

Chapter CXVI.

READING OF PAPERS.

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5257. When a Member objects to the reading of a paper other than one on which the House is to give a final vote, the question as to the reading is determined by vote without debate.

The right of a Member to demand the reading of a paper on which he is called to vote is recognized in the rules of the House.

Present form and history of Rule XXXI.

Rule XXXI provides:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

The first rule on this subject dates from November 13, 1794,¹ when the House adopted this rule:

When the reading of a paper is called for which has been before read to the House, and the same is objected to by any Member, it shall be determined by a vote of the House.

As early as 1802 this rule was changed to the following form:

When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a vote of the House.²

In this form the rule continued until the revision of 1880, when the present form was adopted. In their report³ at that time the Committee on Rules say that they amended the old rule so as to make it applicable only to papers “other than one upon which the House is called to give a final vote,” thus reaffirming or recognizing

¹Third and Fourth Congresses, Journal, p. 228 (Gales and Seaton ed.).

²The rule appears first in this form in the draft of the rules printed in the Journal of January 7, 1802. (First session Seventh Congress, Journal, p. 39, Annals; p. 410).

³Second session Forty-sixth Congress, Record, p. 202.

the right of a Member to demand the reading of a paper on which he is called to vote. This is the long-established rule and practice of the English Parliament.

5258. Under the parliamentary law every Member has the right to have a paper once read before he is called to vote on it.

The reading of papers other than the one on which the vote is taken is usually permitted under the parliamentary law without question, but if objection is made the Speaker must take the sense of the House.

A Member may not, as a matter of right, require the reading of a book or paper on suggesting that it contains matter infringing on the privileges of the House.

If there is an evident abuse of the patience of the House, and objection is made, the Member must have leave of the House to read a paper in his place, even though it be his own written speech.

Section XXXII of Jefferson's Manual has these provisions in regard to the reading of papers:

Where papers are laid before the House or referred to a committee, every Member has a right to have them once read at the table before he can be compelled to vote on them,¹ but it is a great though common error to suppose that he has a right, toties quoties, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every Member to have as much information as possible on every question on which he is to vote that, when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put. (2 Hats., 117, 118.)

It is equally an error to suppose that any Member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House. (Ib.)

For the same reason, a Member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A Member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended. (2 Grey, 227.)

5259. Before the adoption of rules, while the House was proceeding under general parliamentary law, the Speaker held that a Member in debate on an election case might not have read, as a matter of right, the record of testimony.—On February 1, 1890,² before the adoption of rules, the House proceeding under general parliamentary law, and the contested election case of *Smith v. Jackson* being under debate, Mr. Charles T. O'Ferrall, of Virginia, sent to the Clerk's desk a printed record of the testimony and called for the reading of it.

The Speaker³ ruled that it could not be read; not even as a part of Mr. O'Ferrall's remarks; neither could the gentleman be allowed to read it himself.

After discussion, the Speaker said:

The rule of parliamentary practice has always been recognized in regard to that, and has been recognized by the rules of this House (and that is only a declaration of the ordinary parliamentary law),

¹ See an instance in the Senate wherein a Senator was denied the right to have a paper read before voting on a motion to table it, but obtained the reading only by a vote of the Senate. (Second session Fortieth Congress, Globe, p. 3385.)

² First session Fifty-first Congress, Record, p. 1019.

³ Thomas B. Reed of Maine, Speaker.

which is that a printed document, or a document other than one upon which the vote is finally to be taken, meaning a bill, resolution, or something of that nature, can only be read by consent of the House. That is a recognition in the old rules of a simple common parliamentary doctrine.

Of course the Chair has not the power to enforce against the gentleman any rule unless it be by the support of the House itself. It is simply the duty of the Chair to state the rule as he understands it, and the gentleman must not make a confusion, or even the House, between a court of justice and a deliberative body. * * * It is a recognized fact, and the reason why the documents are printed is for the information of Members, to be read by themselves for their own instruction, and the Chair can appeal to the unbroken experience of all gentlemen upon this floor in regard to this matter, both in this and other parliamentary bodies. * * *

As an inquiry, Mr. Charles F. Crisp, of Georgia, said:

Do I understand the Chair to hold that the gentleman from Virginia, in a contested-election case, may not read to the House such portions of the testimony as he thinks should be called to their attention?

The Speaker replied:

By no means. The Chair did not decide anything of the sort. * * * The gentleman had a perfect right to refer to a document and read portions and comment upon it. But the gentleman from Georgia will see the difference between that and reading an entire document, as the gentleman has proposed.

5260. When a paper on which the House is to vote has been read once, the reading may not be required again unless the House shall order it read.

A paper not before the House for action, but related to the pending matter, may be read by order of the House if there is objection to the request of a Member.

On August 28, 1852,¹ while the House was considering Senate amendments to the civil and diplomatic appropriation bill, Mr. Meredith P. Gentry, of Tennessee, raised a question of order concerning the rule:

When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a vote of the House.

The Speaker² said:

The Chair holds that a paper in the shape of a bill, for instance, to be voted upon, must be read under the law, and that you can not dispense with the reading unless you dispense with the rules.³ But if the paper has been read once, it is not within the power of any one Member to demand that it shall be read a second time. The rule provides that if he be sustained by a vote of the House he may have it read. Again, it will embrace another case like this: if a Member asks that a paper not before the House—a letter, for instance—be read, and it is objected to, he may, by a vote of the House, have it read. A bill or amendment to be voted on must be read under the rule—the rule commands it—and it can not be dispensed with except by a vote of two-thirds.⁴

5261. On a motion to refer a report the reading of it may be demanded as a matter of right by a Member; but the latest ruling leaves

¹ First session Thirty-second Congress, Globe, p. 2416.

