. Henry R. Storrs, of New York, asked that the motion might be withdrawn in order that he might make an explanation.

But Mr. Webster insisting on his motion, the committee voted to rise, and the Chairman reported that the committee had had the state of the Union generally

<sup>1</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>2</sup> While the principle of the decision is correct in accordance with the present practice of the House, the rule cited by the Speaker has not existed since the revision of 1880, and even then was obsolete. (See Record, second session Forty-sixth Congress, p. 201.) It was originally intended, before the five-minute rule of debate was devised, to afford a means of saving a bill from obstructive debate in Committee of the Whole. (See sec. 5221 of Vol. V of this work.) At present there is no rule whatever providing for discharging the Committee of the Whole from the consideration of a bill.

In the earlier years of the House the motion to discharge the Committee of the Whole was frequently made, not being prevented by the rigid order of business compelled by pressure of business. (Second session Thirteenth Congress, Journal, pp. 276, 277.) On February 28, 1818, Mr. Speaker Clay decided that a vote discharging a Committee of the Whole dissolved it, but of course the modern usage would prevent such a result. (First session Fifteenth Congress, Journal, p. 271; Annals, p. 1028.) In 1840 the Committee of the Whole could be discharged only by a two-thirds vote suspending the rule as to the order of business.

<sup>3</sup> First session Nineteenth Congress, Debates, pp. 2302, 2303.

<sup>4</sup> Debates, pp. 2371, 2376.

<sup>5</sup> First session Nineteenth Congress, Journal, p. 400; Debates, p. 2003.

under consideration; but more particularly the resolution, etc., and had come to no decision thereon.

Mr. Webster thereupon moved that the Committee of the Whole House be discharged from the consideration of the pending resolutions, and also several other resolutions.

This motion being agreed to, the resolutions were considered by the House.

**4920.** On February 2, 1841,<sup>1</sup> Mr. Speaker Hunter decided that a motion to discharge the Committee of the Whole from the consideration of the bill authorizing the issuing of Treasury notes could only be presented by a motion to suspend the rules relating to the order of business.

**4921.** On February 21, 1843,<sup>2</sup> the House was considering a motion to discharge the Committee of the Whole House from the consideration of the bill (H. R. 692) to revive the act to enable claimants to land in Missouri and Arkansas to institute proceedings to try the validity of their claims, etc.

The Speaker<sup>3</sup> informed the House that a vote of two-thirds would be required to agree to the motion, as it was a proposition to change the order of business.<sup>4</sup>

**4922. When the Committee of the Whole is discharged from the consideration of a bill the House, in lieu of a report from the Chairman, accepts the minutes of the Clerk as evidence of amendments agreed to.**—On February 25, 1845,<sup>5</sup> on motion of Mr. Stephen A. Douglas, of Illinois, the rules were suspended, and the House agreed to this resolution:

*Resolved*, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Senate bill No. 46, and that the said bill, together with the amendments agreed to in committee, be brought before the House for immediate action thereon.<sup>6</sup>

Mr. George C. Dromgoole, of Virginia, raised a question as to procedure under this resolution, the committee being discharged without making any report. The Journal has this entry, describing the procedure as it occurred:

So the said resolution offered by Mr. Douglas was agreed to; and the said bill from the Senate (No. 46) entitled, "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenue of the Post-Office Department,"

<sup>1</sup>Second session Twenty-sixth Congress, Journal, p. 223; Globe, p. 138.

<sup>2</sup>Third session Twenty-seventh Congress, Journal, p. 419.

<sup>3</sup>John White, of Kentucky, Speaker.

<sup>4</sup>It was formerly the custom for a Committee of the Whole to ask leave to sit again. Thus, on May 6, 1826, the Committee of the Whole House rose and the Chairman reported that the committee had had under consideration bills relating to the claims of the legal representatives of the Marquis de Maison Rouge and of De Bastrop, had made progress therein, and asked leave to sit again.

The House decided in the negative the motion that the committee have leave to sit again.

On May 8, the next legislative day, the House proceeded to consider the bills, without any action discharging the Committee of the Whole. (First session Nineteenth Congress, Journal, pp. 525, 528; Debates, pp. 2605, 2606.)

So in a similar case on December 15 and 16, 1825, when, the Committee of the whole having asked leave to sit again, the House adjourned before acting on the request. On the next day leave was refused. It seems to have been considered that the bill was reported from the committee with the rising. (First session Nineteenth Congress, Journal, pp. 61, 66; Debates, pp. 813, 819.)

<sup>5</sup>Second session Twenty-eighth Congress, Journal, pp. 476, 477; Globe, p. 349.

<sup>6</sup>A motion to discharge the Committee of the Whole is not privileged, and may only be offered under suspension of the rules, as in this case, by unanimous consent, or on report from the Committee on Rules.

as taken up by the House for immediate action thereon. And it appeared by the minutes of the Clerk, "entered on a separate piece of paper," according to the provisions of the one hundred and twenty-sixth rule of the House<sup>1</sup> while the House was in Committee of the Whole on the state of the Union, that the said committee had amended the bill by—(here follows a statement of the amendments).

The question was stated by the Speaker, in accordance with the said resolution offered by Mr. Douglas, on agreeing to the said amendments.

---

<sup>1</sup>This rule provided, "The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House." This rule dated from April 7, 1789. It no longer exists, except in the general provision of the Manual. For this rule, see *Journal*, second session Twenty-eighth Congress, p. 591.