

Chapter CCLIV.¹

DILATORY MOTIONS.

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2796. If apparent that a motion is offered for the purpose of delaying the business of the House it is the duty of the Speaker to rule it out as dilatory without waiting for suggestion from the floor.

On July 26, 1921,² the House had under consideration the resolution (H. Res. 121) to pay half of the expenses of the Committee on Reorganization from the contingent fund.

Mr. Clifford Ireland, of Illinois, moved the previous question on the resolution.

The vote being taken, on a division, the Speaker announced that the yeas were 150, nays 55, not a quorum, and directed a call of the House.

Mr. Finis J. Garrett, of Tennessee, moved that the House adjourn.

The Speaker³ said:

The Chair is only hesitating as to whether or not the motion is dilatory.

Mr. Garrett submitted that no one on the floor had suggested that the motion was dilatory.

The Speaker replied:

It is not necessary that it is suggested. It is the duty of the Speaker not to admit a dilatory motion. The Chair is always slow to hold a motion dilatory. The Chair thinks the only time he should hold a motion dilatory is when he not only thinks it dilatory himself but when he thinks the whose membership would agree that it is dilatory. Early in the afternoon, the gentleman from Tennessee announced his implacable hostility to this resolution. He has moved to adjourn several times, and all these motions have been defeated by a party vote. If the gentleman from Tennessee will say that the motion is not dilatory, then the Chair will recognize it; but, of course, the Chair has no right to ask the gentleman to say that.

¹Supplementary to Chapter CXXIV.

²First session Sixty-seventh Congress, Record, p. 4326.

³Frederick H. Gillett, of Massachusetts, Speaker.

Being made as it is, the Chair thinks the motion is dilatory and that the gentleman has no right to make it.

Mr. Alben W. Barkley, of Kentucky, offered a motion to adjourn.

The Speaker ruled:

It has been a partisan vote right through during the afternoon, and the gentleman from Kentucky having voted, the Chair presumes, in the same way—all of the Democratic side have voted to adjourn. The Chair holds the motion to be dilatory. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on ordering the previous question.

2797. The motive of a Member in offering a motion is a persuasive, though not conclusive, consideration in determining the question as to whether it is dilatory.

Although circumstances seemed to indicate that a motion had been made for purposes of obstruction, the Speaker inquired as to the motives prompting the motion, and being assured by the proponent that it was offered in good faith, declined to hold it dilatory.

On May 5, 1924,¹ the House was considering the bill (H. R. 7358) to provide for arbitration of disputes between carriers and their employees.

After sixteen roll calls on questions obviously intended to delay consideration of the bill, Mr. J. N. Tincher, of Kansas, moved to reconsider a vote just taken by which the House had refused to agree to an amendment offered by Mr. Nicholas Longworth, of Ohio.

Mr. Alben W. Barkley, of Kentucky, made the point of order that the motion was dilatory, and said:

In view of the proceeding that has occurred here to-day and to-night; in view of the fact that numerous motions to adjourn have been made by Members on the other side, and on numerous occasions we have seen droves of Members on that side leaving the House in order to break a quorum so that a motion to adjourn might not be held dilatory; to view of the fact that the gentleman from Kansas has voted in favor of every dilatory tactic and every obstructive motion that has been made during the day; in view of the fact that he voted with the majority in this particular instance in order that he might qualify to make this dilatory motion, I submit to the Chair it is a dilatory motion.

The Speaker² inquired of Mr. Tincher tentatively:

The Chair will state he was rather disposed to think it was dilatory, but does the Chair understand the gentleman to state that in his opinion he has some reason to think Members will vote to reconsider?

Mr. Tincher replied:

I know of some men who voted "No" who want to vote "Aye" on the motion to reconsider, and that leads me to believe that we will be successful in the motion to reconsider.

The Speaker ruled:

The Chair will state that he was disposed to rule that it was a dilatory motion, but not motion to adjourn has been made for two hours, and in view of what the gentleman has stated, the Chair overrules the point of order.

¹First session Sixty-eighth Congress, Record, p. 7899.

²Frederick H. Gillett, of Massachusetts, Speaker.

2798. Where obviously offered for the purpose of delaying consideration the Chair has declined to entertain an amendment.

On April 14, 1924,¹ the bill (H. R. 7962) to regulate rents in the District of Columbia, was under consideration in the Committee of the Whole House on the state of the Union.

Mr. John Philip Hill, of Maryland, offered an amendment to strike from the bill the word "service."

Mr. Frederick R. Lehlbach, of New Jersey, made the point of order that the proposal was dilatory and said:

Mr. Chairman, I make the point of order against the amendment that it is clearly and obviously dilatory. It makes no sense, and it follows an amendment which is in the same class.

