

## Chapter CVI.

### REPORTS OF COMMITTEES.

---

1. Committee act together on the report. Sections 4583–4584.
2. Majority vote, a quorum being present, authorizes report. Sections 4585–4587.<sup>1</sup>
3. Doubt as to authorization of a report. Sections 4588–4599.<sup>2</sup>
4. Minority views. Sections 4600–4619.
5. Rule as to presenting reports. Section 4620.
6. Privileged reports from certain committees. Sections 4621–4623.
7. Privilege of Ways and Means Committee. Sections 4624–4628.
8. Privilege of Committee on Appropriations. Sections 4629–4632.
9. Privilege of the Committee on Public Lands. Sections 4633–4639.
10. Privilege of the Committee on Accounts. Sections 4640–4645.
11. Privilege of the Committee on Enrolled Bills. Section 4646.
12. Privilege of the Committee on Printing. Sections 4647–4649.
13. Privilege of the Committee on Rules. Section 4650.
14. Reports are in writing. Sections 4651–4655.
15. General decisions. Sections 4656–4666.<sup>3</sup>
16. Process of authorization. Sections 4667–4679.
17. As to reporting the committee's journal. Sections 4680–4686.
18. Reports after instruction of committees. Sections 4687–4691.<sup>4</sup>
19. Discharging a committee. Sections 4692–4697.<sup>5</sup>
20. Reports of Commission. Sections 4698–4703.

---

#### **4583. No committee report is valid except what has been agreed to in committee actually assembled.**—Section XXVI of Jefferson's Manual provides:

A committee meet when and where they please, if the House has not ordered time and place for them, 6 Grey, 370; but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

#### **4584. Committees can only agree to a report acting together.**—On January 9, 1905,<sup>6</sup> Mr. John S. Williams, of Mississippi, asked unanimous consent

---

<sup>1</sup> Less than majority of whole committee may authorize, quorum being present. Section 986 of Vol. I.

<sup>2</sup> Report sustained by majority may be signed by a less number. Section 1091 of Vol. II.

<sup>3</sup> Instances of evenly divided committees unable to submit recommendations. Sections 347, 364 of Vol. I, 945 of Vol. II, 2497 of Vol. III.

<sup>4</sup> Reports of subcommittees made a part of a report. Section 1801 of Vol. III.

<sup>5</sup> House fixes date for a report. Section 1731 of Vol. III.

Committee directed to file report with Clerk. Section 1741 of Vol. III.

<sup>6</sup> In order as to a question of privilege. Section 2709 of Vol. III.

<sup>7</sup> Third session Fifty-eighth Congress, Record, p. 602.

for the present consideration of House resolution No. 415, relating to statistics of the ginning of cotton; and the following paper was presented, Mr. Williams speaking of it as “a unanimous report” from the Committee on the Census.

COMMITTEE ON THE CENSUS, *January 9, 1905,*

We, the undersigned members of the Committee on the Census, agree to a favorable report on House resolution No. 415, and further agree that its author, Mr. Williams, of Mississippi, may call up same when the opportunity presents itself.

E. D. CRUMPACKER, *Chairman.*

JAMES KENNEDY.

F. M. GRIFFITH.

G. B. PATTERSON.

A. S. BURLESON.

JOE T. ROBINSON.

JAMES HAY.

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

The Chair understands that, in point of fact, the formal report has not been made from the Committee on the Census, although there is a paper on the Clerk's desk signed by a majority of the members of that committee. The Chair supposes that the proper form would be to ask unanimous consent that the Committee on the Census be discharged from the further consideration of the resolution, as the formal report has not been made, and that the same be considered in the House.

**4585. In a committee a majority vote, a quorum being present, is sufficient to authorize a report, even although later, by action of absentees, those signing minority views outnumber those who voted for the report.—**

In a committee a majority vote, a quorum being present, is sufficient to authorize a report. It sometimes happens that those voting “nay” and those absent, taken together, outnumber those of the committee who authorize the report. The absentees may concur with those who voted in the minority in submitting minority views, and thus the minority views may be signed by a larger number of members than those who voted to authorize the report. Thus, on August 2, 1876,<sup>2</sup> a report was submitted from the Committee on the Judiciary relating to charges against Hon. Charles Hays. An extract from the records of the committee is appended to the views of the minority, showing that four members voted for the report, and two against, while one was excused and four were absent. The report was not signed. The minority views were signed by the two who voted nay, and by three of the absentees.

**4586. A quorum of a committee may transact business and a majority of that quorum, even though it be a minority of the whole committee, may authorize a report.—**On February 8, 1875,<sup>3</sup> in the Senate, Mr. Oliver P. Morton, of Indiana, presented the report of the committee in the Louisiana election case relating to the claim of P. B. S. Pinchback to a seat.

Mr. William T. Hamilton, of Maryland, raised a question of order. He stated that the whole membership of the committee was nine, that seven were present when the report was ordered, and that only four of the seven voted for it. Therefore he questioned whether or not four members might make a report from a committee of nine.

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> First session Forty-fourth Congress, House Report No. 792. See also Record, p. 5083; Journal, p. 1373.

<sup>3</sup> Second session Forty-third Congress, Record, p. 1063.

It was developed that the report was not signed.

Mr. George F. Edmunds, of Vermont, argued that seven being a quorum and four a majority of the quorum, the report was properly authorized.

The Presiding Officer<sup>1</sup> held:

The Chair understands that a quorum of a committee is competent to transact business, and that a majority of that quorum represents that committee. The Chair therefore thinks that the point of order is not well taken.

**4587. A report signed by a majority of a committee is valid although a necessary one of that majority may not concur in all the statements.**—On March 29, 1836,<sup>2</sup> Mr. Balie Peyton, of Tennessee, raised a question of order on the pending report from the Committee on Elections, alleging that it had never been properly reported from the committee, a majority not having agreed to it.

The fact was developed that the report was signed by five of the nine members of the committee. One of the five signing the report did not concur in all the propositions laid down in the report, but did agree to the conclusions as embodied in the resolutions recommended by the report.

The Speaker<sup>3</sup> decided that the report, signed by the majority of the committee, was properly before the House.

**4588. Objection being made that a report has not been properly authorized by a committee, and there being doubt as to the validity of the authorization, the question as to the reception of the report is submitted to the House.**—On August 25, 1842,<sup>4</sup> Mr. Meredith P. Gentry, of Tennessee, from the Committee on the Public Lands, proposed to report a bill to repeal the proviso to the sixth section of the act entitled “An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights,” approved September 4, 1841.

When the bill was about to be handed in, Mr. Henry A. Wise, of Virginia, objected to its reception as a report of the committee, for reasons which he stated, in writing, as follows:

That a quorum of that committee was not present when the report was ordered to be made. The facts, as stated by three of the members of the committee, were, that but five of the members of the committee were in the city; that these five members met in the committee room on the morning of this day; that they discussed this report until after the meeting of the House; that after the meeting of the House, and before any vote was put or taken in committee upon the bill, one of the members (Mr. Jacob Thompson, of Mississippi) retired, to leave the committee without a quorum, because he could not obtain a postponement to a fuller meeting of the committee, and actually left the committee to consist of but four members; and, after his retiring, these four members decided to make this report, and accordingly have done so, to the House.

Mr. Wise, on this statement of facts, submitted by Messrs. Gentry, Thompson, and Jacob M. Howard, of Michigan, of the committee, objected that this was no report, on the ground (1) that there was no quorum when the report was ordered by the four members of the committee only, and (2) that the committee, even though

<sup>1</sup> Henry B. Anthony, of Rhode Island, presiding officer.

<sup>2</sup> First session Twenty-fourth Congress, Journal, pp. 586, 587; Debates, pp. 3005, 3006.

<sup>3</sup> James K. Polk, of Tennessee, Speaker.

<sup>4</sup> Second session Twenty-seventh Congress, Journal, p. 1410; Globe, p. 940.

there was a quorum present at the time of the decision to report, had no authority to sit during the session of the House without its special leave.

Mr. Howard stated that before Mr. Thompson left the room three of the five members present had given their opinion in favor of reporting the bill to the House and two (one of whom was Mr. Thompson) against reporting it.

The Speaker<sup>1</sup> stated that no question of order was involved; that the question "Shall the bill be received as the report of the committee?" was for the House alone to decide; and, as the reception of the bill was objected to, that question would be put to the House.

The House voted to receive it—90 yeas to 78 nays; so the report was received.<sup>2</sup>

**4589.** On June 8, 1868,<sup>3</sup> Mr. Benjamin F. Butler, of Massachusetts, from the committee of investigation of alleged corruption in regard to the impeachment of the President, proposed to report a resolution relating to a contumacious witness, C. W. Woolley.

Mr. Charles A. Eldridge, of Wisconsin, made the point of order that the gentleman from Massachusetts had no right to report the resolution, since the committee had not adopted it, a majority of the committee not being present in the city.

The Speaker<sup>4</sup> held that, as the gentleman from Massachusetts had stated that he made the report by authority of the committee, and as others had questioned this statement, it was not for the Chair to decide. The rule of the digest was:

If it is disputed that a report has been ordered to be made by a committee, the question of reception must be put to the House.

Therefore, he would put the question to the House.

The House decided, yeas 86, nays 37, to receive the report.

**4590.** On February 19, 1869,<sup>5</sup> Mr. Austin Blair, of Michigan, from the Select Committee on Alleged Election Frauds in the State of New York, proposed to submit a resolution providing for the arrest of two recalcitrant witnesses.

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

<sup>2</sup>While a majority must agree to a report, it is often signed by not more than one member. On April 30, 1838 (second session Twenty-fifth Congress, Globe, pp. 343, 349), during the discussion of the report of the committee which had investigated the duel between Messrs. Graves and Cilley, Mr. Isaac Toucey, of Connecticut, called for the reading of the journal of the select committee to show that the resolution declaring Messrs. Graves, Wise, and Jones guilty of a breach of privilege had been adopted unanimously by the committee. Mr. Richard H. Menefee, of Kentucky, took the ground that the report was not the report of the majority, Mr. William W. Potter, of Pennsylvania, not having assented to it while the committee was in session. Mr. John Quincy Adams, of Massachusetts, also took the ground that the report was not signed, in support of Mr. Menefee, Mr. Francis Thomas, of Maryland, denied a statement made by Mr. Adams that the report of the Bank Committee made by the majority in 1832 had been signed by those who sanctioned it. Judge Clayton, of Georgia, handed in the majority report. Mr. Thomas said that some of the reasoning of the report had not met his approbation, and, if he had prepared it, some of the arguments by which the conclusions were sustained would have been omitted. It was almost invariably the case in reports that they were not signed by all who agreed to them, but the majority concurred in the conclusion—the result. The chairman alone was held to be responsible for the language and illustrations. On May 1, Mr. Adams admitted the correctness of Mr. Thomas's statement in regard to the bank report.

<sup>3</sup>Second session Fortieth Congress, Journal, p. 816; Globe, pp. 2938, 2939.

<sup>4</sup>Schuyler Colfax, of Indiana, Speaker.

<sup>5</sup>Third session Fortieth Congress, Globe, p. 1385.

Mr. Michael C. Kerr, of Indiana, made the point of order that the report was not authorized by the committee. Mr. Kerr stated that neither himself nor his colleague, Mr. Lewis W. Ross, of Indiana, received notice of the meeting, and therefore that the report was not made by the committee.

The Speaker<sup>1</sup> had read the following from the Manual:

If it is disputed that a report has been ordered to be made by the committee the question of reception must be put to the House.

And then put to the House the question of the reception of the report.

The House voted to receive the report, 114 yeas to 33 nays.

**4591.** On February 1, 1895,<sup>2</sup> Mr. William M. Springer, of Illinois, from the Committee on Banking and Currency, submitted a privileged report (No. 1749) on the bill (H. R. 8705) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve and to redeem and retire United States notes, and for other purposes.

Mr. Nicholas N. Cox, of Tennessee, a member of the committee, made the point that the report just presented did not fully and accurately represent the action of the committee.

The Speaker<sup>3</sup> stated that if objection were made the question would be: Shall the report be received by the House?

Mr. Cox then declined to make such objection; and the report was received, and bill and report were ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

**4592. The Speaker being satisfied of the correctness of the authorization of a report, may decide that it shall be received.**

**As to validity of action of a committee at an adjourned meeting, whereof some members were not notified.**

On August 12, 1856,<sup>4</sup> Mr. David S. Walbridge, of Michigan, from the Committee on Public Lands, to whom was referred the bill of the House (H. R. 14) for the benefit of the Pacific Railroad Company, incorporated by the State of Missouri, reported the same with an amendment in the nature of a substitute therefor.

The amendment having been read, and question having been made as to the report, Mr. Walbridge protested that no one had a right to question a report which he presented as a report of the Committee on Public Lands, and explained that every member of the committee was notified of the evening meeting, and a quorum attended. Not reaching the bill that evening, they adjourned until the next morning. At the adjourned meeting a quorum was present and ordered the bill to be reported.

Mr. James L. Orr, of South Carolina, made the point of order that, inasmuch as it appeared from the statement of the gentleman (Mr. Walbridge) that the report was agreed upon at an adjourned meeting, of which all the members of the committee were not notified, the committee did not properly authorize the report to be made.

<sup>1</sup> Schuyler Colfax, of Indiana, Speaker.

<sup>2</sup> Third session Fifty-third Congress, Journal, p. 99.

<sup>3</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>4</sup> First session Thirty-fourth Congress, Journal, pp. 1433, 1434; Globe, p. 2069.

The Speaker<sup>1</sup> stated that it also appeared that a quorum of the committee were present, and a majority had authorized the report to be made. He therefore overruled the point of order.

From this decision of the Chair Mr. Orr appealed. The appeal was laid on the table, 134 yeas to 35 nays.

**4593.** On July 1, 1856<sup>2</sup> Mr. William A. Howard, of Michigan, from the select committee which had been appointed to investigate the troubles in Kansas, submitted, as a question of privilege, a report in writing.

Mr. George S. Houston, of Alabama, made the point of order that, inasmuch as it had been admitted that the paper presented had not been acted upon at a full meeting of the committee, it could not be received as the report of the committee.

The Speaker<sup>1</sup> overruled the point of order, on the ground that it was competent for a majority of the committee to act.

From this decision of the Chair Mr. Hendley S. Bennett, of Mississippi, appealed. The appeal was laid on the table.

**4594. It being shown that a majority of a committee had met and authorized a report, the Speaker did not heed the fact that the meeting was not regularly called.**—On June 7, 1906,<sup>3</sup> Mr. James A. Tawney, of Minnesota, proposed to report from the Committee on Appropriations a bill to supply a certain deficiency in an appropriation.

Mr. John J. Fitzgerald, of New York, made the point of order that the report was not properly authorized.

It appeared in debate, by the undisputed statement of Mr. Tawney, that the committee was not formally called together, but that a majority of the committee were present at the time and authorized the report.

On this statement the Speaker<sup>4</sup> overruled the point of order.

Mr. Oscar W. Underwood, of Alabama, having appealed, the appeal was laid on the table.

**4595. Additional members of a committee having been authorized but not appointed, it is in order for the committee to report as usual.**—On January 12, 1877,<sup>5</sup> Mr. J. Proctor Knott, of Kentucky, from the Select Committee on the Privileges, Powers, and Duties of the House of Representatives in Counting the Votes for President and Vice President of the United States, reported the following preamble and resolution, which were agreed to:

Whereas additional duties have been devolved by resolution of the House upon the select committee of seven appointed to inquire and report upon the privileges, powers, and duties of the House of Representatives in counting the electoral votes for President and Vice-President of the United States: Therefore,

*Resolved*, That two additional members be appointed by the Speaker to serve on said committee.

The Speaker appointed Mr. David Dudley Field, of New York, and Mr. William Lawrence, of Ohio, the additional members.

<sup>1</sup>Nathaniel P. Banks, of Massachusetts, Speaker.

<sup>2</sup>First session Thirty-fourth Congress, Journal, p. 1144; Globe, pp. 1529, 1530.

<sup>3</sup>First session Fifty-ninth Congress, Record, p. 8002.

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

<sup>5</sup>Second session Forty-fourth Congress, Journal, pp. 215, 216; Record, pp. 608, 609, 613.

After the additional members had been authorized, but before the Speaker had appointed them, a report was made from the committee.

Mr. Omar D. Conger, of Michigan, made the point of order that it was not in order for the committee to make a report which had not been submitted to the members just authorized.

The Speaker<sup>1</sup> overruled the point of order, saying that the additional members had not been announced, and that the committee making the report had full power in the premises.

