

Chapter CXXXII.

GENERAL PRINCIPLES OF CONFERENCES.

1. Provisions of the parliamentary law. Section 6254.
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6254. Conferences are usually asked to compose disagreements as to amendments between the Houses.

The request for a conference must come from the House in possession of the papers.

A conference may be asked before the House has come to a resolution of disagreement.

At the conclusion of an effective conference, after a vote of disagreement, the managers of the House which asked the conference leave the papers with the managers of the other House.

When a conference occurs before a vote of disagreement, the managers of the House asking the conference retain the papers and bring them back to their House.

Conferences are generally held in the Senate portion of the Capitol, and with closed doors, although in rare instances Members and others have been admitted to make arguments. (Footnote.)

¹Instances of conferences over questions other than disagreements over amendments:

As to questions of prerogative. (Secs. 1485, 1488, 1495 of Vol. II.)

As to electoral count. (Sec. 1936 of Vol. III)

As to propriety of instructing managers. (Sec. 6401 of this volume.)

As to a concurrent resolution rejected by the other House. (Sec. 3442 of Vol. IV.)

²Recent instance of change of managers at a second conference. (Secs. 6288, 6324 of this volume.)

³As to the repetition of the motion to request a conference. (Sec. 6325 of this volume.)

Conference may be asked on a portion only of the amendments in disagreement. (Sec. 6401 of this volume.)

⁴Instance wherein one House reminded the other of its neglect to act on a conference report. (Sec. 6309 of this volume.)

Jefferson's Manual, in Section XLVI, gives the parliamentary law relating to conferences:

It is on the occasion of amendments between the Houses that conferences¹ are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. (3 Hats., 31; 1 Grey, 425.)

Conferences may either be simple or free.² At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference, but are not then to be answered. (4 Grey, 144.) The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver in like manner written answers to those reasons. (3 Grey, 183.) They are meant chiefly to record the justification of each House to the nation at large and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. (3 Grey, 255.) At free conferences the managers discuss, *viva voce* and freely,³ and interchange propositions for such modifications as may be made in a parliamentary way and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their Journals.⁴ (9 Grey, 220; 3 Hats., 280.) This report can not be amended or altered, as that of a committee may be. (Journal Senate, May 24, 1796.)

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting or adhering (3 Hats., 269, 341); in which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions and upon terms of impossibility to persuade." (3 Hats., 226.) So the Commons say, "an adherence is never delivered at a free conference, which implies debate." (10 Grey, 137.) And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then

¹ Conferences are almost invariably held with closed doors; but it is not an infrequent occurrence for Members to come before the managers to make statements. And on April 23, 24, and 25, 1906, the managers of the conference on the bill (H. R. 12707) to provide for the formation of State governments by the people of Oklahoma, Indian Territory, New Mexico, and Arizona held formal hearings, admitting attorneys and individuals to make arguments as to matters in difference. But such a course is very rare. Conferences are usually held in the room of the Senate committee having jurisdiction of the bill; and Mr. James C. Courts, who has been clerk of the Committee on Appropriations for about thirty years and has attended many conferences, states that he has known of but one conference held in the House wing of the Capitol. One day, when he was accompanying Mr. Samuel J. Randall, the famous chairman of the Appropriations Committee, to a conference in the Senate wing, Mr. Randall remarked: "Why should we go over there to listen to their reasons for amending one of our bills?" It would seem that the logical rule would be for the managers of the House asking the conference, and hence in possession of the papers, to set the time and place of the conference and invite the managers of the other House. The practice is otherwise, however.

² Former joint rule 1, dating from April 17, 1789 (first session first Congress, Journal, p. 16), and which lapsed with the other joint rules in 1876, provided:

"In every case of an amendment of a bill agreed to in one House and disagreed to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed upon by their chairmen, meet in the conference chamber, and state to each other verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon."

³ There is no presiding officer in a conference, except in so far as the first-named manager in each body may be said to preside over his section of the conference.

⁴ In the present practice of the House the differences between the two Houses are committed to the conferees, who report simply what they have done, accompanied by a written statement in explanation. Conferences, except in cases of disagreeing votes, rarely take place. (See, however, secs. 1485, 1488, 1495, of Vol. II, 1936 of Vol. III, and 3442 of Vol. IV of this work.)

affirmed, however, on the part of the Commons that nothing was more parliamentary than to proceed with free conferences after adhering (Hats., 269), and we do in fact see instances of conference, or of free conference asked after the resolution of disagreeing (ib., 251, 253, 260, 286, 291, 316, 349); of insisting (ib., 280, 296, 299, 319, 322, 355); of adhering (ib., 269, 270, 283, 300); and even of a second or final adherence. (ib., 270.) And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference chamber.¹ (Ib., 271, 317, 323, 354; 10 Grey, 146.)

After a free conference the usage is to proceed with free conferences, and not to return again to a conference. (3 Hats., 270; 9 Grey, 229.)

After a conference denied, a free conference may be asked. (1 Grey, 45.)

When a conference is asked the subject of it must be expressed, or the conference not agreed to. (Ord. H. Com., 89; 1 Grey, 425; 7 Grey, 31.) They are sometimes asked to inquire concerning an offense or default of a member of the other house. (6 Grey, 181; 1 Chand., 304.) Or the failure of the other house to present a bill to the King a bill passed by both houses. (8 Grey, 302.) Or on information received and relating to the safety of the nation. (10 Grey, 171.) Or when the methods of Parliament are thought by the one house to have been departed from by the other a conference is asked to come to a right understanding thereon. (10 Grey, 148.) So when an unparliamentary message has been sent, instead of answering it, they ask a conference. (3 Grey, 155.) Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the house, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference. But this is not the modern practice.

6255. A conference is sometimes asked on a subject when no legislative proposition relating to it is pending, and may be granted or declined.²—On June 24, 1797,³ doubts having arisen in the House as to whether the act passed at the last session, for fixing the next meeting of Congress on the 1st day of November, was not superseded by the present extraordinary session, it was resolved by the House to ask a conference with the Senate on the subject, and managers of the conference on the part of the House were appointed.

In the Senate, on June 26, it was:

Resolved, That the Senate do not agree to the proposed conference.

On June 8, 1798,⁵ the House requested a conference with the Senate on the subject of adjournment and the propriety of altering the time of meeting of Congress. No legislative proposition was transmitted to the Senate.

The Senate agreed to the conference, which was held, and a report submitted. To this report the House disagreed.

6256. On June 8, 1798,⁵ the House having appointed a select committee consisting of five Members, to wit: Mr. Samuel Sewall, of Massachusetts; Mr. Albert Gallatin, of Pennsylvania; Mr. William B. Grove, of North Carolina; Mr. George Dent, of Maryland, and Mr. Robert G. Harper, of South Carolina, “to inquire whether and when it may be proper to close the present session of Congress; and also into the propriety of altering the time for the next annual meeting of Congress,” it was then—

Resolved, That a conference be desired with the Senate, on the subject-matter referred to the committee; and that the said committee be appointed managers at the proposed conference, on the part of this House.

¹This may not be so in cases where the conferees fail to agree. (See secs. 6239 (footnote), 6246 (footnote), 6571–6585 of this volume.)

²As on a question relating to the prerogatives of the House (Sec. 6338 of this volume, and Sees. 1485, 1487, 1495 of Vol. II of this work.)

³First session Fifth Congress, Journal, pp. 50, 52 (Gales & Seaton ed.); Annals, pp. 28, 377.

⁴Second session Fifth Congress, Journal, pp. 328, 332, 338, 349 (Gales & Seaton ed.).

⁵Second session Fifth Congress, Journal, p. 544 (old ed.), 328 (Gales & Seaton ed.); Annals, p. 1877.

On June 11¹ a message from the Senate announced that they had agreed to the conference.

On June 14² Mr. Sewall “from the joint committee of conference” made a report.

6257. An early instance wherein committees of the two Houses held a conference, not over disagreements to amendments, but over proposed legislation.

One of the first messages from the Senate was transmitted by letter from the Vice-President.

On April 24, 1789³ the Speaker laid before the House a letter from the Vice President of the United States inclosing a resolution of the Senate for the appointment of a committee

to consider and report what style or titles it will be proper to annex to the office of President and Vice President of the United States, if any other than those given in the constitution.

Thereupon a committee for that purpose were appointed on the part of the House.⁴

6258. A rare instance wherein the House asked a conference as to a proposition which had been rejected by the Senate.—On May 29, 1874,⁵ a message was received from the Senate announcing that they disagreed to the concurrent resolution passed by the House for the suspension of the rule requiring bills to be enrolled on parchment in the case of certain bills revising the statutes.

On the same day, on motion of Mr. Luke P. Poland, of Vermont,

Ordered, That the House ask a conference with the Senate on the disagreeing votes of the two Houses on the concurrent resolution, etc.

On June 1 the Senate insisted on its action and agreed to the conference.

6259. Instance of complaint of House managers at their treatment by the Senate managers.—On the calendar day of March 3, 1901,⁶ but the legislative day of March 1, Mr. Eugene F. Loud, of California, from the conference committee on the post-office appropriation bill, made the following statement:

On Thursday last the conferees made their second report to the House, recommending an agreement in the shape of a modification of two amendments in the shape of legislation, which had been put upon the appropriation bill in the Senate. We modified the amendments in the conference as far as it was possible for any modification to be had.

The House by a very decided vote rejected the report of the conferees. On Friday morning the conferees again met. As is the custom in the House, we are notified from the Senate by messenger or telephone, and I was able to get one of the conferees to attend that meeting, not being able to find the third conferee.

We went to the Senate, assuming that we had received the instructions of the House, and the Senate conferees refused to meet the conferees of the House on the ground that there were but two of the House conferees present. We argued that question with the Senate conferees for some few moments; and I might mention, in passing, that there had been but two conferees present but a very little of the time on their side during the conference that had taken place.

¹Journal, pp. 551, 552 (old ed.), 332 (Gales & Seaton ed.).

²Journal, p. 564 (old ed.), 338 (Gales & Seaton ed.).

³First session First Congress, Journal, p. 23.

⁴This committee reported May 5, and subsequent proceedings occurred May 11 and 12.

⁵First session Forty-third Congress, Journal, pp. 1068–1070, 1088; Record, pp. 4400, 4410, 4416.

⁶Second session Fifty-sixth Congress, Record, p. 3585.

The House conferees, after this refusal to meet was made, withdrew from the conference. Again, this afternoon, after two days had elapsed, the Senate again suggested a conference, and the conferees have been unable to agree. What may be the ultimate result I can not say. I believe the House conferees have been treated with such discourtesy, at least, as never before has been my lot to witness. This is legislation upon an appropriation bill, and in accordance with the universal custom the Senate must recede. I thought that statement was due to the House.¹

6260. According to the later practice the powers of a conference committee which has not reported do not expire by reason of the termination of a session of Congress unless it be the last session.—In the closing hours of the second session of the Forty-second Congress, on June 8, 1872,² the House agreed to the report of the committee of conference on the bill (H. R. 827) to authorize the construction of a bridge across the Ohio River. The message announcing this action was sent to the Senate on December 5, at the beginning of the third session of the Congress. The Senate at that time held to the view that the conference committee had expired with the session, and in order to consider the matter, on December 6, passed a resolution reviving their part of the conference committee.

On June 8, 1872,³ the House asked and the Senate agreed to a conference on the bill (H. R. 2046) for the relief of Theodore Adams. No further action was taken at this session. At the next session, on January 8,⁴ the report was agreed to in the Senate, and on January 15 it was agreed to in the House. No question was raised in the House as to the continuance of the powers of the conferees during the recess.

On August 3, 1886,⁵ the Senate returned the fortifications appropriation bill (H. R. 9798) with amendments, and asked a conference thereon. The House, on August 4, disagreed to the amendments and agreed to the conference. On August 5, in the Senate, the conferees reported inability to agree.⁶ On December 9, 1886⁷ at the beginning of the next session of Congress, the House conferees reported in the House inability to agree. The House thereupon asked a new conference, which was agreed to by the Senate.

