

## Chapter XLVI.

### THE SPEAKER'S POWER OF RECOGNITION.

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1. **The rule and practice. Sections 1419–1424.**
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3. **Member once recognized not to be deprived of floor. Sections 1435–1437.**
5. **Recognition governed by Member's relation to the pending question. Sections 1438–1464.<sup>1</sup>**
6. **Conditions under which right to prior recognition passes to opponents of a measure. Sections 1465–1479.<sup>2</sup>**

**1419. The rule as to recognition by the Speaker.**—Sections 1 and 2 of Rule XIV<sup>3</sup> provide:

1. When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to “Mr. Speaker,” and, on being recognized, may address the House \* \* \*.

2. When two or more Members rise at once, the Speaker shall name the Member who is first to speak; \* \* \*.

**1420. The old parliamentary rule of recognition.**—In Section XVII of Jefferson's Manual the rule of recognition is laid down as follows:

If two or more rise to speak nearly together, the Speaker determines who was first up and calls him by name; whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, “Which Member was first up?” \* \* \* In the Senate of the United States the President's decision is without appeal.

In the House of Representatives, also, according to the later practice, there has been no appeal from the decision of the Chair on a question of recognition.<sup>4</sup>

**1421.** On April 4, 1834,<sup>5</sup> Mr. John Quincy Adams, of Massachusetts, complained that the Speaker<sup>6</sup> had deprived him of the floor by recognizing Mr. John Y. Mason, of Virginia, to move the previous question. Mr. Mason, in reply, contended that he was fairly entitled to recognition “by the rules of the House”—meaning undoubtedly the usages of the House.

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<sup>1</sup> Member making the objection in the electoral count preferred in debate when the Houses separate to decide. Sec. 1956 of Vol. III.

<sup>2</sup> When a conference report is defeated, recognition passes to opponents. Sec. 6396 of Vol. V.

<sup>3</sup> For history of these rules see secs. 4979, 4978 of Vol. V of this work.

<sup>4</sup> See secs. 4979, 4978 of Vol. V for form of rule when this report was made and now.

<sup>5</sup> First session Twenty-third Congress, Debates, p. 3478.

<sup>6</sup> Andrew Stevenson, of Virginia, Speaker.

**1422. The Speaker has authority to name the Member who is entitled to the floor.**—On March 3, 1853,<sup>7</sup> Mr. Abraham M. Schermerhorn, of New York, having been recognized by the Chair, Mr. Bernhart Henn, of Iowa, made the point of order that he was not entitled to the floor, not having risen from his seat<sup>2</sup> at the time he addressed the Chair.

The Speaker pro tempore<sup>3</sup> overruled the point of order on the ground that the rules confer authority upon the Speaker to name the Member who is entitled to the floor.

On an appeal the Chair was sustained.

**1423.** On February 2, 1874,<sup>1</sup> Mr. Speaker Blaine said, in the course of an explanation:

The rules provide that the Member first addressing the Chair shall be recognized; but where fifteen or twenty address him at the same moment, some other mode of assigning the floor must of necessity be resorted to; and there is none so fair as to award precedence according to the relative importance of the motions.

**1424. Discretion as to recognition must be lodged with the presiding officer.**—On April 8, 1879,<sup>2</sup> the Speaker's power of recognition was the subject of extended debate in the House and was referred for examination. In response thereto, on April 9, 1879,<sup>6</sup> Mr. James A. Garfield, of Ohio, from the Committee on Rules, made a report, which was acquiesced in by the House, on the subject of the rule of recognition:

With the exception of the last clause of rule 113,<sup>7</sup> which was adopted in 1805, these rules have remained unchanged for ninety years. In the nature of the case discretion must be lodged with the presiding officer, and no fixed and arbitrary order of recognition can be wisely provided for in advance; and the committee are of opinion that these rules should not be changed.

The practice of making a list of those who desire to speak on measures before the House or Committee of the Whole is a proper one to enable the presiding officer to know and remember the wishes of Members. As to the order of recognition, he should not be bound to follow the list, but should be free to exercise a wise and just discretion in the interest of full and fair debate.<sup>8</sup>

**1425. There is no appeal from a decision by the Speaker on a question of recognition.**—On February 28, 1881,<sup>1</sup> the question being on a motion of Mr. John Randolph Tacker, of Virginia, relating to disposal of business on the Speaker's table, Mr. George M. Robeson, of New Jersey, moved that the rules be suspended, so as to take from the House Calendar the joint resolution of the House (H. Res. 324) relating to the termination of articles 18 and 21 of the treaty of 1871 with Great Britain relating to the fisheries, and pass the same.

<sup>1</sup> Second session Thirty-second Congress, Journal, p. 405; Globe, p. 1154.

<sup>2</sup> The point that the Member was out of his seat was made in view of rule 31, which provided then: "When any Member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to 'Mr. Speaker.'" For present form of the rule see sec. 1419 of this work.

<sup>3</sup> Charles E. Stuart, of Michigan, Speaker pro tempore.

<sup>4</sup> First session Forty-third Congress, Record, p. 1126.

<sup>5</sup> First session Forty-sixth Congress, Record, pp. 299–304.

<sup>6</sup> First session Forty-sixth Congress, Record, p. 340.

<sup>7</sup> This was rule 113 of the system of rules as it existed before the revision of 1880. It is now section 8 of Rule XXIII and does not relate to the subject of recognition.

<sup>8</sup> See sec. 4737 of Vol. IV of this work for form of rule when this report was made and now.

<sup>9</sup> Third session Forty-sixth Congress, Journal, p. 556; Record, p. 2236.

The Speaker<sup>1</sup> held the motion not to be before the House, Mr. Robeson not having been recognized for that purpose.

Mr. Robeson appealed from the decision of the Chair.

The Speaker<sup>2</sup> declined to entertain the appeal, saying:

There is really no power in the House itself to appeal from a recognition of the Chair. The right of recognition is just as absolute in the Chair as the judgment of the Supreme Court of the United States is absolute as to the interpretation of the law.

**1426.** On June 5, 1882,<sup>3</sup> a question arose as to recognition, the Speaker deciding that Mr. Joseph G. Cannon, of Illinois, was not entitled to the floor.

Mr. Cannon proposed to appeal from this decision.

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

The question of recognition does not admit of an appeal. \* \* \* No appeal of that kind has ever been entertained by any Speaker.

**1427.** On January 30, 1890,<sup>5</sup> the House was considering the appeal of Mr. Charles F. Crisp, of Georgia, from the decision of the Chair on the preceding day that a quorum was present within the meaning of the Constitution on the vote for the consideration of the contested election case of *Smith v. Jackson*.

After the Journal had been approved, the Speaker recognized Mr. William McKinley, jr., of Ohio, who was proceeding to debate the pending appeal, when Mr. William M. Springer, of Illinois, made the point of order that a quorum had not voted to approve the Journal on the vote just taken, as was required under common parliamentary law,<sup>6</sup> and also that he had a right now to move to expunge from the Journal of yesterday's proceedings all that part of it which related to the statement of the Speaker that certain Members were present and not voting.

The Speaker<sup>7</sup> said:

Whether the gentleman from Illinois would have a right to make a motion to expunge at any time is another question from that he now presents. This question is a question of recognition; and the Chair has recognized the gentleman from Ohio, who has a right to proceed.

From this decision Mr. Springer proposed to appeal, whereupon the Speaker ruled:

The Chair does not think there can be any appeal from a decision upon a question of recognition. That is very well known.<sup>8</sup>

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

<sup>2</sup>For a long time the Speakers have exercised the right to decline to recognize for a motion to suspend the rules, but they do not have any such rights as to motions privileged under the rules and in order.

<sup>3</sup>First session Forty-seventh Congress, Record, pp. 4554, 4555.

<sup>4</sup>J. Warren Keifer, of Ohio, Speaker.

<sup>5</sup>First session Fifty-first Congress, Journal, p. 177; Record, p. 981.

<sup>6</sup>Rules had not been adopted and the House was proceeding under general parliamentary law.

<sup>7</sup>Thomas B. Reed, of Maine, Speaker.

<sup>8</sup>This had long been understood in the House. (See Cong. Record, first session Forty-ninth Congress, p. 7054.) Also ruling by Mr. Springer himself. (First session Forty-ninth Congress, Journal, p. 1778; Record, p. 5208.)

**1428.** On April 18, 1904,<sup>1</sup> the House had ordered the general deficiency appropriation bill to be engrossed and read a third time. After the third reading, Mr. John A. Moon, of Tennessee, arose.

The Speaker I said:

For what purpose does the gentleman rise?

Mr. Moon stated that he proposed to move to recommit the bill with certain instructions.

The Speaker said: "The gentleman is not recognized for that purpose," and immediately recognized Mr. Sereno E. Payne, of New York, who had arisen.