**4596. A committee having authorized one report, and then, after reconsideration, having authorized another, the House, when both reports were offered, voted to receive the first.**

**Discussion as to whether or not the motion to reconsider applies in a committee.<sup>2</sup>**

On May 26, 1840,<sup>3</sup> Mr. Solomon Hillen, jr., of Maryland, from the Committee on Commerce, offered a report from that committee, accompanied by a bill, to repeal the law of March 2, 1837, concerning pilots.

Mr. Edward Curtis, of New York, objected to its reception, on the ground (as a question of order) that it was not the report of the majority of the committee, he himself having been instructed by the majority of that committee to make a report of a directly contrary character. The report submitted by the gentleman from Maryland (Mr. Hillen) had once been the report of the majority of the committee, but before the report had been made to the House the committee had reconsidered its action. Mr. Curtis referred to the parliamentary law which provides—

When a vote is once passed in a committee, it can not be altered but by the House, their votes being binding on themselves.<sup>4</sup>

Mr. Curtis contended that this rule applied, not to standing committees, but to committees of the whole.

The question came up again May 27, when Mr. David Russell, of New York, argued that it had been the custom to reconsider in committees. The rule in the Manual was adopted two hundred and thirty-three years before in the British Parliament. At the time the rule was adopted there was no such thing as a standing committee in Parliament. He also inferred from the terms of the resolution adopting the Manual for the government of the House that the rule was not applicable to standing committees.

Mr. George C. Dromgoole, of Virginia, contended that a standing committee was bound by an action once taken, alluding to the parliamentary law of 1607.

On May 28, Mr. Joseph L. Tillinghast, of Rhode Island, contended that the House had abrogated the principle of parliamentary law that committees might not reconsider, and had adopted the principle of reconsideration. The Manual would not apply when opposed by the principles of the standing rules of the House.

---

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

<sup>2</sup> See also sections 4570, 4571 of this volume.

<sup>3</sup> First session Twenty-sixth Congress, *Globe*, pp. 419, 426, 428, 429.

<sup>4</sup> See Section XXVI of Jefferson's Manual.

Mr. D. B. Ryall, of New Jersey, suggested that the memorials which had caused the reconsideration had been received after the first report had been made up. It would have been very inconvenient not to be able to reconsider.

On May 29 Mr. Philemon Dickerson, of New Jersey, argued that the right to reconsider was inherent in a committee. The rules merely regulated the natural powers of the committees. In practice the committees had exercised the power of reconsideration. At the present session the Committee on Elections had decided by a vote of 7 to 1 that they had the power to reconsider. He thought that since the formation of the Government no case could be found where a committee had asked the privilege of the House to reconsider a vote. The right was as important to the committee as to the House. He did not believe that Mr. Jefferson ever intended this principle of the Manual to be binding on standing committees.

On May 30 the question was put whether the report presented by Mr. Hillen should be received as the majority report. Mr. Curtis had a report of a directly opposite character, which the committee, after reconsideration, had directed him to make.

On a yea-and-nay vote the House decided—86 yeas to 83 nays—to receive the report of Mr. Hillen as the report of the committee.

**4597. Four members of a committee composed of nine having been authorized by the committee to submit to the House a report, a question arose as to whether or not the matter submitted by the four was the report of the committee.**—On April 13, 1898,<sup>1</sup> Mr. E. D. Crumpacker, of Indiana, announced that “by order of the Committee on Elections No. 3,” he submitted the report in the case of *Brown v. Swanson*, signed by four members of that committee, and asked “that the dissenting members have ten days to file their report or views.”

Mr. Charles L. Bartlett, of Georgia, made the point of order that a report by four members was not a report of the committee.

In the course of the debate Mr. Galusha A. Grow<sup>2</sup> of Pennsylvania, said:

Mr. Speaker, I take it there is no question that a majority of a committee can direct the chairman or any member to make a report upon any subject submitted to it. In the first session of the Thirty-seventh Congress, a session more important than any other session of Congress ever held, its Judiciary Committee never made a report, if I recollect aright, on a measure before them that a majority of the committee signed. The only way they got anything before the House was to direct the chairman to make a report, and he would report, asking permission for the members of the committee, within a certain time, to file their views upon the question.

I call attention to the precedent that for two Congresses the Judiciary Committee of the House never did agree and a majority never signed any proposition that they reported to the House.

The Speaker,<sup>3</sup> during the consideration of the case, said that the paper presented might not be the report of the committee recommending action, but for all that it might be the report of the committee. It was not a report of the committee for action; it did not recommend action; but this report to the House of the four members, submitted as per manuscript, was a presentation of their views; and the other five members who might desire to express theirs asked unanimous consent that ten days be allowed them for that purpose.

---

<sup>1</sup>Second session Fifty-fifth Congress, Record, pp. 3800, 3804.

<sup>2</sup>Speaker of the Thirty-seventh Congress, 1861–63.

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

A question arising as to the opportunity of the other members for filing their views, the Speaker said:

The committee are supposed to understand the rule, and if they propose to make a report unconditionally as to the opinion of four of their members, and then ask unanimous consent that the others may present their views, why, they must take their chance of the House granting it, and it may not interfere with their right to make a report of the views of four of their number. Still the Chair would rather this question would be settled by unanimous consent, because that will save any question of precedent in the matter.

The Speaker then suggested that by unanimous consent the committee be allowed to present the opinion of four of its members, and that the other gentlemen be allowed ten days in which to prepare their views.

This was agreed to.

**4598. The House having voted to consider a report, it is too late to question whether or not the report has been made properly.**—On the calendar day of June 9, 1896,<sup>1</sup> and the legislative day of June 6, Mr. Charles Daniels, of New York, from the Committee on Elections No. 1, proposed to call up the Alabama election case of *Aldrich v. Underwood*. On the previous day the question of consideration had been raised and the House had voted to consider the case.

On this day, before consideration had begun, Mr. Benton McMillin, of Tennessee, made the point of order that the report in the case had been concurred in by only four members, whereas the committee was composed of nine, of whom five were required for a majority.

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

The House has voted to consider the case, and it is too late now to make the point which the gentleman is trying to raise. If the gentleman had wished to make that point of order, supposing it was tenable, he should have made it before raising the question of consideration.

**4599. The validity of a committee's action in reporting a bill may not be questioned after actual consideration of the bill has begun in the House.**—On December 15, 1890,<sup>3</sup> Mr. Francis B. Spinola, of New York, from the Committee on Military Affairs, moved to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 3887) for the erection of a monument to the victims on prison ships, and pass the same.

A second having been ordered by tellers, Mr. Joseph G. Cannon, of Illinois, made the point of order that the committee had not authorized the making of such a motion in regard to the bill, no quorum of the committee having been present at the time such action was claimed to have been taken.

After debate on the point of order the Speaker<sup>2</sup> overruled it for the following reasons, viz:

The Chair desires to say in regard to this matter, unless the gentleman from New Jersey desires to be heard further upon the point of order, that while it is perfectly true that the action of the House is dependent upon the prior action of the committee, nevertheless there must of necessity be always a point beyond which a challenge to the fact can not go. This matter was brought before the House

<sup>1</sup> First session Fifty-fourth Congress, Record, p. 6331; Journal, p. 595.

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

<sup>3</sup> Second session Fifty-first Congress, Journal, p. 55; Record, pp. 487, 488.

upon the personal declaration of a member of the Committee on Military Affairs, and the proceeding was sustained by the chairman of that committee. The commencement of the debate occurred after a second had been ordered upon the motion. The Chair thinks, under rulings hitherto made, that the preliminary facts on which the jurisdiction was dependent can not be contested after the debate begins, and the Chair sees no other way by which such questions could possibly be settled. The Chair, however, has less reluctance in making the decision because it is a matter entirely within the power of the House, which can always take such action as the House deems suitable with regard to the disposition of the bill itself. The Chair overrules the point of order.

**4600. Unless filed with the report, minority views may be presented only by the consent of the House.**—On June 4, 1896,<sup>1</sup> the contested election case of *Martin v. Lockhart*, from North Carolina, was about to be called up, when Mr. Joseph W. Bailey, of Texas, expressed the desire to present the views of the minority of the committee, which had not been filed with the report.

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

The Chair will submit a request for unanimous consent to file the views of the minority. \* \* \* The Chair will state to the House that the rules<sup>3</sup> require that the views of the minority shall be presented at the same time as the report of the committee, and it is only a question of delay on which the unanimous consent of the House is asked.

**4601. The minority of a committee may not make a report or present a proposition of legislation, but in later years the rules have given them the right to file views to accompany the report.**

**Evolution in House and Senate of the practice of filing minority views with reports of committees.**

On March 25, 1836,<sup>4</sup> Mr. Hiland Hall, of Vermont, a member of the Committee on the Post-Office, and Post-Roads, to which was referred so much of the message of the President of the United States at the commencement of the session as related “to the report of the Postmaster-General, the condition and operation of the Post-Office Department, and everything connected therewith,” offered to submit to the House a paper, in the form of a report, which, he stated, contained the views of the minority of the committee on that part of the message which suggested “the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications, intended to instigate the slaves to insurrection.” It appears that in this case the majority of the committee had not at this time either submitted a report or agreed upon one.

The Speaker<sup>5</sup> decided that when reports from committees are called for<sup>6</sup> a report can not be made from a minority of a committee, as a minority is not a committee; that the paper offered was not a report authorized to be made to the House by authority of the committee, and could not be received as a report from the minority; and that, consequently, it was not in order to offer the same.<sup>7</sup>

<sup>1</sup> First session Fifty-fourth Congress, Record, p. 6112.

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

<sup>3</sup> See section 3116 of this volume for the rule.

<sup>4</sup> First session Twenty-fourth Congress, Journal, p. 561; Globe, p. 261; Debates, pp. 2944–2946.

<sup>5</sup> James K. Polk, of Tennessee, Speaker.

<sup>6</sup> Reports are now filed with the Clerk, and the views of the minority may have a place on the Calendar. See section 3116 of this volume.

<sup>7</sup> Not long before this, on February 24, 1836 (first session Twenty-fourth Congress, Journal, p. 389), the views of the minority in an election case were presented “by leave of the House.”

Mr. Hall then asked unanimous consent to submit the views of the minority. The House refused consent.

**4602.** On February 17, 1841,<sup>1</sup> Mr. Caleb Cushing, of Massachusetts, chairman of the Select Committee on Finance and Currency, made from that committee a report in part, accompanied by a bill “amendatory of the several acts establishing the Treasury Department.”

Mr. Garrett Davis, of Kentucky, as a member of the committee not concurring in the bill and report of the majority, asked leave to file a counter report. Mr. John P. Kennedy, of Maryland, also asked the same leave, saying as he did so that it was necessary, according to parliamentary rule, to obtain leave of the House to make a counter report.<sup>2</sup>

**4603.** On July 6, 1850,<sup>3</sup> the House was considering the report of the committee which had investigated the relations of the Secretary of War to the Galphin claim. Mr. David T. Disney, of Ohio, who was one of the committee who had joined in the views of the minority, made the point that the resolutions proposed by the minority came up of themselves as an amendment to the resolutions of the majority.

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

The parliamentary law, as the Chair understands it, does not recognize the report of the minority of a committee as a report; it contains the views of the minority, and whenever they report resolutions or a bill they are not before the House for its action until they are submitted by some Member, either of that minority or by some other Member. The report of the minority of itself does not bring the question before the House for its action. The Chair would state to the gentleman from Ohio that, so far as he is informed, such has been the uniform practice of the House; whatever may be the practice of other parliamentary bodies the Chair is not prepared to say.

**4604.** On February 1, 1870,<sup>5</sup> Mr. Robert C. Schenck, of Ohio, from the Committee on Ways and Means, reported a bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes. Mr. James Brooks, of New York, proposed to submit as a question of privilege a report from a minority of the committee.

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

There is no right recognized on the part of a minority of a committee to make a report. It is a question for the House to determine whether such a report shall be received.

The minority report having been objected to, Mr. Brooks made the point of order that no single Member could prevent the reception of the report, and that the question was one to be determined by the majority of the House.

---

<sup>1</sup> Second session Twenty-seventh Congress, Globe, p. 248.

<sup>2</sup> Prior to the Fifty-first Congress the views of the minority were generally accepted by unanimous consent as minority reports. The rules of the Fifty-first Congress, section 2 of Rule XIII, made a provision for printing and placing upon the Calendar the views of the minority, which is retained in the present rules. (See sec. 3116 of this volume.)

<sup>3</sup> First session Thirty-first Congress, Globe, p. 1343.

<sup>4</sup> Howell Cobb, of Georgia, Speaker.

<sup>5</sup> Second session Forty-first Congress, Globe, p. 954.

<sup>6</sup> James G. Blaine, of Maine, Speaker.

The Speaker said:

The Chair would state that there is no such thing as the right on the part of a minority of a committee to make a report. The gentleman from New York is too old a parliamentarian not to be aware that a committee have no right to report except as a committee. The receiving of a minority report is a mere matter of courtesy.

**4605.** On July 24, 1882,<sup>1</sup> Mr. Lewis E. Payson, of Illinois, submitted the views of a portion of the minority of the Committee on the Judiciary on the bill (H. R. No. 6390) relating to land grants to the Northern Pacific Railroad.

Mr. J. Proctor Knott, of Kentucky, offered additional views on the part of himself and several of his colleagues, accompanied by a joint resolution, which he asked to have placed on the Calendar.

Objection being made, Mr. Richard W. Townshend, of Illinois, made the point of order that it was the right of a member of the committee to move that the joint resolution be placed on the Calendar; and Mr. Knott made such a motion.

After debate the Speaker<sup>2</sup> ruled:

The gentleman from Kentucky [Mr. Knott] presented the views of certain members of the Committee on the Judiciary, not a majority of the committee, under permission granted when the report of the committee on this subject was presented, and moves to have a resolution accompanying the views placed upon the Calendar. Now, there is no doubt but this belongs to the minority of the committee as a matter of right if it is to be regarded as a report at all. This question has frequently been raised, where a minority of a committee proposed to make a report and claimed the right to bring a subject before the House; but it has been always rejected and treated as though no such right existed, the majority of the committee alone being competent to bring in a report and submit it to the House for its consideration.

There is no case known to the Chair, and certainly none has been cited in the discussion of this point of order, to indicate that under any circumstances these views of the minority are to be regarded as a report.

As Cushing says, in his admirable work on parliamentary law, "these views are sometimes submitted under the somewhat incongruous name of minority reports when they are in no sense reports."

Now, to go back, at the time the report was made upon this subject the gentleman from Massachusetts [Mr. Robinson] stated to the House that there were certain views of the minority which they might desire to present to the House, and asked, on behalf of the minority, that these should be printed, which request was granted. It was then ordered, not that they should come in as a report, but that their views, dissenting from the report of the committee, should be received and printed, and, to use the exact language of the record, "the views will be received and be printed with the report of the majority." Consent was given for this and nothing more.

Now, the gentleman from Illinois [Mr. Townshend] has cited Cushing's Manual of Parliamentary Law, and the Chair thinks it would be well enough to examine it further and have read a little more from the same paragraph and sentence from which the gentleman has already quoted. The Clerk will read:

They [minority views] are received by the courtesy of the House, expressed by the ordinary vote of a majority, and usually receive the same destination with the report; that is, they are printed, postponed, and considered in the same manner. But they are not in any parliamentary sense reports, nor entitled to any privilege as such; and their only effect is, in the first place, to operate upon the minds of Members as arguments, and, secondly, to serve as the basis for amendments to be moved on the resolution or other conclusion of the report. If they contain or recommend a bill, it is read, not as a bill, but as a part of the report and for the information of the House."

---

<sup>1</sup>First session Forty-seventh Congress, Record, pp. 6417-6419; Journal, p. 1709.

<sup>2</sup>J. Warren Keifer, of Ohio, Speaker.

The Chair will state that the portion of the paragraph just read which used the word "majority" has distinct reference to a majority of the House as a matter of courtesy, having the right and power to allow the views of the minority to be presented, and had no reference to the disposition of them on the House Calendars.

The Chair will cause the Clerk to read now from the House Journal proceedings in 1836, where the question was made whether or not the minority of a committee could make a report.<sup>1</sup>

The Chair thinks that under what seems to be the uniform practice all the Chair can do is to indicate that the action shall be taken which was directed to be taken on the 6th of June last, when the majority report was introduced; and that is that the views of the minority shall be printed with the majority report.

The joint resolution presented by the minority has no possible parliamentary status, except that when the majority report shall come up for consideration it might be referred to only as a matter of information to the House; and it might furnish a basis upon which amendments might be offered to the action of the majority, if action can ever be taken on that. It is now on the table and it seems to call for no action on the part of Congress.

An appeal, taken by Mr. S. S. Cox, of New York, was laid on the table, yeas 97, nays 71.