² Linn Boyd, of Kentucky, Speaker.

³ The rule at this time was as follows: "When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a vote of the House."

⁴ Mr. Speaker Boyd omitted one evident qualification of this principle, viz, that the paper or letter which is not before the House for action should relate to the pending matter of business if the question of reading it is to be forced on the attention of the House. Evidently a Member might not displace the order of business to have read a paper unrelated to the business in order.

to the House to decide whether or not an accompanying record of testimony shall be read.—On July 2, 1856,¹ the Speaker announced as the business first in order the report of the select committee appointed under the resolutions of the House of the 19th of March last to inquire into and collect evidence in regard to the troubles in Kansas, etc., submitted on the previous day, the pending question being on the motion submitted by Mr. Israel Washburn, jr., and upon which the main question was ordered to be put, “that it be referred to the Committee of Elections and printed; and that leave be given to the minority of the said committee to submit a report at any time within ten days, and to take additional testimony, and, when submitted, that the same be referred to the Committee of Elections and printed.”

The Clerk resumed and finished the reading of so much of the report as consisted of the statements and deductions of a majority of the committee.

The reading of the balance of the report, consisting of the Journal, testimony, etc., having been called for,

Mr. Thomas L. Clingman, of North Carolina, moved to dispense with the reading of the same.

Mr. Burton Craige, of North Carolina, submitted, as a question of order, that it was not competent for a majority to deprive any Member desiring it of the privilege of having the entire report read.

The Speaker² sustained the point of order and decided that the motion to dispense with the reading could not be entertained while any Member objected, on the ground that, under the parliamentary law, on a question of the reference of papers, if a Member insisted they shall be read, nobody could oppose it; he did not think that the fifty-seventh rule of the House related to such papers as were before the House for its action. The Speaker said:

The gentleman from North Carolina moved that the further reading of the report of the committee be dispensed with. Objection being made, and a question of order being raised, the Chair decides that, as the motion pending is that the report be printed and referred to committees, it is the right of a Member of the House to have the report read. The Chair asks leave simply to make this suggestion, that according to the understanding of the Chair the fifty-seventh rule refers to papers laid before the House on which no action of the House is to be had, as, for example, if the question of admitting the State of Kansas be the pending question, and a Member of the House should ask that the report of the committee of investigation be read, the Chair would decide that it was not the right of a Member to have that report read, because no action of the House was called for on that report; but if the motion were submitted that a report bearing on that question should be read, it would be the duty of the Chair to submit the motion, and the majority would have the power to decide. That is the Chair's understanding of the application of the fifty-seventh rule—that it refers exclusively to papers on which no action of the House is had. The Chair desires to say nothing more on this question than to refer to the paragraph on the ninety-fourth page of the Manual, which is, that where a paper is to be referred to a committee, if a Member insists that it shall be read, no other Member can object.* * * The distinction between the reading of papers upon which action of the House is to be had and of those on which no action is to be taken covers a great principle of right. If the majority of the House may, by a simple vote, dispense with the reading of a paper upon which the House is called to act, great wrong may be done.³

¹First session Thirty-fourth Congress, Journal, p. 1146; Globe, p. 1535.

²Nathaniel P. Banks, of Massachusetts, Speaker.

³The rule at this time was somewhat different from the present rule. (See sec. 5257.)

Mr. Clingman having appealed, the decision of the Chair was sustained, 176 yeas to 7 nays.

5262. On February 20, 1889,¹ the question was on a motion to recommit the report of the investigation of school-site purchases in the District of Columbia, when Mr. William. P. Taulbee, of Kentucky, demanded the reading of the evidence accompanying the report.

The Speaker² held:

The rule of the House, as it has been laid down, is that the matter which is to be voted upon shall be read if the reading is demanded; but if it is insisted that the proof shall be read, that question will have to be decided by the House. The House does not vote upon the proof. It is simply a question now with the House whether it shall have it read or not. * * * All committees of investigation are required to report back the evidence taken, but it constitutes no part of the matter upon which the House is required to vote. * * * The Chair overrules the point of order, and will, if the gentleman insists upon the reading, let it be decided by the House whether it shall be read or not.

5263. The early practice was not uniform as to the right of a Member to demand the reading of a paper which it was proposed to print.—On March 3, 1827,³ a motion was before the House to print a report of a select committee on the memorial of the Colonization Society.

Mr. James Hamilton, of South Carolina, demanded the reading of the report.

Objection being made, the Speaker⁴ decided that the question on reading must be determined by a vote of the House.

Mr. Hamilton appealed, but after debate withdrew the appeal, and the House acquiesced in the decision of the Chair.

5264. On March 4, 1834,⁵ Mr. James K. Polk, of Tennessee, moved that the report of the Committee on Ways and Means on the withdrawal of deposits from the Bank of the United States be printed.⁶

Mr. Clement C. Clay, of Alabama, called for the reading of the report.

A question being raised, and a motion made to dispense with the reading, the Speaker⁷ said that the Member from Alabama had a right to have the report read before he could be required to vote, and that it was not in order to move to dispense with the reading nor in the power of the majority of the House so to direct. The rule which declared that, when the reading of a paper is called for, and the same is objected to, that the House shall determine by a vote whether it is to be read or not, did not apply to the case of a paper first presented for the consideration and action of the House. That rule was adopted, no doubt, in consequence of its having been supposed that this right of a Member to have a paper read for information extended to all papers which were on the table, or in the possession of the House, and on which the House might have passed. To guard against the delay and inconvenience which would have arisen from the exercise of such a right the forty-second rule⁸ was adopted.

