

Chapter LXXXIV.

THE MAKING OF THE JOURNAL.

1. Proceedings only are recorded. Sections 2811–2825.
 2. Record of votes and roll calls. Sections 2826–2833.¹
 3. Record of acts, rulings, etc., of the Speaker. Sections 2834–2851.²
 4. As to bills, petitions, reports, etc. Sections 2852–2860.
 5. As to acts of Members. Sections 2861–2873.
 6. As to certain exceptional proceedings, etc. Sections 2873–2883.³
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2811. The Journal records acts, but not the reasons therefor.—On February 27, 1811,⁴ the House was considering the bill “concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,” and the previous question was ordered on the passage of the bill.

On February 28 Mr. John Randolph, of Virginia, moved to amend the Journal so as to show that the vote on the passage of the bill was taken “without debate, being precluded by the decision of the House.”

The House disagreed to the motion.

2812. The Journal records the proceeding simply, and not the circumstances attending it.—On February 5, 1840,⁵ the Journal contained the following entry:

Mr. Randolph presented sundry resolutions adopted by the council and general assembly of the State of New Jersey, which are in the words following: (Here follow the resolutions in full.)

¹As to record of vote by ballot. See. 232 of Vol. I, Sec. 368 of Vol. III.

House declines to permit change of record of persons noted as present to form a quorum. Sec. 2620 of Vol. III.

²Farewell address of Speaker recorded. Sec. 233 of Vol. I.

³Report of committee appointed to investigate the Clerk printed in full. Sec. 295 of Vol. I.

As to record of certification by the Speaker in case of contumacious witness. Sec. 1609 of Vol. II and Secs. 1672, 1686, 1691 of Vol. III.

Answers of persons arraigned at the bar of the House recorded in full. Secs. 1673, 1699 of Vol. III. Not recorded, secs. 1674, 1685, 1686, 1690 of Vol. III.

Articles of impeachment appear in full. Secs. 2302, 2344, 2368 of Vol. III.

⁴Third session Eleventh Congress, Journal, pp. 600, 601 (Gales & Seaton ed.); Annals, p. 1096.

⁵First session Twenty-sixth Congress, Journal, pp. 307, 310; Globe, p. 167.

On February 6 Mr. Daniel P. Leadbetter, of Ohio, moved to strike out this entry and insert the following:

Mr. Randolph inquired of the Speaker if he had received certain joint resolutions from the governor and council of the State of New Jersey; and if so, did the Speaker intend to present them? And if the Speaker did not intend to present them, did the Chair wish to state his reasons for refusing to present them?

Mr. Speaker replied that he had received certain resolutions from the governor and council, addressed to him as a Member of the House and not as Speaker; that he should not present them, and had so informed the governor and council.

Mr. RANDOLPH. Then I will present them, and move to have them spread upon the Journal.

Mr. Leadbetter objected, as being out of order. The Chair stated that by the practice of the House the resolutions were in order. Mr. Hand rose to the same question of order; and, during a desultory debate, wherein Mr. Randolph was called upon to either state the contents of the resolutions, or to have them read, Mr. Randolph replied, Let them be read. Mr. Dromgoole rose and objected to the reception, and would continue to do so until the Speaker should state his reasons for not presenting those resolutions.

After debate the motion to amend the Journal was laid on the table—yeas 87, nays 86.

2813. A motion which is not entertained by the Speaker is not entered on the Journal.—On May 8, 1868,¹ Mr. Benjamin F. Butler, of Massachusetts, offered a resolution to amend the Journal of the House by striking out all record of a resolution offered on May 7 by Mr. William E. Robinson, of New York, said resolution being intended as a censure on the action of the House.

The Speaker² said:

The resolution of the gentleman from New York was not entered on the Journal according to the rule "All motions, however, to be entered on the Journal must be first entertained by the Speaker." The Chair declined to entertain the motion of the gentleman from New York on the ground that it was not, as alleged, a question of privilege. It could not, therefore, be entered on the Journal.

2814. Proceedings of the House, rendered null through discovery of errors, are not properly entered on the Journal.

Instance wherein the Speaker ruled out of order a motion to amend the Journal by inserting a record of proceedings that became null through errors.

The correction of an error having changed the result of a vote a motion to reconsider, based on the erroneous vote, was treated as a nullity.

On July 6, 1846,³ the Journal of Friday having been read, Mr. Edward W. McGaughey, of Indiana, moved that the same be amended by inserting thereon all the proceedings of Friday last in relation to the vote upon inserting "salt" in the schedule of articles free of duty, which were then declared by the Speaker to be null, in consequence of the discovery of an error in the adding up of a vote, and which were consequently omitted from the Journal of that day.

The Speaker⁴ stated that, inasmuch as the error alluded to in the amendment proposed by Mr. McGaughey was discovered before the next vote was announced,

¹ Second session Fortieth Congress, Globe, p. 2387.

² Schuyler Colfax, of Indiana, Speaker.

³ First session Twenty-ninth Congress, Journal, p. 1032; Globe, p. 1058.

⁴ John W. Davis, of Indiana, Speaker.

and as that vote was upon a motion to reconsider the last vote made by a Member who voted with the majority, and as the correction of the error changed the result of that vote, the Member making the motion had no right, under the rule, to make it, and therefore all the action subsequent to the announcement of the erroneous vote was properly stated by the Speaker, at the time, to be a nullity; in which statement the House acquiesced. The Speaker therefore decided that the amendment of the Journal now proposed by Mr. McGaughey was not in order.

From this decision Mr. McGaughey appealed. The appeal was laid on the table by a vote of 90 to 52, thus sustaining the Chair.

On the succeeding day the Speaker, in the course of a ruling, said¹ in relation to this subject:

All nullities or errors perpetrated on the part of the House, through error on the part of the Clerk, had never been considered as journalizing matter. And the Chair would call attention to two cases that had occurred at the present session. On the engrossment of the bill making provision for the payment of Indian annuities, when that bill was under consideration, the Clerk omitted one of the amendments, and the House went on and ordered the bill to a third reading. After that had been done a gentleman from Tennessee called the attention of the Chair to the fact that one of the amendments had been omitted. The Chair stated that the proceedings would be regarded as a nullity and that it would not appear in the Journal, and it did not. At another time during this session, when the bill in relation to fishing bounties was under consideration, the Chair was in precisely the same condition in which it found itself on Friday last. The Chair gave the casting vote. It was afterwards ascertained that the Chair had no right to vote. The whole proceeding was a nullity, and did not appear in the journal.

2815. While the Journal ought to be a correct transcript of proceedings, the House has not insisted on a strict chronological order of entries—On December 28, 1807,² Mr. John Randolph, of Virginia, calling attention to the supplemental or secret Journal of the House, noted that while a resolution respecting the embargo was under consideration a message had been received from the Senate. But the Journal as published indicated that the resolution was disposed of before the message was received. The Journal ought always to be a correct transcript of proceedings as they actually happened; therefore he moved to amend the Journal to read as follows:

On motion of Mr. Randolph, and seconded, that the House do come to the following resolution:

Resolved, That an embargo be laid on shipping, the property of citizens of the United States, now in port or which shall hereafter arrive.

And debate arising thereon,

A message, pending the same debate, was received from the Senate by Mr. Otis, their Secretary, as follows:

“Mr. Speaker: The Senate have in confidence directed me to inform this honorable House that they have passed a bill entitled ‘An act laying an embargo on all ships and vessels in the ports and harbors of the United States,’ to which they desire the concurrence of this House.”

And then he withdrew.

Whereupon, it was moved by Mr. Macon, and ordered by the House, that the said motion of Mr. Randolph do lie on the table.

¹ Globe, p. 1065.

² First session Tenth Congress, Journal, p. 95 (Gales & Seaton, ed.); Annals, p. 1240.

2816. While the Journal does not record the reasons for an adjournment, such reasons may be inserted by special direction of the House.

Instance wherein a correction of the Journal was recorded in the Journal.