The gentleman from Maryland a few moments ago offered an amendment to strike out the word "water" following "hot and cold," a purely dilatory motion. He now offers a motion to strike out the word "service" so that the section will read: "The term includes the furnishing of, etc.," obviously and clearly dilatory, and I make the point of order for that reason.

The Chairman² held:

Various amendments have been offered here by the gentleman from Maryland, none of which seems to have any pertinency to the matter discussed. If a Member rises in his place and offers a series of amendments which are obviously absurd and mean nothing and have no apparent object except delay, the Chair is satisfied the amendments are offered only for delay, and the point of order is sustained.

The Chair is not very well satisfied about this proposition, but of one thing the Chair is satisfied and that is that a filibuster is going on and that attempts are being made to delay the progress of this bill. Several amendments have been offered by the gentleman from Maryland along similar lines. Without going into the effect of this or what it might be or what it might not be, the Chair is of opinion judging from past proceedings, that this amendment was offered for the purpose of delay, and therefore sustains the point of order.

2799. On July 15, 1919,³ during consideration of the sundry civil appropriation bill in the Committee of the Whole House on the state of the Union, Mr. Martin B. Madden, of Illinois, offered a motion to strike out \$6,000,000 and insert in lieu thereof \$9,000,000.

The amendment being rejected, Mr. Madden offered an amendment to strike out \$9,000,000 and insert \$6,500,000.

The second amendment having been rejected, Mr. Madden proposed to offer an amendment to strike out \$9,000,000 and insert \$7,500,000.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the motion was dilatory.

The Chairman⁴ ruled:

The Chair sustains the point of order upon the ground that it is dilatory. The amount that the gentleman has moved to insert is between the two amounts voted down.

On appeal by Mr. Madden, the decision of the Chair was sustained, yeas 163, nays 83.

¹ First session Sixty-eighth Congress, Record, p. 6347.

² William J. Graham, of Illinois, Chairman.

³ First session Sixty-sixth Congress, Record, p. 2661.

⁴ Horace M. Towner, of Iowa, Chairman.

2800. The point of order that a motion is dilatory may be raised in the Committee of the Whole as in the House.

A motion that the Committee of the Whole rise has been ruled out when dilatory.

On July 7, 1921,¹ the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 7456) to provide revenue, regulate commerce with foreign countries, and encourage the industries of the United States.

Mr. Thomas L. Blanton, of Texas, moved that the committee rise.

Mr. Cassius C. Dowell, of Iowa, raised a question of order against the motion and submitted that it was made for the purpose of obstructing consideration of the bill.

The Chairman² said:

The Chair did not feel that it was his duty to rule that the motion of the gentleman from Texas was dilatory, although it is perfectly apparent that it is dilatory. Whether the rule is reference to dilatory motions applies in Committee of the Whole the present occupant of the chair does not now recall. If a motion to adjourn the House were made at this time in the day, during the consideration of the most important bill that this Congress has so far considered, anyone, regardless of parliamentary law, would know that the motion was dilatory and made for dilatory purposes. But the present occupant of the chair is not at present clear that the question of dilatoriness can be raised in the Committee of the Whole.

Mr. Everett Sanders, of Indiana, argued in support of the point or order, and cited section 5730 of Hinds' Precedents in support of that position.

The Chairman ruled:

The gentleman from Texas has been consuming the time of the House, requiring a count of the committee to ascertain the presence of a quorum, although each time the count, having been made, showed a considerable number over a quorum. The gentleman now moves that the committee rise. But the rules provide, paragraph 10 of Rule XVI, that—

“No dilatory motion shall be entertained by the Speaker.”

Paragraph 8 of Rule XXIII provides:

“The rules of proceeding in the House shall be observed in Committee of the Whole House, so far as they may be applicable.”

Following the rule it is perfectly manifest that the motion is a dilatory motion. Whether or not the point of order was applicable in committee the present occupant of the chair did not at that time feel warranted in ruling. The gentleman from Texas having accomplished his purpose, however, of delaying the consideration of this important bill so far, the present occupant of the chair presumes that the gentleman is satisfied with the time uselessly used by him, and the Chair sustains the point of order.

2801. The Chair will not hold a point of no quorum dilatory unless repeated when apparent beyond question that a quorum is present.

On April 14, 1924,³ the bill (H. R. 7962) to establish a rent commission for the District of Columbia was being considered in the Committee of the Whole House on the state of the Union.

After having previously raised the question of a quorum without being sustained, Mr. John Philip Hill, of Maryland, again made the point of order that there was not a quorum present.