¹ Second session Fiftieth Congress, Record, p. 2118; Journal, p. 571.

² John G. Carlisle, of Kentucky, Speaker.

³ Second session Nineteenth Congress, Journal, p. 494; Debates, p. 1532.

⁴ John W. Taylor, of New York, Speaker.

⁵ First session Twenty-third Congress, Debates, pp. 2868, 2869.

⁶ Reports are now printed under provisions of a rule and law.

⁷ Andrew Stevenson, of Virginia, Speaker.

⁸ See section 5257 of this volume for the rule then and now.

That rule, however, was only applicable, in the opinion of the Chair, to papers upon the table or in possession of the House, and did not apply to papers first presented to the House and on which action was to be had. When any paper was thus presented for the first time, in the business and proceedings of the House, any Member had a right to have it read through once at the table before he could be compelled to give any opinion or vote in relation to it; but, having been once read it was, like every other paper that belonged to the House, to be moved¹ to be read, if again desired, and if objection be made the sense of the House was to be taken by the Chair. This was an important right to each individual Member, one of the few that could be exercised by him against the opinion of the House, and which no majority could, as the law was, deprive him of. It had been so regarded, and held sacred, by the individual who filled the Chair, and he had been sustained by the practice and decision of the House. In 1802 the question was first raised, in relation to a communication from the then Secretary of War; a motion having been made to dispense with the reading of it, it was decided by Mr. Speaker Macon to be out of order (no doubt for the reasons now stated, though that did not appear), and approved by a vote of more than four to one. A difference of opinion had probably arisen on the subject, the Speaker said, in consequence of the rules as laid down in the Manual. The authority of Hatzel, which Mr. Jefferson referred to as justifying the rule, had been entirely misapprehended. The practice of the House of Commons, certainly since the time of Mr. Onslow, was in accordance with the decision now made, and the right in question he had ever regarded as one highly important to each individual Member of this House.

5265. On February 10, 1859,² Mr. James M. Cavanaugh, of Minnesota, presented a memorial relating to navigation in the Red River of the North, and moved that it be referred to the Committee on Commerce and printed.

Pending this motion, Mr. George W. Jones, of Tennessee, called for the reading of the memorial.

The Speaker³ decided that the question of the reading of the memorial should be submitted to the House, saying:

Suppose, for instance, the Patent Office report is presented here and, upon the motion to print, a gentleman calls for the reading of the document. It would take two weeks to read the paper, and the Chair is of opinion that the rules of the House can not require that the time of the House shall be taken up for two weeks upon the mere requirement of a Member that the Patent Office report shall be read. The Chair thinks the majority of the House have the right to decide in such a case whether the paper shall be read or not.

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

5266. Illustration of the difficulty of conceding to a Member the right to have read any paper concerning which he is to vote.—On June 24, 1840,⁴ Mr. George W. Crabb, of Alabama, moved to reconsider the vote of the House on the previous day, whereby Raymond's Political Economy had been received and placed in the Library of Congress.

¹ Such motion has no privilege.

² Second session Thirty-fifth Congress, Journal, p. 376; Globe, p. 941.

³ James L. Orr, of South Carolina, Speaker.

⁴ First session Twenty-sixth Congress, Globe, p. 483.

Mr. Levi Lincoln, of Massachusetts, proposed to have the book read.

Mr. Hopkins L. Turney, of Tennessee, rising to a parliamentary inquiry, asked if it was in order to ask the reading of the book on the motion to reconsider.

The Speaker¹ decided that, as the gentleman from Massachusetts was called on to vote respecting this book, he had a right, under the rules of the House, to have it read if he so demanded.

5267. While a message of the President is always read in full and entered on the Journal, the latest rulings have not permitted the reading of the accompanying documents to be demanded as a matter of right.—On January 24, 1877,² the Speaker, as the first business in order on the Speaker's table, laid before the House a message from the President of the United States, transmitting certain documents in response to the following resolution of the House of Representatives:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to this House copies of any and all orders or directions, emanating from him or from either of the Executive Departments of the Government to any military commander or civil officer, with reference to the service of the Army or any portion thereof in the States of Virginia, South Carolina, Louisiana, and Florida, since the 1st of August last, together with reports by telegraph or otherwise from either or any of said military commanders or civil officers.

The message having been read heretofore, was not read again.

Mr. Stephen A. Hurlbut, of Illinois, demanded the reading of the papers accompanying the message.³

Mr. Fernando Wood, of New York, objected to the reading of the accompanying documents.

The Speaker⁴ said:

The Chair thinks the demand for the reading of the accompanying documents can not be entertained. The rule provides for reading the message. * * * The Chair will submit the question to the House under Rule CXXI: "When the reading of a paper is called for and the same is objected to by any Member, it shall be determined by a vote of the House."⁵

5268. On December 18, 1893,⁶ the Speaker laid before the House two messages from the President, one transmitting documents relating to the relations of the United States and Hawaii.

The messages having been read, were, with the accompanying documents, ordered to be printed and referred to the Committee on Foreign Affairs.

Mr. Charles A. Boutelle, of Maine, demanded the reading of certain telegrams and instructions of the Secretary of State accompanying the message previously read, and which had been referred to the Committee on Foreign Affairs.

¹ Robert M. T. Hunter, of Virginia, Speaker.