Mr. Payne thereupon moved to recommit the bill, and on that motion demanded the previous question.

Thereupon Mr. John S. Williams, of Mississippi, raised the question that Mr. Moon was entitled to be recognized, and appealed from the decision of the Chair in recognizing Mr. Payne.

The Speaker said:

The question of recognition is not subject to appeal. If gentlemen will suspend for a moment, the Chair will make it perfectly plain. The gentleman from New York had requested of the Chair to recognize him to make a motion to recommit, and was on his feet for that purpose. The gentleman came to the Chair, as is usual in such cases, and asked for recognition, as other gentlemen have heretofore done on the minority side touching matters of this kind, and as the gentleman from Tennessee [Mr. Moon] himself came. The Chair informed the gentleman from New York that he would be recognized.

Therefore, with the gentleman from New York on his feet, addressing the Chair, and the gentleman from Tennessee also strenuously addressing the Chair, the Chair took occasion not to recognize the gentleman, but asked the gentleman for what purpose he rose. The gentleman proceeded to inform the Chair, and the Chair declined to recognize the gentleman for that purpose and recognized the gentleman from New York, who was upon his feet. \* \* \* The gentleman from New York was not recognized by agreement. He notified the occupant of the chair that he desired to be recognized, was on his feet addressing the Chair at the same time that the gentleman from Tennessee was on his feet. The gentleman from Tennessee addressing the Chair was asked by the Chair for what purpose he rose.

The Chair did not know, and he stated for the purpose of moving to recommit, and the Chair at once said that the gentleman was not recognized, as the Chair had the right and the power to do from a parliamentary standpoint and a fair standpoint. This whole matter is easy of solution. The gentleman from New York moved the previous question; that motion is amendable by any germane amendment, provided a majority of the House does not cut it off by ordering the previous question. The gentleman from New York is recognized. \* \* \* The Chair does not propose to try the question of fact. The Chair saw the gentleman and heard the gentleman; and even if the gentleman had not addressed the Chair, the Chair had the right to decline to recognize the gentleman from Tennessee and to recognize the gentleman from New York. \* \* \* The Chair will state that the gentleman from New York has moved to recommit this bill to the Committee on Appropriations and upon that motion has demanded the previous question. If the previous question is ordered, no amendment to that motion will be in order. The previous question is refused, then any germane amendment will be in order.

**1429. Under the earlier practice of the House there was an appeal from a decision of the Speaker on a question of recognition.**—On February 6, 1827,<sup>3</sup> during the discussion of the bill "for the alteration of acts imposing duties on imports," Mr. John Woods, of Ohio, Mr. James Hamilton, of South Carolina, and several other Members rose in their places to address the Chair.

<sup>1</sup> Second session Fifty-eighth Congress, Record, p. 5050.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup> Second session Nineteenth Congress, Journal, p. 493.

Mr. Hamilton claimed the floor.

The Speaker<sup>1</sup> decided that Mr. Woods was entitled to it.

Mr. Hamilton inquired if he had the right to appeal.

The Speaker replied that he had.

Mr. Hamilton then appealed from the decision of the Chair, which was affirmed by the House, ayes 98, noes 54.

**1430.** On January 29, 1840,<sup>2</sup> an appeal was taken from a recognition by Mr. Speaker Hunter and the decision of the Speaker sustained.

**1431.** On June 1, 1840,<sup>3</sup> a controversy occurred between Messrs. F. O. J. Smith, of Maine, and George H. Proffit, of Indiana, as to who was entitled to the floor. The Speaker<sup>4</sup> awarded the floor to Mr. Proffit. Thereupon Mr. Smith appealed from this decision of the Chair, but later withdrew the appeal in order to save the time of the House. The Speaker not only entertained but invited the appeal.

**1432.** On March 3, 1857,<sup>5</sup> Mr. William R. Sapp, of Ohio, and Mr. Lemuel D. Evans, of Texas, having risen to address the Chair, the Speaker recognized Mr. Sapp.

Mr. Evans claimed that he was entitled to the floor.

The Speaker<sup>6</sup> decided that Mr. Sapp was entitled to the floor.

From this decision of the Chair Mr. Evans appealed. The appeal was laid on the table.

The record of the debate<sup>7</sup> shows that when Mr. Sapp was recognized Mr. Evans, rising to a question of order, submitted that the gentleman from Ohio had had the floor assigned to him three times while he, Mr. Evans, had been endeavoring to obtain the ear of the Speaker.

The Chair stated that the gentleman from Ohio was entitled to the floor before the House took a recess, and had now a right to claim the floor.

**1433.** On April 9, 1860,<sup>8</sup> Mr. Warren Winslow, of North Carolina, called up a report made on a previous day by the select committee on the subject of Executive influence and assigned to this day for consideration.

The House having proceeded to the consideration of the report, Messrs. Winslow and John Covode, of Pennsylvania, each claimed the floor.

The Speaker<sup>9</sup> decided that, as Mr. Covode had reported the measure under consideration from the committee, he was entitled under the rule to open the debate.

Mr. Winslow having appealed, the appeal was laid on the table, yeas 125, nays 59.

**1434.** On March 1, 1861,<sup>10</sup> a Member appealed from a decision of Mr. Speaker Pennington recognizing another Member as entitled to the floor. The Speaker entertained the appeal, but declared that it was not debatable.

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<sup>1</sup> John W. Taylor, of New York, Speaker.

<sup>2</sup> First session Twenty-sixth Congress, Journal, p. 246; Globe, p. 253.

<sup>3</sup> First session Twenty-sixth Congress, Journal, p. 1071; Globe, p. 433.

<sup>4</sup> Robert M. T. Hunter, of Virginia, Speaker.

<sup>5</sup> Journal, third session Thirty-fourth Congress, p. 679.

<sup>6</sup> Nathaniel P. Banks, of Massachusetts, Speaker.

<sup>7</sup> Cong. Globe, third session Thirty-fourth Congress, p. 996.

<sup>8</sup> First session Thirty-sixth Congress, Journal, pp. 695, 696; Globe, p. 1623.

<sup>9</sup> William Pennington, of New Jersey, Speaker.

<sup>10</sup> Second session Thirty-sixth Congress, Journal, p. 440; Globe, pp. 1326, 1327.

**1435. A Member may lose his right to the floor if he neglect to claim it before another Member has been recognized.**—On January 13, 1836,<sup>1</sup> the House proceeded to the consideration of a resolution offered on a previous day by Mr. Leonard Jarvis, of Maine, relating to the agitation for the abolition of slavery in the District of Columbia.

A motion was made and entertained to lay the resolution, with a pending amendment, on the table, and the yeas and nays were called and ordered on this motion.

Thereupon Mr. Hopkins Holsey, of Georgia, made the point of order that he was on the floor when the subject was last before the House, and that he was entitled to the floor, the motion to lay on the table not being admissible under the circumstances.

The Speaker<sup>2</sup> said that if the gentleman had claimed the floor when the subject was first announced, he would have been entitled to it. But as he had not done so before several gentlemen had arisen and a modification of the resolution had been made, it was now too late to press his right to the floor.

**1436.** On June 13, 1836,<sup>3</sup> the House was considering the bill providing for the admission of the State of Arkansas into the Union, when Mr. John Quincy Adams, of Massachusetts, proposed an amendment declaratory that nothing in the act should be construed as an assent by Congress to the articles in the constitution of the State relating to slavery.

The amendment being read, Mr. Sherrod Williams, of Kentucky, rose and addressed the Chair, and moved the previous question.

Mr. Adams objected to the right of Mr. Williams to the floor, on the ground that he had not yielded the floor after having submitted his motion to amend, but had remained standing while the Clerk was reading his amendment.

The Speaker<sup>4</sup> decided that as Mr. Adams did not claim the floor until after Mr. Williams had addressed the Chair and made his motion, and the question thereon had been stated, he (Mr. Adams) had lost his right to the floor and that Mr. Williams was entitled to the same.

Mr. Adams having taken an appeal;<sup>5</sup> the decision of the Chair was sustained, yeas 97, nays 87.

**1437. After a Member has proceeded with his remarks it is too late to challenge his right to the floor.**—On June 9, 1846,<sup>6</sup> Mr. Shelton F. Leake, of Virginia, rose, was recognized by the Speaker, and proceeded to address the House on the resolution declaring William T. Stewart the messenger of the Sergeant-at-Arms.

While he was proceeding in his remarks, Mr. Thomas J. Henley, of Indiana, rose and claimed the floor, on the ground that Mr. Leake, having once addressed

<sup>1</sup>First session Twenty-fourth Congress, Debates, p. 2178.

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

<sup>3</sup>First session Twenty-fourth Congress, Journal, pp. 997–999; Debates, p. 4291.