¹ First session Sixty-seventh Congress, Record, p. 3437.

² James R. Mann, of Illinois, Chairman.

³ First session Sixty-eighth Congress, Record, p. 6351.

Mr. James C. McLaughlin, of Michigan, called attention to the fact that the presence of a quorum had just been ascertained, and made the point of order that the point of no quorum was dilatory.

The Chairman¹ ruled:

As to the point of order which has been made, the Chair is very reluctant in holding that a point of order based upon the absence of a quorum is out of order. The Chair has heard that matter discussed by Mr. Mann, a parliamentarian for whom we all had the very highest respect, and it was his contention that it was rarely that a Speaker or a Chairman would be justified in holding that a point of no quorum would be dilatory. It has been done once or twice in the history of Congress, but it is a very rare thing. The right is constitutional. The Chair will count.

2802. On May 19, 1924,² during the consideration of the bill (H. R. 7358) for the arbitration of railroad labor disputes, and in the course of prolonged obstructive tactics, Mr. Thomas L. Blanton, of Texas, made the point of order that there was not a quorum present.

Mr. Ashton C. Shallenberger, of Nebraska, submitted that the point of no quorum was dilatory, and argued that recent roll calls demonstrated the presence of a quorum.

The Speaker³ ruled:

The only time when a point of no quorum is dilatory is when it is clear that there is a quorum present.

This is a question to which the Chair has given considerable consideration at various times. The mere fact that a division shows that there is no quorum voting does not establish the fact that a quorum is not present. The question is whether there is a quorum present in the House.

Now, any Member has a constitutional right to insist that a quorum shall be present. Of course that is not obligatory upon any gentleman, but upon the insistence of any Member it is necessary that a quorum be present for the conduct of the business of the House. Now, the fact that a count had just been made and showed a quorum present, in the opinion of the Chair, would prevent a point of no quorum being made immediately afterwards. Nobody can keep raising the point of no quorum when it is manifest to the Chair and to the House that a quorum is really present, and that is the only occasion, it seems to the Chair, when a point of no quorum can be dilatory. It often happens, as we know, that a roll call is had, and when the roll call is over there is, in fact, no quorum present, and the Chair feels that the only time when a point of no quorum is dilatory is when it is obvious that a quorum is present. Just now the Chair is uncertain as to whether there is a quorum present or not. The Chair thinks it is pretty close, but the Chair can not hold it dilatory.

2803. On June 23, 1922,⁴ while the House was considering the third deficiency appropriation bill, Mr. Edward Voigt, of Wisconsin, immediately following a roll call on which 239 Members had answered to their names, made the point of no quorum.

Mr. Wells Goodykoontz, of West Virginia, made the point of order that the point of no quorum was dilatory.

¹ William J. Graham, of Illinois, Chairman.

² First session Sixty-eighth Congress, Record, p. 8948.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Second session Sixty-seventh Congress, Record, p. 9273.

The Speaker¹ ruled:

The Chair thinks that regardless of what motives a man may have, anyone has at any time the right to make the point of order that there is no quorum present, if it be made in good faith. If a Member should make the point of order of no quorum at a time when it was obvious that a quorum was present, the Chair would not entertain it, but so far to-day whenever the point has been made the Chair has been really in doubt and therefore has entertained the point. The Chair is now in doubt and will count.

2804. The House having divided following the ascertainment of the presence of a quorum, the Speaker considered that a sufficient transaction of business to warrant the entertainment of a point of no quorum.

The question of dilatoriness is not necessarily determined by the length of time which has elapsed since the ascertainment of the presence of a quorum, or the character of business intervening, but by the opinion of the Speaker as to whether under the circumstances the motion is made with intent to delay the business of the House.

On July 24, 1919,² the House resumed consideration of the bill (S. 180) to incorporate Near East relief, coming over from the preceding day as the unfinished business.

After some time spent in debate, the House found itself without a quorum and a call of the House was ordered. The roll was called and 251 Members answered to their names, a quorum, and further proceedings under the call were dispensed with.

Mr. Louis C. Cramton, of Michigan, moved to lay the bill on the table.

On a division the yeas were 37 and the nays were 77.

Mr. Cramton made the point of no quorum.

Mr. Merrill Moores, of Indiana, made the point of order that the point of no quorum was dilatory.

The Speaker¹ said:

The Chair thinks that is a delicate question. There is always a right to have a quorum in the House. Speakers have decided that immediately after a quorum was disclosed by a roll call the point could not be made, but since then there has been business—there has been a division on another question, and the Chair is disposed to think that a Member has always the right to have a quorum on a question. The Chair will count.