² Second session Forty-fourth Congress, Journal, pp. 294–297; Record, p. 925.

³ The accompanying documents were exceedingly voluminous. A Member said in the debate that the reading would require a week.

⁴ Samuel J. Randall, of Pennsylvania, Speaker.

⁵ Previously, on December 6, 1876 (second session Forty-fourth Congress, Journal, pp. 41, 42), Mr. Speaker Randall had ruled that on the demand of a Member both the President's message and the accompanying documents should be read, the question being on referring. (See sec. 5271.)

⁶ Second session Fifty-third Congress, Journal, pp. 37–41; Record, pp. 374, 375.

The Speaker held that the first message having been with the accompanying documents referred to a committee, it was not now in order to demand the reading of the documents except by the unanimous consent of the House.

The Speaker¹ also held that under the practice of the House the reading of documents accompanying a message from the President could not be demanded as a matter of right, but that the message itself was always read in full and entered in the Journal.

By unanimous consent, the instructions and telegrams accompanying the first message were read by the Clerk.

5269. On May 22, 1838,² a message was received from the President of the United States, and, with the accompanying documents, was read. A ruling by the Chair at this time leaves it to be inferred that it was considered at that time a matter of right to have the accompanying documents read when messages were presented to the House.

5270. On May 3, 1858,³ the Speaker laid before the House the following message from the President of the United States:

To the House of Representatives;

In compliance with the resolutions of the House of Representatives of the 19th January, 1857, and 3d February, 1858, I herewith transmit the report of the Secretary of the Interior, with the accompanying documents.

JAMES BUCHANAN.

WASHINGTON, *May 3, 1858.*

The reading of the accompanying documents having been called for, the question was put, "Shall the same be read?" and it was decided in the negative.

Thereupon Mr. George W. Jones, of Tennessee, demanded as a matter of right, in order that he might vote intelligently, that the papers be read.

The Speaker⁴ decided that, after the vote just taken, it was not the right of a Member to have the papers read.

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

5271. On December 6, 1876,⁵ a message was received from the President of the United States, and the same having been laid before the House, Mr. William M. Springer, of Illinois, moved that the message be referred to the select committee appointed to investigate the recent election in the State of Louisiana.

Mr. Omar D. Conger, of Michigan, as a question of order, demanded the reading of the message and accompanying document.

The Speaker⁶ decided that, every Member having under the rules a right to demand the reading of a paper before voting on any question connected therewith, that right could only be taken from him by a suspension of the rules, which motion was not now in order, and that therefore the message and accompanying document must be read, as demanded by Mr. Conger.

¹ Charles F. Crisp, of Georgia, Speaker.

² Second session Twenty-fifth Congress, Journal, p. 943; Globe, p. 400.

³ First session Thirty-fifth Congress, Journal, p. 730.

⁴ James L. Orr, of South Carolina, Speaker.

⁵ Second session Forty-fourth Congress, Journal, pp. 40-42; Record, p. 69.

⁶ Samuel J. Randall, of Pennsylvania, Speaker.

5272. The documents which are a part of a message of the President are not read before the message is disposed of.—On May 11, 1846,¹ a message relating to the troubles with Mexico was received from the President of the United States. The message having been read, a motion was made by Mr. Hugh A. Haralson, of Georgia, that the message and documents accompanying the same be laid on the table and printed.

Mr. Robert C. Schenck, of Ohio, raised the question of order that a motion to lay the message and documents on the table was not in order until the reading of all the papers was completed.

The Speaker² decided that the motion of Mr. Haralson was in order.

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

5273. It has generally, but not uniformly, been held that the right of the Member to have read the paper on which he is called to vote is not changed by the fact that the procedure is by suspension of the rules.—On February 26, 1859,³ Mr. John S. Phelps, of Missouri, moved that the rules be suspended so that he might report a bill for the modification of the tariff, and that Mr. Justin S. Morrill, of Vermont, might submit a substitute therefor, and that any other members of the Ways and Means Committee might have the opportunity to offer amendments thereto.

The reading of the proposed amendments having been demanded, and objection being made thereto, the Speaker⁴ decided that it was a question for the House to determine as to whether the said papers should be read.

Mr. Henry C. Burnett, of Kentucky, having appealed, the appeal was laid on the table.

5274. On July 24, 1854,⁵ the Speaker announced as the business first in order the motion submitted on a previous day by Mr. Williamson R. W. Cobb, of Alabama, to suspend the rules so as to enable him to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill of the House (H. R. 34) granting a right of way and a donation of land to the State of Alabama for railroad purposes.

Mr. Samuel A. Bridges, of Pennsylvania, asked that the bill be read for information.

The Speaker having directed the Clerk to read the same, Mr. Thomas L. Clingman, of North Carolina, made the point of order that it was not competent for a Member to cause the bill to be read on a motion such as the pending one.

The Speaker⁶ overruled the point of order, saying that gentlemen had a right to know for what purpose they were asked to suspend the rules.

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

¹ First session Twenty-ninth Congress, Journal, p. 789; Globe, p. 791.

² John W. Davis, of Indiana, Speaker.

³ Second session Thirty-fifth Congress, Journal, p. 499; Globe, p. 1411.

⁴ James L. Orr, of South Carolina, Speaker.

⁵ First session Thirty-third Congress, Journal, pp. 1193, 1194; Globe, p. 1888.

⁶ Linn Boyd, of Kentucky, Speaker.

5275. On February 1, 1858,¹ Mr. Marcus J. Parrott, of Kansas, moved that the rules be suspended, so as to enable him to present resolutions of the legislative assembly of Kansas Territory.