In this case the majority report had not recommended any legislative proposition; but merely concluded that no action was necessary.<sup>2</sup>

**4606. A resolution or bill accompanying minority views has no standing thereby, but must be offered by a Member on the floor.**—On May 27, 1868,<sup>3</sup> Mr. Speaker Colfax held: "The rule declares that when the views of the minority are accompanied by a resolution or a bill such resolution or bill is not thereby brought before the House for action, but must be submitted by some member."

**4607. Views of the minority may not include transcripts of testimony or other matters not strictly in the nature of argument.**—On June 5, 1900,<sup>4</sup> Mr. James Hay, of Virginia, rising to a question of privilege, raised a question relating to the views of the minority of the Committee on Military Affairs on the subject of the investigation of the Coeur d'Alene disturbances in Idaho.

Mr. Charles Dick, of Ohio, objected to the minority including in their views the printed hearings and the argument of the attorneys.

Debate arising as to the nature of the views filed by a minority, the Speakers said:

The Chair will state that he has ordered the Clerk to strike from the minority views those things which are not strictly the views of the minority. The Chair will advise the gentleman from Virginia that his instructions to the Clerk are that the views should not include arguments and testimony. \* \* \* The committee has the right to make its own report; there is no doubt about that; but the views of the minority are not a report. \* \* \* The Chair has stated that question is not now before the House; but the Chair is clear, if called upon to rule, that he has the right to direct the Clerk to expunge everything except the views of the minority. The argument which has just been submitted by the gentleman from Virginia to the Chair is a proper argument to make to the committee when making up the majority report.

**4608. Minority views were not permitted previous to 1822, but the present practice began to develop soon after that date.**—On March 29, 1822,<sup>6</sup>

<sup>1</sup> See section 4601.

<sup>2</sup> House Report No. 1283.

<sup>3</sup> Second session Fortieth Congress, Globe, p. 2611.

<sup>4</sup> First session Fifty-sixth Congress, Record, pp. 6759, 6760.

<sup>5</sup> David B. Henderson, of Iowa, Speaker.

<sup>6</sup> First session Seventeenth Congress, Annals, p. 1414.

Mr. Lewis McLane, of Delaware, submitted a report from a select committee to whom had been referred a communication of the Secretary of the Treasury relating to inspection of land offices.

Mr. Daniel P. Cook, of Illinois, who was the chairman of the committee, was proceeding to state that the committee were not unanimous and to explain his own dissenting views.

Mr. McLane deprecated any statement of a division in the committee. He said it would be an encroachment on propriety to suffer a committee to make a report and accompany it with another report which might possibly be of a very different tendency.

Mr. Charles F. Mercer, of Virginia, cited a case in the Fifteenth Congress,<sup>1</sup> when a counter report had not been received until after considerable discussion, and afterwards it was a subject of regret that it had been received at all.

The Speaker<sup>2</sup> said that nothing could be received as the act of a committee but the report, and that a committee could make but one report. Nothing, therefore, but the report of the committee was now under consideration. He referred to the precedent cited by Mr. Mercer, but considered it an erroneous proceeding and not to be drawn into precedent.

**4609.** On May 15, 1828,<sup>3</sup> Mr. James Hamilton, of South Carolina, from the Committee on Retrenchment in the Expenditures of the Government, presented a report, and moved its reference to the Committee of the Whole House on the state of the Union.

Mr. John Sergeant, of Pennsylvania, from the same committee, presented a paper containing the views of the minority of the committee on the subject and moved the same reference.

Mr. Hamilton expressed his acquiescence in this, saying that Mr. Sergeant had notified the committee that he should present such a paper, but had not read it.

The report and views of the minority were referred and ordered printed.

Again, on May 16,<sup>4</sup> the views of the minority were presented with the report on the assault on the secretary of the President. No question was made as to the presentation of the views.

**4610.** On February 27, 1833,<sup>5</sup> Mr. John Quincy Adams, of Massachusetts, from the minority of the Committee on Manufactures, submitted a report on domestic manufactures and protection necessary to be afforded them.

This report was made from the minority, while the majority made no report whatever on the subject, having been discharged from its consideration by the House.

---

<sup>1</sup>This occurred on January 12, 1819 (Second session Fifteenth Congress, Journal, p. 173 (De Krafft ed.); Annals, pp. 515, 518), when Mr. Thomas M. Nelson, of Virginia, submitted a report of the committee on Military Affairs on proceedings of General Andrew Jackson in Florida. Mr. Richard M. Johnson of Kentucky, also of that committee, submitted a paper drawn up in the shape of a report from that committee, which he stated the committee had refused to accept by a majority of one vote. He offered it as a substitute. After debate on the point of order—which the Annals do not give—both the report and the proposed substitute, were referred to Committee of the Whole.

<sup>2</sup>Philip P. Barbour, of Virginia, Speaker.

<sup>3</sup>First session Twentieth Congress, Journal, p. 763; Debates, p. 2714.

<sup>4</sup>Journal, p. 764; Debates, p. 2718.

<sup>5</sup>Second session Twenty-second Congress, Journal, pp. 435, 443, 451; Debates, pp. 1817, 1865, 1902.

When the minority report was read and a motion made to print it a question was made as to the procedure and it was urged that the report was only a speech. But it was ordered printed.

The report<sup>1</sup> made no recommendation of action. It was signed by J. Q. Adam and Lewis Conduct.

**4611.** On March 3, 1837,<sup>2</sup> Mr. Henry A. Wise, of Virginia, from the select committee appointed on so much of the President's message as relates to the condition of the various Executive Departments, "made three several reports, viz, one from the majority of said committee; one expressing the views of the minority of the committee, and one expressing the views of Mr. Wise himself; which reports were ordered to lie on the table, and, with the documents accompanying the same, and the journal of the committee, were ordered to be printed."

**4612.** In the earlier practice of the House there was a disposition to consider the views of the minority the "report" of the minority. Thus, the report of the select committee appointed in 1837<sup>3</sup> to investigate the Executive Departments of the Government is printed as "Views of the majority," and "Views of the minority," while over the views of Mr. John A. Wise, of Virginia, one of the minority, appears the heading "Report of Mr. Wise."

**4613.** In 1842<sup>4</sup> President Polk's veto of the tariff bill was referred to a select committee which reported, the members of the committee concurring in the report signing it. The paper is also accompanied by the "Protest and counter report" of Thomas W. Gilmer, one of the minority, and by the "Report of the minority."

**4614.** In the Journal of 1842<sup>5</sup> the minority views are spoken of as a "counter report," as well as "views."

**4615.** On March 18, 1830,<sup>6</sup> a select committee presented a report on the subject of the public lands, accompanied by a bill (H. R. 367) "appropriating the net proceeds of the public lands to the use of the several States and Territories."

Mr. William D. Martin, of South Carolina, from the same committee, also presented a bill setting forth the views of the minority of the said committee.

Both bills were referred to the Committee of the Whole House on the state of the Union.<sup>7</sup>

**4616.** On July 7, 1866,<sup>8</sup> the subject of the presentation of minority views was discussed somewhat in the Senate on the occasion of the presentation of the minority views from the Committee on Reconstruction, by Mr. Reverdy Johnson, of Maryland. Several precedents were cited in the course of the discussion. It was objected that the minority could not present a report, and that the views should be presented at the time the report of the committee was presented. Finally, on motion of Mr. Lyman Trumbull, of Illinois, the Senate agreed to a resolution receiving the paper,

<sup>1</sup> See House Report No. 122, second session Twenty-second Congress.

<sup>2</sup> Second session Twenty-fourth Congress, Journal, p. 587.

<sup>3</sup> Second session Twenty-fourth Congress, House Report No. 194.

<sup>4</sup> Second session Twenty-seventh Congress, House Report No. 998, pp. 36, 47.

<sup>5</sup> Second session Twenty-seventh Congress, Journal, pp. 409, 544, 694, 785.

<sup>6</sup> First session Twenty-first Congress, Journal, p. 429 1 Debates, p. 626.

<sup>7</sup> Under the later practice the minority may not report a legislative proposition in the sense that it may be placed on the Calendar for consideration.

<sup>8</sup> First session Thirty-ninth Congress, Globe, pp. 3646-3649.

but declaring that “in receiving said paper subsequent to the time when the majority report was received the Senate does not mean to sanction the right to present said paper at this time, nor to establish a precedent for its future action.”

**4617.** On March 4, 1834,<sup>1</sup> Mr. Henry Clay, of Kentucky, spoke in the Senate of the presentation of minority views as unwarranted except in recent usage, especially in the House of Representatives. He had no doubt that the practice was unwarranted in the parliamentary usage of other countries. A single precedent was cited of such action in the Senate, and Mr. John C. Calhoun, of South Carolina, said that in that case the minority were allowed to present not a report, but “a paper.”

**4618.** On April 1 and 4, 1834,<sup>2</sup> the Senate discussed and finally admitted views of the minority of a committee. The custom of the other House was referred to in support of the action, which seems to have been unusual with the Senate at this time.

The debate on April 4<sup>3</sup> shows that Mr. Clay opposed the reception of the minority views, which were presented by Mr. Silas Wright, of New York. He said it would produce confusion. It was true that on the occasion of the Seminole wax minority views had been presented; but the practice was unknown in England. Mr. Clayton, of Delaware, recalled a case in 1831 when minority views had called out a rejoinder from the majority. Reference was made to the bank report in the House and Mr. Adams’s views. The paper was ordered to be printed, which was virtually an admission of Mr. Wright’s request.

**4619. A minority of a committee, as a question of privilege, having charged the committee with neglect of duty, it was held that the minority not being competent to make a report might not thus present a question of privilege.**

**It is not in order for the minority to present to the House the records of a committee to show that the committee is disregarding its duty.**

On March 11, 1858,<sup>4</sup> Mr. Thomas L. Harris, of Illinois, arose and stated in behalf of himself and six other members of the select committee appointed under the order of the House of the 8th of February last, to whom was referred the President’s message concerning the Lecompton constitution with instructions, that in their opinion said committee had failed and refused to execute the order of the House contained in the resolution of their appointment, and had adjourned. As a proof thereof Mr. Harris proposed, as a question of privilege, to read the journals and minutes of said committee and a written statement thereto.

The question raised thus by Mr. Harris was debated on this and the succeeding day, such light being cast upon it as could be found in the precedents of Parliament.

The Speaker<sup>5</sup> having made his decision, an appeal was taken by Mr. Harris, and on this appeal the Speaker gave his decision and the reasons therefor at length:

The Speaker decided that the opinion merely of the minority of a committee could not present a care involving the privileges of the House, and that inasmuch as it is not competent, except by the

---

<sup>1</sup> First session Twenty-third Congress, Debates, p. 806.

<sup>2</sup> First session Twenty-third Congress, Debates, pp. 1229, 1252–1257.

<sup>3</sup> Debates, pp. 1252–1257.

<sup>4</sup> First session Thirty-fifth Congress, Journal, pp. 477, 490, 491; Globe, pp. 1075, 1103.

<sup>5</sup> James L. Orr, of South Carolina, Speaker.

courtesy of the House, for a minority of a committee to submit a report, the facts upon which such an opinion is based could not be ascertained in the manner proposed. In the opinion of the Chair, the instructions in the present case having reference neither to the time nor the manner of making the report, the House could not know whether there had been a failure or refusal to execute its order until the report of the committee had been submitted. He therefore decided that no question of privilege was presented by the gentleman from Illinois.

The proposition of the gentleman from Illinois was to read the Journal and to submit a written statement. The Chair decided that it was not in order, and that it would not be in order even if the committee had been called, if there was objection. The Chair refers to a precedent exactly in point in the first session of the Twenty-fourth Congress.<sup>1</sup>

Not only do the precedents show that a report from the minority of a committee is not in order, but they go so far as to show that it is not competent to refer in debate in the House to what transpires before a committee, much less bring the matter in the form in which it is proposed to be brought here by a minority, before the majority has reported. The Chair asks to refer to the Journal of the first session of the Twenty-sixth Congress.

In the Thirty-first Congress, in a similar case, there was pending a proposition to authorize the taking of testimony in a contested-election case from Iowa.

So that, in the opinion of the Chair, the question of privilege does not arise in the case presented. If the majority of the committee had submitted the report and it was proposed by the minority to submit a report, it, as the Chair decided yesterday, would be received as a matter of courtesy—universally granted, I concede, because it was with difficulty that I found the precedent which I have already read. It is generally received, and it is in this point of view that the Chair decided that the House could not know whether the committee had or had not discharged its duty until the committee reported, and there was no time fixed in the instructions requiring the committee to report at a particular time or in a particular way.

The question on the appeal was not taken, as Mr. Harris withdrew it in order to attain his object in another way.<sup>2</sup>

**4620. Reports of committees, except privileged reports, are submitted to the House by delivering them to the Clerk.**—Section 2 of Rule XIII<sup>3</sup> provides:

2. All reports of committees, except as provided in clause 61 of Rule XI,<sup>4</sup> together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the Record.

**4621. The Committees on Rules, Elections, Ways and Means, Rivers and Harbors, Public Lands, Territories, Enrolled Bills, Invalid Pensions, Printing, and Accounts may report at any time on certain matters.**

**Revenue and general appropriation bills, river and harbor bills, certain bills relating to the public lands, for the admission of new States, and general pension bills may be reported at any time.**

**The privilege of the Committee on Printing is confined to printing for the two Houses, and of Accounts to expenditures from the contingent fund.**

<sup>1</sup> See section 4601 for this precedent in full.

<sup>2</sup> On April 9 and 10, 1860, by order of the House, Mr. Miles Taylor, of Louisiana, was permitted to read his minority views on the subject of the President's message protesting against certain action of the House (first session Thirty-sixth Congress, Journal, pp. 700, 702; Globe, p. 1638); but under the rules in force at that time all reports were offered from the floor. Under the present rules all reports, except such as are privileged to be made at any time, are filed with the Clerk.

<sup>3</sup> See section 3116 of this volume for history of this rule.

<sup>4</sup> This clause refers to privileged reports, which are made on the floor. See section 4621 of this volume.

**A report from the Committee on Rules has a special and high privilege, and one motion to adjourn, but no other dilatory motion, may be entertained during its consideration.**

**Form and history of section 61 of Rule XI.**

Section 61 of Rule XI provides:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on the Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers; the Committee on Territories, bills for the admission of new States; the Committee on Enrolled Bills, enrolled bills; the Committee on Invalid Pensions, general pension bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

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; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

The principles of this rule have been developed through a series of years to meet the necessity that certain important classes of bills should be allowed precedence, in order that they might not fail in the press of matters before the House. Very early the Committee on Enrolled Bills,<sup>1</sup> from the very nature of the case, exercised the right. The Committee on Elections also claimed the right as a matter of privilege, and it was conceded by the House, which overruled the Speaker.<sup>2</sup> On March 16, 1860, the Committee on Printing,<sup>3</sup> which had the privilege under the joint rules much earlier<sup>4</sup> than this, secured the right by a rule of the House; and at the same time an unsuccessful effort was made to secure for the Ways and Means Committee the right to report appropriation bills at any time.<sup>5</sup> On March 2, 1865, the privilege was given to both the Ways and Means and Appropriations Committees of reporting their bills at any time for commitment to the Committee of the Whole.<sup>6</sup> On April 9, 1879, the same privilege that the Appropriations Committee had for reporting

---

<sup>1</sup>Former rule No. 101 of the House gave this privilege to the Committee on Enrolled Bills, and dated back to a period as early as 1824. The privilege appears in Rule No. 86 of the Eighteenth Congress (first session Eighteenth Congress, Journal, p. 734), and still earlier in 1812 (first session Twelfth Congress, Journal, p. 532).

<sup>2</sup>Ruling of Speaker Hunter in 1840.

<sup>3</sup>The original privilege of the committee was somewhat broader than is now allowed by the rule (first session Thirtieth Congress, Journal, p. 1288).

<sup>4</sup>On February 17, 1848, Mr. Thomas J. Henley, of Indiana, secured the adoption of a joint rule conferring this privilege, in which the Senate later concurred. The object was to expedite business (first session Thirtieth Congress, Journal, p. 425; Globe, p. 368).

<sup>5</sup>First session Thirty-sixth Congress, Globe, p. 1211. At that time the Ways and Means Committee reported appropriation bills. On September 21, 1850 (first session Thirty-first Congress, Journal, p. 1499; Globe, p. 1899) this privilege was given the Ways and Means Committee for the remainder of the session. Also in 1851 (second session Thirty-first Congress, Journal, p. 394).