<sup>4</sup>James K. Polk, of Tennessee, Speaker.

<sup>5</sup>Under the later practice of the House there is no appeal from the decision of the Chair on a question of recognition.

<sup>6</sup>First session Twenty-ninth Congress, Journal, pp. 933, 934.

the House on the question, had no right, under the rule which provided that "no Member shall speak more than once on the same question without leave of the House," to proceed with his remarks.

The Speaker<sup>1</sup> decided that Mr. Leake, having risen, been recognized, and having proceeded to address the House, no one claiming the floor, and no one having objected, must be considered as speaking by leave of the House. He therefore overruled the question of order raised by Mr. Henley.

Mr. Henley having appealed, the decision of the Chair was affirmed.

**1438. The members of the committee reporting the bill have precedence in the discussion.**—On March 31, 1870,<sup>2</sup> during discussion of a report from the Committee on Elections, a question arose as to right to recognition, whereupon the Speaker<sup>3</sup> said:

The Chair understands the usage in this House to be that whenever a measure is reported from a committee the members of that committee shall have precedence in the discussion of that measure.

**1439. In recognizing for general debate the Chair alternates between those favoring and those opposed, preferring members of the committee reporting the bill.**—On January 30, 1907,<sup>4</sup> pending a motion that the House resolve itself into Committee of the Whole House on the state of the Union, for consideration of the river and harbor appropriation bill, a question arose as to the division of the time of general debate. In the course of this discussion the Speaker<sup>5</sup> said:

Under the rules of the House, as the Chair understands it, when the House is in Committee of the Whole House on the state of the Union, the chairman of that committee recognizes gentlemen to speak to the bill, preferring the committee and alternating between those who are in favor of the bill and those who are against the bill. If no one rises against the bill, then it is the practice of the chairman to recognize the membership of the House outside of the committee, and the Chair will say that under a fair construction of this rule the time has been heretofore divided as nearly as could be equally between those who favor the bill and those who oppose it.

**1440.** On January 15, 1900,<sup>6</sup> a District of Columbia day by special order of the House, the bill (H. R. 5297) relating to the holding of real estate in the Territories by aliens was under consideration, and Mr. John J. Jenkins, of Wisconsin, a member of the Committee on the District of Columbia, had the floor. The debate had been entirely by members of that committee, favoring the measure.

Mr. William Alden Smith, of Michigan, who was not a member of the Committee on the District of Columbia, rising to a parliamentary inquiry, asked who controlled the time in opposition to the measure.

The Speaker<sup>7</sup> replied that after the gentleman from Wisconsin [Mr. Jenkins] had exhausted his hour, the Chair would recognize the gentleman from Michigan [Mr. W. A. Smith] in opposition, if no member of the Committee on the District of Columbia should rise in opposition.

<sup>1</sup>John W. Davis, of Indiana, Speaker.

<sup>2</sup>Second session Forty-first Congress, Globe, p. 2324.

<sup>3</sup>James G. Blaine, of Maine, Speaker.

<sup>4</sup>Second session Fifty-ninth Congress, Record, p. 1989.

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

<sup>6</sup>First session Fifty-sixth Congress, Record, p. 829.

<sup>7</sup>David B. Henderson, of Iowa, Speaker.

**1441.** On March 1, 1900,<sup>1</sup> the bill (H. R. 6071) to amend the postal laws relating to second-class mail matter was called up during the call of committees in the morning hour.

Pending arrangement as to the consideration of the bill, Mr. Champ Clark, of Missouri, rising to a parliamentary inquiry, asked who would control the time in opposition to the bill if all the members of the committee reporting it were in favor of it.

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

The Chair will state to the gentleman from Missouri that if there is no one on the committee to resist the bill, the first member claiming recognition to oppose the bill will be recognized for that purpose. It does not necessarily follow that he will control the time, because after he has had his hour and the other side an hour some other gentleman in opposition would be recognized.

**1442. In general debate the Speaker recognizes with the purpose of securing alternation of the two sides; but this principle is not insisted on rigidly where a limited time is controlled by Members, as in the forty minutes' debate under section 3 of Rule XXVIII.**—On April 11, 1900,<sup>3</sup> the House was considering a resolution reported from the Committee on Rules providing time and conditions for consideration of the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes," with Senate amendments.

The previous question having been ordered, the debate proceeded for forty minutes under the rule,<sup>4</sup> Mr. John Dalzell, of Pennsylvania, being recognized to control twenty minutes and Mr. James D. Richardson, of the minority, to control twenty minutes.

The debate having proceeded for a time, each side having participated, Mr. Dalzell demanded that Mr. Richardson, who had just surrendered the floor, use his remaining time.

Mr. Richardson raised the point that he should not be compelled to use his time at present, unless the other side proposed to have but a single speech in conclusion.

The Speaker<sup>2</sup> held that Mr. Richardson should proceed, this being a case where there was only twenty minutes of debate on a side and differing from the conditions of general debate.

Later, on the same day, the bill itself (H.R. 8245) being under general debate, there remained under the control of the minority seven minutes and under the control of the majority forty minutes.

Mr. Richardson, for the minority, claimed that if two or three gentlemen were to occupy time on the majority side they should proceed in order to secure alternation as much as possible.

The Speaker said:

The Chair is of the opinion that if two or three gentlemen are to occupy the forty minutes one of them ought to come in at this time.

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<sup>1</sup> First session Fifty-sixth Congress, Record, p. 2455.

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

<sup>3</sup> First session Fifty-sixth Congress, Record, pp. 4031, 4061, 4062.

<sup>4</sup> Section 3 of Rule XXVIII.

**1443. Recognitions are alternated between the majority and minority sides of the pending question.**—On February 26, 1903,<sup>1</sup> during consideration of the contested election case of *Wagoner v. Butler*, from Missouri, Mr. David A. De Armond, of Missouri, had been recognized and had addressed the House on behalf of the minority contention.

Mr. Marlin E. Olmsted, of Pennsylvania, then took the floor for the majority.

Mr. James M. Robinson, of Indiana, thereupon demanded recognition as ranking minority member of the Committee on Elections.

The Speaker pro tempore<sup>2</sup> said that Mr. Olmsted was entitled to recognition:

The Chair is simply following out the ordinary practice in reference to recognition. The gentleman from Missouri [Mr. De Armond] having just concluded his remarks on one side, the Chair has recognized the gentleman from Pennsylvania [Mr. Olmsted] on the other.

**1444. Recognitions are alternated according to differences on the pending question rather than on account of political differences.**—On February 28, 1901,<sup>3</sup> the House had resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5499) relating to the Revenue-Cutter Service, and Mr. William P. Hepburn, of Iowa, of the majority side of the House, was recognized by the Chair.

Thereupon Mr. Oscar W. Underwood, of Alabama, made the point of order that the last recognition was on the majority side, and therefore that the minority side were entitled to recognition.

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

With all due respect to the gentleman from Alabama, the Chair does not recognize that any question between the Democratic side and the Republican side enters into this matter. It was announced just before the close of this debate, when the question was last under consideration, that the opponents of the bill had occupied one hour and the friends of the bill thirty-five minutes; and the last recognition was given to the opponents of the bill. Therefore the Chair recognizes the gentleman from Iowa.

**1445. A member of the committee having occupied the floor in favor of a measure, a Member opposing should be recognized, even though he be not a member of the committee.**—On April 19, 1892,<sup>5</sup> during the consideration of a contested election case, after two members of the Committee on Elections had consecutively addressed the House in favor of the report of the committee, Mr. Henry Bacon, of New York, took the floor to oppose the report.

Mr. Charles T. O'Ferrall, of Virginia, made the point of order that Mr. Bacon was not entitled to recognition until other members of the Committee on Elections who desired to speak had been recognized.

The Speaker pro tempore<sup>6</sup> overruled the point of order, holding that there was no rule of the House giving the committee such preference, and that two Members having spoken in favor of the committee's report it was in accordance with the practice to recognize a Member to oppose it, although the latter was not a member of the committee making the report.

<sup>1</sup> Second session Fifty-seventh Congress, Record, p. 2724.

<sup>2</sup> John Dalzell, of Pennsylvania, Speaker pro tempore.

<sup>3</sup> Second session Fifty-sixth Congress, Record, p. 3236.

<sup>4</sup> Charles H. Grosvenor, of Ohio, chairman.

<sup>5</sup> First session Fifty-second Congress, Journal, p. 152; Record, pp. 3429, 3430.

<sup>6</sup> Barnes Compton, of Maryland, Speaker pro tempore.