The reading of the resolutions being called for, and objection being made thereto, the Speaker² decided that it was the right of a Member, before being called upon to vote, to have the papers read.

Mr. Burton Craige, of North Carolina, having appealed, the appeal was laid on the table.

5276. On March 3, 1868,³ Mr. Speaker Colfax ruled that, on a motion to suspend the rules and have a protest entered on the Journal it was not in order to have the protest read to the House.

5277. On June 19, 1878,⁴ Mr. Joseph G. Cannon, of Illinois, moved to suspend the rules and pass a bill relating to post routes, which he sent to the desk. Mr. Cannon then asked that the reading of the bill be waived.

Objection being made, the Speaker⁵ held:

So far as the experience of the Chair extends, and certainly according to his own uniform ruling, the right has always been conceded to a Member to have a proposition read upon which he was called to vote, so that he might know what he was to vote on.

Mr. Benjamin F. Butler, of Massachusetts, asked if the rules might be suspended so as to dispense with the reading.

The Speaker said:

They can not.

5278. The right of the Member to have read a paper on which the House is to vote may be abrogated by a suspension of the rules.⁶

While one matter is before the House the motion to suspend the rules, if in order on the day, may be applied to the consideration of that matter, but it may not be used to displace it with a new matter.

On February 9, 1857,⁷ the House proceeded to the consideration of the bill of the House (H. R. 187) "establishing the collection districts of the United States, and designating the ports of entry and ports of delivery in the same, and for other purposes," which had been previously postponed until this day, the pending question being on its engrossment, upon which the previous question had been moved.

Mr. Thomas J. D. Fuller, of Maine, having withdrawn the demand for the previous question, submitted an amendment in the nature of a substitute for the bill, and, after debate, moved the previous question. It was seconded, and the main question ordered to be put.

The Speaker having stated the question to be on the amendment, in the nature of a substitute, submitted by Mr. Fuller, Mr. Muscoe R. H. Garnett, of Virginia, called for the reading of the same.

¹ First session Thirty-fifth Congress, Journal, p. 261; Globe, p. 515.

² James L. Orr, of South Carolina, Speaker.

³ Second session Fortieth Congress, Globe, p. 1632.

⁴ Second session Forty-fifth Congress, Record, pp. 4884, 4885.

⁵ Samuel J. Randall, of Pennsylvania, Speaker.

⁶ See, however, section 5277.

⁷ Third session Thirty-fourth Congress, Journal, p. 386; Globe, p. 631.

Mr. Fuller moved that the rules be suspended, so as to dispense with the reading.

Mr. George W. Jones, of Tennessee, made the point of order that it was not in order to move to suspend the rules after the previous question had been seconded¹ and the main question ordered to be put.

The Speaker² stated that although it would not be in order to move to suspend the rules for the purpose of introducing, or having reference to a different subject, the present motion was clearly in order, and had so been held at former Congresses. He therefore overruled the point of order.

From this decision of the Chair Mr. Jones appealed. The appeal was laid on the table, and the Chair was thereby sustained.

5279. On March 2, 1857,³ on motion of Mr. Lewis D. Campbell, of Ohio, by unanimous consent, the bill of the House (H. R. 616) entitled "An act making appropriations for the support of the Army for the year ending June 30, 1857," with the amendments of the Senate thereto, was taken up, and the House proceeded to its consideration. The reading of the amendments having been called for, Mr. Campbell moved that the rules be suspended, so as to dispense with the same.

Mr. William Smith, of Virginia, made the point of order that it was not competent for the House to deprive a Member of the privilege of having a proposition read before voting upon it.

The Speaker² stated that the right to have a proposition read was derived from the rules, but that it was competent for the House to suspend the rules, and thereby deprive him of the privilege. He therefore overruled the point of order.

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

5280. On March 3, 1859,⁴ Mr. William H. English, of Indiana, the rules having been suspended for that purpose, introduced a bill (H. R. 892) establishing certain post routes; which was read a first and second time.

The reading of the bill in extenso having been called for, Mr. English moved a suspension of all rules requiring the same; which motion was agreed to, two-thirds voting in favor thereof.

Mr. John S. Millson, of Virginia, made the point of order that the House having suspended its rules, and thereby placed itself under the parliamentary law, each Member had the right to insist upon the reading of the bill before he could be called upon to vote thereon.

The Speaker⁵ overruled the point of order, saying:

The practice is one of every-day occurrence. The Chair does not understand that when the rules are suspended to allow a particular thing to be done which could not be done under the rules it is a suspension of all the rules. The Chair understands it to be simply a suspension of such rules as prevent the Member from accomplishing what he desires to accomplish. * * * The Constitution declares that each House may determine the rules of its proceedings. For the purpose of this bill, the House

¹The second for the previous question is no longer required. (See sec. 5443 of this volume.)

²Nathaniel P. Banks, of Massachusetts, Speaker.

³Third session Thirty-fourth Congress, Journal, p. 618; Globe, p. 972.

⁴Second session Thirty-fifth Congress, Journal, p. 572; Globe, p. 1668.

⁵James L. Orr, of South Carolina, Speaker.

has declared that the bill shall be considered without being read in extenso. In making this decision the Chair follows the precedents which have existed for years, and which have been sustained by every House upon appeal, according to the recollection of the Chair.¹

Mr. Millson having appealed, the appeal was laid on the table and the decision of the Chair was thereby sustained.