6261. On December 3, 1902,⁸ the Speaker appointed Mr. John J. Jenkins, of Wisconsin, a member of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3653) for the protection of the President of the United States, to take the place of Mr. George W. Ray, of New York, who had resigned his membership in the House. The managers of this conference had been appointed at the first session of this Congress,⁹ but had not reported. Mr. Ray had resigned his seat during the recess between the first and second sessions.

6262. On February 20, 1903,¹⁰ the House considered the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3653)

¹At this time old and experienced Members of the House expressed the opinion that two of the three managers, being a quorum, might participate in a valid conference.

²Second session Forty-second Congress, Journal, p. 1129; third session, Globe, pp. 35, 60.

³Second session Forty-second Congress, Journal, pp. 1113, 1114.

⁴Third session Forty-second Congress, Globe, pp. 396, 608.

⁵First session Forty-ninth Congress, Journal, pp. 2516, 2530.

⁶Record, p. 8018.

⁷Second session Forty-ninth Congress, Record, pp. 67, 68.

⁸Second session Fifty-seventh Congress, Journal, p. 16; Record, p. 42.

⁹Journal, p. 818.

¹⁰Second session Fifty-seventh Congress, Journal, p. 268; Record, pp. 2419, 2420.

“for the protection of the President of the United States, and for other purposes.” This bill had been sent to conference at the preceding session of this Congress.

6263. Instance wherein the Senate referred papers in the nature of petitions to the managers of a conference.

Conferees do not usually admit persons to make arguments before them.

On June 18, 1906,¹ in the Senate, during the time for the introduction of petitions, Mr. Joseph B. Foraker, of Ohio, said:

I have numerous similar telegrams, protesting against the provision of the railroad rate bill (H. R. 12987) in regard to pipe lines. I send them to the desk and ask that they may be filed as petitions, and I would be glad if they could be referred to the conferees who now have that bill under consideration, I tried to get them there, but the august presence would not tolerate any petitions, and I did not succeed in leaving them. * * * To the conferees was the request I made. I did not know what the parliamentary usage is in that respect; and I could not get beyond the doorkeeper. I suppose the conferees did not know of it.

Mr. Benjamin R. Tillman, of South Carolina, said:

As I am the only member of the conference committee on the part of the Senate whom I see present, I wish to take occasion to say that if we should add to our troubles (and we have enough of them since the bill has been sent back to conference), I think, probably, the present session of Congress might last considerably longer than we expect. We therefore have felt unwilling to take up the numerous telegrams that have been sent from the lumber interests and the pipe-line interests and others. When anyone has sent us telegrams we have received them, but we have not felt willing to have arguments made, because we have arguments enough among ourselves, I assure the Senator. * * * As I said, we could not afford—at least we did not feel willing—at this stage of the proceedings to add to our misery by having long arguments made in conference, after we had listened to them four days here in the Senate.

The Vice-President² announced that the telegrams would be referred to the conferees as requested.

6264. A bill sometimes fails because of the inability of managers to agree.—In 1869,³ the Indian appropriation bill failed, the conferees being unable to agree. The conferees agreed among themselves to examine the bill no further. And this was reported to the House.

6265. In 1886 and 1887 the fortifications appropriations bill (H. R. 9798) failed through the inability of conferees to agree, after the conference had been prolonged from one session to another.⁴

6266. On December 18, 1856,⁵ occurs an instance of a bill (S. 203) that was sent to conference, and on which the record indicates that the conferees never reported.

6267. The bill (H. R. 581) appears from the Journal to have died in conference in the session of 1862–63.⁶ It was a bill concerning judgments in certain

¹ First session Fifty-ninth Congress, Record, p. 8667.

² Charles W. Fairbanks, of Indiana, Vice-President.

³ Third session Fortieth Congress, Globe, p. 1891.

⁴ First session Forty-ninth Congress, Record, pp. 7892, 7983, 8018; second session Forty-ninth Congress, Record, pp. 67, 68, 2658, 2749.

⁵ Third session Thirty-fourth Congress, Journal, pp. 122, 753; Globe., p. 160.

⁶ Third session Thirty-seventh Congress, Journal, pp. 91, 661.

suits brought by the United States. The Journal has no record that the conferees ever reported.

6268. The motion to ask a conference is distinct from motions to agree or disagree to Senate amendments.—On February 11, 1901,¹ Mr. Sereno E. Payne, of New York, by direction of the Committee on Ways and Means, reported back the bill (H. R. 12394) to reduce the war revenue, with the substitute proposed by the Senate as an amendment, and offered a motion “that the House disagree to the substitute proposed by the Senate as an amendment, and ask for a conference.”

Mr. James A. Tawney, of Minnesota, demanded a division of the motions.

The Speaker² said that, while it was usual to consider the motions together, they were divisible if a demand should be made that they be put separately.

6269. The House having rejected a motion to further insist and agree to a conference asked by the Senate, the Speaker ruled that a motion to ask a conference was not in order at the same stage.—On August 18, 1856,³ the conferees on the army appropriation bill reported that they had been unable to agree as to the amendment relating to the use of United States troops in Kansas in connection with the controversy over the Territorial government.

The committee were thereupon discharged, and a motion that the House further insist on their amendment and agree to the further conference asked for by the Senate, was made and disagreed to.

After the receipt of a message from the Senate, and a report from the Committee on Enrolled Bills, Mr. John C. Kunkel, of Pennsylvania, moved that the House ask a further conference with the Senate on the disagreeing votes of the two Houses on the army bill.

The Speaker⁴ decided that the motion was not now in order, as a similar question had just been voted on and rejected.

Mr. Kunkel having appealed, subsequently withdrew the appeal.

6270. The Senate having disagreed to an amendment of the House it was held that a motion to ask a conference should not be made before a motion to recede or insist had been made and decided.

The motion to recede takes precedence of the motion to insist or the motion to ask a conference.

Notice to a foreign government of the abrogation of a treaty is authorized by a joint resolution.

On April 20, 1846,⁵ a message was received from the Senate that that body had disagreed to the amendment of the House to the amendment of the Senate to the joint resolution of the House (No. 5) entitled, “Joint resolution of notice to Great Britain to annul and abrogate the convention between Great Britain and the United States of August 6, 1827, relative to the country on the northwest coast of America westward of the Stony Mountains, commonly called Oregon.”

¹ Second session Fifty-sixth Congress, Record, pp. 2257, 2258; Journal, p. 217.

² David B. Henderson, of Iowa, Speaker.

³ First session Thirty-fourth Congress, Journal, pp. 1534, 1582; Globe, p. 2240.

⁴ Nathaniel P. Banks, jr., of Massachusetts, Speaker.

⁵ First session Twenty-ninth Congress, Journal, pp. 695, 697; Globe, p. 701.

The House proceeded again to consider the amendments pending to the resolution and the disagreeing votes of the two Houses thereupon. A motion was made by Mr. Robert D. Owen, of Indiana, that a conference be asked on the disagreeing votes of the two Houses on the amendments pending to the resolution, and that managers on the part of this House be appointed to conduct the conference.

Mr. Robert W. Roberts, of Mississippi, moved that the House insist upon its amendment to the amendment of the Senate to the joint resolution.

Mr. Meredith P. Gentry, of Tennessee, moved that the House recede from its amendment to the said amendment of the Senate.

The Speaker¹ decided that the motion to recede was first in order, and took precedence of the motion for the appointment of a committee of conference and of the motion to insist. In making this decision the Speaker quoted the first joint rule, which declared:

In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose and the other House shall also appoint a committee to confer, such committee shall,² etc.

From what was implied by this rule and from the practice of the House for several years past, the Speaker ruled:

The Chair decides that, under the rule, it would be irregular to ask a committee of conference until the House shall have decided either to recede or insist. But the Chair states that the Manual itself, at one point, provides that a committee of conference may be appointed at any time.

At this point the following from the Manual was read:

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting or adhering. In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding.

The Speaker continued:

The joint rule which has been read, is, as a matter of course, the statute governing the action of the House; and though the Chair is not prepared to say but that a committee might be appointed, under certain circumstances, yet the Chair says that it would be irregular and not according to practice. By reference to the Journals of the last two Congresses, it will be seen that a motion to insist, or to recede, has uniformly been acted upon by the House before a committee of conference has been appointed.

Later, in putting the question on the appeal the Speaker said:

Gentlemen on one side desire that a committee of conference shall be appointed before the question is taken, either on a motion to recede, or a motion to insist. The Chair has decided that, according to the practice of the House, and under the first joint rule, a motion to recede, or to insist, or to adhere, has universally been made and acted upon before asking for a committee of conference. There is not one instance in several years past, during which the Chair has examined the Journals, wherein a motion for a committee of conference was made without a previous or concurrent motion either to insist, to recede, or to adhere. And the Chair is of the opinion that it is necessary that the House should vote on one or the other of these motions before asking a committee of conference.

From this decision Mr. Seaborn Jones, of Georgia, appealed, and the decision of the Chair was sustained.

¹ John W. Davis, of Indiana, Speaker.

² The joint rules no longer exist, having been permitted to lapse in 1876.

The question was stated on agreeing to the motion made by Mr. Gentry, that the House recede from its amendment to the said amendment of the Senate to the said joint resolution; and on this question the yeas were 87 and the nays were 95.

So the House refused to recede, and the question recurred on the motion made by Mr. Owen, that a conference be asked on the disagreeing votes of the two Houses on the amendments pending to the resolution, and that managers be appointed on the part of this House to conduct the conference.

At the suggestion of Mr. Roberts, Mr. Owen modified his motion by prefixing thereto the words "that the House insist upon its amendment to the amendment of the Senate," and moved the previous question, which was seconded; and the main question was ordered and stated, on agreeing to the motion of Mr. Owen as modified.

A division of the question was demanded by Mr. Washington Hunt, of New York, so as to take the question first on insisting, and then on asking a conference, and appointing managers. And it was divided accordingly.

6271. It has been held that a resolution from a committee recommending a request for a conference on certain disagreements as to amendments must be acted on before the preferential motion to agree.

The motion to recede has precedence of the motion to adhere.

On May 5, 1826,¹ the Committee on the Judiciary, to whom was referred the message of the Senate announcing that that body adhered to its amendment to the bill "to amend the judicial system of the United States," reported the following resolution:

Resolved, That a conference be asked of the Senate upon the subject-matter of the disagreeing votes of the two Houses on the amendment proposed by the Senate to the said bill.

Mr. John Forsyth, of Georgia, proposed a motion to agree² to the Senate amendment.

The Speaker³ declined to receive the motion on the ground that the question before the House was the resolution of the Committee on the Judiciary, which must first be disposed of.

Later, on May 16,⁴ when a motion, made from the floor, to adhere to the amendment of the House to this bill, was pending, the Speaker gave precedence to a motion to recede.

6272. Instance wherein, after managers of a conference had reported their inability to agree, a resolution insisting on the House's disagreement to Senate amendments and asking a further conference was admitted as privileged.—On June 17, 1892,⁵ Mr. Newton C. Blanchard, of Louisiana, manager on the part of the House on the conference on the river and harbor bill presented a report that the conferees had been unable to agree.

¹First session Nineteenth Congress, Journal, p. 517; Debates, p. 2604.

²The modern form of the motion is "recede and concur." At that time Speaker Taylor considered a vote to recede from a disagreement equivalent to a vote to agree. (See Debates, p. 2647.) Such is not the present practice.

³John W. Taylor, of New York, Speaker.

⁴Debates, p. 2639.

⁵First session Fifty-second Congress, Journal, p. 230; Record, p. 5371.

The report having been read, Mr. Blanchard submitted the following resolution:

Resolved, That the House insist upon its disagreement to the Senate amendments numbered 64 and 173 to House bill 7820, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and agree to a further conference with the Senate.

Mr. James D. Richardson, of Tennessee, made a point of order that Mr. Blanchard in his individual capacity had no right as a privileged motion to submit the proposed resolution.

The Speaker¹ held that this resolution, relating to the disagreement between the two Houses on the river and harbor bill, was now in order, to follow, as it did, the report by the conferees of a disagreement.²

6273. It is so usual in later practice for the House disagreeing to an amendment of the other to ask a conference, that an omission so to do caused question.—On February 14, 1896,³ the House was considering the Senate amendment to the bill H. R. 2904, entitled “An act to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue;” and voted to disagree to the Senate amendment.