**1446. The Member on whose motion a subject is brought before the House is first entitled to the floor in debate.**—On January 15, 1849,<sup>1</sup> Mr. Alexander H. Stephens, of Georgia, moved that the rules be suspended for the purpose of enabling him to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the annual message of the President of the United States. This motion was agreed to, two thirds voting in favor thereof. The motion to discharge the Committee of the Whole was accordingly made; and the House proceeded to the consideration of the message.

Mr. John A. McClernand, of Illinois, rose for the purpose of debate.

Mr. Stephens claimed the floor.

The Speaker<sup>2</sup> stated that, in accordance with parliamentary courtesy, the Chair must assign the floor to the gentleman from Georgia, Mr. Stephens. That gentleman had made the motion to discharge the Committee of the Whole House on the state of the Union from the further consideration of the President's message, with a view of bringing it before the House. And the Chair decided, therefore, that the gentleman from Georgia was entitled to the floor.

Mr. McClernand still objecting, the Speaker said:

When a question arises as to who is entitled to the floor when various gentlemen claim it, the question, if any gentleman demands it, must be put to the House, not in the nature of an appeal from the decision of the Chair, but whether the gentleman is entitled to the floor.<sup>3</sup>

Mr. McClernand offering to debate, the Speaker said the question was not debatable. If it were so, the whole time of the House would be taken up deciding who was entitled to the floor.

The question being put, the House decided that Mr. Stephens was entitled to the floor.

**1447. The Member reporting a bill from a committee is entitled to recognition to move as to disposition of the bill, although another Member may have risen first.**—On January 17, 1843,<sup>4</sup> Mr. Daniel D. Barnard, of New York, from the Committee on the Judiciary, reported a bill repealing the national bankrupt act, which was read a first and second time. Mr. Barnard then, in obedience to instructions from the Committee on the Judiciary, moved that the bill be recommitted to that committee with certain instructions.

At this stage of the proceedings Mr. Hopkins L. Turney, of Tennessee, stated that, as soon as the bill had received its first and second readings and before Mr. Barnard had risen to make the preceding motion, he had risen and addressed the Chair, notwithstanding which the Speaker had given the floor to Mr. Barnard; and that, having first risen and addressed the Chair, he claimed the floor in preference to any other Member for the purpose of making a motion touching the said bill different from the motion submitted by Mr. Barnard, which, he contended, under the circumstances was not in order.

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<sup>1</sup> Second session Thirtieth Congress, Journal, p. 247; Globe, pp. 260, 261.

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

<sup>3</sup> Such decisions by the House are not allowed by the present practice.

<sup>4</sup> Third session Twenty-seventh Congress, Journal, p. 211.

The Speaker<sup>1</sup> (admitting the fact that Mr. Turney had risen first and addressed the Chair) stated that it was the invariable practice, in conducting business in the House, after a bill had received its first and second readings, to give the floor to the Member who reported it, that he might move such disposition of the bill as the committee might have directed, notwithstanding another Member might have previously risen and addressed the Chair, and under this practice the Speaker decided the motion of Mr. Barnard in order.

On an appeal taken by Mr. Turney the House sustained the decision of the Speaker.

The record of debate<sup>2</sup> shows that Mr. Turney based his demand for recognition on the fact that Mr. Barnard, although the reporter of the bill, had objected to its second reading,<sup>3</sup> and therefore had forfeited his right to prior recognition.

The Chair, however, held that the Member from New York, Mr. Barnard, was entitled to the preference according to the universal practice of the House. No Member had ever interposed between the reporter of a bill and any motion he might wish to make in regard to it.

**1448.** The right of the Member reporting the bill to priority in recognition extends also, to other members of the committee which made the report. This usage of the House was expressed by the Speaker<sup>4</sup> on May 13, 1879,<sup>5</sup> who said:

The members of a committee reporting a bill have a right to the preference.<sup>6</sup>

**1449. The chairman of a committee, having in committee opposed a bill, must in the House yield prior recognition to a Member of his committee who has favored the bill.**—On July 16, 1886,<sup>7</sup> the House was considering a bill (H. R. 5603) to pension Catharine McCarty, which the President had returned with his objections. The Committee on Invalid Pensions had recommended the passage of the bill over the veto; but the chairman of the committee, Mr. Courtland C. Matson, of Indiana, had not agreed to this report and had concurred in the views of the minority.

Mr. Matson, after brief debate, during which he spoke in favor of sustaining the veto, demanded the previous question.

Mr. Julius C. Burrows, of Michigan, made the point of order that under the parliamentary practice of the House the Member representing the majority of a committee was entitled to be first recognized to demand the previous question on a pending proposition.

After somewhat extended debate, during which it was developed that the chairman of the committee had been recognized to call up a series of bills of which

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<sup>1</sup> John White, of Kentucky, Speaker.

<sup>2</sup> Cong. Globe, third session Twenty-seventh Congress, p. 167.

<sup>3</sup> Under the present rules the second reading of a bill is formal only.

<sup>4</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>5</sup> First session Forty sixth Congress, Record, p. 1312.

<sup>6</sup> Thus it happens that after the recognition of the first Member on the majority side of the committee the first Member on the minority side is recognized, and so on alternating down through the committee. The majority side consists of those favoring the bill, rather than members of the majority party in the House; and the minority side those opposing the majority or wishing to modify the bill as reported.

<sup>7</sup> First session Forty-ninth Congress, Journal, pp. 2225–2227; Record, pp. 7053–7037.

this was one, and also that there had in this case been a competitor for the floor from among those who concurred in the report of the committee, the Speaker pro tempore<sup>1</sup> ruled that Mr. Matson was entitled to the floor, but very soon after he reversed this ruling, saying:

The Chair had been recognizing the gentleman from Indiana, Mr. Matson, the chairman of the Committee on Invalid Pensions, to indicate what pension bills should be taken up and to conduct the proceedings of the House thereon. The gentleman from Indiana had called up the pending bill, and was proceeding with its management, when a point of order was made or a parliamentary question asked in regard to the right of the gentleman from Indiana to recognition. The Chair, at the time, did not comprehend exactly the import of that question. The Chair thought the point made was as to the propriety of recognizing the gentleman from Indiana every time to call up these bills, and did not understand the point to be that the gentleman from Indiana, representing in this case a minority of the committee, had no right to make a report to the House; that only the majority of the committee can make an official report, the minority being recognized merely by the courtesy of the House to submit their views. If the Chair had comprehended the real issue raised, the ruling would have been different, but the confusion in the House was so great that the point did not get into the head of the Chair at the proper time.

The Chair now rules that decision was wrong and retracts it. Hereafter when the majority makes a report the Chair will recognize a member of the majority to conduct the business of the House.

**1450. The question as to the extent to which the chairman of the committee reporting a bill should be recognized to offer amendments to perfect it, in preference to other Members.**—On January 15, 1894,<sup>2</sup> the House was in Committee of the Whole House on the state of the Union considering the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

During the consideration of the bill for amendments, which took place under a special order, Mr. Julius C. Burrows, of Michigan, arose and, addressing the Chair, proposed to offer an amendment.

The chairman announced that the gentleman from West Virginia, Mr. William L. Wilson, was recognized.

It was then objected by Messrs. Thomas B. Reed, of Maine, and Julius C. Burrows, of Michigan, that the gentleman from West Virginia, Mr. Wilson, was not on his feet when Mr. Burrows asked recognition; and that the gentleman from West Virginia proposed his amendment as an individual Member and not as the organ of the committee. It was not contended that he might not, as the organ of the committee, have the right, under the practice of the House, to offer committee amendments first; but it was objected that as an individual Member, although chairman of the committee reporting the bill, his right to recognition would not go beyond the privilege of offering the first amendment.

The Chairman,<sup>3</sup> in ruling, said:

The question of recognition is one which the Chair understands to be largely, if not altogether, in the discretion of the Chair; and so long as the present occupant of the Chair has the honor to fill that position he will endeavor to be fair in his recognition of gentlemen for and against the pending amendments or the proposed amendments to the pending bill.

Now, the Chair has understood that it has always been the custom, under the rule of the House and in committee, to permit the gentleman in charge of a bill to first offer amendments, that the text may be

<sup>1</sup> Roger Q. Mills, of Texas, Speaker pro tempore.

<sup>2</sup> Cong. Record, second session Fifty-third Congress, pp. 831, 887.

<sup>3</sup> James D. Richardson, of Tennessee, Chairman.

perfected. Of course if he offers them in behalf of the committee they are so much more strongly commended to the House. \* \* \*

The Chair wishes to be fair, and will endeavor to recognize gentlemen on both sides of this question during the two weeks that this bill is open for amendments. The only question now presented is the amendment offered by the gentleman from West Virginia, and the Chair applies this ruling to only one amendment. The Chair does not intimate what his ruling will be on the next, but for the present there is but one amendment offered—the amendment offered by the gentleman from West Virginia—and the gentleman from Michigan, Mr. Burrows, desires to offer one. The Chair decides, and he thinks he has discretion to do so, that the gentleman from West Virginia is in order in offering his amendment.