5281. On March 2, 1865,² on motion of Mr. Justin S. Morrill, of Vermont, the rules having been suspended for that purpose, the bill of the House (H. R. 744) entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864," with the amendments of the Senate thereto, was taken up.

The reading of the amendments having been called for, on motion of Mr. Morrill, the rules were suspended so as to dispense with the same.

Mr. William S. Holman, of Indiana, insisted upon the reading of the amendments.

The Speaker³ decided that inasmuch as the rules were suspended so as to dispense with their reading, he was not entitled to have them read.

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

5282. On July 24, 1876,⁴ Mr. Washington C. Whitthorne, of Tennessee, moved that the rules be suspended, so as to enable him to submit, and the House to consider and agree to, the following resolution:

Resolved, That the report of the Committee on Naval Affairs, together with that of the minority, made upon alleged abuses, errors, and frauds in the naval service, be printed, and that the consideration of said reports be made the special order for Friday next after the morning hour.

Mr. John H. Baker, of Indiana, demanded the reading of the report, and made the point of order that he had the right to have the report read before voting upon any proposition connected therewith.

The Speaker *pro tempore*⁵ overruled the point of order, on the ground that the right being derived from the rules a Member could be deprived of that right by a suspension of the rules.

5283. On August 28, 1852,⁶ the House having under consideration the civil and diplomatic appropriation bill with Senate amendments thereto,

Mr. Edward C. Cabell, of Florida, called for the reading of the Senate amendments.

Mr. Thomas L. Clingman, of North Carolina, moved that the rules be suspended, so as to enable him to move that the reading of the amendments be dispensed with.

Mr. Presley Ewing, of Kentucky, made the point of order that the motion was not in order, on the ground that each Member had a right to have every proposition

¹The Speaker thereupon cited the decision of the Speaker in the preceding Congress on the point of order made by Mr. William Smith.

²Second session Thirty-eighth Congress, Journal, pp. 397, 398; Globe, p. 1334.

³Schuyler Colfax, of Indiana, Speaker.

⁴First session Forty-fourth Congress, Journal, p. 1331; Record, p. 4861.

⁵Milton Saylor, of Ohio, Speaker *pro tempore*.

⁶First session Thirty-second Congress, Journal, p. 1116; Globe, p. 2416.

read upon which he might be called to vote, and that it was not in the power of the House to deprive him of that right.

The Speaker¹ decided that the motion was in order. He admitted that a Member had the right to have a proposition read before he could be called to vote upon it. This right, however, was derived from the rules,² and, by a suspension of those rules, he was clearly of the opinion that he might be deprived of it. The propriety of suspending the rules for that purpose was a matter to be judged of by Members in giving their votes.

On an appeal the decision of the Chair was sustained.³

5284. On March 12, 1860,⁴ Mr. Luther C. Carter, of New York, moved to suspend the rules so as to enable him to submit a preamble and resolution which he presented. During the reading of the said preamble and resolution, Mr. Daniel E. Sickles, of New York, moved that the rules be suspended to enable him to move that the reading of the preamble and resolution be suspended.

Mr. John S. Millson, of Virginia, made the point of order that the reading of the paper having been objected to, it was competent for the House, by a majority vote, to determine whether or not it should be read.

The Speaker⁵ overruled the point of order.

Mr. Sickles's motion was then agreed to.

The question being put on the motion to suspend the rules, the motion was disagreed to.

The resolution and preamble do not appear on the journal.

5285. A Member in debate usually reads or has read by the Clerk such papers as he pleases, but this privilege is subject to the authority of the House if another Member objects.—On January 30, 1833,⁶ Mr. Dutee J. Pearce, of Rhode Island, in the course of a tariff speech, sent to the Clerk's desk to be read in his time, a long document relating to the subject under consideration.

During the reading Mr. Erastus Root, of New York, rising to a question of order, asked whether it was competent for the Member to read or cause to be read a printed speech.

The Chair⁷ decided that it was the undoubted right of the gentleman from Rhode Island to send to the Clerk any statement or testimony which he might be anxious to have read.

5286. On January 10, 1840,⁸ Mr. Nathan Clifford, of Maine, in the course of a speech on the New Jersey contested election cases, proposed to have read at the

¹ Linn Boyd, of Kentucky, Speaker.

² The Globe (p. 2416) shows that the rule giving the Member the right to have a paper on which he must vote read was cited from Jefferson's Manual, and the suspension of the rules suspended this rule as well as all others.

³ On March 3, 1853 (second session Thirty-second Congress, Journal, p. 401), the rules were suspended and a motion was agreed to for dispensing with the reading of the Senate amendments to the naval appropriation bill.

⁴ First session Thirty-sixth Congress, Journal, p. 500; Globe, pp. 1113, 1114.

⁵ William Pennington, of New Jersey, Speaker.

⁶ Second session Twenty-second Congress, Debates, p. 1515.

⁷ James M. Wayne, of Georgia, Chairman.

⁸ First session Twenty-sixth Congress, Journal, p. 193; Globe, p. 115.

Clerk's table, as a part of his speech, a paper relating to the subject before the House.

Mr. Luther C. Peck, of New York, objecting, Mr. Clifford asked leave of the House, and on the question, "Shall the statement be read?" there appeared, yeas 110, nays 68.

5287. On February 9, 1837,¹ during the discussion of a resolution to censure Mr. John Quincy Adams, of Massachusetts, for having proposed to present to the House a petition signed by certain slaves, Mr. George Evans, of Maine, in discussing the subject of slavery, was proceeding to read from the debates on that subject in the Virginia convention.