The House did not ask a conference of the Senate, and in the latter body some question was made on this account. The bill was not acted on further.

6274. It is not always the practice for the House disagreeing to amendments of the other House to ask a conference.—On June 2, 1900,⁴ the sundry civil appropriation bill had been returned to the House with Senate amendments. On motion of Mr. Joseph G. Cannon, of Illinois, the House disagreed to the Senate amendments, but did not ask a conference.

Later in the day, when a message was received from the Senate announcing that they had insisted on their amendments and asked a conference, the House agreed to the conference and the Speaker appointed conferees.

6275. On April 22, 1904,⁵ Mr. Joseph W. Babcock, of Wisconsin, chairman of the managers of the conference on the bill (S. 2134) to connect Euclid Place with Erie street, submitted a report that the managers had not been able to agree. The disagreement had been over an amendment of the House to the Senate bill.

Mr. Babcock moved that the House recede from its amendment.

The House disagreed to the motion.

Then Mr. Babcock moved that the House further insist upon its amendment.

The House agreed to the motion.

The House did not request a conference.

¹ Charles F. Crisp, of Georgia, Speaker.

² This is not the regular procedure, and is questionable for the reason that the resolution is indivisible, affording only one substantive proposition, while by the use of the regular motions a separate vote would be possible as to each of the amendments and as to the question of a further conference. By a resolution reported from the Committee on Rules the House sometimes deprives itself of this power to have separate votes, but a resolution to effect this is not ordinarily privileged until reported from the Committee on Rules.

³ First session Fifty-fourth Congress, Journal, pp. 210, 211; Record, pp. 1735, 1736, 1825, 1826.

⁴ First session Fifty-sixth Congress, Record, pp. 6475, 6495; Journal, pp. 658, 663.

⁵ Second session Fifty-eighth Congress, Record, p. 5316; Journal, p. 653.

On April 23,¹ the Senate insisted on its disagreement to the House amendment, and voted to ask a further conference with the House, appointing managers.

6276. On April 25, 1904,² the bill (H. R. 14754) entitled "An act providing for the restoration or maintenance of channels, or of river and harbor improvements, and for other purposes," with Senate amendments thereto, was taken from the Speaker's table.

Mr. Theodore E. Burton, of Ohio, moved that the House disagree to the Senate amendments.

This motion was agreed to.

No motion to ask a conference was made.

On the same day³ in the Senate, it was voted that the Senate insist on its amendments and ask a conference.

Later in the day,⁴ in the House, Mr. Burton moved that the House agree to the conference, and the motion was agreed to.

6277. On June 25, 1906,⁵ a message from the Senate announced that the Senate had disagreed to the amendments of the House to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The Senate did not, however, ask a conference.

The bill coming before the House, on motion of Mr. James R. Mann, of Illinois, the House voted to insist on its amendments and ask a conference.

The same day a message from the Senate announced that the Senate had agreed to the conference.⁶

6278. It was formerly the more regular practice for the House disagreeing to amendments of the other to leave the asking of a conference to that other House.—On July 15, 1882,⁷ the House disagreed to the amendments of the Senate to the river and harbor appropriation bill.

Mr. Horace F. Page, of California, rising to a parliamentary inquiry, asked if it would be in order to move to ask for a committee of conference.

Mr. John A. Kasson, of Iowa, said:

Except in the last moments of a session, where one of the Houses disagrees to the amendments of the other, the practice is, where, as in this case, the House is the body that disagrees, to notify the Senate that we have disagreed, and thereupon the Senate insists on its amendments and asks a committee of conference.

The Speaker⁸ said:

That is the practice; but there are precedents for the course suggested by the gentleman from California.

¹ Record, p. 5408.

² Second session Fifty-eighth Congress, Journal, p. 673; Record, p. 5534.

³ Record, p. 5512; House Journal, p. 678.

⁴ Journal, p. 679; Record, p. 5558.

⁵ First session Fifty-ninth Congress, Record, p. 9172.

⁶ Record, p. 9195.

⁷ First session Forty-seventh Congress, Record, p. 6114.

⁸ J. Warren Keifer, of Ohio, Speaker.

6279. It is by no means uncommon for one House to disagree to the amendments of the other and return the bill and amendments without a request for a conference. Thus, in 1861,¹ this course was pursued with the Senate amendments to the deficiency appropriation bill, the consular and diplomatic appropriation bill, and the legislative bill.²

Also the Senate pursued this course with the House amendments to the bill (S. 10) to promote the progress of the useful arts. The House, on February 16, 1861,³ insisted on its amendments, disagreed to by the Senate, and asked a conference.

6280. In 1861⁴ it was a common procedure for one House to disagree to amendments made to a bill by the other, and to return the bill and amendments without a request for a conference, leaving it for the amending House to insist on its amendments and ask a conference. Thus, on July 23, on the bill (S. 2) to increase the military establishment of the United States, the Senate returned the bill with the simple announcement that it disagreed to the amendment of the House, leaving it for the House to insist and ask the conference. On July 25⁵ a similar procedure took place on the bill (S. 20) authorizing the appointment of an Assistant Secretary of the Navy.

6281. On January 14, 1868,⁶ the House disagreed to the Senate amendments to the bill (H. R. 207) to provide for the exemption of cotton from internal tax, and sent this action to the Senate without asking a conference. The action excited no comment in the Senate, which insisted on its amendment and asked a conference.

6282. On June 10, 1876,⁷ Mr. Samuel J. Randall, of Pennsylvania, from the Committee on Appropriations, reported the legislative appropriations bill with Senate amendments thereto, and recommended on behalf of the committee that the House nonconcur. Thereupon the House voted to nonconcur. No motion was suggested to ask a conference.

6283. On April 25, 1876,⁸ in the Senate, a question was made over the fact that the House had disagreed to the Senate amendments to the consular and diplomatic appropriation bill, and returned the bill without asking a conference. Mr. Aaron A. Sargent, of California, having the bill in charge, stated that it was the ordinary custom for the House making the amendments to ask the conference "except that toward the close of the sessions, when we are very much hurried, and time is of great consequence, we have got into the habit, when nonconcurring with amendments, of asking for a conference; but if the Senator will look back over the precedents he will find that the original practice was, as it was maintained for a good many years, that the House making the amendments asked for a conference when the other did not."

¹ Second session Thirty-sixth Congress, Journal, pp. 281, 303.

² Journal, p. 303.

³ Second session Thirty-sixth Congress, Journal, p. 331.

⁴ First session Thirty-seventh Congress, Journal, p. 132.

⁵ Journal, p. 143.

⁶ Second session Fortieth Congress, Journal, p. 184; Globe, pp. 505, 552, 627.

⁷ First session Forty-fourth Congress, Journal, p. 1091; Record, p. 3754.

⁸ First session Forty-fourth Congress, Record, pp. 2732, 2733.

6284. On November 17, 1877,¹ the House considered the Senate amendments to the bill (H. R. 902) making appropriations for the support of the Army, and after agreeing to some, disagreed to others.

The House thereupon notified the Senate of its disagreement, not making a request for a conference.

The Senate receded from its amendments disagreed to by the House, and so the bill was passed.

6285. On May 10, 1820,² a message from the Senate announced that the Senate insisted on their disagreement to the first amendment proposed by the House to the bill (S. 59) to provide for the clothing of the Army of the United States in domestic manufactures, and for other purposes. The Senate did not ask a conference.

Previously, on May 6,³ the House had insisted on their amendment.

6286. One House having asked a conference at one session the other House may agree to the conference at the next session of the same Congress.—On December 3, 1902,⁴ a message from the Senate gave notice that the Senate had insisted upon its amendment to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foraker, Mr. Proctor, and Mr. Cockrell as the conferees on the part of the Senate.

The House had disagreed to the Senate amendments at the first session of this Congress;⁵ and had asked a conference and appointed managers.

6287. The House may disagree to certain Senate amendments to a bill, agree to others with amendment, and ask a conference only on the disagreement, leaving to the Senate to agree or disagree to the amendments to Senate amendments.

Form of message where the House disagrees to certain amendments of the Senate to a House bill and agrees to others with amendments.

On January 18, 1907,⁶ the House took action which was transmitted to the Senate in a message, as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 18, 1907.

Resolved, That the House disagrees to all the amendments of the Senate, except amendment No. 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and agrees to amendment No. 222 with the following amendment:

Omit the matter stricken out by the said amendment and insert the following:

“That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of Executive Departments, who are mem-

¹ First session Forty-fifth Congress, Journal, pp. 226–229, 233; Record, pp. 514, 525.

² First session Sixteenth Congress, Journal, p. 511.

³ Journal, p. 493.

⁴ Second session Fifty-seventh Congress, Journal, p. 16; Record, p. 42.

⁵ First session, Journal, p. 875.

⁶ Second session Fifty-ninth Congress, Record, p. 1305.

bers of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

The message further announced that the House asked a conference with the Senate on the disagreeing votes of the two Houses and had appointed conferees.

In the Senate on January 23¹ it was voted that the Senate concur in the House amendment to the Senate amendment.

Then it was further voted that the Senate insist on its remaining amendments, which had been disagreed to by the House, and agree to the conference asked by the House.

6288. Where managers of a conference are unable to agree, or where a report is disagreed to in either House, another conference is usually asked.

Illustration of the old practice of changing the managers at each conference.

A motion to take from the table a matter laid there may be admitted by a suspension of the rules.

A motion to reconsider an affirmative vote to lay on the table is admitted.

On June 12, 1858,² Mr. Henry C. Burnett, of Kentucky, from the committee of conference on the part of the House on the disagreeing votes of the two Houses on the bill of the House (H. R. 526) entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending June 30, 1859," reported that the committee were unable to agree.

On motion of Mr. Henry C. Phillips, of Kentucky, by unanimous consent,

Ordered, That the House further insist upon its former action upon the amendments of the Senate to the said bill, and ask a further conference with the Senate upon the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Phillips, Mr. Wood, and Mr. Boyce be appointed the committee on the part of the House.

On the same day Mr. Phillips, from the second committee of conference on the part of the House, reported that the committee were unable to agree.

On motion of Mr. J. Glancy Jones, of Pennsylvania, the bill and amendments were laid on the table.

Mr. Jones moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On June 14, on motion of Mr. Jones, the rules having been suspended for that purpose, the bill heretofore laid on the table was taken up. And then, on motion of Mr. Jones, the rules having been suspended for that purpose, the motion to reconsider the vote by which the fourth, fifth, sixth, seventh, and tenth amendments of the Senate were agreed to, heretofore laid on the table, was taken up, and under the operation of the previous question the vote was reconsidered.

The question then recurring on agreeing to the amendments, Mr. Jones moved the previous question; which was seconded and the main question ordered, and under the operation thereof the fourth, fifth, sixth, seventh, and tenth amendments of the Senate to the said bill were disagreed to.

¹Record, p. 1541-1552.

²First session Thirty-fifth Congress, Journal, pp. 1118, 1136; Globe, pp. 3026, 3030, 3045.

On motion of Mr. Phillips, the House insisted upon its disagreement to all the other amendments of the Senate to the said bill H. R. 556, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Phillips, Mr. Elihu B. Washburne, and Mr. Dowdell be appointed the committee on the part of the House.

Ordered, That the Clerk acquaint the Senate therewith.

6289. On March 3, 1857,¹ on motion of Mr. Lewis D. Campbell, of Ohio,

Ordered, That the House further insist upon its disagreement to the amendments of the Senate to the bill of the House (H. R. 635) entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1857," and agree to a further conference with the Senate upon the disagreeing votes of the two Houses thereon.

The Speaker thereupon appointed Mr. Pringle, Mr. Cadwalader, and Mr. J. Morrison Harris the managers at the conference on the part of the House.

Mr. Benjamin Pringle, of New York, from the second committee of conference, reported that the committee were unable to agree.

Mr. Pringle moved that the House further insist upon its disagreement to the amendments of the Senate to the bill, and ask a further conference with the Senate upon the disagreeing votes of the two Houses thereon. After intervening motions the question was put on the motion submitted by Mr. Pringle, and it was decided in the affirmative, yeas 82, nays 68.

The Speaker thereupon appointed Mr. Howard, Mr. Bowie, and Mr. Eustis the managers at the conference on the part of the House.