The question having been decided in the negative, yeas 86, nays 166, Mr. Cramton immediately moved that the House adjourn.

Mr. James R. Mann, of Illinois made the point of order that the motion was dilatory.

The Speaker sustained the point of order and said:

The question whether the motion to adjourn is dilatory, the Chair thinks, does not depend simply on the time that has elapsed or the business that has intervened. The question is whether the motion is really dilatory or not; and one of the decisions which the Chair thinks is entitled to

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Sixty-sixth Congress, Record, p. 3113.

great weight says that not only should the Chair himself be satisfied that the motion is dilatory but that the Chair should be satisfied that the House is satisfied that it is dilatory. In the present instance the Chair thinks the House must be satisfied that the motion is dilatory, and the Chair sustains the point of order.

2805. An instance in which brief debate was held by the Speaker to be an intervention of business warranting the raising of a second point of no quorum.

On March 4, 1919,¹ Mr. Joseph Walsh, of Massachusetts, was debating the report of the select committee appointed to investigate the National Security League, then under consideration in the House when interrupted by Mr. Gilbert A. Currie, of Michigan, with a point of no quorum.

A quorum not being present, a call of the House was ordered, to which a quorum responded, and further proceedings under the call were dispensed with.

Mr. Walsh continued in debate for several minutes when again interrupted with a point of no quorum made by Mr. Oscar E. Bland, of Indiana.

Mr. Adolph J. Sabath, of Illinois, made the point of order that no business had intervened since a call of the House to which a quorum had answered, and the point of no quorum was dilatory.

The Speaker² held that intervention of debate constituted a transaction of business warranting the point of no quorum and overruled the point of order.

2806. The point of no quorum may not be held dilatory when well taken, and regardless of the fact that a roll call has just disclosed the presence of a quorum, the Speaker will entertain a point of no quorum when manifestly justified.

On February 5, 1913,³ Mr. Thetus W. Sims, of Tennessee, was addressing the House on a question of personal privilege.

A point of no quorum made by Mr. Thomas U. Sisson, of Mississippi, was sustained by the Speaker and a call of the House was ordered on which 274 Members answered to their names, a quorum.

Mr. Sims resumed debate and had proceeded briefly when Mr. Sisson again suggested the absence of a quorum.

The Speaker⁴ intimated an intention to overrule the point of order as dilatory.

Mr. Edward W. Saunders, of Virginia, argued in support of the point of order:

In strict conformity with the precedents if it is evident to the Speaker that there is no quorum present then the point of no quorum, even if dilatory, must be sustained. Such is the ruling of Mr. Speaker Reed, and the situation is not affected by the fact that a roll call has developed a quorum.

It is perfectly true that a recent roll call has shown the presence of a quorum, and if the Speaker is now satisfied, upon an inspection of the House, that a quorum is present, he is justified in holding the point of no quorum to be dilatory. But if the Speaker, and this is Mr. Reed's ruling, even if a roll call shows a quorum, is satisfied that a quorum is not present, a different situation is presented, and the point of order is well taken.

¹Third session Sixty-fifth Congress, Record, p. 5041.

²Champ Clark, of Missouri, Speaker.

³Third session Sixty-second Congress, Record, p. 2616.

⁴Champ Clark, of Missouri, Speaker.

Mr. Speaker, I am not without authority, and I would not have consumed the time of the Chair for a moment except for the following ruling:

“The Chair does not feel quite certain that there is a quorum now. The fact that it is dilatory does not make any differences, if there is not a quorum present.”¹

Now, the Chair has counted the House often, and looking over this House he can readily see that there is barely a quorum of the Committee of the Whole present, much less a quorum of the entire body of the House.

This proposition is like a call for the yeas and nays. It is a constitutional right. Even if it is made for a dilatory purpose, the call for the yeas and nays must be entertained. The Chair can rely upon a roll call recently made, and his own inspection of the House, to justify a belief that a quorum is present, and rule accordingly. But if his inspection satisfies him that a quorum is not present, the constitutional right to a quorum is presented, and the point of order is well taken,

The Speaker held:

And evidently there is not a quorum present. There are two constitutional rights that Members have—one is to have a quorum here, and the other is to have the yeas and nays if they can get sufficient Members to support the demand.

The Chair holds there is no quorum present.

2807. The point of no quorum has been ruled out as dilatory immediately following a roll call or count by the Chair disclosing the presence of a quorum, but the Chair will not so rule unless the presence of a quorum is patent.

On May 26, 1922,² during consideration of the bill (S. 745) to amend the judicial code, the House found itself without a quorum, and the roll being called, 224 Members answered to their names, a quorum; and further proceedings under the call were dispensed with.