<sup>6</sup>Second session Thirty-eighth Congress, Globe, p. 1317; second session Forty-fifth Congress, Record, p. 227.

general appropriation bills was given to the Committee on Commerce for reporting river and harbor appropriation bills.<sup>1</sup>

The revision of 1880 first made these privileges the subject of a single, distinct rule,<sup>2</sup> which, as section 47 of Rule XI, was in a form similar to the present, although the privilege of the river and harbor bill continued to be provided for in another rule until 1885. Elections, Ways and Means, Appropriations, Enrolled Bills, Printing, and Accounts were the committees included in the rule in 1880. When the appropriation bills were distributed in the Forty-ninth Congress the rule was changed accordingly, and also the clause relating to the Public Lands Committee was added,<sup>3</sup> although there had been a special rule for the same purpose in the preceding Congress. In the revision of 1890,<sup>4</sup> the Committees on Rules,<sup>5</sup> Territories, and Invalid Pensions were added. In the Fifty-second Congress Territories and Invalid Pensions were dropped. In the Fifty-third Congress Banking and Currency and Coinage, Weights, and Measures were added.

In the Fifty-fourth and Fifty-fifth Congresses the form of 1890 was restored.

The paragraph relating to reports from the Committee on Rules and dilatory motions during the consideration thereof dates from February 4, 1892.<sup>6</sup>

At the time these privileges originated reports were made in the morning hour and often with great difficulty. Now unprivileged reports are filed through the Clerk's desk and there is no delay. But the privilege remains useful, since it has long been established that the right of reporting at any time carries with it the right of consideration.<sup>7</sup>

**4622. In exercising the right to report at any time, committees may not include matters not specified by the rule as within the privilege.**—On February 4, 1896,<sup>8</sup> the Committee on Ways and Means reported a resolution directing an investigation of the importation and exportation of certain products, and providing for defraying the expenses of the investigation from the contingent fund of the House. Objection being made to the consideration of the resolution, it was referred to the Committee on Accounts. On February 15<sup>9</sup> the latter committee reported the resolution, asking immediate consideration.

<sup>1</sup> First session Forty-sixth Congress, Record, p. 338. This bill was originally reported by the Commerce Committee.

<sup>2</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>3</sup> First session Forty-ninth Congress, Record, pp. 323–326.

<sup>4</sup> See House Report No. 23, first session Fifty-first Congress.

<sup>5</sup> Previous to this time, however, the Committee on Rules had exercised this privilege “by uniform practice of the House,” as stated by Speaker Carlisle in a ruling. (See Journal, first session Fiftieth Congress, p. 2605; Record, p. 7641.) In 1889 Mr. Speaker Carlisle said: “While there is nothing in the rules themselves giving to the Committee on Rules the privilege of reporting at any time, either for consideration or otherwise, the uniform practice of the House has been to receive reports of that committee for immediate consideration if they related to changes of the rules (second session Fiftieth Congress, Record, p. 538). But this usage did not prevail as far back as February 4, 1836, on which date we find an attempt to suspend the rules in order to take up a report of the Committee on Rules (first session Twenty-fourth Congress, Journal, p. 292). (See also section 4650 of this volume.)”

<sup>6</sup> First session Fifty-second Congress, Record, pp. 734, 862.

<sup>7</sup> See sections 3142–3147 of this volume.

<sup>8</sup> First session Fifty-fourth Congress, Record, p. 1294.

<sup>9</sup> Record, pp. 1757–1760.

Mr. Charles F. Crisp, of Georgia, made the point of order that the Committee on Accounts had authority to report only on matters relating to the contingent fund, and that the portion of the resolution directing an investigation to be made destroyed its privilege.

After debate the Speaker<sup>1</sup> ruled in regard to the resolution:

The Chair desires to say that the form is very distinct. It has within it the conferring of authority upon a committee that is certainly not a privileged matter upon which the Committee on Accounts can report; and the fact that they have the privilege of reporting on expenditures out of the contingent fund does not give them the privilege of reporting upon nonprivileged matters. That is the general principle that runs through the rules of the House.

**4623. The text of a bill containing nonprivileged matter, privilege may not be created by a committee amendment in the nature of a substitute not containing the nonprivileged matter.**—On February 11, 1905,<sup>2</sup> the House was considering bills under the following order:

That hereafter on any Saturday during the session a motion to consider in the House as in Committee of the Whole House on the Private Calendar bills of the classes hereinafter described shall have the same privilege as is given by the rules on Friday to motions to go into Committee of the Whole House to consider bills on the Private Calendar.

All bills reported from the committees, other than the Committees on Pensions, Invalid Pensions, Claims, and War Claims, but such as may involve promotions of persons already in the Army or Navy, or the placing of persons on the retired list of either service, shall not be considered under this order.

Under this order the following bill was called up:

A bill (H. R. 6826) for the relief of Creighton Churchill, an ensign on the retired list of the Navy.

Whereas the retiring board in the case of Ensign Creighton Churchill, United States Navy, found him incapacitated for active service, said incapacity being the result of an incident of the service; and

Whereas said incapacity no longer exists, as shown by a recent examination of the eyes, said examination showing vision to be normal with the use of glasses: Therefore, that the Navy Department may be enabled to command the services on the active list of the said Creighton Churchill,

*Be it enacted, etc.,* That the action of the retiring board in the case of Creighton Churchill, now an ensign on the retired list of the Navy, be hereby set aside, and the President, by and with the advice and consent of the Senate, is hereby authorized to appoint him a lieutenant on the active list of the Navy, as of date of March 3, 1899, to take rank next after that of his classmate, Ford Hopkins Brown: *Provided*, That the said Churchill shall establish to the satisfaction of the Secretary of the Navy, upon examination provided by law for the promotion of officers, his mental, moral, professional, and physical fitness to perform the duties of a lieutenant on the active list of the Navy: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy and in any grade to which he may hereafter be promoted.

The bill had been reported with amendment, which was pending, to strike out the preamble, and also the entire text of the bill and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Creighton Churchill, now an ensign on the retired list, to the active list of the Navy: *Provided*, That the said Churchill shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of five members, of whom three shall be line officers his senior in rank and the remaining two medical members, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service, the place to which he shall be

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

<sup>2</sup> Third session Fifty-eighth Congress, Record, pp. 2422, 2423.

restored to be determined by the Secretary of the Navy after recommendation with regard thereto by said board: *And provided further*, That the said Churchill shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted.

Mr. Oscar W. Underwood, of Alabama, raised the question of order that the bill involved the promotion of a naval officer, and therefore was not in order under the terms of the special order.

Mr. Alston G. Dayton, of West Virginia, said:

Do I understand that the original bill governs instead of the one reported by the committee? I call the Speaker's attention to the fact that the original bill did attempt to fix his rank, and therefore was subject to the point of order, but a substitute was reported in lieu of that by the committee.

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

The substitute is a mere proposition of no higher grade than an amendment that might be offered by any Member. Perhaps the House might agree to the amendment and it might not. The bill itself involves a promotion, and in construing this order the Chair must go by its terms. \* \* \* The Chair will say to the gentleman from West Virginia that "bills" are referred to in the order that was agreed to this morning. Now, this bill was reported back from the committee and an amendment proposed. (The amendment can have no status and if it gets consideration at all it gets consideration by virtue of the bill which was referred to the Committee on Naval Affairs and reported back.) The Chair does not pass upon the question of the merit of the proposition. From the statement made here, it seems to the Chair that it has great merit, but it does not come within the terms of the order.

**4624. The words "raising revenue" in the rule giving privilege to the Ways and Means Committee are broadly construed to cover bills relating to the revenue.**

**The including of matter not privileged destroys the privileged character of a bill.**

On February 12, 1906,<sup>2</sup> Mr. Sereno E. Payne, of New York, moved that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7114) to provide for the consolidation and reorganization of customs collection districts.

Mr. Augustus P. Gardner, of Massachusetts, demanded the regular order, and raised the question that the motion was not privileged under any rule of the House—first, because the only ruling to justify such a motion was made by Mr. Speaker Reed in the statement from the floor as to precedents which had since been found to be erroneous;<sup>3</sup> and second, because the pending bill referred not only to the collection of the revenue, but also to certain interests of commerce and shipping, like the registry of vessels, which have nothing to do with the revenue.

After debate the Speaker<sup>1</sup> said:

The Chair would be ready to follow, touching the first point of order made by the gentleman from Massachusetts [Mr. Gardner], the ruling by Mr. Speaker Reed, in which ruling the Chair concurs. Even without that ruling the Chair would be inclined to hold that this bill under the rule was privileged. But the bill does more than that, as it seems to the Chair. It says that—

"The President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and subports therein for the collection of revenue from customs and for the interest of commerce and shipping."

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> First session Fifty-ninth Congress, Record, pp. 2453–2455.

<sup>3</sup> See section 4625.

There are two objects to be accomplished by this bill if enacted into legislation.

One, collection of revenue; the other in the interest of commerce and shipping. The first is privileged under the rule. The second, as it seems to the Chair, is not privileged. Uniform rulings, so far as the Chair knows or has been informed, seem to be, without exception, that a nonprivileged proposition coupled with the privileged, even if slight and incidental, destroys the privilege. That is quite familiar to gentlemen on resolutions making inquiry from the heads of the Departments. When they go beyond the question of inquiry as to a matter of fact, it destroys the privilege. The Chair does not think it necessary to amplify. It seems to the Chair quite plain that this nonprivileged matter destroys the privilege; and therefore the Chair sustains the point of order.

**4625. Under later decisions the words "raising revenue" in the rule giving privilege to the Ways and Means Committee is broadly construed to cover bills relating to the revenue.**—On May 4, 1898,<sup>1</sup> Mr. Charles H. Grosvenor, of Ohio, called up as a privileged matter the joint resolution (H. Res. 27) to repeal the joint resolution in reference to the Free Zone on the frontier of Mexico, the subject involved being the transportation of dutiable goods and its relations to smuggling.

Mr. Samuel W. T. Lanham, of Texas, made the point of order that this was not a bill "raising revenue."

After debate, the Speaker<sup>2</sup> ruled:

The gentleman from Texas [Mr. Bailey] has really stated the identical point involved here; and that is as to the words "raising revenue" for the support of the Government. The gentleman admits that if the bill were a bill affecting the raising of revenues, he would regard the question of order as decided.

The Chair thinks that the interpretation always given, with reference to the pending point, is such as to make it quite the equivalent of a bill "affecting revenues," as suggested by the gentleman from Texas, and that the mere language used of "raising revenue," instead of "affecting revenue," can have no material application to the question of order.

Not only in the opinion cited by the gentleman from Maine [Mr. Dingley], where Mr. Carlisle agreed that an administration bill was privileged in the same sense as the bill now presented,<sup>3</sup> but in almost every other instance every tariff bill which has been considered by the House has contained, necessarily, some administration measures, pure and simple, which the bill would not have been entitled to carry unless in order and privileged under the rule, inasmuch as any unprivileged feature would necessarily take away from the bill the effect of such privileged matter as it might carry; and the Chair thinks that it has been the universal construction that all measures affecting the revenue or the methods of collection of revenue are understood to affect the raising of revenue. While it is true that any Speaker, when this question is raised, might construe the rules very strictly, nevertheless after they have been reenacted they are understood to be reenacted as carrying with them the construction placed upon the rules, just as the reenactment of a statute after a decision of the court is understood to be reenacted with the approval of that provision.

So it seems to the Chair that, this being a measure relating to the revenues and the collection of the revenues, and without determining whether it increases or decreases the revenue, it is a matter that comes strictly within the rules and can be considered under the rules.

The Chair therefore overrules the question of order raised by the gentleman from Texas.<sup>4</sup>

<sup>1</sup>Second session Fifty-fifth Congress, Record, p. 4581.

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

<sup>3</sup>This opinion of Mr. Carlisle seem to have been given informally, and not from the chair.

<sup>4</sup>On December 14, 1877, Mr. Speaker Randall held that "a proposition to inquire into frauds committed on the revenue" came within the spirit of the rule as it then existed. (Second session Forty-fifth Congress, Journal, p. 131.) For the form of the rule at that time see section 4020 of this volume.

**4626. A bill providing for a tariff commission was held not to be a revenue bill within the meaning of the rule giving such bills privilege.**—On March 7, 1882,<sup>1</sup> the House being in Committee of the Whole House on the state of the Union, Mr. John A. Kasson, of Iowa, moved that the committee proceed to the consideration of the bill (H. R. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue law, which had been reported from the Committee on Ways and Means.

Mr. Edward K. Valentine, of Nebraska, made the point of order that this bill might not be taken up out of order since it was neither a revenue bill nor an appropriation bill, nor a bill for the improvement of rivers and harbors.<sup>2</sup>

After debate, the Chairman<sup>3</sup> ruled—

The motion is made in Committee of the Whole that the bill which has just been read be taken up for consideration. The point of order is made by the gentleman from Nebraska [Mr. Valentine] that this motion cannot be entertained because the bill named has not precedence under the rules to the other measures upon the Calendar of the Committee of the Whole House on the state of the Union. The Chair is under great obligations to the gentlemen who have spoken upon this point, and would have been very glad to have heard further in explanation of what is deemed to be the proper procedure under this clause of the rule. So far as the Chair has been able to find there has been no ruling on this clause heretofore, and while it may be deemed to be one of great importance in the character of the subject, the Chair is only bound to rule upon the language before the committee in clause 4 of Rule XXIII.

The Chair finds on inspection of the bill, in the first instance, that it provides for a commission called the "tariff commission;" that in the second section it gives the number of such commissioners, provides for their salaries, and the payment of such officers and assistants as may be provided. In the third section the duty of such commission is prescribed. It is to take into consideration and thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff; and for the purpose of fully examining the matters which may come before it, such commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable. The fourth section provides that the commission shall make to Congress final report of the result of its investigation at certain times prescribed in the bill.

The Chair finds in the memoranda of the bill it was introduced and referred to the Committee on Ways and Means January 9, 1882, and on February 8, 1882, was reported back with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Reference has been made in the course of the debate to a certain clause of the rules in order to assist a proper decision. Rule XI provides:

"All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating to the revenue and the bonded debt of the United States, to the Committee on Ways and Means."

Under clause 4 of the same rule committees are given leave to report at any time on matters therein stated. The Committee on Ways and Means is authorized to report on bills raising revenue.

In clause 6 of Rule XXI there is a provision for the call of the yeas and nays on the passage of revenue bills. Then clause 4, which has been read, has been submitted to the committee.

The single question the Chair is called on to decide is this: Is the present bill one entitled to precedence under clause 4 of Rule XXIII in its consideration before the Committee of the Whole? If it is entitled to such precedence it is entitled because of the language of the rule, and that language is "bills for raising revenue."

<sup>1</sup>First session Forty-seventh Congress, Record, pp. 1681–1687.

<sup>2</sup>See section 4020 for the form of the rule at that time. It is now the usage under the rule to move to take up any bill.

<sup>3</sup>George D. Robinson, of Massachusetts, Chairman.

The Chair would suggest no light is thrown on the subject, in his judgment, by the citation of Rule XI regulating the submission of certain matters to the committee. Nor, again, is any help derived by the rule which relates to the report of the committee. Plainly the consideration of those is quite immaterial at the present moment.

Is this a bill for raising revenue? It is a bill to instruct a commission to investigate the various great interests of the country and to report the result of these investigations to Congress.

It will be noticed the language of the fourth clause is not bills relating to revenue; it will be noticed it is not subjects relating to revenue; nor is it revenue bills, but bills for raising revenue. In other words, to carry out the provisions and power expressed in the Constitution authorizing Congress to lay and collect taxes, duties, and imposts. The Chair understands the words "bills raising revenue" to mean bills laying taxes, authorizing duties and imposts within the provisions of the Constitution; and the Chair believes that that is the proper construction of this rule.

The question is one simply of the precedence of business. The other questions which have been alluded to as of great importance, the problem whether or not in certain stages of consideration amendments might be offered, are not material to that discussion of consideration. It is sufficient to decide those when they are reached.

But the Chair believes that the purpose of the House in adopting the rule in the clause named was to specify certain bills which should have consideration before others.

Now, it is not to be understood of this class of bills that they are bills relating to these subjects. As an instance it may be recalled: In the Forty-fifth Congress a bill was under consideration, which afterwards became a law, for the appointment of the Mississippi River Commission, providing for their duties, salaries, and report. True, the ultimate object was something that should result in the improvement of the Mississippi River; but the Chair is of the opinion it could not be claimed that bill in itself was a bill for the improvement of the Mississippi River, and therefore entitled under the same clause to have consideration in precedence.

It is of no assistance that we find this bill in the Committee of the Whole, because it is sufficient to say it has gone to the Committee of the Whole plainly for the reason it provides for a charge on the public Treasury.