6290. On June 11, 1858,² the managers on the part of the House, Messrs. Thomas S. Boccock, of Virginia; John Kelly, of New York, and Freeman H. Morse, of Maine, made a report on the disagreeing votes of the two Houses on the bill of the House (H. R. 199) making appropriations for the naval service for the year ending the 30th of June, 1859.

The report having been disagreed to, it was, after debate and several votes,

Ordered, That the House further insist on its former action upon the amendments of the Senate to the bill of the House (H. R. 199) making appropriations for the naval service for the year ending June 30, 1859, and ask a further conference with the Senate on the disagreeing votes thereon.

Ordered, That Mr. Winslow, Mr. Groesbeck, and Mr. Elihu B. Washburne be the committee on the part of this House.

6291. On May 1, 1856,³ Mr. James L. Seward, of Georgia, from the committee of conference (on the part of the House) on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House (H. R. 68) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1856, reported that the committee were unable to agree.

On motion of Mr. Seward,

Ordered, That the said committee be discharged, and that a further conference be asked with the Senate on the said disagreeing votes.

The Speaker thereupon appointed Mr. Benjamin Pringle, of New York; Mr. Fayette McMullin, of Virginia, and Mr. Benjamin Stanton, of Ohio, the managers of the second committee of conference on the part of the House.

¹Third session Thirty-fourth Congress, Journal, pp. 653, 655, 663.

²First session, Thirty-fifth Congress, Journal p. 1107.

³First session Thirty-fourth Congress, Journal, p. 919.

On May 8, 1856,¹ the House resumed the consideration of the message from the Senate in regard to the deficiency bill, the pending question being on the motion of Mr. Benjamin Pringle, of New York, that the House further insist upon their action upon the Senate amendments to the bill, and agree to the further conference asked by the Senate thereon.

After debate, and pending the question on agreeing thereto, the House adjourned.

On May 9 the motion was agreed to.

6292. The conference on a disagreement as to Senate amendments to a House bill having failed, the Senate reconsidered its action in amending and passing the bill, passed the bill with a new amendment, and asked a new conference.—The House having passed the bill (H. R. 3589) to extend the powers and duties of the Commission of Fish and Fisheries,² the Senate on January 6, 1899,³ passed the bill with amendments, and asked for a conference with the House.

On January 12, 1899,⁴ the House disagreed to the Senate amendments, and agreed to the conference.

February 24, 1899,⁵ the conferees reported in the House their inability to agree, and the House further insisted upon its disagreement, and asked a further conference.

February 25 the report that the conferees had been unable to agree was made in the Senate.⁶

Then the Senate reconsidered the vote whereby they had passed the bill, reconsidered the vote whereby they had amended it, then adopted a new amendment, passed the bill as amended, and asked a conference of the House.⁷

On March 2,⁸ in the House, the bill was referred to the Committee on Merchant Marine and Fisheries, which had reported it originally, as the Senate amendment, by prohibiting the importation of a revenue-producing article, had brought the bill into a form requiring consideration in Committee of the Whole.

6293. One House may pass a bill of the other with amendments, and immediately, without waiting for the other House to disagree, may ask a conference.

When one House amends a bill of the other House and at the same time asks a conference, it may or may not vote to insist on its amendment before asking the conference.

On June 8, 1872,⁹ the last legislative day of the session, a message from the Senate announced:

The Senate have passed a bill of the House of the following title, viz: "H. R. 2705. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1873, and for other purposes;" with amendments, in which I am directed to ask the concurrence of the House.

¹ First session Thirty-fourth Congress, Journal, p. 943.

² Third session Fifty-fifth Congress, Record, p. 317; Journal, p. 42.

³ Congressional Record, p. 439.

⁴ Record, pp. 628, 631; House Journal, p. 72.

⁵ Record, p. 2303; House Journal, pp. 200, 205.

⁶ Record, p. 2360.

⁷ Record, p. 2362.

⁸ Record, p. 2770; House Journal, p. 251.

⁹ Second session Forty-second Congress, Journal, pp. 1077, 1100, 1103; Globe, p. 4428.

The Senate insist upon their amendments to the said bill, ask a conference with the House on the disagreeing votes of the two Houses thereon, and have appointed Mr. Cole, Mr. Edmunds, and Mr. Stevenson the managers at the said conference on the part of the Senate.

Later the House voted to nonconcur in the Senate amendments and to agree to the conference.

6294. On February 27, 1891,¹ the House had passed with an amendment the bill of the Senate (No. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

Mr. John M. Farquhar, of New York, moved that the House request a conference with the Senate on the bill and amendment.

Mr. William M. Springer, of Illinois, made the point of order that the motion was not in order, the Senate not having disagreed to the amendment.

The Speaker *pro tempore*² overruled the point of order, on the ground that under the established practice of the House the same was permissible.

6295. On May 8, 1884,³ in the Senate, certain amendments had been added to the bill (H. R. 2228) to remove certain burdens on the American merchant marine, etc., and the bill as amended had passed the Senate, when Mr. William P. Frye, of Maine, moved that the Senate ask a conference with the House on those amendments. Mr. John Sherman, of Ohio, made the point that this motion was premature, the House not yet having disagreed to the amendments. Mr. John R. McPherson, of New Jersey, and Mr. Isham G. Harris, of Tennessee, also took this view, the latter characterizing the proceedings as unusual and in violation of parliamentary usage. Mr. James B. Beck, of Kentucky, recalled the fact that the year before this had been done in the case of the tariff bill, but intimated that outside of the tariff bill he had not thought such to be the rule. Mr. George F. Hoar, of Massachusetts, observed that it would be in order to pass a Senate bill and send it down with a request for a committee of conference before the House had considered it at all.

The Chair⁴ expressed an opinion against the point of order made by Mr. Harris, on the ground that it is within the principles and usages of parliamentary law, although the instances were rare, for either House to ask a conference with the other upon any subject that either House desired to consult with the other about.

Mr. Frye observed that he had known it to be done many times, especially in the last days of a session, when it was desirable to save time. In the absence of joint rules they were relegated to general parliamentary law. Jefferson's Manual was then read in support of this contention; but Mr. Beck contended that while it might be done in the English Parliament, it was not a usage of the Senate. The Chair then cited a case occurring March 1, 1879, on the sundry civil bill, when a conference was asked before the House had disagreed.

On May 13 the matter was debated again on appeal from the decision of the Chair. Mr. Thomas F. Bayard, of Delaware, argued strongly against the plan of Mr. Frye. He said that the two Houses were deliberative assemblies and the

¹ Second session Fifty-first Congress, Journal, p. 321; Record, p. 3512.

² Julius C. Burrows, of Michigan, Speaker *pro tempore*.

³ First session Forty-eighth Congress, Record, pp. 3974, 4098; Senate Journal, pp. 628, 642, 643.

⁴ George F. Edmunds, of Vermont, President *pro tempore*.

wisdom of their action depended upon the character of the deliberation preceding the adoption of measures. Any system which tended to substitute discussions in committees of conference, which were limited bodies, for the deliberations of the two Houses was not, in his judgment, a thing to be desired. In his opinion, the precedent read by the Chair did not meet the case, as that was an appropriation bill in the last hours of the session, when time was limited. Appropriation bills were, moreover, not bills of general legislation, but money bills, appropriating sums in response to fixed legal requirements. A difference of opinion between the two Houses was a mere question as to assessment of amounts. But this case was entirely different. The formal language used in the appointment of the committee showed the necessity of a disagreement of votes between the two Houses before the committee of conference was called into operation. The exception proved the rule, and the rule of the Senate had not been to ask for a committee of conference before the House had had submitted to it the amendments. The action on the tariff bill of last spring was a most unwarranted assumption of power indulged in by the committee of conference. Mr. Bayard said, in conclusion, that he was in favor of this particular bill now before the Senate.

Mr. John Sherman, of Ohio, said that he also was very desirous to have the bill passed, but he did not think that the way proposed by the Senator from Maine would give the bill any advantage in the other House, and if they could give the bill such advantage it would be setting a dangerous and troublesome precedent. "I assume," he said, "that, as a matter of course, the House, having the power over this bill the moment it received our message, will send amendments to the Committee of the Whole House on the state of the Union; and what advantage, then, is given to this bill by having pending upon it a request from the Senate that up to that time is ignored? * * * The only advantage that could be given to this bill by the adoption of this motion would be on the assumption that the House would act upon our request for a committee of conference and send to a committee of conference amendments which have never been read or considered by the House. Such a practice as that once adopted and ingrafted on the parliamentary law or the practice of the two Houses would be dangerous, as I said a moment ago, to the last degree.

"We have by our practice heretofore gradually extended the powers of committees of conference until now a proposition to send a bill to a committee of conference sometimes startles me when I remember what occurred in the committee of conference on the tariff bill last year. I feel that both Houses ought to make a stand on the attempt to transfer the entire legislative power of Congress to a committee of three members of each body, selected not according to any fixed rule, but probably according to the favor of the presiding officer or the chairman of the committee that framed the bill; so that in fact, a committee selected by two men, one in each House, may frame and pass the most important legislation of Congress. * * * Therefore I can not see any advantage to be derived from it, unless the House, out of deference to the Senate, in the absence of all joint rules between the two bodies, should give to the request of the Senate an undue weight of importance and attach it as a privileged motion in all the stages of progress to this bill through the committee and in the House."

Mr. Frye, in reply, called attention to the fact that the precedent cited by the Chair did not occur when there was any pressure for time, and also to the fact that the question was debated by Senators Anthony and Blaine. There were also two other precedents in the second session of the Forty-second Congress, one on May 27, 1872, when a bill for consolidating the postal statutes was up, and the second June 7, 1872, when the sundry civil bill was up.

Mr. Frye then went on to say that if the present bill should go to the House without the request for the conference it would, under the iron rule of the House, go to the Committee of the Whole with 136 bills on top of it, and would not be reached in nine months' time; but with the request for a conference attached to it the bill goes to the Speaker's table, whence it goes at once to early consideration in Committee of the Whole; the request gave it a privilege which remained with it.¹

The point of order having been withdrawn, the Senate agreed to the motion of Mr. Frye that a conference be asked of the House.

This motion did not include a proposition that the Senate insist on its amendments.

6296. On March 1, 1879,² in the Senate, the Senate had passed the legislative appropriation bill with amendments, when Mr. Henry B. Anthony, of Rhode Island, made a suggestion which he thought would facilitate business. Thereupon he proposed that the Senate request a conference and appoint its conferees. Mr. James G. Blaine, of Maine, said that it had been done before, and Mr. Roscoe Conkling, of New York, thought that there would be no difficulty about it. The proposition seemed novel to Mr. William Windom, of Minnesota, but his confidence in Mr. Anthony's knowledge was such that he acquiesced. Mr. Justin S. Morrill, of Vermont, asked if anyone knew of a single precedent, and Mr. Allen G. Thurman, of Ohio, asked the same. Mr. Blaine said that in the last fifteen years he thought it had been done three or four times. Mr. Thurman asked what the object of the action was, and Mr. Anthony said it was to save time. Mr. Blaine defended the proposed plan briefly, believing that it could do no harm, and Mr. Thurman criticised it on the ground that he did not see what good it would do. There was very little contention about it, however, and on motion of Mr. William Windom, of Minnesota, it was:

Resolved, That the Senate also ask a conference on the amendments to the foregoing bill.³

6297. On May 27, 1872,⁴ the Senate had passed with amendments a House bill (H. R. 1) relating to the postal laws, and thereupon, on motion of Mr. Alexander Ramsey, of Minnesota, it was:

Resolved, That the Senate insist upon its amendments to the said bill, and ask a conference with the House of Representatives thereon.

6298. On June 7, 1872,⁵ the Senate passed the House bill making appropriations for the sundry civil expenses of the Government, with certain amendments.

¹This is no longer the case. See section 6301 of this work.

²Third session Forty-fifth Congress, Record, p. 2188; Senate Journal, p. 437.

³In this case the Senate did not insist on its amendments at the time of asking the conference.

⁴Second session Forty-second Congress, Globe, p. 3893, Senate Journal, p. 851.