The Speaker thereupon put the question on a pending amendment offered by Mr. John F. Carew, of New York. On a division, the yeas were 24 and the nays were 72.

Mr. Thomas L. Blanton, of Texas, made the point of order that a quorum was not present.

Mr. Joseph Walsh, of Massachusetts, called attention to the roll call just completed and made the point of order that the point of no quorum was dilatory.

The Speaker³ decided:

The question in the mind of the Chair is whether, a roll call having been just taken and no business having been transacted in between, a point of no quorum can be made; but the Chair is disposed to hold that it can. The Chair does not believe there is a quorum present, and the Chair will sustain the point of order made by the gentleman from Texas.

2808. The Chair being satisfied that a quorum was present and that a point of no quorum was made for dilatory purposes declined to entertain it.

On July 7, 1921,⁴ the bill (H. R. 7456), the tariff bill, was under consideration in the Committee of the Whole House on the state of the Union, when Mr. Thomas L. Blanton, of Texas, made the point of order that a quorum was not present.

¹ Section 5724 of Vol. V.

² Second session Sixty-seventh Congress, Record, p. 7760.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ First session Sixty-seventh Congress, Record, p. 3438.

Mr. Everett Sanders, of Indiana, made the point of order that the proceeding was dilatory.

The Chairman ¹ ruled:

The Chair must take into account the number of times the gentleman from Texas has made the point of order during the consideration of the bill within the last two hours and a half, that no quorum was present. The Chair thinks that 12 times the gentleman from Texas has made the point of no quorum, and 12 times a quorum has been present. It is clear to the Chair that the gentleman from Texas must know that there is a quorum of the committee present within the radius of the voice of the Clerk who is reading the bill.

The Chair is of the opinion that the gentleman from Texas in indulging in a filibuster of his own and that he is raising the point of no quorum for the purpose of delaying the consideration of this measure, and the Chair sustains the point of order.

2809. On August 21, 1922,² the House was considering bills on the Private Calendar in the Committee of the Whole House.

The bill (S. 3163) amending the public buildings act was called, and Mr. Meyer London, of New York, objected to its consideration.

Mr. George Huddleston, of Alabama, made the point that there was no quorum present.

The Speaker ³ overruled the point of order and said:

The Chair does not think a gentleman can compel the Chair to count every five minutes. Of course, any gentleman has the right to have a quorum present, but the Chair believes there is a quorum present. Every time the Chair has counted there has been considerably more than a quorum.

2810. In the absence of intervening business, the Speaker declined to entertain a point of no quorum made immediately following a yea-and-nay vote on which a quorum voted.

On February 6, 1918,⁴ it being Calendar Wednesday, Mr. Henry D. Flood, of Virginia, moved to dispense with the proceedings in order on that day under the rule.

The yeas and nays being ordered on the question, it was decided in the negative, yeas 112, nays 255, a quorum.

John L. Burnett, of Alabama, by direction of the Committee on Immigration and Naturalization called up the bill (H. R. 5667) providing for the deportation of certain aliens, when Mr. Meyer London, of New York, made the point of order that there was no quorum present.

The Speaker ⁵ said:

The vote completed less than two minutes ago showed a quorum present.

No business has been transacted since the presence of a quorum was disclosed. The point is overruled.

¹ Philip P. Campbell, of Kansas, Chairman.

² Second session Sixty-seventh Congress, Record, p. 11645.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Second session Sixty-fifth Congress, Record, p. 1766.

⁵ Champ Clark, of Missouri, Speaker.

2811. When convinced that a point of no quorum is made for purposes of obstruction the Speaker has declined to entertain it even after the intervention of business.

On May 28, 1920,¹ Mr. Gilbert N. Haugen, of Iowa, called up the conference report on the agricultural appropriation bill.

Mr. Frank Murphy, of Ohio, made the point of no quorum.

Mr. Frank W. Mondell, of Wyoming, made the point of order that the point of now quorum was dilatory.

The Speaker² ruled:

The Chair will state the rule as to a quorum. If there is not a quorum present, the point of no quorum is not dilatory, but the Chair would hold that it is dilatory when a roll call is just finished and a quorum has been disclosed. Business has intervened and the Chair thinks he ought to count. [After counting.] Two hundred and twenty-seven Members are present, a quorum, and the Clerk will read the conference report.

The conference report having been read, Mr. Haugen offered a motion for its disposition and debate on the motion was in progress, when Mr. Murphy again raised the question of a quorum.

The Speaker said:

The Chair will state that there can be no business transacted if the gentleman rises continually and makes a point of no quorum and keeps the Chair counting. The whole afternoon might be spent in counting while there was a quorum present all the while. The point of order is overruled.