The Chair therefore sustains the point of order, and rules this bill has not precedence under the rule for consideration at the present time.

**4627. A declaratory resolution on a subject relating to the revenue is not within the privilege given the Ways and Means Committee to report at any time.**—On December 21, 1882,<sup>1</sup> Mr. William D. Kelley, of Pennsylvania, reported from the Committee on Ways and Means the following resolution:

*Resolved*, That it is the sense of this House that in case the internal-revenue laws be so amended as to abolish the tax on tobacco, snuff, and cigars, or either, provision should be made for allowing a rebate of tax paid on stock on hand at the time such law goes into effect, provided such stock is stamped and in unbroken packages.

Mr. John A. Kasson, of Iowa, made the point of order that the resolution was not privileged, being not a bill but only a declaratory resolution.

After debate the Speaker<sup>2</sup> held that the rule gave the Committee on Ways and Means right to report at any time only bills raising revenue, and sustained the point of order.

**4628. The right to report at any time a bill raising revenue belongs only to the Ways and Means Committee.**—On July 22, 1886,<sup>3</sup> Mr. William H. Hatch, of Missouri, rose for the purpose of submitting a report which he claimed was privileged. The bill (H. R. 6569) to prevent the illegal sale of all imitations of dairy products, and for other purposes, had been returned from the Senate with amendments and with a request for a conference, and had been referred to the Committee on Agriculture. From that committee Mr. Hatch now proposed to report the bill and amendments with certain recommendations.

<sup>1</sup>Second session Forty-seventh Congress, Record, p. 529.

<sup>2</sup>J. Warren Keifer, of Ohio, Speaker.

<sup>3</sup>First session Forty-ninth Congress, Record, pp. 7331, 7332; Journal, pp. 2292, 2293.

Mr. Ransom W. Dunham, of Illinois, made the point of order that the bill, while it raised revenue, was not privileged to be reported at any time, as only the Ways and Means Committee had that authority under the forty-ninth section of Rule XI.<sup>1</sup>

After debate the Speaker<sup>2</sup> ruled:

It will be remembered by the House that when this bill, or a bill upon this subject, was first introduced, the Chair decided that it belonged under the rules to the Committee on Ways and Means, but the House by a vote referred it to the Committee on Agriculture<sup>3</sup> in other words, made a special order of reference without changing in any way whatever any of the rules of the House. Clause 49 of Rule XI, which has already been referred to, provides:

“The following-named committees shall have leave to report at any time on the matters herein stated, namely, the Committee on Elections, on the right of a Member to his seat; the Committee on Ways and Means, on bills raising revenue, etc.”

Under another rule of the House it is provided that at any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The difference as to the privileges of this class of bills under these two rules is simply this: The privilege to report a revenue bill at any time applies only to the Ways and Means Committee, while the privilege to consider revenue bills in Committee of the Whole on the state of the Union in preference to other bills applies to all revenue bills, whether reported from the Committee on Ways and Means or not. Therefore, when the question was raised as to the right of the Committee on Agriculture to call up in the Committee of the Whole on the state of the Union the bill imposing a tax upon oleomargarine, it made no difference from what committee it was reported; it had that privilege of consideration under the rules.

But the point now made by the gentleman from Illinois [Mr. Dunham] is that this privilege to report at any time bills raising revenue belongs to only one committee, the Committee on Ways and Means; and the Chair does not see how, under the order which was made, a simple order referring the bill to the Committee on Agriculture, without giving to that committee any privilege which it did not already possess, carries with it necessarily this right to report at any time.

The Speaker therefore sustained the point of order.

**4629. The right of the Committee on Appropriations to report at any time is confined strictly to the general appropriation bills.**

**Enumeration of the appropriation bills considered “general.” (Foot-note.)**

On February 7, 1877,<sup>4</sup> Mr. Henry Waldron, of Michigan, from the Committee on Appropriations, to whom was referred the bill of the Senate (S. 1222) to provide for a deficiency in the appropriation for the public printing and binding for the current fiscal year, reported the same without amendment.

The House having proceeded to consideration of the bill as in Committee of the Whole, Mr. John Vance, of Ohio, submitted an amendment providing that no greater wages should be paid in the Government Printing Office than were paid for work of the same description in New York, Philadelphia, and Baltimore.

<sup>1</sup> Now section 61 of Rule XI. (See sec. 4621.)

<sup>2</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>3</sup> Bills are now referred by rule under direction of the Speaker, the House having the right of correction. (See sec. 3364 of this volume.)

<sup>4</sup> Second session Forty-fourth Congress, Journal, p. 394; Record, p. 1320.

Mr. Omar D. Conger, of Michigan, made the point of order that the amendment changed existing law and was not in order, the pending bill being a general appropriation bill.<sup>1</sup>

The Speaker<sup>2</sup> overruled the point of order on the ground that the pending bill was not one of the general appropriation bills indicated in Rule 77,<sup>3</sup> and that therefore the restrictive clause in Rule 120<sup>4</sup> did not apply to the same.

**4630.** During the consideration of the sundry civil appropriation bill in July, 1892,<sup>5</sup> dilatory proceedings took place, and on July 30 Mr. William S. Holman, of Indiana, submitted as a privileged proposition the following resolution, which was read:

*Resolved by the Senate and Home of Representatives of the United States of America in Congress assembled, That the provisions of the joint resolutions approved June 30 and July 16, 1892, providing temporarily for the expenditures of the Government, be, and the same are hereby, extended and continued in full force to and including the 4th day of August, 1892.*

Mr. Albert J. Hopkins, of Illinois, objected to its consideration, and made the point of order that the resolution was not privileged.

The Speaker<sup>6</sup> sustained the point of order, holding:

As the Chair is informed, the only privilege that would attach to this resolution would be by reason of its being in the nature of an appropriation bill reported from the Committee on Appropriations and the House was now considering a proposition of that sort. The Chair has not been able so far to find any decision which would give this resolution priority over the pending proposition.

**4631.** On February 9, 1898,<sup>7</sup> Mr. Joseph G. Cannon, of Illinois, from the Committee on Appropriations, reported a bill making appropriations to supply the following deficiencies: Fees of jurors and witnesses in United States courts; in all, \$375,000.

The bill having been reported, the Speaker<sup>8</sup> said it was not a privileged report, and recognized Mr. Cannon to ask for unanimous consent for its consideration.

**4632.** On May 2, 1898,<sup>9</sup> Mr. Joseph G. Cannon, of Illinois, from the Committee on Appropriations, reported an urgent deficiency bill appropriating many millions of dollars for supplying deficiencies in the appropriations for the Army; but although larger than some general appropriation bills, this measure was brought up by a request for unanimous consent for its consideration.

<sup>1</sup> Amendments changing law are not in order on general appropriation bills. (See Sec. 3578 of this volume.)

<sup>2</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>3</sup> Rule 77 enumerated ten general appropriation bills at the time it was dropped in the revision of 1880—legislative, sundry civil, consular and diplomatic, army, navy, Indian, pensions, Military Academy, fortifications, post-office. At present the rules mention general appropriation bills, but no rule enumerates them. They are understood in practice to be the foregoing, with the District of Columbia, agricultural, and general deficiency added. The river and harbor bill is not a general appropriation bill. For history of the development of the appropriation bills, see Congressional Record, first session Forty-ninth Congress, p. 170.

<sup>4</sup> Now section 2 of Rule XXI. (See sec. 3578 of this volume.)

<sup>5</sup> First session Fifty-second Congress, Journal, p. 348; Record, p. 6966.

<sup>6</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>7</sup> Second session Fifty-fifth Congress, Record, p. 1589.

<sup>8</sup> Thomas B. Reed, of Maine, Speaker.

<sup>9</sup> Second session Fifty-fifth Congress, Congressional Record, p. 4500.

Again, on July 5, 1898, a small deficiency bill was considered by unanimous consent.

**4633. Construction of the rule giving privilege to the Committee on Public Lands.**

**The insertion of matter not privileged with privileged matter destroys the privileged character of a bill.**

On March 17, 1888,<sup>1</sup> Mr. William S. Holman, of Indiana, from the Committee on the Public Lands, reported to the House the bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect forests on the public domain, and for other purposes, and asked for its immediate consideration.

Mr. George E. Adams, of Illinois, raised the point of order that the bill contained matter not privileged, and therefore had no privileged character.

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

The Chair thinks that is a correct proposition: That a bill which contains two separate matters, one of which is privileged under the rules of the House and the other is not, is subject to the point of order; that is to say, the insertion of matter which was not privileged destroys the privileged character of the other, and therefore subjects the entire proposition to the point of order. As, for instance, when the Committee on Public Printing reports a resolution providing for printing for use of the two Houses and in the same resolution inserts a provision for printing for the use of the Departments of the Government, the latter part of the resolution not being privileged destroys the privileged character of the whole.

This is quite a long bill. The Chair has given it some attention, but may not thoroughly understand its purposes and provisions. It seems to be a bill the principal object of which is to preserve the public lands for actual settlers. It is true the bill relates also to timber lands, mineral lands, and desert lands; but, so far as the Chair has been able to ascertain from such examination of the bill as he has been able to make, these provisions simply enlarge the area of the public domain subject to entry and settlement under the homestead law. In other words, a part of the lands which can now be taken up under existing law as timber lands, or mineral lands, or desert lands, will, if this bill passes, be subject to entry hereafter under the homestead law only.

The Chair does not think that such a provision as that would destroy the privileged character of the bill, because a bill might be introduced which simply related to the timber lands, making all that class of lands subject to entry under the homestead law only; or a similar bill relating exclusively to the mineral lands might also be introduced, making all that class of lands subject to entry under the homestead law only, and such bills would be privileged. In other words, it is impossible to enlarge the area of the public lands subject to entry under the homestead law without in some way legislating in respect to lands that are not now subject to homestead entry.

Mr. Adams having called the attention of the Chair to the title of the bill, which specified one of its objects as the protection of the forests on the public domain, and it having been explained that the bill provided only for selling timber on the timber lands and not the lands themselves, the Speaker continued:

And even that land may be entered afterwards under the homestead law. As the law now exists, these lands may be acquired either under the homestead law or under the preemption law, but if this bill passes they will be preserved for actual settlers. Therefore the bill aims to preserve the public land for actual settlers and comes within the rule. The Chair is not under the necessity of deciding whether the bill will prevent speculation or not. It may or may not do that. But unless the Chair misunderstands the provisions of the bill it comes within the last clause of the rule; that is, it is a bill to preserve the public lands for actual settlers. The Chair therefore thinks the bill is privileged.

---

<sup>1</sup>First session Fiftieth Congress, Record, p. 2195; Journal, p. 1216.

<sup>2</sup>John G. Carlisle, of Kentucky, Speaker.

**4634.** On August 7, 1890,<sup>1</sup> Mr. Hosea Townsend, of Colorado, as a privileged question, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2805) to provide for the disposal of the Old Fort Lyon and Fort Lyon and Pagosa Springs military reservations in the State of Colorado, to actual settlers, under the provisions of the homestead laws, reported the same with amendment.

Mr. John H. Rogers, of Arkansas, made the point of order that the report was not a privileged report.

The Speaker<sup>2</sup> overruled the point of order on the ground that bills of that character were specially privileged by clause 51 of Rule XI<sup>3</sup> to be reported at any time.

**4635.** On February 25, 1893,<sup>4</sup> Mr. Thomas C. McRae, of Arkansas, from the Committee on the Public Lands, submitted, as a privileged report, a report on the bill (S. 3643) to provide for the disposal of the Fort Bridger Military Reservation in the State of Wyoming.

Mr. Joseph H. Outhwaite, of Ohio, made the point of order that the report was not privileged under the rule.

The Speaker<sup>5</sup> overruled the point of order.

**4636.** On February 17, 1891,<sup>6</sup> Mr. William J. Stone, of Missouri, as a privileged question, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8739) providing in certain cases for the forfeiture of certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, reported the same without amendment.

Mr. George E. Adams, of Illinois, made the point of order that the House having passed at the last session a general bill on the same subject, the power of privilege of the committee on bills of that kind was exhausted.

The Speaker pro tempore<sup>7</sup> overruled the point of order.

**4637. The rule giving privilege to reports from the Committee on Public Lands permits the including of matters necessary to accomplishment of the purposes for which privilege is given.**

**The decisions of the Speaker on questions of order are not like judgments of courts which conclude the rights of parties, but may be reexamined and reversed.**

On December 5, 1888,<sup>8</sup> Mr. Lewis E. Payson, of Illinois, from the Committee on Public Lands, reported the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, and asked for its consideration.

---

<sup>1</sup>First session Fifty-first Congress, Journal, p. 928; Record, p. 8305.

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

<sup>3</sup>Now section 61 of Rule XI. (See section 4621 of this volume.)

<sup>4</sup>Second session Fifty-second Congress, Journal, p. 114; Record, p. 2177.

<sup>5</sup>Charles F. Crisp, of Georgia, Speaker.

<sup>6</sup>Second session Fifty-first Congress, Journal, p. 255; Record, p. 2799.

<sup>7</sup>Lewis E. Payson, of Illinois, Speaker pro tempore.

<sup>8</sup>Second session Fiftieth Congress, Record, pp. 47, 48; Journal, pp. 49, 50.

Mr. Jonathan H. Rowell, of Illinois, raised the point of order that the bill was not privileged, and that such a decision had been made during the preceding session of Congress.

Such a decision had been made by Mr. Samuel S. Cox, of New York, as Speaker pro tempore, and, being present, Mr. Cox on this day submitted an argument in favor of the point of order, and also on the point that a decision once made should not be overruled by another occupant of the chair.

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

The Chair thinks that questions of order which affect merely the proceedings in the House and do not, like judgments of courts, conclude the rights of parties, are always open for reexamination and decision; and therefore the present occupant of the Chair has never hesitated to overrule his own decisions when convinced that they were wrong.<sup>2</sup>

The point made by the gentleman from New York is that this is not a bill for the reservation of public lands for the benefit of actual settlers. That is a question which has arisen very frequently under the fiftieth clause of Rule XI of the House, and the Chair has invariably placed a very liberal construction upon that rule. In view of the object which the rule was intended to accomplish, the Chair thought that was the proper policy to be pursued, leaving to the House at all times the right to pass or reject any bill upon which the question might arise. Of course it is not the province of the Chair to express any opinion as to the merits of this bill or as to whether, if passed, it will accomplish the object contemplated by it.

It is sufficient, in the judgment of the Chair, if the bill shows upon its face that its purpose is to reserve public lands for the benefit of actual settlers. The bill refers to, and if passed can affect only, those lands which were "improperly certified" by the Secretary of the Interior to the State of Iowa. Even if the Chair were called upon to decide whether the lands affected by the bill are public lands or not, it appears it would affect none except those, as the Chair has already said, which were improperly certified, and of course if they were improperly certified they are still public lands of the United States.

The second section, which directs the Attorney-General to institute suits, provides simply a means for the accomplishment of the object which the bill contemplates, and the Chair thinks that the point raised by the gentleman from New York, that nonprivileged matter can not be connected with privileged matter in a bill, does not arise in this instance. The Chair has always held, and will continue to hold, that nonprivileged matter can not be connected with privileged matter, unless it be something which is essential to the accomplishment of that part of the bill which is privileged, and the Chair thinks that is the case here. With great respect for the opinion of the gentleman from New York who presided when this question was presented before, the Chair feels constrained to hold that this is a matter of privilege, and so decides.<sup>3</sup>

**4638.** On February 15, 1896,<sup>4</sup> Mr. John F. Lacey, of Iowa, from the Committee on Public Lands, reported a bill to provide for the extension of time within which suits may be brought to vacate and annul patents upon public lands, and for other purposes.

Mr. Eugene F. Loud, of California, made the point of order that the bill did not present a question of privilege.

---

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

<sup>2</sup>Thus, Mr. Speaker Stevenson, on April 11, 1828, announced that on more mature consideration he had concluded that a decision made by him on the preceding day was wrong, and he deemed it his duty to so state to the House. (First session Twentieth Congress, Debates, p. 2291.)

<sup>3</sup>The opinion of Mr. Cox was given in a decision of March 8, 1888, holding that the section relating to the initiation of legislation by the Attorney-General destroyed the privilege of the bill. (First session Fiftieth Congress, Journal, pp. 1090, 1091; Record, pp. 1876, 1877.)

<sup>4</sup>First session Fifty-fourth Congress, Record, p. 1763.

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

The Chair thinks that this provision has always had a liberal construction, and will decide that it is a privileged matter.<sup>2</sup>

**4639.** On July 10, 1894,<sup>3</sup> Mr. Thomas C. McRae, of Arkansas, presented for consideration the bill (H. R. 121) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, approved September 29, 1890.