⁵Second session Forty-second Congress, Globe, p. 4398, Senate Journal, p. 1003.

Then, on motion of Mr. Cornelius Cole, of California, it was

Resolved, That the Senate insist on its amendments to the said bill, and ask a conference with the House of Representatives thereon.

6299. On February 25, 28, and March 1, 1861,¹ the House, after adopting amendments to the Senate propositions, at once insisted on its amendments and asked a conference, instead of waiting for the Senate to disagree before insisting.

6300. On June 25, 1906,² the House passed with an amendment the bill (S. 4403) to amend the immigration laws.

After the vote on the passage of the bill, Mr. James E. Watson, of Indiana, moved that the House ask for a conference.

This motion was agreed to.

6301. A bill of the House returned from the Senate amended and with a request for a conference before there has been a disagreement is not privileged in the House.—On July 22, 1886,³ Mr. William H. Hatch, of Missouri, rose for the purpose of submitting a report which he claimed was privileged. The bill (H. R. 6569) to prevent the illegal sale of all imitations of dairy products, and for other purposes, had been returned from the Senate with amendments and a request for a conference, and had been referred to the Committee on Agriculture.

Objection being made to Mr. Hatch's claim that the report from the Committee on Agriculture was privileged, Mr. Nelson Dingley, Jr., of Maine, made the point of order that under the practice of the House a bill returned from the Senate amended and with a request for a conference was privileged.

The Speaker⁴ ruled:

Either House has a right to ask a conference at any stage of its proceeding. For instance, the House of Representatives, when it passes a bill and sends it to the Senate, may accompany its message with a request for a conference on that bill, and the Senate, when it finally disposes of the bill by rejecting it or by passing it with amendments, may accede to the request. But the House to which a bill accompanied with such a request is sent must, when it takes up the matter for consideration, reach the final determination whether it will agree or disagree to the proposition sent to it by the other House according to the mode of proceeding prescribed by its own rules.

The fact that the House, when it passes a bill, requests at the same time a conference with the Senate could not prevent the Senate from proceeding to the consideration of that bill in the regular way under its own rules; and when that final determination is reached it might be that, instead of granting a conference, it would agree to the measure as sent by the House, and thus render a conference unnecessary. There are cases in the parliamentary history of England, and perhaps in this country, where there have been conferences between the two branches of legislative assemblies, not upon disagreeing votes on amendments, but where one House had passed a bill and the other had absolutely rejected it. But in coming to that conclusion or stage of the proceeding which must be reached before a conference can be agreed to—because there can be no conference except upon disagreeing votes of the two Houses—each House must be governed by its own rules. If a conference is asked in advance upon a bill, the bill must nevertheless take its usual course, and the request can not be acceded to until the measure is rejected; and likewise if a conference be asked in advance upon amendments they must take the usual course and be disagreed to before the request is granted.

The only rule the House has upon this subject is one which makes the conference report privileged. It reads: "The presentation of reports of committees of conference"—the language is "reports"—"shall

¹ First session Thirty-sixth Congress, Journal, pp. 384, 429, 439.

² First session Fifty-ninth Congress, Record, p. 9195.

³ First session Forty-ninth Congress, Record, pp. 7331, 7332.

⁴ John G. Carlisle, of Kentucky, Speaker.

always be in order except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.”

It is claimed now by the other branch of the legislative department that there are no joint rules existing which regulate the proceedings on any subject between the two Houses. Formerly there was a joint rule regulating this matter of interchanging messages between the two Houses and granting conferences on disagreeing votes, but we seem now to have no such joint rules—at least none which can be enforced on the part of the House of Representatives.

So the Speaker decided that the consideration of the bill was not privileged simply because the Senate might choose in advance of a disagreement to ask for a conference.

6302. On January 15, 1897,¹ Mr. John F. Lacey, of Iowa, rising to a parliamentary inquiry, called the attention of the Speaker to the free-homes bill (H.R. 3656), which had been returned from the Senate with amendments and a request for a conference, and asked what course the bill would take.

The Speaker² said:

The bill, under the ruling of the Chair, would take the course of reference to the Committee on Public Lands. * * * The question has been passed upon once before in the history of the House, and in very much the same way. Mr. Carlisle, then Speaker, was at first inclined to think that the request of the Senate for a conference was sufficient to take the bill out of the operation of the rule of the House, and so ruled; but after reflecting upon the results of that ruling he came to a different conclusion, which he announced in a decision which will be found in the Record. The present occupant of the chair in the Fifty-first congress had originally the same idea that Mr. Carlisle had first entertained and was disposed to give progress to such bills;³ but not having time to examine the question, he accompanied his decision with a statement that it was subject to further consideration. Upon further consideration it seemed very apparent that any other course than referring the bill to the House committee having charge of the matter would have the effect to give a preference to the Senate's request over the rights of Members of the House, which could not be tolerated.⁴ Under our rule, House bills with Senate amendments are to be considered without reference when the Senate amendments, if they had originated in the House, would not have to be considered in Committee of the Whole on the state of the Union; but when they would have been subject to such consideration, then it is the duty of the Chair to refer the bill with the amendments to the appropriate committee. This is the rule of the House.

Now, this bill comes before us with amendments made by the Senate which change its nature to such an extent as, in the opinion of the Chair, to bring the bill within the operation of the rule of the House which requires that Senate amendments making appropriations which have not been considered by the House shall be referred to the Committee of the Whole House on the state of the Union. That being the case, this bill would be referred to the committee unless there is something in the request of the Senate for a conference to dispense with the reference. But the request of the Senate for a conference, or the request of either House for a conference, in order to be binding upon the other House, in courtesy, should indicate or should come after an absolute disagreement between the two Houses. Then is the time when either House can obtain a conference, but either can ask for it before. I suppose that the House might pass a bill and ask for a conference upon it without the bill having gone to the Senate at all, and so the Senate might pass a bill and ask a conference upon it without the House having received the bill; and if, in that event, the measure was not subject to the rule of the House, then the Senate would have a method by which they could be more prevalent in the House than the Members of the House themselves and dispense with a rule of the House; and that conclusion is, of course, one that would not be proper or suitable and could not be tolerated. The Senate may ask for a conference, but when the bill reaches the stage of disagreement, then that request takes effect upon the House, and the

¹ Second session Fifty-fourth Congress, Record, pp. 833, 834.

² Thomas B. Reed, of Maine, Speaker.

³ Second session Fifty-first Congress, Journal, p. 342.

⁴ See section 6301.

House will accede to the conference in pursuance of that courtesy which exists between the two House of a legislative body.

Before it reaches the stage of disagreement the House has its own methods of examining questions and should not abandon them, and by its Rule No. XX¹ has indicated its wish not to abandon them. Whatever under Rule XX goes to the Committee of the Whole must be referred to the committee having charge of the subject-matter.

The Chair has thought it worth while to state this view, although he has acted upon it at least once before without making any statement.

6303. A vote to adhere may not be accompanied by a request for a conference.

An instance of immediate adherence to a first disagreement.

On July 20, 1867,² the House had disagreed to an amendment of the Senate to a concurrent resolution of the House providing for an adjournment and had adhered to that disagreement.

This action being communicated to the Senate, the Senate had insisted on their amendment and asked for a committee of conference.

The action of the Senate being reported to the House, a motion was made that the House recede from its adherence and agree to the conference.

Thereupon Mr. Lewis W. Ross, of Illinois, rising to a parliamentary inquiry, asked if it would not be possible to adhere and have a committee of conference.

The Speaker³ replied that such a procedure would be impossible.

6304. After one House has adhered the other may recede or ask a conference, which may be agreed to by the adhering House.—On September 17, 1789,⁴ Mr. Abraham Baldwin, of Georgia, from the managers appointed on the part of this House to attend a conference with the Senate on the subject-matter of the amendment depending between the two Houses to the bill entitled “An act for allowing a compensation to the President and Vice-President of the United States,” made a report; whereupon

Resolved, That this House doth adhere to their disagreement to the said amendment.

On September 21 a message was received from the Senate that they had receded from their amendment disagreed to by the House.

6305. September 25, 1789,⁵ the Senate sent a message to the House saying that they agreed to all the amendments to the bill “An act to regulate the processes in the courts of the United States” except the first, and disagreed to that.

The House proceeded to reconsider the first amendment; whereupon it was

Resolved, That the House doth adhere to the said amendment.

The next day the Senate sent a message asking a conference, and announced that they had appointed conferees. The House thereupon agreed to the conference and appointed conferees.

¹ For this rule see section 4796 of Vol. IV of this work.

² First session Fortieth Congress, *Globe*, pp. 757, 761; *Journal*, pp. 245, 246.

³ Schuyler Colfax, of Indiana, Speaker.

⁴ First session First Congress, *Journal*, pp. 104, 105, 113, 114, 116 (Gales & Seaton ed.).

⁵ First session First Congress, *Journal*, pp. 156, 157 (old ed.); 124, 125 (Gales & Seaton).

6306. On March 26, 1792,¹ a message was received from the Senate announcing that that body disagreed to the amendment proposed by the House to the bill “establishing a mint,” etc.

The House proceeded to reconsider the amendment, and on the motion that the House doth recede from the said amendment it was determined in the negative—32 nays to 24 yeas. Then it was resolved that the House doth adhere.

The next day a message was received that the Senate had receded from their disagreement to the amendment.

6307. On April 28, 1794,² a message was received from the Senate that they adhered to their amendment disagreed to by the House to the first section of the bill to encourage the recruiting service.

Thereupon the House resolved that a conference be desired with the Senate on the subject-matter of the amendment adhered to.

The Senate on the next day sent a message that they agreed to the conference.

6308. Where one House votes to adhere to its attitude of disagreement, the other may vote to insist and ask a conference.

The House that votes to adhere does not ask a conference, but the other House may.

After an adherence by both Houses a conference is not asked.

A motion to recede has precedence of the motion to insist.

On January 22, 1834,³ the House proceeded to the consideration of the message from the Senate informing the House that the Senate had adhered to their second amendment to the bill (No. 36) entitled “An act making appropriations, in part, for the support of the Government for the year 1834.”

A motion was made by Mr. James K. Polk, of Tennessee, that the House do insist on its disagreement to the amendment, and ask a conference of the Senate on the subject-matter thereof.

Mr. Benjamin Hardin, of Kentucky, made the point that the Senate having adhered the House must recede or lose the bill.

The Speaker⁴ ruled that Mr. Polk’s motion was in order.

Mr. John Quincy Adams, of Massachusetts, said that, according to the practice of the last thirty years, when either House announced to the other its adherence, there could be no conference. They must either recede, or adhere and lose the bill; and this practice, he contended, had its advantages. He thought that the Senate would reject a request for a conference. Mr. Foot said the decision of the Chair was correct as to the parliamentary rule, but the practice had not prevailed in this country. The Senate had adhered in the first instance without insisting, and the door for conference was therefore closed. Thus the Senate had declared that there was something in the bill insulting to their dignity, and therefore not a subject for further consideration.

¹ First session Second Congress, Journal, p. 152 (old ed.); 551 (Gales & Seaton).

² First session Third Congress, Journal, pp. 221, 222 (old ed.); 133 (Gales & Seaton).

³ First session Twenty-third Congress, Journal, p. 229; Debates, pp. 2493, 2494, 2498.

⁴ Andrew Stevenson, of Virginia, Speaker.

In response to a question from Mr. Edward Everett, of Massachusetts, the Speaker said he felt sure that the motion of the gentleman from Tennessee was in order. In the British Parliament it was once the usage not to confer after adherence, but that rule has been changed, and it was the practice to ask a conference after an adherence by both Houses. The practice here had been different. After an adherence by both Houses it had never been the usage to ask a conference. But when one House mounted up at once to an adherence, and the other did not, the other could ask a conference. This last course was taken in two prominent instances in regard to the Missouri restriction bill and the judiciary bill, as shown by reference to the Journals. It was for the House now to adhere (in which case there could be no conference), or to recede, or to insist and ask a conference.

In response to an inquiry by Mr. Daniel L. Barringer, of North Carolina, as to the result if both Houses granted the conference and no agreement resulted, the Speaker said that the clause of adhering, not insisting, being connected with that for the conference, would have the effect of placing the bill on the table of the Senate in case of refusal to compromise.