Mr. Albert G. Harrison, of Missouri, objected.

The Speaker² sustained the objection, on the ground that no gentleman could, under the rule, read any paper to the House without its leave.

5288. On March 26, 1836,³ during the consideration of a contested election case from North Carolina, Mr. William J. Graves, of Kentucky, having the floor in debate, sent a document to the Clerk's desk to be read.

Mr. Churchill C. Cambreleng, of New York, objected to the reading.

Mr. Graves moved that the document be read, and the question being taken by yeas and nays, the House decided, yeas 106, nays 76, that the document should be read.

5289. Instances wherein the request of a Member to have read a paper not before the House for action has encountered objection and been referred to the House.—On April 3, 1896,⁴ in Committee of the Whole House, Mr. C. J. Erdman, of Pennsylvania, having the floor for debate, proposed to have read as part of his remarks a certain paper, which he sent to the Clerk's desk.

Mr. Theodore L. Poole, of New York, objected.

The Chairman⁵ then put the question: "Shall the paper be read?" And the committee decided it in the negative.

5290. On March 30, 1897,⁶ the House was in Committee of the Whole House on the state of the Union considering the tariff bill.

Mr. Jacob H. Bromwell, of Ohio, having the floor for debate, proposed to have read as part of his remarks a communication which he sent to the Clerk's desk.

Mr. William H. Fleming, of Georgia, objected to the reading of the letter.

The Chairman⁷ said:

Rule XXXI of the House provides that when the reading of a paper, other than one upon which the House is called to give a final vote, is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

Following that rule, the Chair will put the question whether or not this paper shall be read.

¹ Second session Twenty-fourth Congress, Debates, p. 1668.

² James K. Polk, of Tennessee, Speaker.

³ First session Twenty-fourth Congress, Journal, p. 574; Debates, p. 2986.

⁴ First session Fifty-fourth Congress, Record, p. 3557.

⁵ William P. Hepburn, of Iowa, Chairman.

⁶ First session Fifty-fifth Congress, Record, pp. 507, 513, 514.

⁷ James S. Sherman, of New York, Chairman.

5291. On January 21, 1898,¹ the House was in Committee of the Whole House considering the bill (H. R. 4829) relating to the claim of the Book Agents of the Methodist Episcopal Church South against the United States.

During the debate Mr. John Dalzell, of Pennsylvania, sent up to the Clerk's desk and asked to have read in his time a report made on this claim in a preceding Congress.

Mr. William H. Fleming, of Georgia, objected to the reading of the report from the Clerk's desk, citing Rule XXXI in support of the point.

The Chairman² ruled:

The Chair understands that several rulings have been made in the direction stated by the gentleman from Georgia, generally at Friday night sessions. Rule XXXI reads as follows:

"When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House."

Now, when these rules were revised in the Forty-sixth Congress, the report states as follows:

"Rule CXLI"—now Rule XXXI—"has been retained, with an amendment making it applicable only to papers 'other than one upon which the House is called to give a final vote,' thus reaffirming or recognizing the right of a Member to demand the reading of a paper on which he is called to vote. This is the long-established rule and practice of the English Parliament, and the committee quote as pertinent what is said on the subject by one of the most distinguished English writers on parliamentary law, Mr. Hatsell. He says:

"Where papers are laid before the House or referred to a committee, every Member has a right to have them once read at the table before he can be compelled to vote on them, but it is a great though common error to suppose that he has a right, toties quoties, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every Member to have as much information as possible on every question on which he is to vote that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put."

"It appears in the revision as Rule XXXI."

That was the report of the committee revising the rules. * * * Of course, the gentleman can read the report himself. It has been the practice of the House to allow the Clerk to read it; but under the strict construction of the rule and the interpretation given it by the Committee on Rules the Chair feels constrained to follow this precedent, although he is very much in doubt whether Rule XXXI ever contemplated any such proceeding.

5292. The reading of a report is in the nature of debate.—On January 22, 1847.³ the House proceeded to the consideration of the bill (H. R. 494) for the relief of John C. Stewart and others, reported from the Committee of the Whole House, the question being on ordering the bill to be engrossed.

Mr. John R. J. Daniel, of North Carolina, demanded the reading of the report accompanying the bill.

The Speaker⁴ decided that it was not in order to read reports accompanying

¹ Second session Fifty-fifth Congress, Record, p. 846.

² Sereno E. Payne, of New York, Chairman.

³ Second session Twenty-ninth Congress, Journal, p. 212.

⁴ John W. Davis, of Indiana, Speaker.

bills on the first and fourth Fridays of each month, the reports being arguments, and therefore in the nature of debate.¹

Mr. Daniel appealed, but subsequently withdrew the appeal.

5293. A Member may not have a report read at the Clerk's desk in his own time, if objection be made, without leave of the House; and even has been debarred from reading it himself in his place.—On April 13, 1900,² the Committee of the Whole House was considering the bill (S. 1194) granting an increase of pension to John B. Ritzman, and Mr. W. Jasper Talbert, of South Carolina, asked to have read in his time a paper relating, not to the bill under consideration, but to the general subject of pensions.

The Chairman² held that this would be in order only by unanimous consent.

Mr. Talbert then proposed to read the paper himself.

The Chair³ held that this would not be in order.

Mr. Talbert having appealed, the decision of the Chair was sustained, ayes 52, noes 8.

Later, the bill (H. R. 1419) relating to the pension of Annie B. Goodrich, being under consideration, Mr. Talbert asked for the reading of the report.