Mr. Thomas B. Reed, of Maine, made the point of order that the bill having been reported on June 27, and its consideration not having been called for when reported, had lost its privilege.

It appearing from the Journal of the 27th, that said bill, when it was reported, was "laid on the table, with leave to present the same for consideration at any time," the Speaker pro tempore held that it was in order to proceed with its consideration.

**4640. The privilege of the Committee on Accounts is confined to resolutions making expenditures from the contingent fund.**

**The including of matter not privileged destroys the privileged character of a bill.**

On June 14, 1906<sup>4</sup> Mr. H. Burd Cassel, of Pennsylvania, from the Committee on Accounts, offered as privileged the following:

*Resolved*, That the chairman of the Committee on Irrigation of Arid Lands is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$2,000 per annum from and after July 1, 1906, unless otherwise provided for by law, and the Committee on Appropriations is hereby authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee.

Mr. Sereno E. Payne, of New York, objected to the resolution on the ground that there was in it nonprivileged matter.

The Speaker<sup>5</sup> held, after debate:

The Chair is of the opinion that a nonprivileged provision in a privileged resolution vitiates the whole resolution. The Chair calls the attention of the gentleman from Georgia to the language of this resolution:

"Is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$2,000 per annum from and after July 1, unless otherwise provided by law; and the Committee on Appropriations is hereby authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee."

Now it seem that there is a session clerk assigned to said committee under the law and under the rules, but that assignment is silent. \* \* \* This substitutes an annual clerk for a session clerk.

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

<sup>2</sup> Mr. Speaker Carlisle held that the privilege belonged to a bill repealing the preemption laws, the timber-culture laws, and the laws authorizing the sale of desert lands, since the repeal of these laws would leave in operation no method of acquiring public lands except the homestead laws which were for the actual benefit of actual settlers. (First session Forty-ninth Congress, Journal, p. 2077; Record, p. 6447.)

<sup>3</sup> Second session Fifty-third Congress, Journal, p. 475; Record, p. 7261.

<sup>4</sup> First session Fifty-ninth Congress, Record, pp. 8485, 8486.

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

Two things are accomplished. Now, the Chair will be inclined to hold that the grant of \$2,000 to this session clerk for the coming fiscal year, or pay at that rate for the remainder of the Congress from the contingent fund would be in order under the rules, because expenditures from the contingent fund are privileged. But it goes further, and provides what the Committee on Appropriations is authorized to do; and it does seem to the Chair that that vitiates the privileged character of the resolution. \* \* \* The Chair is quite aware that under the practice of the House resolutions of this character have been reported and passed, but that is where the point has not been made, and the Chair can not rule without the point of order is made. \* \* \* The Chair would have very great respect for a ruling made by Mr. Speaker Carlisle on what would be construed as a precedent, but the Chair does not say that it would necessarily control the matter.<sup>1</sup>

**4641.** On June 27, 1906,<sup>2</sup> Mr. H. Burd Cassell, of Pennsylvania, presented as privileged, from the Committee on Accounts, a resolution providing a clerk for the Committee on Immigration and Naturalization.

Mr. Sereno E. Payne, of New York, made the point of order that the resolution was not privileged.

After debate the Speaker<sup>3</sup> said:

The Chair understands the gentleman from New York claims that this is not provided under the rule. Yet the Chair will call the attention of the gentleman to the rule:

“The following-named committees shall have leave to report at any time on the matters herein stated: \* \* \* and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.”

\* \* \* the Chair will call the attention of the gentleman from New York to the language of the resolution:

“That during the remainder of the present Congress, or until otherwise provided by law, there shall be paid out of the contingent fund of the House, for the services of a clerk to the Committee on Immigration and Naturalization, a sum equal to the rate of \$2,000 per annum, payable monthly.”

\* \* \* May the Chair ask the gentleman would it not be in order, on a report of the Committee on Accounts—would it not be privileged—to pay one thousand or two thousand dollars for a clerk to a committee that has not a clerk even? In other words, under the rule, has not the House plenary powers over its contingent fund? \* \* \* The Chair will again say, take a committee that has no clerk; to illustrate, the Committee on Mileage, which, I believe, has no clerk. But let that be as it may; is not, under the rule, a resolution from the Committee on Accounts privileged that would provide \$1,000 or \$100 or \$2,000 to be paid to a clerk during this Congress from the contingent fund? Would not that be in order? \* \* \* Now, the effect of the resolution, if indorsed, would be to pay the clerk monthly at the rate of \$2,000 per annum from the adoption of the resolution, from the contingent fund, until the 4th day of March next. It seems to the Chair that the resolution is privileged under the rules. It does not violate the privilege.

**4642.** On March 2, 1899,<sup>4</sup> Mr. Benjamin B. Odell, jr., of New York, as a privileged matter, presented the following resolution:

*Resolved*, That the Clerk of the House of Representatives be, and is hereby, authorized to pay out of the contingent fund of the House the sum of \$266.19 to William Keith for services rendered in the folding room from July 9, 1898, to December 5, 1898, this amount being at the rate of \$60 per month.

Mr. Joseph W. Bailey, of Texas, raised the question of order that this resolution was not privileged as the employment had not been authorized by the House.

<sup>1</sup>In the debate a precedent had been cited which on examination is found to have no relation to this question.

<sup>2</sup>First session Fifty-ninth Congress, Record, pp. 9388, 9389.

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

<sup>4</sup>Third session Fifty-fifth Congress, Record, p. 2761.

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

It is a report of the Committee on Accounts to the House. \* \* \* The distinction is as to its being an expenditure out of the contingent fund of the House. \* \* \* "The Committee on Accounts on all matters of expenditure of the contingent fund of the House" is the language. If the House does not approve of this resolution, of course it is within its power to vote it down. The Chair thinks the language seems to cover all such questions, and that the House has to dispose of them when presented. \* \* \* The Chair concurs in the proposition made in opposition, that only the House can name its employees, or the House in conjunction with the Senate, in a proper appropriation bill. But it is for the House to judge whether these expenditures are satisfactory to the House or not. Therefore the Chair thinks it is privileged, the House having complete control over it, and if not satisfied with the action that has taken place, or does not desire, so to speak, to condone it, it can so express itself by its vote. The question is on agreeing to the resolution.

**4643.** On March 26, 1904,<sup>2</sup> Mr. James A. Hughes, of West Virginia, from the Committee on Accounts, submitted several resolutions of tenor like the following:

*Resolved,* That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to D. S. Porter of the sum of \$500 for extra and expert services to the Committee on Pensions as assistant clerk of said committee by detail.

The resolutions were presented as privileged under Rule X1, but upon ascertaining that they provided for no expenditure out of the contingent fund of the House the Speaker<sup>3</sup> quoted the rule:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: \* \* \* the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

And said:

The Chair thinks this is not a privileged resolution. Is there objection to the present consideration?

**4644. A resolution from the Committee on Accounts providing for payment from the contingent fund is privileged, although the House on the merits may decline to approve the expenditure.**—On April 21, 1904,<sup>4</sup> the House considered the following resolution, which came over from the preceding day with a point of order reserved as to the right of the Committee on Accounts to report it as privileged.

*Resolved,* That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Campbell Slemple, the sum of \$1,500, being the amount expended by and recommended to be paid to him, as shown in House report from the Committee on Claims, No. 2374, second session Fifty-eighth Congress, on account of mandamus proceedings before the supreme court of the State of Virginia in the case of Slemple against Rhea, growing out of the election in 1902 of a Representative to the Fifty-eighth Congress from the Ninth Congressional district of said State of Virginia, said amount to be paid upon vouchers to be approved by the Committee on Accounts.

After debate the Speaker<sup>3</sup> said:

The Chair desires to read from Rule XI, clause 60:

"The following-named committees shall have leave to report at any time on the matters herein stated: \* \* \* The Committee on Accounts, on all matters of expenditure of the contingent fund of the House."

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

<sup>2</sup> Second session Fifty-eighth Congress, Record, pp. 3763, 3764.

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

<sup>4</sup> Second session Fifty-eighth Congress, Record, p. 5281.

This is a report of the Committee on Accounts. It provides for the payment of the amount specified from the contingent fund. As to the effect of the resolution in the event that it should be passed; as to whether the payment would be audited by the accounting officers of the Treasury Department; as to the propriety of adopting the resolution; as to whether it comes within the terms of the statute referred to by the gentleman from Georgia—those are matters upon which it is not the province of the Chair to rule.

It is the duty of the House to determine the effect of the resolution and the propriety of its passage. The Chair holds that it comes here under the rule, and therefore is before the House.

The resolution was then debated on its merits and opposed as not a proper expenditure from the contingent fund of the House, and was disagreed to, ayes 84, noes, 124.

**4645. A resolution from the Committee on Accounts to authorize an appropriation for extra compensation to an employee is not privileged.**—On February 2, 1905,<sup>1</sup> Mr. Charles Q. Hildebrant, of Ohio, from the Committee on Accounts, called up the following:

*Resolved*, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to D. S. Porter of the sum of \$500 for extra and expert services to the Committee on Pensions as assistant clerk of said committee by detail.

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

Is there objection to the present consideration of the resolution? It seems to the Chair it is not privileged.

**4646. The privilege of the Committee on Enrolled Bills to report at any time has been long confined to the reporting of enrolled bills.**—On March 2, 1831,<sup>3</sup> Mr. Joseph Richardson, of Massachusetts, from the Committee on Enrolled Bills, reported a resolution for suspending one of the joint rules relating to presentation of bills to the President.

The Speaker<sup>4</sup> decided that the rule that “it shall be in order for the Committee on Enrolled Bills to report at any time” referred only to the presentation of enrolled bills to the House, and that the hour for presenting reports having passed, this report was not in order.<sup>5</sup>

On appeal the decision of the Chair was sustained.

**4647. The privilege of the Committee on Printing is confined to printing for the use of the two Houses, and the presence of matter not privileged destroys the privileged character of the report.**—On July 14, 1892,<sup>6</sup> Mr. William M. McKaig, of Maryland, submitted a privileged report on the following resolution:

*Resolved*, That there be printed 10,000 copies of the bill of the House of Representatives No. 11045, first session of the Fifty-first Congress, entitled “An act to amend and supplement the election laws of the United States,” etc., the said bill to be printed in pamphlet form, with marginal notes, as it passed the House, with the amendment proposed by the Senate committee in italics; and the copies shall be distributed from the House folding room pro rata among the Members of the House.

<sup>1</sup>Third session Fifty-eighth Congress, Record, p. 1781.

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

<sup>3</sup>Second session Twenty-first Congress, Journal, p. 413; Debates, p. 848.

<sup>4</sup>Mr. George McDuffie, of South Carolina, appears by the Debates to have been in the chair when this decision was rendered.

<sup>5</sup>Reports are presented differently now. (See see. 3116 of this volume..)

<sup>6</sup>First session Fifty-second Congress, Journal, p. 292; Record, p. 6166.

Mr. Nelson Dingley, jr., of Maine, made the point of order that the resolution was not privileged, for the reason that the printing authorized by the resolution was not for the use of the House.

The Speaker<sup>1</sup> overruled the point of order, holding that inasmuch as the matter proposed to be printed was to be distributed, according to the resolution, pro rata among the Members of the House, it was therefore for the use of the House, and the resolution authorizing it was privileged under Rule XI, clause 51.<sup>2</sup>

**4648.** On September 13, 1893,<sup>3</sup> Mr. James D. Richardson, of Tennessee, from the Committee on Printing, reported as a privileged proposition the bill (H. R. 2650) providing for the printing and binding and the distribution of public documents.

Mr. Nelson Dingley, jr., of Maine, submitted the question of order that the report was not privileged.

The Speaker<sup>1</sup> sustained the point of order, holding as follows:

Whilst the Chair has not read with care all the provisions of the bill called up by the gentleman from Tennessee [Mr. Richardson], he has looked at it sufficiently to see that it deals not only with the question of printing for either House or for both Houses of Congress, but also with the printing for the various Departments of the Government. It regulates leaves of absence from the Printing Office, and the number of documents to be printed for the various Departments, and, generally, it may be said that it proposes to revise the laws on the whole subject of public printing, not only for the two Houses of Congress but for all the Departments of the Government. Therefore, although a part of this bill might be held to be privileged, a very large part, and, the Chair thinks, not an incidental part, is not privileged under the rule. It was held in the Fiftieth Congress that, as a general rule, the insertion of matter not privileged in a proposition otherwise privileged destroys the privileged character of the report, and therefore it seems to the Chair that under the rule of the House this measure is not privileged. The provision of the rule is that reports as to matters of printing for the use of either House, or of both Houses, shall be privileged, so that the House may have an opportunity at any time to consider and pass upon them; but this bill the Chair understands to cover much broader ground and to revise the whole printing system. The Chair therefore must hold that it is not privileged under the rule.

**4649.** On May 18, 1876,<sup>4</sup> Mr. Otho R. Singleton, of Mississippi, from the Committee on Printing, reported a resolution instructing the Committee on Appropriations to insert certain sections in the sundry civil appropriation bill relative to the management of the Government Printing Office.

Mr. James Wilson, of Iowa, made the point of order that the report was not one that could be made at any time, it proposing a change of existing law, the privilege to report at any time extending only to matters of printing.

The Speaker pro tempore<sup>5</sup> overruled the point of order, holding that the report could now be made under the "leave to report at any time" given that committee under the rules.

**4650. In the early practice the privilege of the Committee on Rules was specially given for each Congress.**—On December 5, 1853,<sup>6</sup> the House by the resolution creating the Select Committee on Rules, gave that committee power to report at any time, and also gave their report high privileged when made. The

<sup>1</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>2</sup> Now section 61 of Rule XI. (See sec. 4621 of this volume.)

<sup>3</sup> First session Fifty-third Congress, Journal, p. 80.

<sup>4</sup> First session Forty-fourth Congress, Journal, p. 973; Record, p. 3149.

<sup>5</sup> Samuel S. Cox, of New York, Speaker pro tempore.

<sup>6</sup> First session Thirty-third Congress, Journal, pp. 11, 550; Globe, p. 715.

committee exercised this privilege by reporting on a single proposition at a time when such course seemed advisable.

**4651. Privileged reports are sometimes printed and recommitted.**—On June 6, 1896,<sup>1</sup> Mr. Thomas B. Catron, of New Mexico, presented a privileged report from the Committee on the Territories on the bill (H.R. 7909) to enable the people of New Mexico to form a constitution and State government, and moved that it be printed and recommitted to the committee.

The motion was agreed to.

**4652. Reports of committees are required to be submitted in Writing. Forms of written reports submitted by committees.**

Section 2 of Rule XVIII<sup>2</sup> provides:

\* \* \* All bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing<sup>3</sup> which shall be printed.

<sup>1</sup> First session Fifty-fourth Congress, Record, p. 6197.

<sup>2</sup> See section 5647 of Vol. V, of this work for full form and history of this rule.

<sup>3</sup> Where a bill is reported without amendment the form of report is as follows (House Report No. 591, first session Fifty-ninth Congress):

“The Committee on Interstate and Foreign Commerce, to whom was referred H. R. 184, introduced by Mr. Russell; 278, introduced by Mr. Candler; 296, introduced by Mr. Richardson; 468, introduced by Mr. Hearst; 469, introduced by Mr. Hearst; 4425, introduced by Mr. Townsend; 5966, introduced by Mr. Adamson; 6019, introduced by Mr. Sheppard; 8414, introduced by Mr. Sulzer; 8437, introduced by Mr. Smith; 8999, introduced by Mr. Olcott; 9972, introduced by Mr. Williams; 10097, introduced by Mr. Hogg; 10098, introduced by Mr. Hogg; 10099, introduced by Mr. Hepburn; 11488, introduced by Mr. Hepburn; 12220, introduced by Mr. McCall; 12312, introduced by Mr. Davey, and 12987, introduced by Mr. Hepburn, have had the same under consideration and instruct me to report back to the House H. R. 12987, ‘To amend an act entitled ‘An act to regulate commerce,’ approved February fourth, eighteen hundred and eighty-seven, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission,’ without amendment, and to recommend its passage.”

[Then follows an explanation of the bill.]

When a bill is reported with amendment this form is used (House Report No. 583, first session Fifty-ninth Congress):

“The Committee on Ways and Means, to whom was referred the bill (H. R. 7114) to provide for the consolidation and reorganization of customs collection districts, having considered the same, report it back with the following amendment, viz:

“On page 1, line 4, after the word ‘districts’ insert the words ‘and to discontinue or consolidate ports and subports therein,’ and recommend that the bill as amended do pass.

“The reasons given for the enactment of this measure are well stated in the accompanying memorandum from the Treasury Department, which is adopted as a part of this report.”