Mr. Adams read extracts from a work on the routine of work in the British Parliament relative to the results in the different stages of disagreement between both Houses in insisting and adhering to their original motions and asking a conference, which appeared to be at variance with the statement made by the Speaker.

The Speaker then maintained his own views, verifying it by the practice of Congress in its action on the judiciary bill, and by this practice he considered himself bound, although his own private opinion was in coincidence with that of the parliamentary routine read by the gentleman from Massachusetts, and had been so expressed on the judiciary bill referred to at the time of his predecessor in the chair. But, finding that a different practice had prevailed, he saw no adequate reason to deviate from it. There are three stages in the procedure—asking, insisting, and adhering. If the House insist and ask the conference, it can retain the bill in its possession, provided the conferees of the other House do [not?] agree to a compromise; but if it adheres, when it asks the conference, it must lose the bill, if there be no agreement between the compromisers, particularly as the Senate have in this instance advanced at once to adhere without adopting the intermediate step to insist.

In answer to a question from Mr. Richard H. Wilde, of Georgia, the Speaker said that the privileged question of a motion to recede had certainly the preference over the motion by the gentleman from Tennessee.

A motion was then made by Mr. Samuel A. Foot, of Connecticut, that the House do recede from its disagreement to the amendment; which motion taking precedence of that made to insist and ask a conference, the question was put that the House do agree thereto, and it was decided in the negative, 127 nays to 87 yeas.

The question then recurred on the motion made by Mr. Polk that the House do insist on its disagreement to the amendment, and ask a conference with the Senate on the subject-matter thereof.

And the question being divided, it was put on so much thereof as proposed to insist on the disagreement to the amendment, and decided in the negative. The question was then put on the second member of the motion, viz, that the House ask

a conference with the Senate on the subject-matter of the said amendment, and passed in the affirmative.¹

6309. The Senate having disagreed to an amendment of the House, and the House having insisted, the Senate adhered, whereupon the House, for the first time, asked a conference, which was granted.

One House has by message reminded the other of its neglect to act on a conference report, but this was an occasion of criticism.

A conference report being made up but not acted on at the expiration of a Congress, the bill is lost.

On March 3, 1835,² the House was considering the Senate amendments to the fortifications appropriation bill, and agreed to the fourth amendment with an amendment providing for the appropriation of three million of dollars to be expended under the direction of the President for the defense of the country.

On the same day the Senate by message informed the House that they disagreed to the amendment of the House. The Senate, however, did not ask a conference.

The House insisted on their amendment, but asked no conference. The Senate, on motion of Mr. Daniel Webster, of Massachusetts, and after debate in which the proposed procedure was characterized as unduly harsh to the other House, voted to adhere to its disagreement.

The House insisted³ on its amendment and asked a conference. The Senate agreed to this conference.

The conferees agreed upon a report, and the papers were taken by the House conferees to the House.⁴ There a quorum had failed, so the report could not be presented. The Senate meanwhile were awaiting the papers in order to act on the report of their conferees, and on motion of Mr. Webster adopted this resolution:

Resolved, That a message be sent to the honorable House of Representatives respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States.⁵

No action could be taken by the House, and the bill failed.

6310. When one House asks a conference after the other House has adhered, the adhering House may agree to the conference without reconsidering or receding from its vote to adhere.

After the previous question has been moved on a motion to adhere, a motion to recede may not be made.

On April 8, 1858,⁶ the House proceeded to the consideration of the bill of the Senate (S. 161) entitled "An act for the admission of the State of Kansas into the

¹ For action of the Senate see Sec. 6311 of this chapter.

² Second session Twenty-third Congress, Journal, pp. 509, 516, 517, 518, 530; Debates, pp. 738, 745, 1656, 1661.

³ The Journal (p. 519) does not record the motion to insist, but the Debates (p. 1658) does record it, and, as it would be the natural motion, the Journal is probably in error.

⁴ Under the rule the papers should have been taken first to the Senate.

⁵ At the first session of the next Congress Mr. John Quincy Adams, of Massachusetts, criticised this message as an insult and discussed the propriety of it. (First session Twenty-fourth Congress, Debates, p. 2277, January 22, 1836.)

⁶ First session Thirty-fifth Congress, Journal, pp. 604, 615, 620; Globe, pp. 1544, 1589, 1590.

Union,” with the amendment of the House thereto, together with the message from the Senate announcing the disagreement of the Senate to the amendment.

Mr. John G. Montgomery, of Pennsylvania, moved that the House adhere to its amendment, and on this motion asked for the previous question.

Mr. James L. Seward, of Georgia, moved that the House recede, claiming that the latter motion had precedence of the motion to adhere.

The Speaker¹ said that the motion could not be entertained pending a demand for the previous question. If the motion to recede had been made before the call for the previous question, it would have taken precedence.²

The previous question was ordered, and the motion to adhere was agreed to, 119 yeas to 111 nays.

On April 13 a message was received announcing that the Senate insisted upon their disagreement to the amendment of the House, asked a conference on the disagreeing votes, and had appointed conferees.

Mr. Montgomery moved that the House insist upon its adherence to its amendment.

Mr. William H. English, of Indiana, moved to amend Mr. Montgomery’s motion by striking out all after the word “House” and inserting:

Agree to the conference proposed by the Senate on the subject-matter of the disagreeing votes of the two Houses on the said amendment, and that three managers be appointed to manage said conference on the part of the House of Representatives.³

Mr. English’s motion having been entertained, Mr. Israel Washburn, jr., of Maine, made the point of order that it was not in order for the House to agree to the conference until it had reconsidered its vote to adhere.

The Speaker said that he would overrule the point of order, and would cite from the Journal of the Senate for January 20, 1834, a precedent of very high authority:

A message from the House of Representatives, by Mr. Franklin, who informed the Senate that the House had agreed to the *first* and had *disagreed* to the *second amendment* to the bill making appropriations, in part, for the support of Government for the year 1834.

On motion of Mr. Webster, the Senate proceeded to consider the foregoing message from the House, announcing the disagreement of the House to the *second* amendment to said bill; and on motion of Mr. Webster, the Senate *adhered* to the second amendment—yeas 34, nays 13—and the Secretary notified the House of the vote to *adhere*. Whereupon, January 24, the House asked a *conference*. The Senate referred the request for a conference to the Committee on Finance, and Mr. Webster made the following report: “The House requests a conference *after* the Senate has *adhered* to its amendments, to which the House had previously disagreed. It can not be denied that the Senate has a right to refuse such a *conference*, a case exactly similar having been disposed of by the Senate in 1826, as will be seen by the extracts from its Journal,⁴ which are appended to this report. (Vide Senate Document, No. 57.) But the committee think it equally clear that such is not the usual and ordinary mode of proceeding in such cases. It is usually esteemed more respectful and more conducive to that good understanding and harmonious intercourse between the Houses which the public interest so strongly requires to accede to requests for conferences, even after an adhering vote.

¹James L. Orr, of South Carolina, Speaker.

²See section 6321—a of this volume.

³A question having been raised as to this amendment, the Speaker said (Globe, p. 1590) that he received it as an amendment, but he was not certain that it might not have been entertained as an independent proposition.

⁴See section 6313 of this chapter.

Such conferences have long been regarded as the established and approved mode of seeking to bring about a final concurrence of judgment in cases where the Houses have differed, and the committee think it unwise either to depart from the practice altogether or to abridge it, or to decline to conform to it, in cases such as those in which it has usually prevailed. It should only be, therefore, as the committee think, in instances of a very peculiar character that a free conference, invited by the House, should be declined by the Senate. The committee recommend the adoption of the following resolution:

Resolved, That the Senate agree to the conference proposed by the House of Representatives on the subject-matter of the disagreeing votes of the two Houses on the said amendments, and that three managers be chosen to manage said conference on the part of the Senate."

The question was then taken on Mr. English's amendment, and there were 108 ayes and 108 noes. Thereupon the Speaker voted in the affirmative and the amendment was agreed to.

The motion of Mr. Montgomery as amended was then agreed to.

6311. The Senate having adhered to their amendment to a House bill, the House decided to ask a conference without the preliminary of voting to insist.

The Senate, after careful examination, thought it respectful to grant the House's request for a conference, although the Senate had already adhered.

In the early practice conference reports were considered in Committee of the Whole.

On January 22, 1834,¹ the House proceeded to the consideration of the message from the Senate informing, the House that the Senate had adhered to their second amendment² to the bill (H. R. 36) making appropriations, in part, for the support of the Government.

The House having declined to recede, Mr. James K. Polk, of Tennessee, moved that the House insist on its amendment and ask a conference. This motion was divided, and on the first branch, that the House insist on its amendment, the question was decided in the negative. On the second branch, that a conference be asked, the question was decided in the affirmative.³

It was then

Ordered, That five managers be appointed to conduct the said conference.

On January 23⁴ the message from the House announcing this action and the names of the managers appointed by the House was received in the Senate, and on motion of Mr. Daniel Webster, of Massachusetts, was referred to the Committee on Finance. Immediately Mr. Webster, from that committee, submitted this report:

The House requests a conference after the Senate has adhered to its amendments, to which the House had previously disagreed. It can not be denied that the Senate has a right to refuse such a conference, a case exactly similar having been so disposed of by the Senate in 1826⁵ * * * but the committee think it equally clear that it is not the usual and ordinary mode of proceeding in cases of

¹First session Twenty-third Congress, House Journal, pp. 229, 231; Debates, pp. 336, 337, 2500.

²This amendment related to the use of the contingent fund of the two Houses to pay for printing, etc.

³For action of the House in this matter, see section 6308 of this chapter.

⁴Senate Journal, p. 112.

⁵See section 6313 of this chapter.

this kind. It is usually esteemed more respectful and more conducive to that good understanding and harmony of intercourse between the two Houses which the public interest so strongly requires to accede to requests for conferences, even after an adhering vote. Such conferences have long been regarded as the established and approved mode of seeking to bring about a final concurrence of judgment in cases where the Houses have differed, and the committee think it unwise either to depart from the practice altogether or to abridge it, or decline to conform to it, in cases such as those in which it has usually prevailed. It should only be, therefore, as the committee think, in instances of a very peculiar character that a free conference, invited by the House, should be declined by the Senate.

On January 24,¹ on motion of Mr. Webster:

Resolved, That the Senate agree to the proposed conference.

Thereupon three managers were appointed to represent the Senate.²

On January 27³ the report of the committee of conference was considered in the Committee of the Whole House on the state of the Union, which recommended that the report be agreed to.

On January 30⁴ the House nonconcurrent in the recommendation of the Committee of the Whole; and on February 7⁵ refused to reconsider this vote, and then receded from its disagreement to the Senate amendment.

6312. The managers of a conference having reported inability to agree, the House voted to adhere to its disagreement to the Senate amendment, whereupon the Senate receded from it.

When one House recedes from its amendment to a bill of the other, the bill is thereby passed, if there be no other point of difference as to the bill.

On February 28, 1907,⁶ Mr. John A. T. Hull, of Iowa, submitted this report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend⁷ to their respective Houses as follows:

On amendment numbered 25 the committee of conference has been unable to agree.

F. E. WARREN,
J. B. FORAKER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES HAY,
Managers on the part of the House.

¹ Senate Journal, p. 113. The Debates (p. 337) speak of four managers, but this was an error, undoubtedly.

² Debates, p. 337, indicate that four were suggested, but it is probably an error.

³ House Journal, p. 256.

⁴ House Journal, p. 264.

⁵ House Journal, p. 290.

⁶ Second session Fifty-ninth Congress, Record, pp. 4289, 4290.

⁷ In this case the form in use where the managers actually agree on recommendations is taken; but inasmuch as the managers actually do not recommend anything, a more accurate form would be "after full and free conference have agreed to report to their respective Houses as follows."

This was a case wherein, after a partial conference report had been agreed to by both Houses, the House had receded from its disagreement to one remaining amendment and concurred therein, while as to the other (amendment No. 25) it had voted to further insist on its disagreement and ask a conference. The Senate had then further insisted on its amendment and agreed to the conference. The managers being unable to agree, reported the fact.

After the report had been read,¹ Mr. Hull moved that the House adhere to its disagreement to amendment of the Senate numbered 25.