The Chairman³ said:

The gentleman from South Carolina, as the Chair understands it, can ask that this report be read in his time, he having now taken the floor upon this bill; but if objection is made to the reading of the report, it is a question for the House to say whether it shall be read or not.

The committee then decided, ayes 1, nays 55, that the report should not be read.

Mr. Talbert then proposed to read the report in his own time.

The Chairman³ ruled that this was not in order, reading the rule.⁴

5294. The reading of a report, being in the nature of debate, is not in order after the previous question is ordered.—On June 10, 1834,⁵ during consideration of the contested election case of Moore and Letcher, the previous question again recurring, Mr. Thomas A. Marshall, of Kentucky, called for the reading of that portion of the report of the Committee on Elections which contained a statement of the votes.

¹Rule 30 at that time provided: "On the first and fourth Friday of each month, the Calendar of Private Bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of." (Journal, p. 537.)

²First session Fifty-sixth Congress, Record, pp. 4136, 4137.

³Charles H. Grosvenor, of Ohio, Chairman.

⁴Jefferson's Manual, p. 147, provides: "It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.

"For the same reason, a Member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

"A Member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended. (2 Grey, 227.)"

⁵First session Twenty-third Congress, Journal, p. 726.

The Speaker¹ decided that under the 36th rule,² which declared that on a previous question there should be no debate, the reading of the portion of the report called for would not be in order, as it was in the nature of an argument, which, at this stage of the proceedings, was forbidden.

5295. On July 19, 1886,³ the House was about to vote upon a concurrent resolution relating to the printing of the Civil Service Commissioners' Report, the previous question having been ordered, when Mr. James Reid, of North Carolina, called for the reading of the report.

The Speaker⁴ held:

Debate is not in order, and the reading of the report is in the nature of debate. The House does not vote on the report, but simply on the resolution.

5296. The previous question being ordered, a Member may not ask a decision of the House on his request for the reading of a paper not before the House.—On July 19, 1850,⁵ the previous question had been demanded on a resolution relating to the election of the Delegate from New Mexico, and this demand had been seconded.⁶

Mr. Willis A. Gorman, of Indiana, moved that the whole question be laid on the table.

Mr. William Duer, of New York, rose and submitted an amendment which he gave notice of his intention to offer at the proper time, to the resolution under consideration, and which he asked might be read at the Clerk's desk for the information of the House.

Objection being made, the Speaker was about to submit the question to the House to determine whether or not the said paper should be read, when Mr. Thomas L. Clingman, of North Carolina, raised the question of order that it was not in order to submit the said question to the House, the paper proposed to be read not being regularly before the House.

The Speaker⁷ decided that under the rule, and in pursuance of the decision of the 9th instant,⁸ when the same question was raised, the question must be submitted to a vote of the House to determine as to the reading of the paper.

Mr. Clingman having appealed, the decision of the Chair was overruled, yeas 84, nays 103. So it was decided that it was not in order to submit the question to the House.

5297. The previous question having been demanded on a resolution adopting rules for the House, a demand for the reading of the rules, which were not a part of the resolution, was overruled.—On December 2,

¹ John Bell, of Tennessee, Speaker.

² Now section I of Rule XVII. See section 5443 of this work.

³ First session Forty-ninth Congress, Record, pp. 7154, 7155.

⁴ John G. Carlisle, of Kentucky, Speaker.

⁵ First session Thirty-first Congress, Journal, p. 1149; Globe, pp. 1411, 1412.

⁶ The second of the previous question was by a majority vote. It is no longer required.

⁷ Howell Cobb, of Georgia, Speaker.

⁸ On that date the Speaker ruled as on this occasion, and was sustained. (Journal, p. 1112.)

1901,¹ at the time of the organization of the House, Mr. John Dalzell, of Pennsylvania, offered the following resolution:

Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the House of Representatives of the Fifty-seventh Congress, etc.

Before the vote was taken on agreeing to this resolution, and pending a demand for the previous question, Mr. Claude A. Swanson, of Virginia, called for the reading of the rules of the Fifty-sixth Congress.

The Speaker² held that the demand was not in order.

5298. Pending consideration of a conference report it is not in order to demand the reading of the amendments to which it relates.—On March 3, 1857,³ pending the question on agreeing to the report of the committee of conference on the tariff bill, the main question having been ordered, Mr. Ebenezer Knowlton, of Maine, called for the reading of the Senate amendments referred to in the report.

The Speaker⁴ decided that the report was the only paper the reading of which could be insisted upon at this time.

Mr. George W. Jones, of Tennessee, having appealed, the appeal was laid on the table.

5299. It has been held in the Senate that when the reading of a paper is objected to it must be determined by vote of the Senate.—On June 30, 1868,⁵ in the Senate, the credentials of Thomas W. Osborn, as Senator-elect from Florida, were before the Senate, when Mr. Jonathan Doolittle, of Wisconsin, presented and asked to have read the credentials of William Marvin, a contesting claimant for the same seat.

Mr. Timothy O. Howe, of Wisconsin, objected to the reading of the paper.

The President pro tempore⁶ said:

The reading being objected to, it can only be ordered by a vote of the Senate.

The question being taken, the paper was ordered to be read, ayes 21, noes 8.

¹ First session Fifty-seventh Congress, Record, p. 47.

² David B. Henderson, of Iowa, Speaker.

³ Third session Thirty-fourth Congress, Journal, p. 677.

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

⁵ Second session Fortieth Congress, Globe, pp. 3600–3602.

⁶ Benj. F. Wade, of Ohio, President pro tempore.