On February 21, 1834,¹ the Journal of the preceding day having been read, Mr. John Quincy Adams, of Massachusetts, proposed that, by unanimous consent, it should be so amended as to state that the adjournment of the House was for the purpose of affording the Speaker and the Members an opportunity of attending the funeral obsequies of William Wirt, deceased.

Mr. J. K. Mann, of Pennsylvania, objected.

The Speaker² said that if a motion should be made, a majority of the House could, of course, have their Journal modified to suit their own pleasure. * * * The Speaker had not felt warranted to insert any further record in the Journal of yesterday than the simple fact of the adjournment. But if it was the pleasure of the House that the clause proposed should be added, the Chair would most cheerfully assent.

A motion being made, the amendment was agreed to.

The Journal of February 20 appears in the amended form, and that of February 21 shows the action of the House in making the amendment.

2817. The Journal is a record of proceedings simply, and does not record the statements or opinions of Members.—On February 21, 1837,³ the Journal of the preceding day having been read, Mr. Francis W. Pickens, of South Carolina, moved that the same “be amended so as to take notice of the fact that Mr. Gholson, of Mississippi, chairman of the committee on the part of the House to conduct the examination of witnesses, stated that he had handed over fourteen other questions to another witness, which were in the progress of being answered.” This amendment to come in immediately preceding the resolution moved by Mr. Lane, to dispense with further proceedings in the case of Reuben M. Whitney, and for his discharge from custody.

The Speaker⁴ said that it had not been usual to make such entries on the Journal, which was a record of proceedings simply, and not at all a register of debates.

And on the question, “Shall the Journal be amended in manner aforesaid?” it was decided in the negative.

2818. The Journal of March 22, 1842,⁵ contained this entry:

The House resumed the consideration of the resolution moved by Mr. Weller yesterday, in relation to Mr. Joshua R. Giddings, one of the Members of this House from the State of Ohio. The question pending at the adjournment was on the appeal taken by Mr. Fillmore from the decision of the Chair, to wit: “That the matter before the House was a question of privilege, and that on a question involving the privileges of a member of the House the previous question could not be applied and, consequently, that the motion for postponement was open for debate.”

And on the question, “Shall the decision of the Chair stand as the judgment of the House?”

¹ First session Twenty-third Congress, Journal, p. 349 Debates, p. 2758.

² Andrew Stevenson, of Virginia, Speaker.

³ Second session Twenty-fourth Congress, Journal, p. 490; Debates, p. 1880.

⁴ James K. Polk, of Tennessee, Speaker.

⁵ Second session Twenty-seventh Congress, Journal, pp. 573, 581; Globe, p. 348.

It was decided in the negative, yeas 64, nays 118.

So the decision of the Chair was reversed; and the previous question was demanded by a majority of the Members present; when the said previous question was put, viz: Shall the main question be now put? and passed in the affirmative, yeas 95, nays 92.

On March 23, when the Journal containing this entry was read for approval, Mr. John Quincy Adams, of Massachusetts, moved to amend by inserting next after the vote on the question, "Shall the main question be now put?" the following:

Mr. Adams rose and said that there was one question which occurred to him, and which he desired to submit to the House. In the question which arose yesterday between the Speaker and the gentleman from New York [Mr. Fillmore] the Speaker had decided that the previous question could not be applied so as to cut off the gentleman from Ohio [Mr. Giddings] from his right, secured to him by the Constitution, to be heard in his defense.

The gentleman from New York [Mr. Fillmore] had inquired if the previous question could not be applied so as to operate upon all the other Members of the House, leaving the gentleman from Ohio still his privilege of being heard. That was what he [Mr. Adams] understood to be the question between the Speaker and the gentleman from New York. The Speaker had decided that it would operate to cut off the gentleman from Ohio, and that, therefore, the previous question could not be entertained. Now, he [Mr. Adams] took it that the decision of the House had not decided that question between the Speaker and the gentleman from New York. And he [Mr. Adams] would now ask whether an appeal might not be taken from that part of the Speaker's decision; which was, that the gentleman from Ohio could not be heard in his defense, because the previous question had been applied. If an appeal was in order he would now make it, on the ground that, according to the idea of the gentleman from New York, although the previous question was now applied, it did not and could not cut off the gentleman from Ohio from his right to be heard; that the previous question could not apply to that gentleman, although it applied to all others.

The SPEAKER. In the opinion of the Chair, the rules of the House can not operate on one Member in one way and on another in another, whether he stood here as an accused party or not.

And on the question, "Shall the Journal be amended as proposed by Mr. Adams?" it was decided in the negative, yeas 41, nays 124.

2819. On January 14, 1840,¹ Mr. Levi Lincoln, of Massachusetts, moved to amend the following entry of the Journal in regard to a petition presented by him on the preceding day:

It was objected that as the Member who presented the petitions had not moved that they be received, the question of reception was not before the House; by inserting "thereupon Mr. Lincoln expressly disclaimed an intention to move the reception of the petition, declaring that he neither had nor would make such motion."

Objection was made to this amendment on the ground that the Journal should express facts and not reasons or opinions.

The House decided the motion to amend in the negative.

2820. On March 30, 1840,² the Journal contains the following entry:

Mr. John Smith offered to present a petition the contents of which he stated.

The Speaker decided that the petition came within the rule of the 28th of January,³ and could not therefore be received.

From this decision Mr. James appealed to the House, etc.

¹First session Twenty-sixth Congress, Journal, p. 206; Globe, p. 120.

²First session Twenty-sixth Congress, Journal, pp. 724, 732.

³The rule excluding petitions relating to slavery.

On March 31, the Journal of the preceding day, having been read, Mr. George N. Briggs, of Massachusetts, moved to amend the above entry by changing the same to read as follows:

Mr. Smith offered to present a petition which he stated asked for the suppression of the foreign slave trade and that the laws of the District of Columbia, which authorized the sale of colored persons under imprisonment on the suspicion of being slaves unless they proved their freedom should be sold for jail fees, should be repealed.

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

2821. The request of a Member to be excused from voting, or his refusal to vote, may be recorded in the Journal, but his reasons therefor, or even the fact that he offered reasons, may not be recorded.—On May 27, 1836,¹ upon the reading of that part of the Journal of the previous day's session which contained the decision of the Speaker on the vote and proceedings of the House on the question that the House do agree to the first resolution reported by the select committee on subjects relating to the agitation for the abolition of slavery in the District of Columbia, Mr. John Quincy Adams, of Massachusetts, moved to amend the same by inserting therein an entry in the words following:

And while the Speaker was giving his decision Mr. Glascock offered to present a paper, in compliance with the request made by Mr. Adams on yesterday, which he alleged contained his reasons for asking to be excused for not voting on the day before.

And the question being put, "Shall the Journal be so amended?" it was decided in the negative, yeas 67, nays 111.

The reading of the Journal having proceeded as follows:

Pending the calling of the yeas and nays on the question on the said second resolution, Mr. John Quincy Adams asked to be excused from voting, and Mr. Francis Granger declined to vote.

Mr. Granger moved to amend the same by striking out the words "and Mr. Francis Granger declined to vote" and inserting in lieu thereof as follows: "Upon his name being called, Mr. Granger declined voting, and was proceeding to offer his reasons to the House when he was called to order by the Speaker."

After debate the motion to amend was decided in the negative.

After the reading of that part of the Journal containing the proceedings on the adoption of the third resolution relating to the slavery question Mr. Adams moved to amend by inserting the following words:

Upon the name of John Quincy Adams being called, in taking the yeas and nays on said third resolution, he answered: "I hold the resolution to be in direct violation of the Constitution of the United States, of the rules of this House, and of the rights of my constituents," and sent his answer in writing to the Chair.

The question being taken on amending the Journal, it was decided in the negative.

Mr. Adams then proposed to amend by adding the following words:

When the name of Mr. John Quincy Adams was called he was present, rose in his place, and answered, but did not vote.

And the question being taken on amending the Journal by the insertion of these words, it was decided in the negative.

¹First session Twenty-fourth Congress, Journal, p. 889; Debates., p. 4061.