A report on a general appropriation bill, which is originated in a committee from the estimates, is as follows (House Report No. 5328, first session Fifty-ninth Congress):

“In presenting the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, the Committee on Appropriations submit the following in explanation thereof,” etc.:

A report from a committee to which matters have been referred with instructions to make examination, reports in form as follows (House Report No. 377, first session Thirty-fifth Congress):

“The select committee of fifteen appointed under the resolution of the House of the 8th of February, to whom was referred the message of the President of the United States of the 2d of February, ‘concerning the constitution framed at Lecompton, in the Territory of Kansas, by a convention of delegates thereof, and the papers accompanying the same,’ with instructions ‘to inquire into all the facts connected with the formation of said constitution, and the laws under which the same originated; and into all such facts and proceedings as have transpired since the formation of said constitution having

**4653. While a rule requires that every bill reported from a committee shall be accompanied by a written report, the sufficiency of that report is passed on by the House and not the Speaker.**—On February 6, 1884,<sup>1</sup> Mr. Judson C. Clements, of Georgia, as a privileged question from the Committee on Foreign Affairs, to which was referred a resolution inquiring as to the absences of United States ministers and consuls from their posts, reported the same without amendment.

The House having proceeded to its consideration, Mr. William H. Calkins, of Indiana, made the point of order that the report accompanying the resolution was not a substantial compliance with the requirements of the rule<sup>2</sup> requiring that “all resolutions reported from a committee shall be accompanied by reports in writing.”

The Speaker<sup>3</sup> overruled the point of order on the ground that it was not the duty of the Chair to pass upon the question of the character of a report, that properly belonging to the House to decide. The rule had been complied with by the committee, which had submitted a report in writing, and beyond that the Chair was not called upon to rule.

**4654. A verbal statement may not be received in the House as the report of a committee.**—On June 11, 1850,<sup>4</sup> Mr. Thomas H. Bayly, of Virginia, called attention to the then existing seventy-ninth rule, which was:

It shall be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills, for the civil and diplomatic expenses of the Government, for the Army, for the Navy, and for the Indian department and the Indian annuities; or, in failure thereof, the reasons for the failure.

Mr. Bayly thereupon, by direction of the committee, proceeded to make a verbal statement of the causes of the delay of the committee in reporting the appropriation bills as required by the rule.

Mr. Robert C. Schenck, of Ohio, made the point of order that a verbal statement could not be received as the report of a committee, and that therefore Mr. Bayly was not in order. For the verbal statement was not capable of being laid on the table, recommitted, or otherwise acted on by the House.

The Speaker<sup>5</sup> decided that a report from a committee must be in writing, and that Mr. Bayly was not in order in making a verbal statement as a report from the Committee of Ways and Means.

Mr. Jacob Thompson, of Mississippi, having appealed, a motion was made to lay this appeal on the table. Pending this motion Mr. Thompson withdrew the appeal.

---

relation to the question or propriety of the admission of said Territory into the Union under said constitution; and whether the same is acceptable and satisfactory to the majority of legal voters of Kansas,” have had all the matters committed to them under consideration, and now present the following report.”

A report is often unsigned, but sometimes is signed by the Member submitting it, or by all the members of the committee who concur in it.

<sup>1</sup>First session Forty-eighth Congress, Journal, p. 516.

<sup>2</sup>Section 2 of Rule XVIII provides: “All bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.”

<sup>3</sup>John G. Carlisle, of Kentucky, Speaker.

<sup>4</sup>First session Thirty-first Congress, Journal, pp. 1011, 1012; Globe, p. 1207.

<sup>5</sup>Howell Cobb, of Georgia, Speaker.

**4655. The House always insists that reports on bills, resolutions, petitions, and memorials shall be in writing.**—On February 5, 1884,<sup>1</sup> Mr. Judson C. Clements, of Georgia, as a privileged question from the Committee on Foreign Affairs, reported a resolution of inquiry in relation to the absence of foreign ministers, consuls, etc., of the United States from their posts of duty.

Mr. William H. Calkins, of Indiana, made the point of order that there should be a written report accompanying the resolution.

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

Under the rules of the House the report can not be received unless there is a written report accompanying it. The Chair sustains the point of order.<sup>3</sup>

**4656. A committee having reported a public bill grouping together the authorization of several distinct works, all within the jurisdiction of the committee, it was held that no point of order could be sustained when the bill came up in Committee of the Whole.**—On July 14, 1892,<sup>4</sup> Mr. George D. Wise, of Virginia, from the Committee on Interstate and Foreign Commerce, called up the bill (H. R. 8002) providing authorization for the construction of a long list of lighthouses and other aids to navigation, and it was considered in Committee of the Whole House on the state of the Union.

Mr. William S. Holman, of Indiana, made the point of order that it was not competent for the committee to report a bill providing for so many different works.

After debate, the Chairman<sup>5</sup> held:

The Chair will again state that this bill was referred under the rules of the House to the Committee on Interstate and Foreign Commerce. That action, in the judgment of the Chair, gave the committee absolute jurisdiction and control of the bill and its several items, which could only be taken from it in the manner prescribed in section 3 of Rule XXII.<sup>6</sup>

Not only this, but the committee having jurisdiction reported the bill to the House, and the House referred the bill to the Committee of the Whole House on the state of the Union; and, in the judgment of the Chair, therefore, it is not within the province of this committee to change or impair that reference. The policy of grouping bills into one measure is pernicious, but the question of policy should not influence the consideration and determination of a question of order. The Chair overrules the point of order.<sup>7</sup>

**4657.** On April 29, 1902,<sup>8</sup> the House considered and passed the bill (H. R. 14018), an “omnibus” public building bill, reported from the Committee on Public Buildings and Grounds. No question was raised as to the character of the bill.

**4658. Instance wherein a committee submitted a report on one feature of a bill with recommendation that it be referred to another com-**

<sup>1</sup> First session Forty-eighth Congress, Journal, pp. 502, 503; Record, p. 895.

<sup>2</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>3</sup> See Rule XVIII, section 2. The Speaker again made a similar ruling February 12, 1884 (first session Forty-eighth Congress, Journal, p. 566; Record, p. 1056).

<sup>4</sup> First session Fifty-second Congress, Record, pp. 6168, 6173.

<sup>5</sup> Alexander M. Dockery, of Missouri, Chairman.

<sup>6</sup> See section 3364 of this volume.

<sup>7</sup> It is by no means uncommon for committees to group several objects in one bill. Thus, on April 1, 1902, the committee on Territories, to whom had been referred three bills to admit severally to statehood New Mexico, Arizona, and Oklahoma, reported in lieu thereof the bill (H. R. 12543) providing for the admission of the three Territories. (First session Fifty-seventh Congress, House Report No. 1309.)

<sup>8</sup> First session Fifty-seventh Congress, Journal, p. 659; Record, p. 4820–4841.

**mittee for examination as to another feature.**—On January 9, 1906,<sup>1</sup> Mr. Frederick C. Stevens, of Minnesota, from the Committee, on Interstate and Foreign Commerce, reported the bill (H. R. 8103) to authorize the construction of a bridge between Fort Snelling and St. Paul, Minn., and asked unanimous consent that the bill be committed to the Committee on Military Affairs.

This was a report on one feature of the bill, that relating to the question of navigation. The object of referring the bill and report to Military Affairs was in order to obtain a report on the features of the bill affecting the military reservation.

On February 24,<sup>2</sup> the Committee on Military Affairs reported on the military questions involved in the bill.

**4659. A committee having jurisdiction of the subject may originate a bill and report that bill adversely.**—On June 8, 1852,<sup>3</sup> Mr. Henry Bennett, of New York, from the Committee on the Public Lands, to whom was referred the petition of G. W. Sumner and others, made an adverse report thereon, accompanied by a bill (No. 280) making grants of land to aid in the construction of railroads, and for other purposes. This report was as follows:

The Committee on the Public Lands, to whom was referred the memorial of George W. Sumner, and others, asking that grants of land, for railroad and school purposes, may be made equally to all the States on some fair and just principle of apportionment, accompanied by a bill for that purpose, have, according to order, had the same under consideration, and report the said bill without amendment to the House; a majority of said committee direct that said report be made, accompanied by a recommendation that said bill do not pass.

Mr. George W. Jones, of Tennessee, made the point of order that it was not competent for a committee to report a bill to the House accompanied by a recommendation that it do not pass, as had been done in the present case; consequently that the bill was not before the House.

The Speaker<sup>4</sup> overruled the point of order on the ground that the bill was based upon a petition regularly referred to the committee, a mode of bringing bills before the House recognized by the rules,<sup>5</sup> and that, the committee having such right to report a bill, he did not consider it affected by the recommendation which might accompany the report.

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

**4660. A committee may submit a report which does not contain a recommendation of action, and the House may agree to such report, in which case it appears in the Journal.**—The report of a committee does not necessarily include a recommendation for action. It may report simply a finding of facts. Thus, on June 12, 1876,<sup>6</sup> Mr. Hiester Clymer, of Pennsylvania, submitted, from the Committee on Expenditures in the War Department, a report on certain charges made against Hon. M. C. Kerr, then Speaker of the House. The report exonerates Mr. Kerr by stating that nothing had been found reflecting on his integrity and simply submits this conclusion, with a transcript of the evidence. The charges in this case related to the conduct of Mr. Kerr in a former Congress.

---

<sup>1</sup>First session Fifty-ninth Congress, Record, p. 880.

<sup>2</sup>House Report No. 1714.

<sup>3</sup>First session Thirty-second Congress, Journal, p. 785; Globe, p. 1537.

<sup>4</sup>Linn Boyd, of Kentucky, Speaker.

<sup>5</sup>At this time a bill could be introduced in the House and referred only by getting the consent of the House. (See sec. 3364 of this volume for the rule and usage.) In this case the text of the bill was suggested in the memorial. Of course the committee, by virtue of having the memorial before it, might have reported a bill without any bill being referred or suggested.

<sup>6</sup>First session Forty-fourth Congress, House Report No. 654.

Although this report recommended no action, the question was put on agreeing to it, and the House so voted unanimously.<sup>1</sup>

The report appears in full in the Journal, although no order to that effect appears to have been passed.

**4661. A committee may report a bill to the House with no recommendation for action.**—On March 8, 1898, Mr. D. A. De Armond, of Missouri, from the Committee on the Judiciary, submitted the following report:<sup>2</sup>

The Committee on the Judiciary, having had under consideration the bill (S. 224) entitled “An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases,” recommend that the accompanying amendments to said bill be adopted, and make no further recommendation, each member of the committee reserving to himself the right to take such course in the House concerning the bill and amendments as to him shall seem proper.

**4662.** On February 6, 1906,<sup>3</sup> Mr. Edward DeV. Morrell, of Pennsylvania, from the Committee on the District of Columbia, submitted a report,<sup>4</sup> as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8133) to provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted, report the same back to the House without recommendation.

**4663. Instance wherein a privileged report which presented facts and conclusions but no legislative proposition was read to the House.**—On April 12, 1904,<sup>5</sup> Mr. Samuel A. McCall, of Massachusetts, claiming the floor for a privileged report, presented the report of the select committee appointed to investigate charges against certain Members in connection with the administration of the Post-Office Department.

The report, which was simply a statement of results and presented no legislative proposition, was directed to be read.

At the close of the reading Mr. Allan L. McDermott, of New Jersey, presented minority views. The reading of these was permitted by unanimous consent.

The report was then, under the rule, referred to the House Calendar by direction of the Speaker.

**4664. A committee, being equally divided on a question of impeachment, authorized the chairman to report the evidence and two resolutions representing, respectively, the two opinions dividing the committee.**—On June 2, 1858, Mr. George S. Houston, of Alabama, from the Committee on the Judiciary, reported the following resolutions:<sup>6</sup>

*Resolved*, That the chairman be authorized to report to the House the memorials, answer, and testimony taken by the Judiciary Committee on the charges against the Hon. John C. Watrous, district judge of the district court of the United States for the district of Texas.

<sup>1</sup> Record, pp. 3766–3768; Journal, pp. 1098–1100.

<sup>2</sup> House Report No. 667, second session Fifty-fifth Congress.

<sup>3</sup> First session Fifty-ninth Congress, Record, p. 2192.

<sup>4</sup> House Report No. 1057.

<sup>5</sup> Second session Fifty-eighth Congress, Record, pp. 4716, 4719, 4721.

<sup>6</sup> First session Thirty-fifth Congress. House Reports Nos. 540 and 548.

*Resolved*, That the chairman be further authorized to report the two following resolutions offered in committee, each of which failed to receive the sanction of the committee by an equally divided vote, viz:

*“Resolved*, That John C. Watrous, United States district judge for the district of Texas, be impeached of high crimes and misdemeanors.”

*“Resolved*, That in the opinion of the Judiciary Committee there are not sufficient grounds furnished by the testimony in the case against Judge John C. Watrous, district judge of the United States for the district of Texas, to authorize his impeachment for high crimes and misdemeanors.”

*Resolved*, That the chairman ask leave of the House for each minority of the committee to submit their views to the House by Saturday next.<sup>1</sup>

**4665. A committee, being unable to agree on a recommendation for action, may submit a statement of this fact as their report.**

**Although the report of a committee may not contain a proposition for action, the House may predicate action upon it.**

On May 13, 1858, Mr. Thomas L. Harris, of Illinois, from the Committee on Elections, reported,<sup>2</sup> in the election case of *Vallandigham v. Campbell*, of Ohio, that a majority of the committee had been unable to agree upon a proposition for the action of the House. “Four members of the committee,” says the report, “are of opinion that the contestant is entitled to the seat. Four, likewise, are of opinion that the sitting Member is legally elected and should be retained in the seat; and one member of the committee recommends that the seat be declared vacant and the governor of Ohio be informed thereof. The committee ask that the views of the minorities, respectively, accompanying this report, may be received by the House.”

This report was received<sup>3</sup> and the views of the minorities were at the same time received, apparently by unanimous consent. A question was raised as to there being a report of the committee, but the Speaker<sup>4</sup> held that the paper presented by the gentleman from Illinois was a report. Whether the report was satisfactory to the House was another question.

On May 22<sup>5</sup> the case was called up, and the resolution proposed by one of the minorities was read.

Thereupon Mr. William H. Kelsey, of New York, raised the question of order that, as the committee had reported they were unable to agree, the case was not before the House for action.

The Speaker said:

The only irregularity connected with the report is that the committee have not accompanied their report with a recommendation in the shape of a resolution. It is, however, unquestionably, such a report from the Committee of Elections as the House can predicate action upon.

**4666.** On May 27, 1902,<sup>6</sup> in the Senate, Mr. Julius Caesar Burrows, of Michigan, reported verbally from the Committee on Privileges and Elections that the

<sup>1</sup> Thirty-fifth Congress, first session, Journal, p. 1004; Globe, p. 2659; second session, Journal, pp. 56, 69; Globe, pp. 13, 102.

<sup>2</sup> First session Thirty-fifth Congress, House Report No. 380.

<sup>3</sup> Globe, p. 2112.

<sup>4</sup> James L. Orr, of South Carolina, Speaker.

<sup>5</sup> Globe, p. 2316.

<sup>6</sup> First session Fifty-seventh Congress, Record, pp. 5953, 5954.

committee was “adverse to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States, and that a majority of the committee favored an amendment to the resolution, known as the Depew amendment, which provides that—

“The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

“And, thirdly, I am directed to report that a majority of the committee is opposed to the joint resolution when thus amended.

“I make the report for such action as the Senate may see fit to take.”

The joint resolution itself was not reported out from the committee.

After debate as to the proper procedure, a motion to discharge the committee was entertained.

**4667. When a committee conclude consideration of a bill, a motion to rise and direct the chairman to report is in order.**

**In considering a bill the committee should set down the amendments on a separate paper.**

Section XXVI of Jefferson’s Manual provides:

When the committee is through the whole, a Member moves that the committee may rise and the chairman report the paper to the House, with or without amendments, as the case may be. (2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50.)

When a vote is once passed in a committee, it can not be altered but by the House, their votes being binding on themselves. (1607, June 4.)

The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself, set down the amendments, stating the words which are to be inserted or omitted (Scob., 50), and where, by references to page, line, and word of the bill. (Scob., 50.)

**4668. The report of a committee is regularly read and agreed to in committee, and a member of the committee is ordered to report it to the House.**—On Saturday, February 26, 1859,<sup>1</sup> the select committee appointed to investigate the accounts of the late Clerk, William Cullom, met pursuant to adjournment; all the Members present.

The reading of the report was concluded,<sup>2</sup> and the report, with sundry resolutions, was agreed to.

The chairman was instructed to submit the report and testimony to the House forthwith.