In the course of this ruling the Chair made certain statements in reference to the course pursued during the debate on the tariff bill of 1890, in the Fifty-first Congress, which were the subject of question on the next day, January 16, when precisely the same point arose. In the course of his remarks the Chair said:

Now, what the Chair wants to say is this: It has always been conceded that the chairman of the Committee on Ways and Means, when a tariff bill is pending, has the floor until he offers the amendments which he sends up in behalf of the majority of the committee. That was not controverted during the pendency of the discussion on the McKinley bill. As long as Mr. McKinley offered amendments they were considered; if he let in other amendments in the mean time and then desired to recur to his own amendments the Committee of the Whole permitted him to do so until he was through with the amendments which he desired to offer.

Now, passing away from the question that has just been considered by the Chair and referred to in debate, the question of recognition is absolutely in the discretion of the Chair, as all gentlemen concede. The Chair wants to be fair in exercising this discretion. Shall the Chair stop, before this bill is perfected by the gentlemen who have it in charge, and permit a number of amendments to be offered and possibly adopted to different sections, and then have the Committee on Ways and Means afterwards calling up those different sections for further amendment? The Chair thinks that such a course ought not to be pursued. \* \* \* The Chair thought yesterday, and still thinks, that the gentleman from West Virginia, representing the majority of the committee, has the right to offer these amendments, and the Chair recognizes him.

**1451. The Member in charge of the bill is recognized anew after he has presented the bill and it has been read at the Clerk's desk.**—On February 10, 1898,<sup>1</sup> Mr. George D. Perkins, of Iowa, asked unanimous consent for the consideration of the bill (H. R. 2196) directing the issue of a duplicate lost check.

Mr. Joseph W. Bailey, of Texas, claimed the floor, but the Speaker ruled that Mr. Perkins was entitled to the floor as the gentleman in charge of the bill.

Mr. Bailey made the point that, while it was entirely proper to recognize the gentleman from Iowa on his bill, yet the asking for unanimous consent did not of itself give him the floor. After unanimous consent was given there must be a new recognition.

The Speaker<sup>2</sup> said then that he would recognize the gentleman from Iowa as a new recognition.

**1452. The chairman of the committee which reported a bill is entitled to prior recognition when the Senate amendments thereto are debated.**—On July 7, 1852,<sup>3</sup> the Senate amendments to the deficiency appropriation bill were under consideration in Committee of the Whole House on the state of the Union, and the Chairman recognized Mr. George S. Houston, of Alabama, chairman of the Committee on Ways and Means.

<sup>1</sup> Cong. Record, second session Fifty-fifth Congress, p. 1631.

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

<sup>3</sup> First session Thirty-third Congress, Globe, p. 1675.

Mr. William A. Sackett, of New York, made the point of order that the gentleman from Alabama had occupied his time when the bill was in the House before, and was not entitled to the floor now.

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

The Chair decides that the Senate having attached to this bill certain amendments, which have been considered by the Committee on Ways and Means and reported back through their chairman, the chairman is entitled to an hour, under the rules, upon those amendments.

Mr. Sackett having appealed, the decision of the Chairman was sustained.

**1453. The Chairman of the Committee of the Whole which last reports a bill does not thereby become entitled to prior recognition in debate.**—On January 21, 1853,<sup>2</sup> the House was considering a bill relating to the claim of David Myerlie, when a question arose as to who should be recognized to close the debate.

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

The gentleman from Tennessee assumes that the chairman of a committee of the Whole House last reported the bill, and that to him would attach the right to close the debate. The Chair thinks that that has not been the practice in this body. It has uniformly been the practice to allow the Member who originally reported the bill from the standing committee to open and close the debate upon it.

**1454. The mover of a proposition is entitled to prior recognition to move to reconsider.**—March 3, 1865,<sup>4</sup> Mr. Speaker Colfax stated it as a well understood principle that the mover of a resolution was first entitled to recognition to move to reconsider the vote by which it had been passed.

**1455. The control of a bill on the floor having devolved on the ranking member of the committee favoring it, he resigned his right to the introducer of the bill, who was not a member of the committee.**—On December 7, 1900,<sup>5</sup> the House was considering the bill (H. R. 3717) making oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine, reported from the Committee on Agriculture. The chairman of that committee having joined the minority in submitting views, the control of the bill on the floor devolved upon Mr. E. Stevens Henry, of Connecticut, the ranking member on the committee of those who favored the bill.

Mr. Henry, having opened the debate, resigned control of the bill to Mr. William W. Grout, of Vermont, who was not a member of the Committee on Agriculture, but who had originally introduced the bill in the House.

The Speaker<sup>6</sup> said:

The gentleman from Vermont, by this arrangement, will be placed in charge of the bill instead of the gentleman from Connecticut, and may make such motion with reference to its consideration in the House as he desires.<sup>7</sup>

<sup>1</sup> Charles E. Stuart, of Michigan, Chairman.

<sup>2</sup> Second session Thirty-second Congress, Globe, p. 374.

<sup>3</sup> Linn Boyd, of Kentucky, Speaker.

<sup>4</sup> Second session Thirty-eighth Congress, Globe, p. 1412.

<sup>5</sup> Second session Fifty-sixth Congress, Record, p. 140.

<sup>6</sup> David B. Henderson, of Iowa, Speaker.

<sup>7</sup> No objection was made to this arrangement, which probably was within the power of recognition vested in the Speaker.

**1456. The opponents of a bill have no claim to prior recognition to make the motion to refer under Rule XVII.**

Discretion as to recognition must be lodged with the presiding officer.

On April 27, 1904<sup>1</sup> (the legislative day of April 26), the House had ordered the third reading of the bill (S. 2163) entitled "An act to require the employment of vessels of the United States for public purposes," and the bill was read a third time.

Thereupon, as a parliamentary inquiry, Mr. Alfred Lucking, of Michigan, asked if he could be recognized to move to recommit the bill with instructions.

The Speaker responded in the negative, and thereupon recognized Mr. Charles H. Grosvenor, of Ohio, chairman of the committee which reported the bill, and he submitted a motion to recommit.

Mr. David H. Smith, of Kentucky, raised the question of order that Mr. Lucking was entitled to the recognition.

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

The gentleman from Michigan addressed the Chair, but he was not recognized for the purpose he stated. He was informed by the Chair that he was not. Recognition is now due, under all the rules, to the gentleman in charge of the bill; and therefore the Chair has recognized the gentleman from Ohio (Mr. Grosvenor).

Mr. Lucking, as a parliamentary inquiry, asked if the provision of the rule providing for the motion to recommit was not intended to give the opposition an opportunity to test some questions.

The Speaker said:

The object of the rule was to give the House a chance to cure a mistake, if perchance any had been made in the engrossment of a bill, or a mishap to it. The debate from time to time, as the Chair recalls it, has been along that line. The Chair wishes to be perfectly fair to the gentleman. The present occupant of the Chair, the Speaker of the House, follows the usual rule that has obtained ever since he has been a Member of the House, that the Chair chooses whom he will recognize. That is the universal rule, according to the parliamentary usages. In a body of 386 men it would be impossible to proceed in a practical way and do otherwise, and the Chair will go further and say to the gentleman, to be exactly fair to him, that other things being even, or anything near even, if there be a question, under present conditions, in the closing hours, the Chair has a perfect right, following the parliamentary precedents of all parties, to prefer some one with whom, perchance, the Chair is in sympathy, or upon the Chair's side of the House.

**1457. The chairman of the committee in charge of a bill is entitled at all stages to prior recognition for allowable motions intended to expedite the bill.**—On March 22, 1904,<sup>3</sup> while the post-office appropriation bill was under consideration in the Committee of the Whole House on the state of the Union under the five-minute rule, Mr. Jesse Overstreet, of Indiana, moved that debate on the paragraph under consideration and the pending amendments be closed.

Mr. Allan Benny, of New Jersey, having raised a question as to recognition, the Chairman<sup>4</sup> said:

The Chair will answer the parliamentary inquiry of the gentleman from New Jersey. The Chair understands the parliamentary rule and usage, which make the rules, to be that the chairman of the

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<sup>1</sup>Second session Fifty-eighth Congress, Record, p. 5801.

<sup>2</sup>Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup>Second session Fifty-eighth Congress, Record, pp. 3533, 3534.

<sup>4</sup>Henry S. Boutell, of Illinois, Chairman.

committee in charge of a bill on the floor of this House is entitled at all stages of the bill to the first recognition for such purpose as he sees fit to expedite the bill under the rule. On any pending amendment there is five minutes debate allowed on each side, and the chairman in charge of a bill may at any time after five minutes debate on each side move to close debate, and anything after that, the Chair understands, proceeds by unanimous consent.