2822. On February 11, 1837,¹ the Journal of the preceding day's session having been read, on motion of Mr. Charles F. Mercer, of Virginia, it was amended by striking out the reasons given by Mr. John Quincy Adams, of Massachusetts, for the request to be excused from voting on the question of privilege affecting Reuben M. Whitney.

2823. On December 22, 1837,² the Journal of the preceding day having been read, Mr. John Quincy Adams, of Massachusetts, moved to amend the same by inserting therein, immediately after the vote on the resolution moved by Mr. Patton—"that all petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District, or Territory of the United States, be laid upon the table, without being debated, printed, read, or referred, and that no further action shall be had thereon"—an entry in the words following, viz:

Upon the name of John Quincy Adams being called, in taking the yeas and nays on the foregoing resolution, he answered: "I hold the resolution to be a violation of the Constitution of the United States, of the right of my constituents and of the people of the United States to petition, and of my right to freedom of speech as a Member of this House."

A motion was made by Mr. Ratliff Boon, of Indiana, that the motion of Mr. Adams to amend the Journal lie on the table, and this motion was agreed to.

The record of debates shows that the Speakers³ pronounced the proceeding proposed by Mr. Adams out of order, and referred for a precedent to a similar case in the preceding Congress.

2824. On July 15, 1840,⁴ Mr. Edward Stanly, of North Carolina, moved to amend the Journal of the preceding day by inserting therein his reasons for asking to be excused from voting on the motion to suspend the rules to enable a resolution to be submitted in relation to the case of Lieutenant Hooe.

After debate, the motion to amend was decided in the negative, yeas 23, nays 102.

2825. The House once allowed a Member to insert in the Journal a declaration of his reasons for a vote.

In early and rare instances the names of absent Members have been, by consent of the House, recorded in the Journal among the yeas and nays.

On March 29, 1822,⁵ the Journal of the preceding day having been read, was, by unanimous consent, amended by correcting the recorded number of votes on the resolutions recognizing the independence of the South American Republics, so as to include the votes of several Members present on this day but absent on the preceding day when the vote was taken. Some question was made as to this proceeding. Mr. John W. Taylor recalled the fact that several who were not present when the American Declaration of Independence was adopted were allowed to affix their signatures on the succeeding day.

¹ Second session Twenty-fourth Congress, Journal, p. 372; Debates, p. 1707.

² Second session Twenty-fifth Congress, Journal, p. 133; Globe, p. 47.

³ James K. Polk, of Tennessee, Speaker.

⁴ First session Twenty-sixth Congress, Journal, p. 1273.

⁵ First session Seventeenth Congress, Journal, pp. 409, 423, 435; Annals, pp. 1404, 1455, 1489.

But when Mr. Robert Wright, of Maryland, asked that the name of his colleague, Mr. Philip Reed, who was absent this day on account of illness, be also recorded, the Speaker¹ ruled that such a privilege might not be granted to a Member who was not present.

On April 2 Mr. William B. Rochester, of New York, who attended for the first time since the proceedings, asked and received unanimous consent to be similarly recorded, and on April 8 the privilege was accorded to Mr. Thomas H. Hubbard, of New York.

On March 30² Mr. Philip Reed sent to the House a letter explaining his inability to be present and vote, and asking that if his vote could not be placed among the yeas that the letter might be placed in the Journal. The House ordered that the letter be entered on the Journal.

Mr. Robert S. Garnett, of Virginia, who alone had voted in the negative on the passage of the resolutions, asked the privilege of inserting in the Journal a long written declaration of his reasons for his vote. On Mr. Garnett's motion that his declaration be inserted on the Journal at length, there were yeas 49, noes 51.

On April 1 this vote was reconsidered, and Mr. Garnett modified his declaration to read as follows:

I, Robert S. Garnett, a Member from Virginia, make the following declaration: That I voted against the recognition of the independence of the late American provinces of Spain because, considering it a question of policy, not of principle, I believed that no immediate advantage could grow out of it to either country, whilst many considerations, affecting the interest of both, rendered it at this time inexpedient. I am not opposed to the independence of the late provinces; on the contrary, in common with the rest of my countrymen, I heartily rejoice in their accomplishment, and in the prospects of freedom and happiness which it opens to them.

Considerable debate arose over this motion. The only precedent, that of Mr. Poindexter, was declared not to go so far as this, for in that case the Delegate could not record his opinion in any other way.³

The motion was agreed to, yeas 89, nays 71. So the declaration was placed in the Journal.

2826. When a vote is recorded by yeas and nays the nature of the question on which they are taken should be clearly stated in the Journal, even though thereby the summary of an exceptionable petition be printed.—On March 12, 1818,⁴ the Journal of the preceding day, being read, was found to contain this entry:

The Speaker laid before the House the memorial of Vincente Pazos, representing himself as the "deputed agent of the authorities acting in the name of the Republics of Venezuela, New Granada, and Mexico," representing the views with which the said authorities took possession of and occupied Amelia Island, in East Florida, complaining of the investment and capture thereof by the arms of the United States, the loss of property and other injuries sustained in consequence of the occupation of the island by the United States, and his application to the President of the United States for redress in the premises, and his failure to obtain it, and praying relief from Congress; which being read, Mr. Forsyth moved that the said memorial "be not received," * * * and the question being "taken on Mr. Forsyth's motion," it passed in the affirmative, yeas 127, nays 28. (The list of the yeas and nays was then given.)

¹ Philip P. Barbour, of Virginia, Speaker.

² Journal, pp. 412, 413, 418; Annals, pp. 1418–1421, 1447–1449.

³ See section 2808 of this volume.

⁴ First session Fifteenth Congress, Journal, pp. 320, 323; Annals, p. 1282.

This reading of the Journal having been completed, Mr. George Poindexter, of Mississippi, moved to amend the Journal by striking out after the word "Mexico" all of the recital of the substance of the memorial and inserting, "Which being read, and on the question, Will the House receive the same?" it was, on motion of Mr. Forsyth, determined that the said memorial be not received.¹

It was urged on behalf of this motion that the contents ought not to be spread on the Journal, as it would give publicity to a petition of an exceptionable character. On the other hand, it was contended that, the yeas and nays being recorded, it was necessary to state so much of the petition as would show the grounds on which the House acted; that as the Constitution required the yeas and nays to be recorded, the nature of the question on which they were given should be clearly stated.

The House disagreed to Mr. Poindexter's motion by a large majority.

2827. The Journal records the result of a vote in figures only when the yeas and nays are taken.—On June 18, 1856,² after the reading of the Journal of the preceding legislative day, Mr. George W. Jones, of Tennessee, raised a question of order in regard to the method of recording the vote on a motion which he made to fix the day to which the House should adjourn. When the question was put, and the vote taken by tellers, the tellers reported 88 in the affirmative and 31 in the negative. That fact did not appear in the Journal.

The Speaker³ said:

The Chair recollects that the facts were as stated by the gentleman from Tennessee, but the omission upon the Journal is in accordance with the usual custom and mode of keeping the Journal, which is not to record the figures unless the result is arrived at by the yeas and nays. * * * Injustice to the recording clerk, the Chair would say that there is no instance upon the Journal of the House where such a result as that alluded to by the gentleman from Tennessee is recorded in figures. When the result of a vote is determined by yeas and nays, the result so determined is placed upon the Journal. When the result is otherwise ascertained, it is not so recorded. The Chair does not feel authorized to change the ordinary practice of the House in keeping the Journal.⁴

2828. The refusal of the yeas and nays by the House is not recorded in the Journal.—On February 2, 1847,⁵ the Journal of the preceding day having been read, Mr. Reuben Chapman, of Alabama, moved that the same be amended by stating thereon that he demanded the yeas and nays on the motion made by Mr. Gordon that his resolution (relating to the Alabama Regiment of volunteers and to Lieutenant McDuff) be laid on the table and that the yeas and nays were refused by the House.

The Speaker⁶ stated that it had never been the practice to enter upon the Journal calls for the yeas and nays, and decided the motion to amend not in order.

¹ Petitions are no longer presented in open House, being referred through the Clerk's desk.

² First session Thirty-fourth Congress, Globe, p. 1418.

³ Nathaniel P. Banks, of Massachusetts, Speaker.