2812. A roll on a motion to recommit having disclosed the presence of a quorum, a point of no quorum raised for their purpose of securing a roll call on the passage of the bill was held to be dilatory.

On October 30, 1919,³ the question was pending on a motion offered by Mr. Sydney Anderson, of Minnesota, to recommit the bill (S. 2775) to promote the mining of coal, oil, phosphates, sodium, and gas.

The question being put, on a division, the yeas were 23, nays 66, when Mr. Anthony J. Griffin, of New York, made the point of no quorum.

A quorum not being present, the roll was called under the rule and the question was decided in the negative, yeas 44, nays 201, answering present 6, a quorum.

The question recurring on the passage of the bill, Mr. Thomas L. Blanton, of Texas, made the point of no quorum.

Mr. James H. Mays, of Utah, submitted that the roll call just taken demonstrated the presence of a quorum and made the point of order that the question raised by the gentleman from Texas was dilatory.

The Speaker² sustained the point of order and declined to entertain the point of no quorum.

¹ Second session Sixty-sixth Congress, Record, p. 7810.

² Ferderick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-sixth Congress, Record, p. 7791.

2813. The motion to adjourn has been ruled out when dilatory.

On January 10, 1922,¹ following the disposition of business on the Speaker's table, Mr. Finis J. Garrett, of Tennessee, made the point of order that there was not a quorum present.

The Speaker sustained the point of order and Mr. Frank W. Mondell, of Wyoming, moved a call of the House.

A quorum having responded, Mr. Mondell moved to suspend further proceedings under the call.

On demand of Mr. Garrett, the yeas and nays were ordered on the motion to dispense with proceedings under the call, and the vote being taken was decided in the affirmative, yeas 272, nays 56.

Mr. Garrett offered a motion that the House adjourn.

Mr. Nicholas Longworth, of Ohio, made the point of order that the motion was dilatory.

Mr. Garrett submitted that the motion to adjourn had not been previously made during the day's session.

The Speaker² ruled:

The Chair does not think the fact that it is the first time to-day that the motion to adjourn has been made proves that it is not dilatory. The Chair believes that it is well known to all Members of the House that when this antilynching bill has been up before, or has been imminent, there has been a deliberate attempt at obstruction led by the gentleman from Tennessee, and today on the vote just taken the gentleman from Tennessee demanded the yeas and nays on the motion to dispense with further proceedings under the call, a mere formal motion on which a record vote meant nothing. That obviously was done to kill time.

In deciding what is dilatory the Chair thinks he should be very careful, because his decision is final; but, on the other hand, he does not think there can be any question in the minds of any of the Members of the House present that the purpose of the gentleman from Tennessee in making this motion is delay and not the expectation or intention of accomplishing any other result by the motion. Therefore the Chair thinks that the motion is dilatory.

2814. Repetition of the motion to adjourn when apparently for purposes of obstruction has been held dilatory.

On May 22, 1926,³ during a prolonged filibuster against the river and harbor bill, Mr. Roy O. Woodruff, of Michigan, moved that the House adjourn.

Mr. Martin B. Madden, of Illinois, made the point of order that the motion was dilatory and in support of that contention pointed out that the motion had been repeatedly offered and voted down during consideration of the pending bill.

The Speaker⁴ said:

The Chair is informed that the motion was made just prior to the last roll call, and therefore the Chair holds that it is dilatory.

2815. A motion to reconsider a yea and nay vote, by which a resolution was greed to unanimously, has been held to be dilatory.

On April 2, 1908,⁵ the pending question was on agreeing to the resolution (H. Res. 233) for the distribution of the message of the President.

¹ Second session Sixty-seventh Congress, Record, p. 1006.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-ninth Congress, Record, p. 9874.

⁴ Nicholas Longworth, of Ohio, Speaker.

⁵ First session Sixtieth Congress, Record, p. 2336.

The yeas and nays being ordered and taken on the question, the yeas were 212, nays 0, answering present 19.

The result of the vote being announced, Mr. Oscar W. Underwood, of Alabama, moved to reconsider the vote by which the resolution was agreed to.

The Speaker¹ declined to entertain the motion and said:

With the unanimous vote—ayes 213, present 19—the Chair holds the motion to be dilatory.

2816. A motion to lay on the table, which submitted in effect a proposition previously rejected, was held to be dilatory.

On April 12, 1916,² the House was considering the bill (S. 1424) incorporating the American Academy of Arts and Letters.

Mr. George Huddleston, of Alabama, offered an amendment to the bill.

Mr. Pat Harrison, of Mississippi, moved to lay the amendment on the table.