**1458. On March 1, 1903,<sup>1</sup> (legislative day of February 26), Mr. J. T. McCleary, of Minnesota, had presented the conference report on the District of Columbia appropriation bill, but had not taken the floor on the motion to agree to the report, when Mr. John J. Fitzgerald, of New York, proposed to move the previous question.**

The Speaker<sup>2</sup> recognized Mr. McCleary to proceed in debate.

Mr. Fitzgerald having asked if his motion was not in order, the Speaker said:

The gentleman can not take a Member in charge of the bill from the floor by asking the previous question. That is the prerogative of the gentleman in charge of the bill. The gentleman from Minnesota will proceed.

**1459. A Member having obtained the floor to make a preferential motion may not thereupon demand the previous question to the exclusion of the Member in charge of the bill.**—On the calendar day of March 3, 1901<sup>3</sup>, but the legislative day of March 1, the House was considering Senate amendments to the sundry civil appropriation bill, and a motion to recede and concur in the amendment making provisions for expositions at Buffalo, St. Louis, and Charleston had been decided in the negative.

Thereupon Mr. James S. Sherman, of New York, moved that the House recede and concur with a certain amendment, and on that motion demanded the previous question.

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

The Chair will state that he regards the motion of the gentleman from New York [Mr. Sherman] as in order; but he declines to entertain from the gentleman from New York a demand for the previous question, as the gentleman from Illinois [Mr. Cannon], who has charge of this bill, can not be taken from the floor in that way.

**1460. A Member may not, by offering a motion of higher privilege than the pending motion, deprive the member of the committee in charge of the bill of the floor.**—On February 28, 1889,<sup>4</sup> the House was considering the Senate amendments to the District of Columbia appropriation bill. On the day before the gentleman in charge of the bill, Mr. Judson C. Clements, of Georgia, had moved that the House insist upon its disagreement to a certain amendment, and on that motion had demanded the previous question.

Thereupon Mr. Samuel Dibble, of South Carolina, made a motion to recede, and thereupon took the floor and claimed the right to debate for one hour.

The House having adjourned, when it met on the following day, Mr. Samuel J. Randall, of Pennsylvania, made the point of order that the recognition of the

<sup>1</sup> Second session Fifty-seventh Congress, Record, p. 2857.

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

<sup>3</sup> Second session Fifty-sixth Congress, Record, p. 3577.

<sup>4</sup> Cong. Record, second session Fiftieth Congress, p. 2454.

gentleman from South Carolina would dispossess the gentleman from Georgia from the control of the bill although there had been no adverse vote of the House so far as that control was concerned.

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

The Chair thinks that it was undoubtedly correct to recognize the gentleman from South Carolina [Mr. Dibble] for the purpose of making the motion to recede from the disagreement, notwithstanding the fact that the gentleman from Georgia had at the time pending a proposition insisting on the disagreement and had demanded the previous question. But the Chair, upon reflection, feels disposed to say that the gentleman from Georgia, under the practice heretofore prevailing in the House, was still entitled to the floor for the purpose of controlling the matter, having charge of the general subject, there having been no adverse action, and therefore the Chair thinks that the gentleman from South Carolina was not then entitled, under this usage, to recognition for the purpose of debate, but the Chair actually recognized the gentleman from South Carolina, and he yielded to the gentleman from Kentucky five minutes.

While the Chair thinks now this action was not strictly in accordance with the practice, the gentleman states that he will not occupy more time than would be allowed if the previous question was ordered, and the Chair will not undertake to reverse the action taken, but the Chair desires that the action taken yesterday shall not be a precedent.

**1461.** On May 5, 1896,<sup>2</sup> the House was considering the Senate amendments to the naval appropriation bill, and a motion to nonconcur in a certain amendment had been made by Mr. Charles A. Boutelle, of Maine, chairman of the Committee on Naval Affairs, and in charge of the bill.

Mr. Joseph D. Sayers, of Texas, made a motion to concur in the Senate amendment, and upon that motion claimed the floor.

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

The Chair thinks that the original motion made in the matter now before the House was the motion of the gentleman from Maine, the chairman of the Committee on Naval Affairs, which was that the House should nonconcur in the Senate amendment. If a vote were to be taken upon that proposition and it were decided in the negative, the Chair would announce that the House had concurred with the Senate. Consequently the motion made by the gentleman from Texas, Mr. Sayers, is simply a preferential method of putting the question, favored because it is supposed to look toward an agreement between the two Houses. The Chair thinks that that rule, which is a rule of ordinary parliamentary law, has little if anything to do with the question as to who has control of the matter, and the custom of the House is so invariable, as well as so entirely suitable, so well founded in good sense, that the committee in charge of the bill shall continue in charge of it until an adverse vote on the part of the House, that the Chair can not see that the making of this preferential motion makes any change in that aspect of the case. The Chair therefore thinks that the gentleman from Maine, Mr. Boutelle, in charge of the bill, has charge of it until there shall be some adverse vote on the part of the House. The Chair recognizes the gentleman from Maine.

Again, on March 3, 1897,<sup>4</sup> the naval appropriation bill being again under consideration, and Mr. Boutelle being in charge of it, an amendment relating to the purchase of armor plate being under consideration, Mr. Albert J. Hopkins, of Illinois, made the point that his motion to recede and concur, being more highly privileged, entitled him to the floor in preference to Mr. Boutelle.

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<sup>1</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>2</sup> Cong. Record, first session Fifty-fourth Congress, p. 4847.

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

<sup>4</sup> Cong. Record, second session Fifty-fourth Congress, p. 2953.

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

The gentleman will see on reflection that the business of the House could not be transacted in any other way than by giving the gentleman in charge of the measure control of the floor. While the motion of the gentleman from Illinois takes precedence for the moment, still the gentleman from Maine is in charge of the bill.

**1462.** On February 25, 1901,<sup>2</sup> the House was considering Senate amendments to the naval appropriation bill, the pending amendment being that relating to the authorization of new vessels.

Mr. John F. Rixey, of Virginia, moved to recede and concur, and on that motion demanded recognition.

The Speaker<sup>3</sup> held that while the motion made by the gentleman from Virginia was entitled to precedence, yet the right to prior recognition for debate belonged to the gentleman in charge of the bill.

**1463.** On February 25, 1903,<sup>4</sup> the House was considering the bill (S. 4825) to provide for a union railroad station in the District of Columbia, etc., and Mr. Joseph W. Babcock, of Wisconsin, chairman of the Committee on the District of Columbia, and in charge of the bill, made a motion that the House insist on its amendments to the bill.

Mr. Edward Morrell, of Pennsylvania, moved that the House recede, and the motion was entertained as of higher privilege than the motion to insist.

The debate proceeding, Mr. Morrell claimed the right to close.

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

The gentleman from Wisconsin is in charge of the bill and has the floor. The gentleman from Pennsylvania made a preferential motion, but that will not take from the gentleman from Wisconsin, in charge of the bill, the right to close debate.

**1464. The fact that a Member has the floor on one matter does not necessarily entitle him to prior recognition for a motion relating to a different matter.**—On the calendar day of July 7, 1897,<sup>5</sup> which was a continuation of the legislative day of July 5, the regular order had been demanded by Mr. Jerry Simpson, of Kansas.

Mr. Benton McMillin, of Tennessee, being recognized for a parliamentary inquiry, asked:

Monday being, under Rule XXVIII,<sup>6</sup> a day on which the Speaker can entertain a motion to suspend the rules and pass bills, and to-day being only a continuation of the legislative day of Monday, is it not in order for the Speaker to entertain today a motion to suspend the rules?

The Speaker<sup>1</sup> having replied to this inquiry in the affirmative, Mr. McMillin announced his desire to move to suspend the rules and pass a resolution recognizing Cuban belligerency, when Mr. Nelson Dingley, of Maine, sought recognition

The Speaker said: "The gentleman from Maine is recognized," whereupon Mr. Dingley moved that the House adjourn. This motion prevailed, 134 yeas to 105 nays.

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

<sup>2</sup> Second session Fifty-sixth Congress, Record, p. 2991.

<sup>3</sup> David B. Henderson, of Iowa, Speaker.

<sup>4</sup> Second session Fifty-seventh Congress, Record, p. 2659.

<sup>5</sup> Cong. Record, first session Fifty-fifth Congress, p. 2449.

<sup>6</sup> See section 6790 of Vol. V of this work.

**1465. A motion to direct or control the consideration of the subject before the House being made by the Member in charge and decided adversely, the charge of the subject passes to the opponents.**—On January 15, 1897,<sup>1</sup> Mr. John P. Tracey, of Missouri, from the Committee on Accounts, reported a resolution for the employment of additional folders, and, after brief debate, asked for the previous question.