⁴ So, also, where a vote by tellers is not accepted as final, and the yeas and nays are ordered, the result by tellers does not appear in the Journal, and the fact of a vote by tellers does not appear. See instance January 27, 1875 (2d sess. 43d Cong., Journal, p. 271; Record, p. 786), when the fact of a ruling being made as to tellers would have justified insertion if ever made.

⁵ Second session Twenty-ninth Congress, Journal, pp. 293, 294; Globe, p. 310.

⁶ John W. Davis, of Indiana, Speaker.

2829. An error in a vote may be corrected in the Journal of the succeeding day, even though the result be changed thereby.—On February 22, 1844,¹ Mr. Thomas J. Henley, of Indiana, moved that the rules be suspended to enable him to move a resolution fixing the day for the adjournment of the present session of Congress.

The question being taken, there were yeas 108, nays 54. Precisely two-thirds having voted in the affirmative, the Speaker voted in the negative, and so the rules were not suspended.²

On February 22, the journal of the preceding day having been read, Mr. John Slidell, of Louisiana, moved that the same be amended by entering his name in the affirmative on Mr. Henley's motion, he having voted "aye" and his name having been erroneously entered in the negative.

As this change of a vote would reverse the result considerable debate arose, and there was question as to what would be the procedure.

The Speaker³ said that if the motion was made to amend the Journal the result would be a change of the decision made the day before and the resolution proposed by the gentleman from Indiana would be before the House.

The motion to amend the Journal was carried in the affirmative, and Mr. Henley presented his resolution.

2830. On February 28, 1860,⁴ we find an instance where, after the reading and approval of the Journal of the preceding day, a member proposed a motion to correct the Journal so as to insert his name among those voting on a certain roll call. He explained that he had in fact voted, and that his motion was for the purpose of correcting an error. Mr. Speaker Pennington admitted his motion as privileged, and on the succeeding day the motion was debated and agreed to. The debate was in the nature of testimony from Members who heard the Member vote.

2831. On March 4, 1852,⁵ Mr. James Abercrombie, of Alabama, stated that on the preceding day he had voted in favor of the reference of the Missouri land bill, whereas his intention was to have voted in the negative. Therefore, he desired to have the record of his vote changed in the Journal.

The Speaker⁶ said:

The Chair begs to say to the gentleman from Alabama that, under the rule, it is competent to make a correction of the Journal, but that an alteration can not be made except by unanimous consent. The Chair, throughout his service, does not recollect an instance of the sort.

Unanimous consent being given, the change was made.

2832. A Speaker being elected by ballot, the Journal should show not only the fact but the state of the ballot or ballots.—On May 22, 1809,⁷ on the

¹ First session Twenty-eighth Congress, Journal, pp. 444, 445, 447; Globe, pp. 317, 323.

² The rule at this time provided that the Speaker should Dot vote unless the House be equally divided, or unless his vote, if given to the minority, would make the division equal, in which case the question should be lost. The Speaker considered the case of an exact two-thirds vote as one in which he could vote under the rule. (See Globe, p. 323.)

³ John W. Jones, of Virginia, Speaker.

⁴ First session Thirty-sixth Congress, Journal, p. 407; Globe, pp. 902, 908, 922.

⁵ First session Thirty-second Congress, Globe, p. 671.

⁶ Linn Boyd, of Kentucky, Speaker.

⁷ First session Eleventh Congress, Journal, p. 7 (Gales & Seaton ed.); Annals, pp. 57, 58.

first ballot for the choice of a Speaker there was doubt about the election and a second ballot was ordered, from which a choice resulted.

The Journal of this day, when read on the succeeding day, was found to have this entry relating to the choice of Speaker:

The House proceeded by ballot to the choice of a Speaker; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of Joseph B. Varnum, one of the Representatives for the State of Massachusetts.

Mr. John Randolph, of Virginia, with a view of recording the precise state of the ballot, so the case might be correctly understood if drawn into precedent in the future, moved to amend the Journal by inserting after the word "ballots" the following:

The letters reported that the whole number of ballots were one hundred and twenty; that sixty votes were found in favor of Joseph B. Varnum, of Massachusetts; thirty-six votes in favor of Nathaniel Macon, of North Carolina; twenty votes in favor of Timothy Pitkin, junior, of Connecticut; one vote in favor of Roger Nelson, of Maryland; one vote in favor of Charles Goldsborough, of Maryland; and two blank ballots.

On motion of Mr. Randolph,

The House proceeded to a second ballot, and, on examining the ballots, the tellers reported that the whole number of ballots given were one hundred and nineteen; that sixty-five votes, being a majority of the whole number of Members present, were found in favor of Joseph B. Varnum; for Nathaniel Macon, forty-five votes; for Timothy Pitkin, junior, six; for Benjamin Howard, one; for Roger Nelson, one; and for Charles Goldsborough, one.

After debate, this amendment was agreed to.

2833. The Senate Journal has shown the number of Senators answering to a call of the Senate, but not the names.—On August 1, 1890,¹ the Senate considered the practice of the Senate in journalizing a call of the Senate, so as to show only the number of Senators answering to the roll call and not the names of those answering. After debate it was concluded that the Journal was made up in accordance with immemorial custom, and the Vice-President announced that in the future, until otherwise ordered, it would continue to be made up in the same way.² The rule of the Senate provided that the proceedings of the Senate should be "briefly and accurately stated in the Journal."

In the House the Journal records the names of members answering on a call of the House.

2834. The Speaker having made a verbal statement concerning a communication returned by him to the governor of a State, the Journal simply recorded the fact that such a statement was made.—The Journal of February 6, 1840,³ contains this entry:

The Speaker made a verbal statement, and submitted the letter addressed to him, in his character as a Representative from Virginia, by the governor of New Jersey, inclosing the resolutions of the legislature of that State; also a copy of a letter addressed by him to the governor of New Jersey declining to present the said resolutions to this House and assigning his reasons for so declining, which letters were read.

This is the entire entry in the Journal. The record of debates gives the explanation and the letter.

¹First session Fifty-first Congress, Record, p. 7990.

²This continues to be the practice in the Senate. (See Senate Journal, Third session, Fifty-eighth Congress, pp. 116, 122, etc.).

³First session Twenty-sixth Congress, Journal, p. 311; Globe, p. 166.

2835. Only on special occasions are communications addressed to the Speaker recorded in the Journal.—On February 19, 1867,¹ the House ordered entered on the Journal a telegram addressed to the Speaker announcing the death of the last soldier of the Revolution.

2836. The report of a committee which investigated the charge that the Speaker had mutilated the Journal was, by order of the House, printed in full in the Journal.—On March 29, 1850,² by vote of the House, the report of the select committee that investigated the charge that the Speaker had mutilated the Journal was, on recommendation of the committee, and by vote of the House, inserted in the Journal.

2837. The Journal may record the simple fact that a Member makes an explanation, but it does not record the act of the Speaker in calling him to order for irrelevancy.—On February 5, 1839,³ the Journal of the preceding day having been read, Mr. John Quincy Adams, of Massachusetts, moved to amend the same by striking out the words next following the entry of the petition of citizens of the District of Columbia, presented by Mr. Moore, which words are as follows:

A brief statement of the contents of this petition was made by Mr. Moore, when it was laid on the table—

And inserting in lieu thereof these words:

And while Mr. Moore was making a brief statement of the contents of said petition he was called to order, and the Speaker decided him to be out of order, and the petition was sent to the Clerk's table, and no order of the House was taken thereon.

A motion was made by Mr. Isaac Toucey, of Connecticut, to amend the amendment proposed by Mr. Adams, by inserting therein, after the words "and the Speaker decided him to be out of order," the words "for entering into a discussion of the merits of the petition, instead of confining himself to a brief statement of the contents thereof, which being suggested, he acquiesced therein."

Mr. Robert Craig, of Virginia, moved to lay the proposed amendment, with the amendment to it, on the table, saying that he believed the original entry represented the facts of the case. This motion was agreed to by the House without division.