In response to a parliamentary inquiry from Mr. Harrison, the Speaker held that affirmative action on the motion would carry the bill to the table with the amendment.

The question being taken on agreeing to the motion to lay the amendment on the table was rejected, yeas 82, nays, 179.

Mr. Harrison then moved to lay the bill on the table.

Mr. James R. Mann, of Illinois, made the point of order that the motion was dilatory and said:

Mr. Speaker, there has been no change whatever in the status of the bill since the House voted upon the question of laying the amendment on the table, which, under the parliamentary practice of the House, would have carried the bill with it, and precisely the same object would have been accomplished if the motion had prevailed as would be accomplished by the present motion. Hence the motion is dilatory.

The Speaker³ said:

The Chair will ask the gentleman from Mississippi a question. A few moments ago the gentleman from Mississippi made the motion to table the amendment of the gentleman from Alabama, and the parliamentary inquiry was made as to what would happen if that motion to table prevailed. The Chair answered, and answered correctly, that the tabling of the amendment carried with it the bill, and that it was the end of the whole matter. The motion was to table an amendment, but the effect of it was to kill the bill, if it carried. Now comes the gentleman from Mississippi and moves to table the bill itself, which has precisely the same effect. There can not be any two opinions about that. Therefore the Chair holds this motion dilatory.

2917. Amendments changing immaterially the limit of time in a motion to close debate were ruled out as dilatory.

On June 28, 1918,⁴ while the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses, was being read for amendment in the Committee of the Whole House on the state of the Union, Mr. Harvey Helm, of Kentucky, moved that debate on the pending paragraph be limited to ten minutes.

Mr. Frederick H. Gillett, of Massachusetts, offered an amendment to limit the time to 20 minutes.

¹ Joseph G. Cannon, of Illinois, Speaker.

² First session Sixty-fourth Congress, Record, p. 5998.

³ Champ Clark, of Missouri, Speaker.

⁴ Second session Sixty-fifth Congress, Record, p. 8448.

The amendment being rejected, Mr. Gillett proposed an amendment to limit the time to 21 minutes.

This amendment being rejected, Mr. Gillett moved to amend the motion by making the time limit 1 minute.

The question on the amendment being decided in the negative Mr. Gillett submitted an amendment to limit the time for debate to 23 minutes.

Mr. Flood made the point of order that the motion was dilatory.

The Chairman¹ ruled:

The Chair will not recognize the gentleman now. The gentleman from Massachusetts insists that these were not dilatory motions. The Chair begs to state that there is a decision² by a Chairman of the Committee of the Whole, Mr. James E. Watson, of Indiana.

After a second amendment to change the time had been offered by Mr. Fitzgerald the point of order was made by Mr. James A. Tawney that the motion was dilatory, and the chairman held that it was. In this case more than two amendments have been offered to change the time, and under those circumstances the Chair thinks he is justified in holding the motion dilatory.

2818. A demand for tellers has been held to be dilatory when the vote on a division was so decisive as to preclude possibility of change or error.

On April 2, 1908,³ the House was considering the resolution (H. Res. 233) distributing the message of the President.

Mr. John Sharp Williams, of Mississippi, offered various amendments, all of which were disagreed to and on all of which he demanded tellers.

At length, Mr. Williams having offered a further amendment which was disagreed to, yeas 51, nays 87, again demanded tellers.

Mr. Sereno E. Payne, of New York, made the point of order that the demand for tellers was dilatory.

The Chairman⁴ held:

The Chair will state that the object of tellers is simply to verify the vote. A division was had, and the Chair will state that he counted with great care. The vote was so decisive—ayes 51, nays 87—that the Chair is justified in holding the demand for tellers to be dilatory.

Thereupon, the committee rose and reported the resolution to the House with the recommendation that it be agreed to.

The question being taken on the adoption of the resolution, on a division demanded by Mr. Williams, the yeas were 125, noes 75.

Mr. Williams demanded tellers.

Mr. Payne raised a question of order against the request and submitted that in view of the decisive vote on the question, the demand for tellers was obviously dilatory.

The Speaker⁵ sustained the point of order.

¹ Israel M. Foster, of Ohio, Chairman.

² Hinds' Precedents, sec. 5734.

³ First session Sixtieth Congress, Record, p. 4334.

⁴ George P. Lawrence, of Massachusetts, Chairman.

⁵ Joseph G. Cannon, of Illinois, Speaker.

2819. On April 3, 1908,¹ Mr. John Dalzell, Pennsylvania, from the Committee on Rules, reported the resolution (H. Res. 325) providing for consideration of the District of Columbia appropriation bill.