The House refused the previous question in order that there might be an opportunity to vote upon an amendment suggested by Mr. John F. Lacey, of Iowa.

Mr. Lacey having offered the amendment, and debate having proceeded, Mr. Tracey again asked for the previous question.

Mr. Lacey made the point of order that the gentleman from Missouri could not demand the previous question.

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

The gentleman from Iowa was entitled to the control of the discussion after the refusal of the House to order the previous question, but the gentleman did not assume control. \* \* \* On the contrary, the gentleman seems to have left it in the hands of the gentleman from Missouri, who, the Chair supposes, has the right to move the previous question, under the circumstances.

**1466.** On January 15, 1875,<sup>3</sup> Mr. Henry L. Dawes, of Massachusetts, against the objections of Mr. Charles A. Eldridge, of Wisconsin, demanded the previous question on a report from the Committee on Ways and Means.

The question being taken, ayes 56, noes 73, and the House refused to second the demand.<sup>4</sup>

Thereupon the Speaker<sup>5</sup> said:

The Chair recognizes the gentleman from Wisconsin [Mr. Eldridge] as the parliamentary sequence of the last vote.

**1467.** On March 1, 1897,<sup>6</sup> Mr. J. Frank Aldrich, of Illinois, called up a bill relating to the transmitting in the mails of pictures and descriptions of prize fights.

After debate Mr. Aldrich demanded the previous question, which was refused by the House.

Thereupon Mr. Benton McMillin, of Tennessee, rising to a parliamentary inquiry, asked whether the refusal of the House to sustain the demand for the previous question made by the gentleman in charge of the bill did not pass the control of the bill to the opposition.

The Speaker<sup>2</sup> I replied that it did.,

**1468.** On January 17, 1903,<sup>7</sup> the Committee of the Whole House on the state of the Union had reported the bill (S. 569) to establish a department of Commerce and Labor, with a substitute amendment.

Mr. William P. Hepburn, of Iowa, moved the previous question.

<sup>1</sup> Cong. Record, second session Fifty-fourth Congress, p. 822.

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

<sup>3</sup> Second session Forty-third Congress, Record, p. 514.

<sup>4</sup> The second of the previous question is not now required.

<sup>5</sup> James G. Blaine, of Maine, Speaker.

<sup>6</sup> Cong. Record, second session Fifty-fourth Congress, p. 2590.

<sup>7</sup> Second session Fifty-seventh Congress, Record, p. 927.

Mr. John B. Corliss, of Michigan, resisted this motion.

A vote being taken, there were ayes 78, nays 100.

The Speaker pro tempore<sup>1</sup> having inadvertently recognized Mr. Hepburn for a further motion, a question was raised, and the Speaker pro tempore thereupon recognized Mr. Corliss.

**1469. The House having disagreed to the recommendation of the committee reporting a resolution, the Speaker recognized an opponent of the committee, but not the original proposer of the resolution.**

**In awarding recognition the Speaker is ordinarily controlled by the usages of the House.**

On March 11, 1904,<sup>2</sup> the House was considering a resolution reported from the Committee on the Post-Office and Post-Roads relating to the conduct of Members in their transactions with certain officials of the Post-Office Department. This resolution had originally been presented on the floor (as involving a question of privilege) by Mr. James Hay, of Virginia, and the House had referred it to the Committee on the Post-Office and Post-Roads.

The committee had reported the resolution with the unanimous recommendation that it be laid on the table.

The House disagreed to the motion to lay on the table.

Thereupon Mr. Samuel W. McCall, of Massachusetts (not a member of the Committee on the Post-Office and Post-Roads), was recognized by the Speaker.

Mr. Hay demanded recognition, claiming that as the author of the original resolution he was himself entitled to prior recognition. He said:

I make the point of order that the Committee on the Post-Office and Post-Roads having reported that the resolution introduced by myself lie on the table, and the House having refused to adopt the report of the Committee on the Post-Office and Post-Roads, under the precedents and practice of the House, and under a decision of the Speaker of this House, found in Hinds's Parliamentary Precedents,<sup>3</sup> section 70, the mover of any proposition before the House is first entitled to be recognized by the Chair.

This precedent cited a case in 1849, where a Member who had moved to discharge a committee from the consideration of a subject, was, when the motion had been determined in the affirmative, recognized first as entitled to the floor in debating the subject.

After debate the Speaker<sup>4</sup> said:

The Chair desires to state that the power of recognition is with the Chair, and it is not a debatable matter as to whom the Chair should recognize. There are certain practices touching recognition, well settled—some of them resting in the Digest and others resting in the minds of the older Member—that ordinarily do control and ought to control the action of the Chair touching matters of recognition.

The gentleman from Virginia [Mr. Hay] some weeks ago rose to a question of privilege. The resolution which he presented, contrary to his vote, was referred to the Committee on the Post-Office and Post-Roads. The committee took the resolution, and subsequently reported it to the House with the recommendation that it do lie on the table.

On the question coming up in the House, the House refuses to lay the proposition upon the table. Now, the claim that the gentleman has parliamentary control touching his resolution would be, so far as the Chair is informed, without precedent. If we go back to the time when the gentleman did have

<sup>1</sup> John Dalzell, of Pennsylvania, Speaker pro tempore.

<sup>2</sup> Second session Fifty-eighth Congress, Record, p. 3150.

<sup>3</sup> Now section 1446 of this chapter.

<sup>4</sup> Joseph G. Cannon, of Illinois, Speaker.

charge of his resolution, he has by the action of the House lost control of it, because it was referred to the Committee on the Post-Office and Post-Roads. And the Chair declines to hear discussion touching the Chair's right or power of recognition, because such a practice would lead to interminable debate. The gentleman from Massachusetts is recognized.

**1470.** On May 8, 1900,<sup>1</sup> Mr. John Dalzell, of Pennsylvania, of the Committee on Ways and Means, called up a report of that committee recommending that House resolution No. 229, requesting of the Secretary of the Treasury information as to returns made by manufacturers of oleomargarine, do lie upon the table.

The question being taken on the motion that the bill do lie upon the table, it was decided in the negative—yeas 81, nays 137.

Thereupon the Speaker<sup>2</sup> recognized Mr. James A. Tawney, of Minnesota, who represented the minority of the Committee on Ways and Means in antagonism to the report, to make the motions for the disposition of the resolution. Mr. Tawney asked for the previous question, and under the operation thereof the resolution was agreed to.

**1471.** On January 22, 1897,<sup>3</sup> the House had under consideration the bill (S. 90) for the relief of William P. Buckmaster, which had been reported from the Committee of the Whole with the recommendation that it do lie on the table.

The motion for that recommendation having been made in the committee by Mr. Joseph G. Cannon, of Illinois, the Speaker recognized him as in charge of the bill on the floor.

A difference concerning division of time<sup>4</sup> having arisen between Mr. Cannon and Mr. Charles F. Joy, of Missouri, who represented the friends of the bill, Mr. Cannon at once moved that the bill lie on the table.

The motion being defeated, the Speaker<sup>5</sup> ruled that Mr. Joy was entitled to the floor, being in charge of the bill under the vote of the House.

Mr. Joy thereupon, against the objections of Mr. Cannon, demanded the previous question on the engrossment and third reading of the bill.

The House having decided this question in the negative, the Speaker said:

The House refuses to order the previous question. The Chair now recognizes the gentleman from Illinois.

**1472.** On February 14, 1882,<sup>6</sup> Mr. Godlove S. Orth, of Indiana, from the Committee on Foreign Affairs, reported, with the recommendation that it be laid on the table, a resolution requesting the President to communicate to the House correspondence on file in the State Department with reference to the case of D. H. O'Connor, a citizen of the United States imprisoned in Ireland.

The question being taken on the motion to lay on the table, it was decided in the negative.

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<sup>1</sup> First session Fifty-sixth Congress, Record, p. 5290.

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

<sup>3</sup> Cong. Record, second session Fifty-fourth Congress, p. 1071.

<sup>4</sup> It is a common practice for the Member in charge of a measure to yield of his hour to opponents of the bill, retaining enough for his own use and to enable him to call for the previous question before having to surrender the floor.

<sup>5</sup> Thomas B. Reed, of Maine, Speaker.

<sup>6</sup> First session Forty-seventh Congress, Record, pp. 1133–1140.

The Speaker<sup>1</sup> then recognized Mr. S.S. Cox, of New York, who had opposed the recommendation of the committee, and Mr. Cox offered an amendment which was ruled out of order.

Mr. William E. Robinson, of New York, also was recognized in favor of the adoption of the resolution.

Then Mr. George M. Robeson, of New Jersey, took the floor in his own right, and after a time yielded it to Mr. Orth for the purpose of moving the previous question on the resolution.