2838. It was held in the Senate that when a Senator, called to order for words spoken in debate, appealed to the Senate, the Journal should record the words.—On April 23, 1872,⁴ a question arose over the Senate Journal which had this entry:

Mr. Howe, while engaged in debate, was arrested in his remarks by the Chair, on the ground that he was discussing the merits of the subject, which was not in order on a motion to proceed to its consideration.

From this decision of the Chair Mr. Howe appealed to the Senate.

The Journal having been read, Mr. Timothy O. Howe, of Wisconsin, raised the question that the entry did not state the question presented to the Senate, and insisted that the actual words used by him should be incorporated.

After debate, the Senate ordered the Journal corrected by inserting the words.

¹ Second session Thirty-ninth Congress, Journal, p. 428.

² First session Thirty-first Congress, Journal, p. 739; Globe, p. 619.

³ Third session Twenty-fifth Congress, Journal, p. 479; Globe, p. 163.

⁴ Second session Forty-second Congress, Globe, pp. 2672, 2673.

2839. When the Speaker calls a Member to order for irrelevancy in debate, and the House votes that the Member may proceed, the Journal should contain a record of the transaction.—On May 19, 1840,¹ the Journal contained this entry:

The House proceeded to the consideration of the bill (No. 15) to secure the freedom of elections, and to provide more effectually for the faithful administration of the Government patronage.

Objection being made to this bill on the 10th of February last, at the time it was introduced, the question again recurred, Shall the bill be rejected?²

And, after debate, the hour of 2:30 o'clock arrived, and the House took a recess, etc.

On the succeeding day, the Journal of the preceding day having been read, a motion was made by Mr. David Petrikin, of Pennsylvania, to amend the portion given above by inserting:

The Speaker called Mr. Gentry to order for irrelevancy in debate.

Mr. Petrikin objected to Mr. Gentry's proceeding out of order. Leave, by unanimous consent, was then given to Mr. Gentry to proceed.

Mr. Petrikin called Mr. Gentry to order, and sent his objection, in writing, to the Speaker's table, as follows: "The gentleman is not in order, what he is now stating not being relevant to the bill now under discussion. The opinions of Members of this House delivered in other places not being authority here, nor the campaign previous to the election of Mr. Van Buren in 1836, has no bearing on the present subject now before the House."

The Speaker did not entertain the point of order, as it did not state the nature of Mr. Gentry's remarks objected to by Mr. Petrikin.

Mr. Gentry, by common consent, proceeded again.

The Speaker called Mr. Gentry to order.

Mr. Petrikin objected to Mr. Gentry's proceeding.

Mr. Wise moved that Mr. Gentry have leave to proceed, which was agreed to by the House.

The question on agreeing to this amendment being put, it was decided in the affirmative.

2840. The Journal records the rulings but not the remarks of the Speaker.—On January 23, 1877,³ after the reading of the Journal, Mr. George F. Hoar, of Massachusetts, made the point of order that a statement of the Chair as to what his action might be in a certain case which had not now arisen should not be placed in the Journal as a ruling of the Chair.

The Speaker⁴ said:

The Chair agrees with the gentleman from Massachusetts that no remarks of the Chair should go upon the Journal; that only rulings of the Chair should be entered upon the Journal. The modification suggested will be made in this respect.

2841. In later years, although not in the very earliest practice, the Journal has recorded the reasons for the decisions of the Speakers.—On May 30, 1809,⁵ the Journal of the preceding day was read, including the following relating, to a decision of order by the Speaker:

Mr. Speaker decided that, in his opinion, it was not in order for the House to take the said resolution into consideration, as the hour which the House usually appropriated for the presentation of petitions and communications had not elapsed; and that he had some communications to lay before the House from some of the Executive Departments.

¹First session Twenty-sixth Congress, Journal, pp. 966–968.

²The rules of the House no longer provide for this motion.

³Second session Forty-fourth Congress, Record, p. 832.

⁴Samuel J. Randall, of Pennsylvania, Speaker.

⁵First session Eleventh Congress, Journal, pp. 23, 25 (Gales & Seaton, ed.); Annals, p. 152.

Mr. John Randolph, of Virginia, moved to expunge all after the word "consideration."

The motion was disagreed to.¹

2842. The Journal does not record the response of the Speaker to a parliamentary inquiry.—On February 11, 1840,² the Journal of the preceding day having been read, a motion was made by Mr. John Quincy Adams, of Massachusetts, to amend the same by inserting therein, after the entries of the resolutions moved by Mr. Rhett, in relation to the slaves liberated by the authorities of the island of Bermuda from the American vessel *Enterprise*, and by Mr. Garrett Davis in relation to the escape of slaves into Canada, respectively, an entry in these words, viz:

Mr. Adams inquired of the Chair whether these resolutions came under the rule on the subject of slavery, and the Speaker answered that they did not.

In the course of the debate the Speaker³ said that it was not usual to insert on the Journal the opinions of the Chair as to whether certain resolutions came within the rules, unless an appeal was taken from his decision.

Mr. Hopkins L. Turney, of Tennessee, moved that the motion to amend the Journal lie on the table, and the motion was agreed to, yeas 116, Days 53.

2843. The Speaker having ruled a resolution out of order, and an appeal having been taken from the decision, it was held that the resolution should appear in the Journal in full.—On December 30, 1839,⁴ the Journal contains the following entry:

Mr. Duncan submitted the following resolution:

Resolved, That the Speaker is hereby advised and directed to swear into office Messrs. Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, and Joseph Kille, Members-elect from the State of New Jersey, and said members thereon be directed to take their seats until the contest is regularly determined by the House.

Objection was made to receiving this resolution, on the ground that, as the presentation of petition was the first business which of right should occupy the attention of the House, it was not in order to offer the resolution, unless by general consent, or by a suspension of the rules.

The Speaker decided in favor of the objection.

From this decision Mr. Duncan took an appeal to the House;

And on the question, Shall the decision of the Chair stand as the judgment of the House?

It passed in the affirmative.

On December 31, the Journal of the preceding day having been read, Mr. George N. Briggs, of Massachusetts, moved to amend the above entry so as to read as follows:

Mr. Duncan proposed to move a resolution which the Speaker decided to be out of order, according to the regular course of business prescribed by the rules.

From which decision Mr. Duncan appealed.

¹The Journals up to this time had rarely given even the slightest indications of the reasons of the Speaker's decisions, although on February 27, 1807, and April 10, 1808, the Journals give the Speaker's reference to rules governing the cases.

²First session Twenty-sixth Congress, Journal, p. 400; Globe p. 184.

³Robert M.T. Hunter, of Virginia, Speaker.

⁴First session Twenty-sixth Congress, Journal, pp. 146, 150; Globe, p. 93.

Mr. Briggs, in support of his motion, contended that the resolution ought not to appear in the Journal, because the Chair had ruled it out of order.

The question being put: "Shall the Journal be so amended?" it was decided in the negative, yeas 71, nays 84.

2844. It is the usual practice that motions, points of order, and appeals not entertained by the Speaker shall not appear in the Journal.—On May 13, 1854,¹ Mr. James Maurice, of New York, moved to amend the Journal of the preceding day by inserting, after the record of the motion to lay on the table an appeal from a decision of the Chair that it was not in order to move to be excused from voting on a call of the House, the following:

Mr. Maurice moved to be excused from voting thereon. The Speaker decided that the motion was not in order, on the ground that the same question was involved in the decision already pending on appeal. From this latter decision Mr. Maurice proposed to take an appeal, and the Speaker refused to entertain the same, on the ground that two appeals could not be pending at the same time.

In regard to the motion of Mr. Maurice, the Speaker² said:

Motions made, and on which there has been no action of the House, do not go upon the Journal. For that reason the Clerk did not enter what occurred at the time to which the gentleman has referred. In this connection, the gentleman from New York regards it as important that the minutes of the Clerk should be entered upon the Journal; and the Chair is of the opinion that it would not be inappropriate to enter them on it. It is a simple question. It is for the House to say whether or not they shall be entered on the Journal.

The question being taken, the motion of Mr. Maurice was agreed to, and the Journal was amended accordingly.