After debate, Mr. Dalzell, demanded the previous question on the resolution. The question being taken, on a division, the yeas were 150 and the nays were 95.

Mr. John Sharp Williams, of Mississippi, demanded tellers.

Mr. Payne made the point of order that the demand for tellers was dilatory.

In response to an inquiry from the Speaker² as to whether the demand for tellers was made for purposes of obstruction, Mr. Williams replied that it was a question for the Speaker to decide.

The Speaker held:

As the preponderance of the vote was so large in favor of the proposition, and as the gentleman from Mississippi declines to state what the Chair is able to realize, the Chair feels that he is authorized to sustain the point of order.

2820. On April 6, 1908,³ following the reading of the Journal of the proceedings of the preceding day, Mr. Sereno E. Payne, of New York, moved that the Journal be approved as read.

The question being put, on a division demanded by Mr. John S. Williams, of Mississippi, the yeas were 130 and the nays were 80.

Mr. Williams requested tellers on the vote.

Mr. Payne raised a question of order against the demand for tellers and submitted that under the circumstances the request was obviously dilatory.

The Speaker² sustained the point of order.

2821. On January 4, 1922,⁴ Mr. Frank W. Mondell, of Wyoming, by unanimous consent, addressed the House for 10 minutes on the legislative program of the House.

At the close of Mr. Mondell's remarks, Mr. Finis J. Garrett, of Tennessee, called attention to the lack of a quorum.

On motion of Mr. Mondell a call of the House was ordered, to which 272 Members answered, a quorum.

Mr. Mondell moved to dispense with further proceedings under the call. The question being put, on a division, the yeas were 125 and the nays were 63.

Mr. Garrett requested tellers.

The Speaker⁵ said:

The Chair thinks that is dilatory:

2822. Under exceptional circumstances the motions to reconsider, adjourn, lay on the table, and an appeal from the decision of the Chair, have been held dilatory.

¹ First session Sixtieth Congress, Record, p. 4350.

² Joseph G. Cannon, of Illinois, Speaker.

³ First session Sixtieth Congress, Record, p. 4426.

⁴ Second session Sixty-seventh Congress, Record, p. 785.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

On March 4, 1911,¹ the last day of session, Mr. John Dalzell, of Pennsylvania, by direction of the Committee on Rules, reported the resolution (H. Res. 1008) relative to consideration of the conference report on the tariff bill.

Mr. John J. Fitzgerald, of New York, moved that the House adjourn.

Mr. John Dalzell, of Pennsylvania, made the point of order that the motion was dilatory.

In debating the point of order, Mr. Fitzgerald called attention to the fact that the House had been in continuous session for 24 hours and 5 minutes, and cited the rule authorizing one motion to adjourn on the calling up for consideration of a report from the Committee on Rules.

The Speaker² ruled:

The rule says—

“It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn.”

It occurs to the Chair that there is a discretion resting with the Speaker to entertain that motion, and then there are other rules that dilatory motions are not in order, and the Chair believes that the gentleman himself would, after that has transpired, and within two hours—the Chair does not see accurately—of the expiration of the Congress, considering the unfinished business before the House, the Chair would have to hold the point of order well taken that the motion is dilatory.

Mr. Fitzgerald appealed from the decision of the Chair.

Mr. Dalzell made the point of order that the appeal was dilatory.

The Speaker held:

The Chair is compelled to hold that the motion is dilatory and also to overrule the appeal as dilatory.

Mr. Fitzgerald moved to lay the pending resolution on the table.

The Speaker declined to entertain the motion and said:

Precedents can be presented where the Speaker would hold the question to be dilatory when it is not dilatory; but the Chair is compelled to hold that the motion of the gentleman is dilatory.

The resolution having been agreed to, the conference report on the tariff bill was taken up and the question being taken on agreeing to the report, it was decided in the affirmative—yeas 179, nays 128.

Mr. Fitzgerald moved to reconsider the vote by which the conference report was adopted.

Mr. Dalzell submitted the point of order that the motion was dilatory.

The Speaker sustained the point of order.

2823. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn, but thereafter no other motion may be made.

Form and history of section 8 of Rule XVI.

¹Third session Sixty-sixth Congress, Record, p. 4329.

²Joseph G. Cannon, of Illinois, Speaker.

Section 8 of Rule XVI provides:

Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other motion till the vote is taken on suspension.

The form of this rule has been modified but once since its adoption in 1868.¹ As originally framed the interdiction was limited to “dilatory” motions, but in the revision of 1911² this word was omitted and the rule has since retained its present form.

¹Second session Fortieth Congress, Record, p. 1424.

²First session Sixty-second Congress, Record, p. 80.