The motion was agreed to.

On the same day, in the Senate,² a motion that the Senate recede from its amendment was agreed to.

And the effect of this was to pass the bill, without further action on the part of the House.

6313. In an exceptional instance, wherein the House had disagreed to a Senate amendment to a House bill, the Senate thereupon adhered at once to its amendment and then declined the request of the House for a conference.

Instance of a request for a conference by one House after the other had adhered.

Instances of the loss of bills by the adherence of both Houses to attitudes of disagreement over amendments.

On April 28, 1826,³ the House considered and disagreed to a Senate amendment to a bill (H. R. 16) to further amend the judicial system of the United States. The disagreement was moved by Mr. Daniel Webster, of Massachusetts, and carried by a vote of 110 to 60. On May 3 a message was received from the Senate informing the House that they adhered to their amendment. On May 4 the House considered the message, and after debate voted to refer it to the Judiciary Committee. In the debate Mr. Webster spoke of the Senate's action as unusual and opposed to the common and, as it seemed to him, the respectful practice. Mr. Andrew Stevenson, of Virginia, opposed this view of Mr. Webster and said it seemed that the Senate merely wished to indicate that a conference would be a waste of time. He saw no disrespect toward the House. In reply, Mr. Webster quoted from the Senate's own text-book, Jefferson's Manual, to show that to adhere without offering a conference was not respectful to the other body.⁴ Hatsell also contained the same doctrine.

On May 5 the Judiciary Committee reported, recommending that a conference be asked of the Senate and that managers be appointed. The House concurred in the recommendations of the committee, and as managers Messrs. Webster, Edward, Livingston, of Louisiana, and John C. Wright, of Ohio, were appointed.

¹The House does not act on a report of mere failure to agree; but the Senate does, although it is difficult to see what there is requiring action.

²Record, p. 4247.

³First session Nineteenth Congress, Journal, pp. 485, 510, 513, 517, 541, 545, 550, 568, 576, 590; Debates, pp. 2601, 2603.

⁴See section 6163 of this volume.

In the debate before this action was taken Mr. Stevenson opposed the request for a conference and maintained that the course of the Senate was neither novel nor unprecedented. During the second session of the Fifteenth Congress the Senate amended the bill admitting Missouri with a restriction as to slavery.¹ The House disagreed to the amendment, and the Senate adhered without first insisting. There was another precedent as late as 1824, when the Senate adhered without insisting on an amendment to the bill concerning invalid pensions. Mr. Webster admitted the Missouri precedent, but contended that the proposition to ask a conference was parliamentary and would give the Senate an opportunity to recede from their adherence.

On May 10, 1826,² the Secretary of the Senate communicated to the House the information that the Senate declined the conference asked by the House on the subject-matter of the disagreeing votes of the two Houses on the amendments of the Senate to the bill entitled "An act further to amend the judicial system of the United States;" and, in obedience to an order of the Senate, delivered in at the Clerk's table a paper in the words following:

IN THE SENATE OF THE UNITED STATES, *May 8, 1826.*

Mr. Van Buren, from the Judiciary Committee, on the message from the House of Representatives, proposing a conference on the subject of the disagreeing votes of the two Houses on the amendment proposed by the Senate to the bill entitled "An act further to amend the judicial system of the United States" made the following report:

"That, in the opinion of the committee, the condition of the question and the circumstances of the case render a concurrence in the proposed conference inexpedient. They will, in deference to the high source from which the invitation has proceeded, make a brief explanation of the reasons which have led to this conclusion.

"The amendment proposed by the Senate was freely discussed, and adopted with but four dissenting voices. Upon being advised of the disagreement of the House of Representatives, the question was distinctly presented to the Senate whether it would insist and ask a conference or whether it would at once adhere and thus probably, although not necessarily, avoid one. Upon full discussion and careful consideration of the subject, the Senate, with but twelve dissenting voices, decided to adhere and thereby prevent the unprofitable formality of a conference at this advanced period of the session. That decision was within the rules established for the government of the two Houses, consistent with usage on other and important occasions, and (it can not be necessary to say) was made without the slightest disrespect to the House of Representatives. The committee believe that the same unanimity with which the question of adherence was originally determined in the Senate still exists. The appointment of conferees would be a virtual waiver of the vote of adherence, or, if otherwise considered, would manifest a disposition to meet the conferees of the other House upon unequal terms. Assuming that the Senate is opposed to a waiver of the vote of adherence and believing that the appointment of con-

¹ On March 2, 1819, the House considered and disagreed to a Senate amendment to the House bill for the admission of Missouri as a State. This amendment proposed to strike out a section prohibiting the further introduction of slavery or involuntary servitude into the new State. The House disagreed to the amendment by a vote of 78 to 76. The House did not ask a conference, but there was no special significance in this, as at that time conferences were not in so much favor as at present. The same day the Senate sent a message that they adhered to their amendment, and the House, on motion of Mr. John W. Taylor, of New York, voted to adhere also. So the bill was lost. The Annals do not show any debate on the parliamentary question involved. It was in the last hours of the Congress that this action took place. (Second session Fifteenth Congress, Journal, pp. 335, 338; Annals, pp. 280, 1436. Bills have quite frequently been lost by adherence of both Houses; see Cong. Globe, second session Twenty-fourth Congress, p. 219; Journal, p. 605; see also sections 6233-6240 of this volume.)

² First session Nineteenth Congress, Journal, pp. 541, 542.

ferrees without it might justly be considered objectionable by the House of Representatives, the committee recommend the adoption of the following resolution:

“*Resolved*, That, in the opinion of the Senate, no good will result from a conference upon the subject of the disagreeing votes of the two Houses on the amendment proposed by the Senate to the bill entitled “An act further to amend the judicial system of the United States,” and the Senate does therefore, decline the same; and further, that a copy of the annexed report be sent to the House of Representatives as explanatory of the views of the Senate.”

IN THE SENATE OF THE UNITED STATES, *May 10, 1826.*

The Senate proceeded to consider the foregoing report, and

Resolved, That they concur therein.

Attest.

WALTER LOWRIE, *Secretary.*

This message was referred to the Committee on the Judiciary, and on May 12¹ Mr. Daniel Webster, of Massachusetts, reported it back with the recommendation that the House adhere to its disagreement.

On May 15,² in an effort to save the bill, Mr. Webster moved its recommittal. This motion was decided in the negative, and the bill was then laid on the table.

6314. Instance wherein the House respectfully declined a conference asked by the Senate.—On March 2, 1905,³ the following message was received from the Senate:

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5108) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899; had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. Stewart, and Mr. Martin as the conferees on the part of the Senate.

Soon after, the bill being taken up, Mr. William S. Cowherd, of Missouri, moved that the House adhere to its amendment and respectfully decline a conference.

This motion was agreed to.

On March 3,⁴ when the message was laid before the Senate, Mr. Jacob S. Gallinger, of New Hampshire, said:

That relates to a matter about which there was a special agreement reached in advance that the House bill should be accepted. It is with reference to the smoke law, and is an amendment prepared by the Commissioners, which puts the matter on trial for a year, under certain restrictions. In my absence action was taken upon the bill and it was sent to the House. They declined a conference, I apprehend, for the reason that there was a special agreement that the Senate would accept the amendment.

Thereupon, on motion of Mr. Gallinger, the Senate receded from their disagreement and agreed to the House amendment.

6315. An instance wherein the Senate disregarded a request for a conference and voted to adhere.—On July 18, 1867,⁵ the House disagreed to the amendment of the Senate to the bill (H. R. 108) for the relief of certain volunteer soldiers and sailors, and requested a conference with the Senate.

¹ Journal, p. 550; Debates, pp. 2627, 2628.

² Journal, p. 568; Debates, p. 2632.

³ Third session Fifty-eighth Congress, Record, pp. 3915, 3924.

⁴ Record, p. 3937.

⁵ First session Fortieth Congress, Journal, pp. 219, 221; Globe, pp. 677, 678, 695, 698.

The Senate, on receipt of this message, voted to adhere to their amendment. Thereupon the House receded from their disagreement and agreed to the amendment.

The record of debate does not indicate that this procedure was made the subject of consideration.

6316. Sometimes one House disregards the request of the other for a conference and recedes from its disagreement, thereby rendering a conference unnecessary.—On February 25, 1825,¹ the House was considering the bill making appropriations for certain fortifications of the United States for the year 1825, and it was:

Resolved, That this House do insist on their disagreement to the third amendment of the Senate to the bill aforesaid, and that a conference be asked with the Senate upon the subject-matter of the said amendment.

Conferees were then appointed.

On February 26 a message from the Senate announced that they had receded from their amendment.

6317. On May 16, 1866² the House disagreed to the amendment of the Senate to the bill (H. R. 563) to regulate the time and fix the place for holding the circuit court of the United States in the district of Virginia. The House also voted to ask a conference with the Senate on the disagreeing votes of the two Houses, and appointed conferees.

On May 18 the message of the House was taken up in the Senate, and, on motion of Mr. Lyman Trumbull, of Illinois, the Senate voted to recede from its amendment. The effect of this was to pass the bill.

6318. On March 3, 1877,³ after conferences had been unable to agree, a message was received from the Senate announcing that they further insisted, and asked for a further conference. The House, instead of agreeing to the conference, receded from its disagreement, so passing the bill.

6319. Instance wherein the Senate receded from its amendment to a House bill, although it had insisted and asked a conference, to which the House had agreed.—On June 23, 1906,⁴ in the Senate, Mr. Eugene Hale, of Maine, submitted a conference report on the naval appropriation bill (H. R. 18750). This report concluded all matters of difference except the Senate amendment No. 13. The report was agreed upon by the Senate. Then the Senate voted to further insist on the amendment No. 13 and ask a conference with the House, and Messrs. Hale; George C. Perkins, of California, and Benjamin R. Tillman, of South Carolina, were appointed conferees.

June 25⁵ the conference report was also agreed to by the House; and thereupon the House voted to further insist on the disagreement to the Senate amendment No. 13 and to agree to the conference asked by the Senate, and Messrs. George E. Foss, of Illinois; Henry C. Loudenslager, of New Jersey, and Adolph Meyer, of Louisiana, were appointed conferees.

¹ Second session Eighteenth Congress, Journal, pp. 273, 278.

² First session Thirty-ninth Congress, Journal, pp. 711, 720.

³ Second session Forty-fourth Congress, Journal, p. 677.

⁴ First session Fifty-ninth Congress,

⁵ Record, pp. 9027–9029. Record, pp. 9147–9149, 9152.

On the same day¹ a message announcing this action of the House and transmitting the papers was received in the Senate. Thus the papers went into possession of the Senate managers of the conference.

But it does not appear that the managers made any report, and it is certain that none was submitted to either House.

On the contrary, on June 26² Mr. Hale, in the Senate, presented the papers and moved that the Senate recede from its amendment No. 13.

This motion was agreed to, whereat Mr. Hale said:

That passes the bill.

And on the same day³ a message was received in the House announcing that the Senate had receded from its amendment No. 13 to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

And thereafter, without further action, the bill was enrolled for signing and transmission to the President.

6320. The failure of a conference does not prevent either House taking such independent action as may be necessary to pass a bill.—On March 3, 1853⁴ the House disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate amendments to the civil and diplomatic appropriation bill. A new conference was had, and the conferees of this conference reported an inability to agree.

Finally, in the closing hours of the session, Mr. Graham N. Fitch, of Indiana, moved that the rules be suspended, so as to enable the House to take up and consider the questions of difference between the two Houses on this bill. The rules being suspended, Mr. Willard P. Hall, of Missouri, submitted this resolution:

Resolved, That the House adopt the recommendations contained in the report of the first committee of conference on the disagreeing votes of the two Houses on the bill of the House (No. 337) making appropriation for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854, and that the said bill be amended accordingly.

Mr. Robert Toombs, of Georgia, made the point of order that the resolution was not in order, as it was the same proposition heretofore submitted in the form of a report from the committee of conference and disagreed to by the House.

The Speaker⁵ overruled the point of order.

Mr. Toombs having appealed, the appeal was laid on the table.

The resolution was agreed to, and the bill became a law.