2845. On December 6, 1881,³ the pending question being on the approval of the Journal, Mr. Richard G. Frost, of Missouri, raised the question that he had on the previous day made a point of order which had not appeared in the Journal.

After debate⁴ the Speaker⁴ said:

It is sufficient for the Chair to state that the gentleman from Missouri attempted to make a point of order, which, under the circumstances, was out of order, after the demand for the previous question had been made by the gentleman from Kansas. There was also pending at that time a point of order made by the gentleman from Pennsylvania, Mr. Randall, and it was not proper for the Chair to entertain the point of order made by the gentleman from Missouri. It is sufficient for this purpose to state that whether the Chair was right or wrong in refusing to entertain the point of order at that time, the fact is he did not entertain it, and the record would be wrong if it undertook to state what the gentleman suggests.

2846. On May 30, 1882,⁵ after the reading of the Journal, Mr. William M. Springer, of Illinois, moved to amend the same by inserting from the Record certain motions made by Members but not entertained by the Speaker, and also certain appeals taken by Members from the rulings of the Chair but not entertained by the Chair.

¹First session Thirty-third Congress, Journal, pp. 836, 837; Globe, p. 1184.

²Linn Boyd, of Kentucky, Speaker.

³First session Forty-seventh Congress, Record, pp. 32, 33.

⁴J. Warren Keifer, of Ohio, Speaker.

⁵First session Forty-seventh Congress, Journal, pp. 1369–1372; Record, pp. 4331, 4332.

The Speaker¹ directed the Clerk to read the following rule:

Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any Member and shall be entered on the Journal with the name of the Member making it unless it is withdrawn the same day.

The Speaker then said:

The Chair desires simply to state that if the Clerk had made up the Journal as the gentleman from Illinois asks it should be made up, it would have been in express violation of the rules in so far as it would have included any of these motions or the appeals that the gentlemen sought to take that were not entertained by the Speaker. If the Clerk had entered on the Journal those motions and appeals they would have been stricken out as having been inserted in absolute violation of the rules.

The question was then taken on Mr. Springer's motion, and it was rejected, yeas 89, nays 133.

The motion to amend the Journal, with the extracts from the Record which it was proposed to insert, appear in the Journal in full.

2847. It was the early (but is not the present) practice that a decision on a point of order should not be recorded in the Journal unless an appeal had been taken.—On January 5, 1833,² the Speaker, on a point of order, had stated his position so clearly and fully that Mr. John Quincy Adams, who had taken an appeal, withdrew it.

Thereupon Mr. Thomas D. Arnold, of Tennessee, asked if the ruling would appear in the Journal.

The Speaker³ replied that it would not.

Thereupon, in order that the decision might appear in the Journal, Mr. Arnold renewed the appeal.⁴

2848. An expression of opinion as to a decision of the Chair is not in order as an amendment to the Journal.

An amendment to the Journal disapproving a ruling of the Speaker was held out of order without question as to the propriety of calling another to the Chair.

On Monday, January 19, 1891,⁵ the Journal of the sitting of Saturday, January 17 instant, having been read and the question being on its approval,

Mr. Roger Q. Mills, of Texas, moved to amend the Journal as follows:

By inserting at the point when the Chair refused to entertain his motion to reconsider the words: "Which said ruling of the Chair is disapproved by the House."

The Speaker⁶ decided the said motion to be out of order for the reason that it was not an amendment to the Journal.

2849. Where the Speaker names a Member to preside during the remainder of a day's sitting the Journal properly records the fact.—On May 16, 1834,⁷ the Journal has this entry:

The Speaker having withdrawn, Mr. Hubbard was substituted to act as Speaker and continued to officiate as such for the remainder of the day.

¹J. Warren Keifer, of Ohio, Speaker.

²Second session Twenty-second Congress, Journal, p. 139; Debates, p. 951.

³Andrew Stevenson, of Virginia, Speaker.

⁴The present practice is to include points of order in the Journal irrespective of the question of appeal. (See Journal, first session Fifty-seventh Congress, pp. 91.5–919.)

⁵First session Fifty-first Congress, Journal, p. 148; Record, p. 1540.

⁶Thomas B. Reed, of Maine, Speaker.

⁷First session Twenty-third Congress, Journal, p. 630.

2850. The Journal of February 28, 1845,¹ has this entry:

The Speaker having withdrawn, Mr. Hopkins was substituted to act as Speaker and continued to officiate as such for the remainder of the day.

2851. The practice has not been uniform as to the recording of the addresses of Speakers in the Journal.—On December 7, 1885,² the Journal records in full the address of Mr. Speaker Carlisle on taking the Chair.

The address of Mr. Speaker Colfax on taking the chair December 4, 1865,³ does not appear in the Journal.

The Journal of December 4, 1905,⁴ does not record the address of Mr. Speaker Cannon on taking the Chair.

The farewell addresses of the Speakers are always recorded in full.

2852. The demand of a Member for an alleged constitutional right was held to be sufficiently journalized as a point of order.—The Journal of April 30, 1852,⁵ contained this entry:

The yeas and nays having been demanded, no quorum voted, when

Mr. George W. Jones made the point of order that, inasmuch as one-fifth of the Members voting had voted in favor of taking the vote on the engrossment of the bill by yeas and nays, it was not necessary that a quorum should have voted, etc.

On May 1, the Journal having been read, Mr. Jones moved to amend by striking out “Mr. George W. Jones made the point of order,” and inserting in lieu thereof “Mr. George W. Jones demanded, as a constitutional right.”

The Speaker⁶ said:

The Chair, if the House will indulge him in his own behalf, will state that, according to his recollection, the Journal states substantially the history of the matter. It was certainly the object of the Speaker and the Clerk to state it. The Chair thinks that it must at last be a question of order to be determined by the House. The question is whether the Journal reports correctly all the facts.

The question being taken on Mr. Jones’s motion, it was decided in the negative, without division.

2853. Bills and resolutions presented in the House for reference under the rule are entered in the Journal and Record by title only.—Bills and resolutions presented in the House for reference under the rule are in all cases entered in the Journal and Record by title and never in full, even in cases where the resolution is very short.⁷

2854. A bill on its introduction is entered on the Journal by its number and title, but is not printed therein in full.—On January 27, 1885,⁸ after the reading of the Journal, Mr. John D. White, of Kentucky, raised the question of order that a bill which he had introduced on the preceding day

¹ Second session Twenty-eighth Congress, Journal, p. 509.

² First session Forty-ninth Congress, Journal, p. 14.

³ First session Thirty-ninth Congress, Journal, p. 8.

⁴ First session Fifty-ninth Congress, Journal, p. 6.

⁵ First session Thirty-second Congress, Journal, p. 655; Globe, p. 1221.

⁶ Linn Boyd, of Kentucky, Speaker.

⁷ Direction given by Mr. Speaker Crisp February 10, 1892, First session Fifty-second Congress, Record, p. 1026.

⁸ Second session Forty-eighth Congress, Record, p. 1020.

did not appear in full in the Journal, although it had been read in full to the House on its presentation.

The Speaker¹ showed that the Journal had an entry relating to the introduction of the bill, which was described by its number and title, but stated that there was no rule which required a bill, on its introduction, to be printed in full in the Journal.

2855. Memorials of State legislatures were for a time spread on the Journal in full, but the practice has ceased.—For a time it was the practice to insert resolutions of State legislatures in the Journal in full. An instance occurs on December 22, 1843,² which was in line with the precedents for several preceding Congresses.

2856. On June 21, 1838,³ the House ordered the resolutions of the general assembly of the State of Rhode Island, presented by Mr. Joseph L. Tillinghast, of that State, on the 29th of the preceding December, to be entered at large on the Journal.

This practice ceased long since, and the memorial of a State legislature is now entered like any other memorial, except that it is classed as public instead of private.

2857. The Journal should record the name of the first signer of a petition, the number of other signers, and the general place of their residences.—On January 10, 1837,⁴ the Journal of the preceding day having been read, on motion of Mr. John Quincy Adams, of Massachusetts, it was amended by inserting the name of the first signer and the number of signers of each of the petitions presented by him yesterday for the abolition of slavery in the District of Columbia, as well as the place of residence of the petitioners.