Mr. Cox made the point of order that after the recommendation of the Committee of Foreign Affairs had been negatived, the control of the resolution passed to himself.

The Speaker said:

The Chair will state briefly that it agrees entirely with what has so frequently been said here that where a committee, or where a gentleman controlling a measure, after reporting it loses control of it by an adverse vote of the House, then the other side is entitled to be first recognized to control it. But it does not follow that the other side is at liberty to go into general debate and that the gentleman who might be entitled to control the measure can take it and yield the floor to others, thereby cutting off every other Member of the House from doing what he might otherwise do, that is, demand the previous question.

**1473. A motion made by the Member in control of a conference report being decided adversely, it has usually been held that the right to recognition passes to the opponents.**

**The motion to agree is the pending question on a conference report, the motion to disagree is not admitted.**

**A conference report being disagreed to, the amendments of the other House then come up for action.**

On January 30, 1905,<sup>2</sup> Mr. Lucius N. Littauer, of New York, presented the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the legislative appropriation bill and asked the previous question on the motion to agree to the conference report.

Mr. Charles L. Bartlett, of Georgia, antagonized the motion for the previous question, which was disagreed to—yeas 121, nays 122.

The Speaker<sup>3</sup> then recognized Mr. Bartlett, saying that the motion for the previous question had been negatived at his instance.

Mr. Bartlett proposed a motion to disagree to the report.

The Speaker said:

The Chair will state that a motion to disagree would seem hardly in order, although what the gentleman desires to get at, perhaps, would come in another form. The question is on agreeing to the conference report, the same being under consideration. Now, if the House refuses to agree to the conference report that disposes of it, and it is equivalent to a disagreement. If, on the contrary, the House agrees to the report, that closes it up and adopts the report, and the only question, as the Chair understands, that can be determined by the House in the present stage of the proceeding, is on agreeing to the report, and a failure to disagree disposes of the report.

<sup>1</sup>J. Warren Keifer, of Ohio, Speaker.

<sup>2</sup>Third session Fifty-eighth Congress, Record, pp. 1597, 1598.

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

Mr. Bartlett having raised a question as to the effect of the vote about to be taken, the Speaker said:

The Chair understands this, that if the conference report is voted down then the Senate amendments are before the House for such action as the House sees proper to take—to further insist and ask for another conference, or to take such other steps as the House sees proper to take; but the only thing, as the Chair understands it, that can be done at this time is for the House either to agree to the conference report or refuse to agree to it.

**1474.** On January 29, 1897,<sup>1</sup> Mr. H. Henry Powers, of Vermont, called up the conference report on the bill (S. 1832) relating to the rights of purchasers in the matter of the proposed sale of the Atlantic and Pacific Railroad and after debate demanded the previous question.

The question being put, the House refused to order the previous question.

Thereupon the Speaker<sup>2</sup> recognized Mr. William E. Barrett, of Massachusetts, who had asked the House not to order the previous question.

**1475.** On February 26, 1901,<sup>3</sup> Mr. Alston G. Dayton, of West Virginia, presented the conference report on the naval appropriation bill, and after brief debate demanded the previous question on the motion to agree to the report.

The question was taken, and on a division demanded by Mr. William P. Hepburn, of Iowa, there were 48 ayes and 76 noes. So the previous question was refused.

Both Messrs. Hepburn and Dayton demanding recognition, the Speaker<sup>4</sup> held that Mr. Hepburn was entitled to the floor.

After debate the report of the conference committee was disagreed to.

Mr. Dayton then having proposed a motion that the House further insist on its disagreement to the Senate amendments and ask for a conference, the Speaker held that Mr. Hepburn was entitled to recognition.

Mr. Hepburn thereupon yielded further control of the bill to Mr. Dayton.

**1476.** On June 28, 1902,<sup>5</sup> the House had agreed to a partial conference report on the naval appropriation bill, when Mr. George E. Foss, of Illinois, chairman of the Naval Committee and of the conferees, moved that the House recede from its disagreement to the Senate amendment numbered 91, and agree to the same with an amendment.

This motion was opposed by Mr. William W. Kitchin, of North Carolina, a Member of the Committee on Naval Affairs, and by others.

The question being taken there appeared: yeas, 81; nays, 98; so the motion of Mr. Foss was disagreed to.

Thereupon Mr. John J. Fitzgerald, of New York, rising to a parliamentary inquiry, asked if the recognition did not go to the opposition.

The Speaker pro tempore<sup>6</sup> replied that it did.

Thereupon Mr. Fitzgerald proposed to move that the House further insist on its disagreement to the amendment, and ask a further conference.

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<sup>1</sup> Cong. Record, second session Fifty-fourth Congress, p. 1320.

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

<sup>3</sup> Second session Fifty-sixth Congress, Record, pp. 3084–3087.

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

<sup>5</sup> First session Fifty-seventh Congress, Record, pp. 7605, 7607, 7608.

<sup>6</sup> John Dalzell, of Pennsylvania, chairman.

But it appearing that Mr. Fitzgerald was not a Member of the Committee on Naval Affairs, the Speaker pro tempore recognized Mr. Kitchin to make the motion.

**1477.** On June 21, 1906,<sup>1</sup> the House had disagreed to the conference report on the naval appropriation bill, and was proceeding with the consideration of the Senate amendments to the bill, when Mr. George W. Foss, chairman of the managers, whose attempt to secure the adoption of the report had been defeated, raised a question as to the right to prior recognition in the consideration of the amendments.

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

The gentleman from Illinois [Mr. Foss] has charge of this bill. While this motion is a preferential one, the gentleman does not lose control primarily as the Member in charge of the bill; and in this instance, the gentleman having charge can reserve his time or he can yield to his colleague, and he can test the sense of the House at any time by moving the previous question. In other words, the gentleman has not lost control of the bill at this stage. \* \* \* The fact that a Member makes a motion to concur in an amendment, which is a preferential motion, and would have preference over the motion to disagree, does not entitle him to the floor to debate in the first instance, and does not deprive the gentleman from Illinois of the floor, if he asserts his right, and at this point, the gentleman from Florida having yielded the floor, the gentleman from Illinois is remitted to the position that he might have held in the event that he had asserted it.

All of this is equivalent to saying that the charge of the bill is in control of the gentleman from Illinois to move the previous question at any time that he sees proper to move it, and the gentleman, if he desires the floor, will get it from stage to stage, when a motion is made on this or other amendments.

**1478. The defeat of an amendment proposed by the committee does not cause the right to prior recognition to pass from the Member representing the committee in charge of the bill.**—On March 7, 1902,<sup>3</sup> Mr. Joel P. Heatwole, of Minnesota, chairman of the Committee on Printing, reported a joint resolution (H. J. Res. 26) providing for the publication of the Special Report on the Diseases of the Horse, with an amendment proposed by the committee.

The question being taken, the amendment was disagreed to by the House.

Thereupon Mr. Oscar W. Underwood, of Alabama, who had opposed the amendment on the floor, demanded recognition, on the ground that, with the defeat of the committee amendment, the control of the measure passed to the opponents.

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

The Chair is of opinion that the defeat of an amendment does not transfer the control of the bill. That is a mere minor detail. The gentleman from Minnesota moves to recommit.

**1479. The adoption of an amendment against the advice of the Member in charge of the bill does not cause him to lose his right to prior recognition.**—On January 22, 1903,<sup>5</sup> the bill (H. R. 15520) relating to Philippine coinage was under consideration in Committee of the Whole House on the state of the Union, Mr. Henry A. Cooper, of Wisconsin, chairman of the Committee on Insular Affairs, who had reported the bill, being recognized as in charge of the measure.

<sup>1</sup> First session Fifty-ninth Congress, Record, p. 8881.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup> First session Fifty-seventh Congress, Record, p. 2495.

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

<sup>5</sup> Second session Fifty-seventh Congress, Record, pp. 1082, 1084.

Mr. William A. Jones, of Virginia, having proposed an amendment, which was agreed to after opposition by Mr. Cooper, the suggestion was made by Mr. Charles H. Grosvenor, of Ohio, that the result of the vote on the bill entitled the gentleman from Virginia to be recognized as in control of the bill.

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

The Chair questions the statement of the gentleman from Ohio [Mr. Grosvenor] as to the control of the bill having passed to the gentleman from Virginia simply because of an adverse vote on one amendment to the bill.

Thereafter other amendments were adopted on motion of Mr. Jones.

The Committee of the Whole having risen, and the bill being before the House, Mr. Jones sought recognition to move the previous question.

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

The gentleman from Wisconsin [Mr. Cooper] not having demanded this, the Chair will recognize the gentleman from Virginia for that purpose.

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<sup>1</sup>James A. Tawney, of Minnesota, chairman.

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