6321. Settlement of disagreement by conference.

The stage of disagreement not being reached, the motion to concur in an amendment of the other House with an amendment has precedence of the simple motion to concur.

¹Record, p. 9087.

²Record, p. 9246.

³Record, p. 9275.

⁴Second session Thirty-second Congress, Journal, pp. 393, 404, 407, 409, 430; Globe, pp. 1156, 1157.

⁵Linn Boyd, of Kentucky, Speaker.

One House may amend a bill of the other by striking out all after the enacting clause and inserting a new text.

The act of the Government in intervening to stop the war in Cuba was authorized by a joint resolution.

On April 18, 1898,¹ a message was received from the Senate announcing that that body had passed the joint resolution of the House (H. Res. 233) authorizing and directing the President of the United States to intervene and stop the war in Cuba, etc., with an amendment striking out all after the resolving clause and inserting a new resolution, of which the first clause was as follows:

First. That the people of the island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

The resolution coming before the House, Mr. Nelson Dingley, of Maine, offered this motion:

I move to concur in the Senate amendments to House joint resolution No. 233 with an amendment striking out in the first paragraph the words "are, and," and also the words "and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island;" so that the first paragraph of said Senate amendment will read as follows:

"First. That the people of the island of Cuba of right ought to be free and independent."

Also amend the title of said joint resolution by striking out the words "and Republic of Cuba."

Mr. Dingley demanded the, previous question on his motion.

Mr. Joseph W. Bailey, of Texas, as a parliamentary inquiry, asked whether, pending the motion to concur with an amendment, it would be in order to make the motion simply to concur.

The Speaker² said:

The Chair thinks that motion would be in order, but the pending motion precedes it.

Mr. Dingley's motion to concur with an amendment was agreed to—178 yeas to 156 nays.

6321-a. Settlement of disagreement by conference continued.

Form of message by which one House announces to the other the fact of its disagreement to an amendment of the other House to one of its bills.

Although the previous question may have been demanded on a motion to insist, it has been held that a motion to recede and concur might be admitted to precedence.³

Later on the same legislative day a message from the Senate was received and laid before the House by the Speaker, announcing this action by the Senate:

Resolved, That the Senate disagrees to the amendment of the House to the amendments of the Senate to joint resolution (H. Res. 233) authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

Mr. Dingley at once moved that the House insist on its amendment to the Senate amendment and ask for a conference.

On this motion Mr. Dingley demanded the previous question.

¹ Second session Fifty-fifth Congress, Record, pp. 4041, 4056, 4060, 4062-4064.

² Thomas B. Reed, of Maine, Speaker.

³ See also section 6208 of this volume.

Mr. Bailey, rising to a parliamentary inquiry, asked if a motion to recede from the House amendment and concur in the Senate amendment would be in order, citing at the same time a statement of the Manual and Digest that a motion to recede had precedence, even though the previous question might have been demanded on the motion to insist.¹

The Speaker decided that the motion to recede would be in order.

Thereupon Mr. Jacob H. Bromwell, of Ohio, moved that the House, recede from its disagreement to the Senate amendment and concur therein.

On this question there were yeas 146, nays 172, and the motion was disagreed to.

The motion of Mr. Dingley to insist and ask a conference was then agreed to.

6322. Settlement of disagreement by conference continued.

One House having taken action on an amendment of the other, informs the latter House by message.

Form of report by which the managers of a conference announce to their respective Houses their inability to agree.

The report of managers of a conference goes first to one House and then to the other, neither House acting until it is in possession of the papers.

A conference having failed to reach a result, the two Houses successively, as they come into possession of the papers, act on the amendments in disagreement, further insisting or receding and concurring.

The conferees having been appointed and the Senate having been informed by message of the action of the House, a message was presently received from the Senate announcing that the Senate "had insisted upon its disagreement to the amendments of the House to the amendments of the Senate," and had agreed to the conference asked by the House.

The conferees having met, reported as follows, the report going first to the Senate for action:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (H. Res. 233) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, having met, after full and free conference report to their respective Houses as follows:

That they have been unable to agree.

ROBERT ADAMS, Jr.,
JOEL P. HEATWOLE,
HUGH A. DINSMORE,

Managers on the part of the House of Representatives.

C. K. DAVIS,
J. B. FORAKER,
JNO. T. MORGAN,

Managers on the part of the Senate.

¹The precedent cited in this case was *Journal*, first session Twenty-ninth Congress, pp. 695, 697. It does not touch upon the previous question and the Manual and Digest was evidently in error. Mr. Speaker Reed felt that the principle set forth was anomalous, but felt constrained to regard it as settled, not having authorities at hand to disprove the statement of the Manual.

A message from the Senate announcing that the Senate further insisted upon its disagreement to the amendments of the House to the amendments of the Senate was received before this report was presented to the House by Mr. Robert Adams, jr., of Pennsylvania.

The report having been read, Mr. Adams moved that the House further insist on its amendments to the amendments of the Senate and ask for a further conference.

On this motion he called for the previous question.

Mr. Bromwell thereupon moved that the House recede and concur, and this motion was entertained and put, resulting in yeas 145, nays 177.

So the motion was rejected, and the question recurring upon the motion of Mr. Adams, it was agreed to.

6323. Settlement of disagreement by conference, continued.

At a second conference the managers of the first are usually re-appointed.

Form of conference report wherein one House recedes from certain amendments while the other recedes from its disagreement to certain others.

Form of conference report wherein differences as to an amendment are settled by amending it.

A conference report is valid if signed by two of the three managers of each House.

A conference report must be accepted or rejected in its entirety; and while it is pending no motion to deal with individual amendments in disagreement is in order.

The Speaker reappointed the same conferees, and a message was sent to the Senate, who presently in return sent the message that the Senate further insisted on its disagreement to the amendments of the House to the amendments of the Senate, and agreed to the further conference, etc.

This conference agreed to this report, which was carried first to the Senate:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (H. Res. 233) for the recognition of the independence of the people and Republic of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1, in line 1, Striking out the words "are, and."

That the Senate recede from its disagreement to the amendment of the House numbered 2, in line 2, to strike out all after the word "independent," to and including the word "island," in line 4; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the resolution, omitting in line 2 thereof the words "and republic," and agree to the same.

ROBERT ADAMS, JR.,

JOEL P. HEATWOLE,

Managers on the part of the House of Representatives.

C. K. DAVIS,

J. B. FORAKER,

Managers on the part of the Senate.

The Senate having agreed to this report, sent a message announcing the fact to the House. This message having been received, Mr. Adam presented the report to the House, moved its adoption, and on that motion demanded the previous question, which was ordered.

As the vote was about to be taken, Mr. Benton McMillin, of Tennessee, asked as a parliamentary inquiry if it would be in order at this stage to move that the House recede from its amendment to the Senate resolution and concur in the same.

The Speaker replied that it would not be in order, because a conference report was to be accepted or rejected in its entirety.

The report was then agreed to, yeas 306, nays 6, and thus the matter was finally concluded.

6324. Instance of prolonged disagreement resulting in the loss of a bill.

Under the former practice the House disagreeing to an amendment of the other did not ask a conference, leaving that to the other House if it should decide to insist.

It was formerly the practice, when a conference failed to produce a result, to appoint new managers at the next conference.

The motions to recede, insist, and adhere have precedence in the order named without regard to the order in which they may be offered.

On August 11, 1856,¹ the House began the consideration of the bill (H. R. 153) making appropriations for the support of the Army, which had been returned from the Senate with an amendment striking out a section which prohibited the use of troops of the United States to enforce the acts of the legislature of Kansas, etc.

The House concurred in the amendment with an amendment.

On August 16 a message from the Senate announced that that body disagreed to the amendment of the House to the Senate amendment.

Thereupon the House insisted upon its amendment and asked for a conference, appointing conferees.

The Senate in turn insisted on their disagreement, agreed to the conference, and appointed their conferees.

On August 16 the House conferees reported that the conference had resulted in disagreement, and Mr. James L. Orr, of South Carolina, moved that another conference be asked, and that the House conferees be instructed to recede. This motion was disagreed to.

Then, a message being received from the Senate that they further insisted and asked a further conference, the House also voted to further insist and agreed to the conference. In this case the conferees of both the House and Senate were new Members, no one of them having been a member of the former conference.²

This conference also resulted in disagreement, and the Senate sent a message that they further insisted on their disagreement, and that they had discharged their committee of conference.

Thereupon the House ordered that its conferees be discharged from the further consideration of the subject.

¹First session Thirty-fourth Congress, Journal, pp. 1427, 1484, 1516, 1518, 1600, 1602; Globe, p. 2037.

²According to the present practice conferees are usually reappointed.

Thereupon Mr. Joshua R. Giddings, of Ohio, moved that the House adhere to its amendment of the amendment of the Senate.

After debate, Mr. Charles J. Faulkner, of Virginia, moved that the House recede and agree to the Senate amendment.

Pending this, Mr. Lewis D. Campbell, of Ohio, moved that the House further insist upon their amendment to the Senate's amendment, and ask a further conference with the Senate.

The motion to recede, being put first as having precedence, was decided in the negative, 86 nays to 82 yeas.

The question was next put on the motion of Mr. Campbell, that the House further insist, etc., and it was decided in the affirmative.

6325. Instance of prolonged disagreement resulting in the loss of a bill, continued.

A motion to request a conference on disagreeing votes of the two Houses having been rejected, may not be repeated at the same stage of the question, even though a recess of Congress may have intervened.

The House having adhered, the Senate insisted and asked a conference, whereupon the House insisted on its adherence and agreed to the conference.

Instance of the loss of an appropriation bill through adherence of both Houses to their attitudes of disagreement over a section containing legislation.

The hour for final adjournment arriving in the midst of a call of the roll, the Speaker directed the call to be suspended and declared the House adjourned sine die.

On August 18 the two Houses were still in disagreement, when the hour for final adjournment arrived. Mr. Campbell had moved that the House further insist on their amendment and agree to the conference asked by the Senate, and this motion had been disagreed to, 103 nays to 98 yeas.

Mr. John C. Kunkel, of Pennsylvania, moved soon after that the House ask a further conference with the Senate.

The Speaker¹ decided that the motion was not in order, inasmuch as a similar question had just been voted on and rejected.

From this decision Mr. Kunkel appealed, and during the call of the yeas and nays the hour for final adjournment arrived. The Speaker directed the call to be suspended and declared the House adjourned sine die.

On August 21, 1856, three days later, Congress assembled in special session, and the joint rule prohibiting the resumption of unfinished business until after six days² being suspended so far as it affected the Army appropriation bill, the question on August 23 recurred in the House on Mr. Kunkel's appeal, which he withdrew.

A motion was then made to further insist and agree to the conference, but the Chair ruled it not to be in order, as such a motion had been voted down at the last proceeding on the bill at the last session.³ Then a motion to reconsider that former

¹Nathaniel P. Banks, of Massachusetts, Speaker.

²This joint rule no longer exists.

³Second session Thirty-fourth Congress, Globe, p. 25.

vote was offered, but the Speaker¹ ruled it out on the ground that more than two days had elapsed.

A motion to recede, made by Mr. Howell Cobb, of Georgia, was disagreed to, and then Mr. Israel Washburn, jr., of Maine, moved to adhere. This motion was decided in the affirmative—yeas 98, nays 97.

On August 27 a message from the Senate announced that they further insisted and asked a conference.

Thereupon, on motion of Mr. Lewis D. Campbell, by unanimous consent,

Ordered, That the House insist upon its adherence to its amendment to the amendment of the Senate to the said bill of the House No. 153, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The committees for this conference were new, although one or two members had been on the committees of the two preceding conferences.

This conference failed also, and on August 28, 1856, Mr. Campbell moved that the House further insist upon its adherence to its amendment.

Mr. Alexander H. Stephens, of Georgia, moved that the House recede from its vote insisting upon its adherence. This motion, which had precedence, was decided in the negative.

Mr. Campbell's motion was then decided in the affirmative.

On August 29 the Secretary of the Senate delivered this message in the House:

Mr. SPEAKER: The Senate adhere to their disagreement to the amendment of this House to the amendment of the Senate to the bill H. R. 153, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1857," and also adhere to their said amendment to the said bill.

¹Nathaniel P. Banks, of Massachusetts, Speaker.