2858. A letter from the head of an Executive Department, responding to a resolution of inquiry, is not printed in full in the Journal, but a brief summary of its contents is printed.—On May 6, 1844,⁵ Mr. John Quincy Adams, of Massachusetts, moved to amend the following paragraph in the Journal of the preceding day:

A letter from the Secretary of State, in answer to the resolution of the House of the 26th of February last, as to whether any gross errors have been discovered in the printed Sixth Census, or enumeration of the inhabitants of the United States, and stating that no such errors had been discovered.

By striking therefrom the following words: “and stating that no such errors had been discovered.”

Mr. Adams urged in support of his motion that the statement in the letter was erroneous.

The Speaker⁶ said that whether errors existed in the letter or not would be a subject for investigation, but the Journal contained only a faithful transcript of the contents of the letter.

¹ John G. Carlisle, of Kentucky, Speaker.

² First session Twenty-eighth Congress, Journal, p. 93.

³ Second session Twenty-fifth Congress, Journal, p. 1127.

⁴ Second session Twenty-fourth Congress, Journal, p. 185.

⁵ First session Twenty-eighth Congress, Journal, pp. 878, 879; Globe, pp. 606, 607.

⁶ John W. Jones, of Virginia, Speaker.

On the question of amending the Journal, there were yeas 32, nays 126.

Mr. Robert C. Schenck, of Ohio, then moved to insert the letter of the Secretary of State in the Journal in full.

This motion was decided in the negative.

2859. The House decided that the Journal should record not only the delivery of a message but also the withdrawal of the messenger.—On April 14, 1836,¹ the Journal of the preceding day having been read, a motion was made by Mr. Ratliff Boon, of Indiana, to amend the entry which set forth the message received from the Senate by Mr. Lowrie, their Secretary, by striking out the concluding words thereof, viz, “and then he withdrew.”

And on the question that the Journal be so amended, it was decided in the negative.

2860. The Journal does not record in full a conference report presented merely for printing in the Record under the rule.—On February 26, 1903,² during the reading of the Journal, Mr. Oscar W. Underwood, of Alabama, raised the question that the Journal should contain in full a conference report which had been presented to be printed in the Record under the rule,³ and of which the Journal recorded only the fact of its presentation.

The Speaker⁴ overruled the question of order.⁵

2861. An attempt of a Member to speak when debate is not in order is not noticed in the Journal.—On March 23, 1842,⁶ a motion was made by Mr. Patrick J. Goode, of Ohio, that the Journal of the preceding day be amended by inserting therein the following:

Mr. Giddings arose and addressed the Chair. The Speaker said the gentleman was out of order, the House having reversed the decision of the Chair, and decided that the rules in relation to the previous question should be rigidly enforced.

Mr. Giddings arose and said: “I stand before the House in a peculiar situation.”

Mr. Mark A. Cooper objected to Mr. Giddings proceeding.

Mr. George W. Hopkins, of Virginia, moved to amend the proposed amendment by adding as follows:

but afterwards withdrew his objection; and the said Joshua R. Giddings declined speaking, after all objection to his proceeding had been withdrawn.

Mr. John M. Botts, of Virginia, moved that the amendments lie on the table, and the motion was agreed to, yeas 104, nays 64.

2862. On March 23, 1842,⁷ Mr. John B. Weller, of Ohio, moved to amend the Journal of the preceding day by inserting the following:

That before the previous question had been sustained by the House, and whilst the same was under his control, as the mover, Mr. Weller offered to withdraw the previous question, if his colleague [Mr. Giddings] would rise and say that he wished to be heard; the said Joshua R. Giddings making no response thereto, the vote was then taken on sustaining the previous question.

¹ First session Twenty-fourth Congress, Journal, p. 697.

² Second session Fifty-seventh Congress, Record, p. 2709.

³ This rule requires printing in the Record only.

⁴ David B. Henderson, of Iowa, Speaker.

⁵ Conference reports are printed in full in the Journal when they are acted on by the House.

⁶ Second session Twenty-seventh Congress, Journal, p. 583; Globe, p. 348.

⁷ Second session Twenty-seventh Congress, Journal, p. 585; Globe, p. 349.

A motion was made by Mr. Patrick J. Goode, of Ohio, to add to the proposition as follows:

And that Mr. Weller, on being asked by the Speaker whether he unconditionally withdrew the motion for the previous question, did not so withdraw it.

On motion of Mr. Christopher H. Williams, of Tennessee, the subject was laid on the table, yeas 85, nays 58.¹

2863. The refusal of leave to make a personal explanation is not recorded in the Journal, but as to the granting of such leave the practice is not uniform.—On February 13, 1849,² the Journal of the preceding day was read, when Mr. George Ashmun, of Massachusetts, moved to amend the same, by stating that Mr. Wallace, of South Carolina, asked the general consent of the House to address the House upon the resolutions presented by him; and, no objection being made, he proceeded to address the House; and that, after he had concluded, Mr. Ashmun rose to address the House, when the Speaker said he could not proceed if objection was made; and objection was then made.

The entry on the Journal which Mr. Ashmun's motion proposed to correct was as follows:

Mr. Wallace moved that the rules be suspended for the purpose of enabling him to present joint resolutions of the State of South Carolina in opposition to the principles of the Wilmot Proviso.

And the question being put, Shall the rules be suspended?

It was decided in the affirmative—two-thirds voting in favor thereof.

Mr. Wallace accordingly presented the said resolutions; and, having obtained special leave for that purpose, proceeded to address the House in regard to them.

In the course of the debate on the propriety of the proposed amendment, the Speaker³ said that the precedents were that whenever a gentleman had leave to make a personal explanation, by unanimous consent, it was always so recorded. If a gentleman proposed to do a thing, and did nothing, no record was made. The fact that he asked leave to do so did not go on the record. But when a gentleman obtained unanimous consent to do anything, or did it under a suspension of the rules, the fact was always mentioned.

The motion to amend the Journal was decided in the negative, yeas 81, nays 82.

2864. On June 16, 1894,⁴ the Journal of the proceedings of the previous day having been read, Mr. Thomas B. Reed, of Maine, suggested that the Journal should be amended by inserting the statement that the gentleman from Tennessee, Mr. Richardson, arose and addressed the House upon a question of privilege.

The Speaker⁵ stated that the remarks of Mr. Richardson had been delivered, upon the unanimous consent of the House, as a personal explanation, and held that it was not usual to make a note in the Journal of such explanations when no action or proceeding of the House or question of order was based thereon.

The Journal was then approved.

¹These proceedings relate to a motion for censuring Mr. Giddings, introduced by Mr. Weller, and agreed to by the House under the operation of the previous question without allowing Mr. Giddings the opportunity of being heard.

²Second session Thirtieth Congress, Journal, pp. 428, 432; Globe, pp. 527–529.

³Robert C. Winthrop, of Massachusetts, Speaker.

⁴Second session Fifty-third Congress, Journal, p. 435.

⁵Charles F. Crisp, of Georgia, Speaker.

2865. The Journal does not record the name of a Member objecting to a request for unanimous consent.—On March 10, 1840,¹ Mr. Edward Stanly, of North Carolina, moved to amend the Journal of the preceding day by inserting after the resolution moved by him, and laid over under the rule, these words:

which resolution was objected to by Mr. Dromgoole.

During the debate on this motion, the Speaker² said that it was not usual to insert in the Journal the name of the gentleman objecting; and that it could not be done except by a vote of the House.

The motion to amend was disagreed to.

2866. The Journal specifies by name the Members taking the oath and at times the form of oath taken.—The Journal not only specifies to what Members the oath is administered, but also specifies the form of oath, at times where there are distinctions in this respect.³

2867. The Journal announces the return of a Member to whom leave of absence for the remainder of the session has been granted.—The Journal of February 25, 1833,⁴ records that—

Mr. Appleton, of Massachusetts, to whom leave of absence for the remainder of the session had been granted, returned to his seat this day.

2868. The practice is not uniform as to whether or not a Member's letter of resignation should appear in full in the Journal.—On January 6, 1826,⁵ Mr. Joseph Kent, of Maryland, transmitted his resignation to the House, addressed to the Speaker, stating "I hereby resign my seat as a Member," etc. The letter appears in full in the Journal. The House ordered the Speaker to notify the governor of Maryland of the resignation.

2869. On May 9, 1828,⁶ the Speaker laid before the House a letter from Mr. Thomas J. Oakley, of New York, announcing that he had accepted a judicial appointment under the government of the State of New York, and resigning his seat in the House. The Speaker was directed to communicate the resignation of Mr. Oakley to the executive of New York.

The letter of Mr. Oakley was laid on the table. It appears in full in the Journal.

2870. On February 16, 1829,⁷ the Speaker laid before the House a letter from Silas Wright, jr., of New York, resigning his seat. The letter does not appear in full in the Journal.

2871. On March 9, 1869,⁸ the Speaker laid before the House a letter from Mr. Elihu B. Washburne, of Illinois, resigning his seat as a Member from the Third Congressional district of his State. This letter of resignation does not appear in full in the Journal. It was presented to the House without request for unanimous consent, and, having been read, was laid on the table.

¹ First session Twenty-sixth Congress, Journal p. 569; Globe, p. 256.

² Robert M.T. Hunter, of Virginia, Speaker.

³ First session Forty-second Congress, Journal, p. 9. Since the repeal of the law requiring the special form of oath in use during the civil war period, there has been only one form of oath.

⁴ Second session Twenty-second Congress, Journal, p. 396.

⁵ First session Nineteenth Congress, Journal, p. 124.

⁶ First session Twentieth Congress, Journal, p. 719.

⁷ Second session Twentieth Congress, Journal, p. 294.

⁸ First session Forty-first Congress, Journal, p. 18; Globe, p. 36.

2872. On January 5, 1871,¹ the Speaker, without requesting consent, laid before the House a letter from Mr. Robert C. Schenck, of Ohio, tendering his resignation as a Member of the House, and requesting the Speaker to inform the governor of Ohio of the fact.

The letter does not appear in full in the Journal.

2873. A Member, in a letter asking to be excused from committee service, gave reasons derogatory to another Member, whereupon it was held that the Journal should record only the fact that the request was made in writing.—On February 14, 1842,² a letter from Mr. Mark A. Cooper, of Georgia, was read, asking to be excused from service on the Committee on Foreign Affairs, and giving his reasons at length, stating that the resignation was caused by the course of the chairman of the committee, Mr. John Quincy Adams, of Massachusetts, in speaking against the property rights of a large section of the people of the country.

Mr. John Campbell, of South Carolina, made the point of order that a Member had no right to spread on the Journal opinions that he might entertain of the conduct of another Member.

The Speaker³ stated that the letter would not appear on the Journal.

The Journal merely states that the request to be excused was made in writing.

2874. The oath administered to a witness at the bar of the House is not recorded in full in the Journal.

In the earlier practice the response of a witness arraigned at the bar of the House was never recorded in the Journal.

On February 14, 1838,⁴ the Journal of the preceding day having been read, Mr. Henry A. Wise, of Virginia, moved to amend the same by stating therein the oath, to wit, “You solemnly swear that the evidence you will give to the House of Representatives, touching the matter now under examination, shall be the truth, the whole truth, and nothing but the truth: so help you God,” which the Speaker of this House administered to the witness, Matthew L. Davis, at the bar of the House, February 13, 1838; and further to amend the same by inserting the answers of the said witness to the second and third interrogatories of the House, to wit: to the second interrogatory, the answer “I do;” to the third interrogatory, the answer “He is not.”

The Speaker⁵ stated that in no former instance had the oath ever been recorded; and it was contrary to the express and positive law, laid down in Jefferson’s Manual, to insert the answers of a witness given to the House. This was only done in examinations before committees because the House was not present.

After debate the motion of Mr. Wise was laid on the table.

2875. The House declined to amend its Journal so as to include the letter of a Presidential elector explaining his inability to give his vote.—On February 9, 1809,⁶ the Journal of the proceedings of the House of the

¹Third session Forty-first Congress, Journal, p. 105; Globe, p. 320.

²Second session Twenty-seventh Congress, Globe, p. 233; Journal, p. 366.

³John White, of Kentucky, Speaker.

⁴Second session Twenty-fifth Congress, Journal, p. 388; Globe, p. 180.

⁵James K. Polk, of Tennessee, Speaker.

⁶Second session Tenth Congress, Journal, p. 515 (Gales & Seaton ed.); Annals, p. 1426.

8th instant being read by the Clerk, a motion was made by Mr. Nathaniel Macon, of North Carolina, and seconded, to amend the same by inserting a letter written by Matthew Walton, one of the electors of President and Vice-President of the United States for the State of Kentucky, to the other electors for the said State relative to the cause of his inability to attend and give his vote at the time and place appointed by law for that purpose.

Some discussion took place on this point, it being contended by some gentlemen that the House had no concern with the causes why any vote was not received, but merely to count those which came to hand, and that if it was intended to fix a precedent to govern future proceedings on this subject, it ought to be done with great deliberation.

Mr. Macon's motion was then decided in the negative.

A motion to amend the Journal so as to add an explanation of Mr. Walton's failure to vote to the declaration made by the President of the Senate was also decided in the negative.

2876. The proceedings of the joint meeting to count the electoral vote are journalized in the same form as the proceedings of the House alone.—On February 9, 1865,¹ Mr. John V.L. Pruyn, of New York, raised a question as to the method of journalizing the joint convention, or meeting, of the two Houses for the counting of the electoral vote. Mr. Pruyn contended that the proceedings should be journalized in the form of a report made by the Speaker when the House resumed its session.

The Speaker² said:

The gentleman is mistaken so far as the practice of the House is concerned. The present occupant of the chair has been present on two previous occasions when the Presidential vote was counted, and the form of proceeding in that respect has been the same as that read from the Journal to-day.

The Speaker thereupon had read the usual form, which journalized the proceedings of the joint meeting as proceedings of the House alone would be journalized.

2877. A correction of the Congressional Record which involves a motion and a vote is recorded in the Journal.—On May 12, 1879,³ a correction of the Record of debate, where a vote was taken on a motion to insert, is recorded in the Journal.

2878. In the later practice the proclamation of the President convening Congress appears in full in the Journal.—The First session of the Twenty-seventh Congress met on May 31, 1841,⁴ being called together by a proclamation from the President. This proclamation appears in full on the Journal.

2879. The proclamation of the President of the United States convening the Thirty-fourth Congress in extra session appears in full in the Journal.⁵

2880. The Twenty-fifth Congress was convened in extra session by proclamation of the President. The Clerk of the last House called the House together on September 4, 1837,⁶ in accordance with the proclamation, and this proclamation is printed in full in the Journal.

¹ Second session Thirty-eighth Congress, Globe, p. 683.

² Schuyler Colfax, of Indiana, Speaker.

³ First session Forty-sixth Congress, Journal, p. 282.

⁴ First session Twenty-seventh Congress, Journal, p. 3.

⁵ Second session Thirty-fourth Congress, Journal, p. 1543.

⁶ First session Twenty-fifth Congress, Journal, p. 3; Globe, p. 1.

2881. On July 4, 1861,¹ the Thirty-seventh Congress met in extraordinary session, convened by proclamation of the President. This proclamation appears in full on the Journal of that date.

2882. The First session of the Forty-fifth Congress was convened by proclamation of the President. This proclamation appears in full on the Journal.²

2883. The Senate in 1867 discontinued the use in the Journal of the word “honorable” before the name of a Senator.—On December 3, 1867,³ the Senate amended the Journal by striking out the word “honorable” whenever it occurred before the name of a Senator. The President pro tempore stated at the time that the word had been used in the Journals since the organization of the Government.

The title has never been used in the House Journal.

¹First session Thirty-seventh Congress, Journal, p. 3.

²First session Forty-fifth Congress, Journal, p. 3.

³Second session Fortieth Congress, Globe, p. 9.