**4669. A committee may order its report to be made by the chairman or by any other of its members.**—A committee does not always report through its chairman. It may order any member to make a report. Thus, on February 19, 1857,<sup>3</sup> the select committee on certain alleged corrupt combinations among Members of the House found itself about to make several reports, each relating to a different Member, as well as a general report on the whole subject. By vote of the committee these reports were assigned to different members, the general

<sup>1</sup>Second session Thirty-fifth Congress, journal of the select committee, Report No. 188, p. 223.

<sup>2</sup>The chairman had been instructed at a previous meeting to draw up this report and to submit it to the committee. (journal of the committee, p. 222.)

<sup>3</sup>Third session Thirty-fourth Congress, House Report No. 243, pp. 53, 54.)

report being assigned to the chairman. In these cases the chairman had voted against the reports relating to the individual Members, and the other members of his committee had voted for them, while the general report was drawn by the chairman.

**4670. The chairman of a committee, acting as its organ, sometimes submits a report in which he has not concurred.**—On March 30, 1836,<sup>1</sup> Mr. George C. Dromgoole, of Virginia, chairman of the select committee on so much of the President's message as related to the Constitution, reported joint resolutions proposing amendments to the Constitution. In making this report he said that he acted as the organ of the committee; but he differed with the majority of the committee, and should move at the proper time a substitute for the proposition of the committee.

**4671.** On January 17, 1837,<sup>2</sup> the House agreed to a resolution submitted originally by Mr. Henry A. Wise, of Virginia, and providing for an investigation of the Executive Departments of the Government.

Of this committee Mr. Wise was appointed chairman.

On March 3 Mr. Wise submitted the report of the committee to the House. He did this as the chairman of the committee, however, and not as one agreeing to the report, for with it he submitted the views of himself as one of the minority dissenting from the report.

The majority report is not signed at all, but the minority views are signed by two of the three dissenting members, and Mr. Wise adds:

I concur fully in the foregoing, except in the opinion that the committee should have reported only its journal of proceedings.

Then Mr. Wise submits in addition his own views at length, over his own signature.

**4672. A member of the minority party on a committee is sometimes ordered to make the report.**—Sometimes, though not frequently in later years, the minority members of a committee present the report to the House. Thus, on January 3, 1889,<sup>3</sup> Mr. Thomas B. Reed, of Maine, presented to the House a report from the Committee on Rules, although he was a minority member.

**4673. Instance in the Senate wherein a member of the minority portion of a committee was directed by major vote of the committee to report a bill.**<sup>4</sup>—On February 26, 1906,<sup>5</sup> in the Senate, Mr. Benjamin R. Tillman, of South Carolina, said:

I am instructed by the Committee on Interstate Commerce to report back favorably House bill 12987 as it passed the House of Representatives, it being understood that the members of the committee reserve the right to offer amendments to the bill and vote for the same while it is under consideration in the Senate.

<sup>1</sup>First session Twenty-fourth Congress, Journal, pp. 72, 601; Debates, p. 3015.

<sup>2</sup>Second session Twenty-fourth Congress, House Report No. 194; also Globe, pp. 104, 108.

<sup>3</sup>Second session Fiftieth Congress, Record, p. 511.

<sup>4</sup>The Republican party at this time had a majority in the Senate and in the Committee on Interstate Commerce; but the Democratic members of the committee, reenforced by two Republicans, controlled the committee as against the remaining Republican members. The result of this was that a majority of the committee ordered that the report be made, not by the Republican chairman, Mr. Stephen B. Elkins, of West Virginia, but by Mr. Tillman, the first of the minority members.

<sup>5</sup>First session Fifty-ninth Congress, Record, pp. 2968, 2969.

In the course of an ensuing debate Mr. Nelson W. Aldrich, of Rhode Island, said:

Mr. President, a majority of the Republican members of the committee did not join in the favorable report which has just been made by the Senator from South Carolina for the reason that, in their judgment, an attempt should have been made by the committee to remedy, by proper amendments, some of the obvious and admitted defects and omissions of the House bill, and that clear and adequate provision should have been made for subjecting the orders of the Commission affecting rates to judicial review. They believed that these amendments were not only necessary to protect the rights of all the parties in interest, but that they were essential to the vitality and efficiency of the measure. With these amendments the minority members, with the possible exception of the Senator from Ohio [Mr. Joseph B. Foraker] \* \* \* with the actual exception of the Senator from Ohio, who is opposed, as I understand, to all Government rate making, were ready to give their support to the House bill.

Mr. Charles A. Culberson, of Texas, said:

Mr. President, the entire committee reserved the right to offer such amendments to the bill as they may think fit hereafter. I take it, therefore, that in a large degree this is no more nor less than a transfer of this controversy from the committee to the Senate Chamber.

**4674. The report of a committee is in the nature of an argument or explanation and does not by itself come before the House for amendment or other action.**—On May 9, 1900,<sup>1</sup> the House was proceeding to the consideration of the contested election case of *Pearson v. Crawford*, from North Carolina, the resolutions of the majority and minority having been read.

Mr. Ernest W. Roberts, of Massachusetts, moved to strike out of the report of the committee in this case certain words relating to the vote of Asheville.

Mr. James D. Richardson, of Tennessee, made the point of order that the report was simply an argument, and was not before the House to be voted on; and therefore that the motion to amend the report was not in order.

The Speaker<sup>2</sup> sustained the point of order.

**4675. The House may by vote agree to the report of a committee, in which case it appears in the Journal.**—On August 17, 1842,<sup>3</sup> Mr. John Quincy Adams, of Massachusetts, from the select committee to whom was referred the message of the President returning without his approval the tariff bill, made a report accompanied by a joint resolution providing for an amendment to the Constitution of the United States. The question was taken on agreeing to this report, and it was agreed to, yeas 100, nays 80. The report appears in full in the Journal. The House then voted on the joint resolution accompanying the report.

**4676. The House sometimes orders a committee's report to be made in recess by handing it to the Clerk of the House.**—On March 3, 1851,<sup>4</sup> at the end of the Congress, the House adopted a resolution that the standing committees of the House might make reports by handing them to the Clerk and indorsing thereon that they be laid on the table and printed.

<sup>1</sup> First session Fifty-sixth Congress, Record, pp 5328, 5329; Journal, p. 555.

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

<sup>3</sup> Second session Twenty-seventh Congress, Journal, pp. 1346–1352; Globe, pp. 894–901.

<sup>4</sup> Second session Thirty-first Congress, Journal, p. 418.

**4677.** On August 30, 1852,<sup>1</sup> on motion of Mr. Andrew Johnson, of Tennessee, by unanimous consent:

*Ordered,* That the resolution of the House of Saturday last, giving leave to the select committee on the Gardiner claim to sit during the vacation, be amended by adding thereto, "and the said committee is hereby authorized to make their report to the Clerk during the recess."

**4678. The House sometimes orders the Clerk to transmit a committee report to the House in the next Congress.**—On January 12, 1874,<sup>2</sup> the Clerk of the House transmitted to the House testimony taken before the Committee on Ways and Means during the preceding Congress, and then ordered by the House to be transmitted to the next House.

**4679. The House may refer to a committee a report made in a preceding Congress.**—On December 19, 1825,<sup>3</sup> at the beginning of a Congress, the House took the following action in relation to a subject considered by the House in the last session of the preceding Congress:

*Resolved,* That the report of a select committee made to the House of Representatives, at their last session, in relation to the claims of the late President of the United States, be referred to the Committee on Claims.

On December 23 the House discharged the Committee on Claims from the consideration of this matter and referred it to a select committee.

**4680. The House may direct a committee to submit its journal to the House, but the proper method seems to be by a motion to recommit the pending report with instructions to incorporate in it the desired record.**—On April 10, 1846,<sup>4</sup> the House agreed to this resolution:

*Resolved,* That the chairman of the Committee of this House on Foreign Affairs submit to the House the journal or minutes of that committee during the last session of the Twenty-seventh Congress.

**4681.** On February 23, 1866,<sup>5</sup> during the consideration of the contested election case of Washburn *v.* Voorhees, a controversy arose as to the votes of certain members in the Committee on Elections, and a motion was made that the chairman of the committee produce the record of the committee.

Mr. Nathaniel P. Banks, of Massachusetts, raised the question of order that such a motion might not be entertained, since the only parliamentary way would be to move to recommit the report with instructions that the record of votes be incorporated in it. As it was the House had before it only what was reported.

The Speaker<sup>6</sup> I held that the motion to direct the chairman to report the record could be entertained only by unanimous consent.

**4682. The House sometimes orders the journal of a committee to be printed with the report.**—Committees keep journals of their proceedings, and sometimes the House orders these journals printed in full or in part in connection

<sup>1</sup> First session Thirty-second Congress, Journal, p. 1121; Globe, p. 2471.

<sup>2</sup> First session Forty-third Congress, Journal, p. 226.

<sup>3</sup> First session, Nineteenth Congress, Journal, pp. 72, 90.

<sup>4</sup> First session Twenty-ninth Congress, Journal, p. 654; Globe, p. 643.

<sup>5</sup> First session Thirty-ninth Congress, Globe, pp. 997, 998.

<sup>6</sup> Schuyler Colfax, of Indiana, Speaker.

with the report of the committee. Thus may be cited the instances wherein the journals were ordered printed for the two select committees in 1837,<sup>1</sup> one making inquiries into the management of the deposit banks and the other into the conduct of the Executive Departments of the Government.

**4683.** On July 16, 1840,<sup>2</sup> the House ordered printed both the report and the journal of the Committee on Elections on the New Jersey contested cases.

**4684.** In 1838<sup>3</sup> the journal of the select committee appointed to investigate the circumstances of the death of Jonathan Cilley, of Maine, was published as a part of the report of the committee.

**4685.** In 1839<sup>4</sup> the select committee appointed to investigate the defalcation in the New York custom-house printed its journal as a part of its report.

**4686.** On February 20, 1857,<sup>5</sup> the House ordered that the report of the select committee on the investigation of certain alleged corrupt combinations be printed with the journal of the committee.

**4687. The House may direct a committee to withdraw immediately and bring in a bill.**—Section XXVI of Jefferson's Manual provides:

In some cases the House has ordered a committee to withdraw immediately into the committee chamber, and act on and bring back the bill, sitting the House. (Scob., 48.)

**4688. The House has instructed a committee to report forthwith a bill in certain exactly specified phraseology.**—On January 16, 1843,<sup>6</sup> Mr. Nathan Clifford, of Maine, moved the following resolution,<sup>7</sup> which was agreed to by the House:

*Resolved,* That the Committee on the Judiciary be instructed to report, forthwith, the following bill to repeal the bankrupt act, to wit:

“A bill to repeal the bankrupt act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled ‘An act to establish a uniform system of bankruptcy throughout the United States,’ approved on the 19th day of August, 1841, be, and the same hereby is, repealed.”

As soon as this resolution had been adopted Mr. Daniel A Barnard, of New York, Chairman of the Committee on the Judiciary, asked the instruction of the Chair, inasmuch as the rule of the House prevented the committee sitting during the session of the House, and so it would be impossible to carry out the order of the House without violating a rule.

Thereupon Mr. Joshua L. Lowell, of Maine, offered the following resolution, which was agreed to:

*Resolved,* That the Committee on the Judiciary have leave to sit during the session of the House for the purpose of obeying the order of the House in relation to the repeal of the bankrupt act.

<sup>1</sup> Second session Twenty-fourth Congress, Journal, pp. 339, 356, Report No. 194.

<sup>2</sup> First session Twenty-sixth Congress, Journal, pp. 1288–1290.

<sup>3</sup> Second session Twenty-fifth Congress, House Report No. 825, p. 148.

<sup>4</sup> Third session Twenty-fifth Congress, House Report No. 313, p. 292.

<sup>5</sup> Third session Thirty-fourth Congress, Journal, p. 479.

<sup>6</sup> Third session Twenty-seventh Congress, Journal, pp. 193, 198; Globe, pp. 162, 163.

<sup>7</sup> Of course such a resolution would not be admitted in the order of business now, except by unanimous consent.

**4689. The Speaker may not rule out a report because the committee have failed to comply with their instructions in relation to it.**—On February 28, 1851<sup>1</sup> the House was considering a joint resolution for the relief of Thomas Ritchie, which had been reported from the Committee on Printing, to which it had been committed with the following instructions: “To inquire whether Mr. Ritchie has executed the public printing, having regard to the quality of the work and to time, agreeably to his contract, and what sum he has lost by his contract.”

Mr. John Wentworth, of Illinois, made the point of order that the committee were bound, under these instructions, to specify the amount which had been lost and which it was proposed to give.

The Speaker<sup>2</sup> overruled the point of order, on the ground that the House had instructed the committee to make a report, and that that report had been made and could not be rejected upon the point of order raised by the gentleman from Illinois. The reason given by him might be a very good reason why the House should not concur in the resolution, but it could not be made a point of order.

**4690. The chairman of a committee, having made a report to the House in accordance with the instruction of his committee, may not withdraw it, except by consent of the House.**—On January 22, 1886,<sup>3</sup> Mr. Hilary A. Herbert, of Alabama, as a question of privilege, reported back, with amendments, from the Committee on Naval Affairs a resolution of inquiry calling on the Secretary of the Navy for information as to the alleged obliteration of certain inscriptions at the Norfolk Navy-Yard.

Mr. Herbert having asked for the previous question on the report and amendments, no quorum voted. Thereupon Mr. Herbert proposed to withdraw the report.

Mr. Thomas B. Reed, of Maine, made the point of order that the report could not be withdrawn, except by unanimous consent.

The Speaker<sup>4</sup> sustained the point of order on the ground that this was a report under instructions from a committee, and was, immediately upon being made, in the possession of the House, being in that respect unlike an amendment which under clause 2 of Rule XVI could be withdrawn at any time before a decision on amendment.

The record of the debate<sup>5</sup> shows that the Speaker, after causing the rule to be read, said:

The Chair thinks a proper construction of this rule is that it applies only to those motions made by Members personally, on the floor, over which the Member himself ought, as a matter of justice, to have control until a decision has been reached upon them by the House. Such a motion may be modified by the Member introducing it at any time before final action is taken, and its character may be changed. But this is a report of a committee of the House, made to the House by the authority of the committee, and the Chair thinks that the gentleman himself can not withdraw it without the leave of the House.

---

<sup>1</sup> Second session, Thirty-first Congress, Globe, p. 748.

<sup>2</sup> Howell Cobb, of Georgia, Speaker.

<sup>3</sup> First session Forty-ninth Congress, Journal, p. 442; Record, pp. 836, 837.

<sup>4</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>5</sup> First session Forty-ninth Congress, Record, pp. 836, 837.

**4691. A bill having been recommitted to a committee with leave to report at any time, and being reported immediately by the chairman, was held to be subject to the point of order that the committee had not considered it.**—On February 18, 1889,<sup>1</sup> the House was considering a bill relating to the leasing of the privileges of taking fur seals, and the question was pending on the passage.

Thereupon Mr. Francis B. Spinola, of New York, moved to recommit the bill with certain instructions. Pending the vote on this motion, Mr. Nelson Dingley, jr., of Maine, asked unanimous consent that, in case the motion to recommit with instructions should prevail, the committee should have leave to report the bill back at any time.

This request was granted; and then the motion to recommit with instructions was agreed to.

Thereupon Mr. Poindexter Dunn, of Arkansas, chairman of the committee to which the bill had been recommitted, announced immediately:

I now report back the bill with the amendments for the consideration of the House.

Mr. John A. Anderson, of Kansas, made a point of order against this action. The Speaker<sup>2</sup> held:

The gentleman from Kansas makes the point that the committee has not had a meeting, and that the report of the gentleman from Arkansas [Mr. Dunn] can not now be submitted. The gentleman will have to defer the report till some other time. \* \* \* Unanimous consent was given that the committee be allowed to report back at any time, but the gentleman from Kansas makes the point that the committee has not yet had a meeting, and that the gentleman from Arkansas can not now make the report.

**4692. A motion directing a committee of the House to report a matter before them is not in order, such motion having no privileged place in the order of business.**—On January 19, 1898,<sup>3</sup> Mr. F. Brucker, of Michigan, presented this resolution:

*Resolved*, That the Committee on Foreign Affairs be, and they are hereby, directed to report to this House without further delay Senate resolution No. 26 declaring that a condition of public war exists in Cuba and that strict neutrality should be maintained.

Mr. Robert R. Hitt, of Illinois, made a point of order against the resolution. The Speaker<sup>4</sup> sustained the point of order.<sup>5</sup>

On an appeal the decision of the Chair was sustained, 169 yeas to 125 nays.

**4693. A motion to discharge a committee from the consideration of an ordinary legislative proposition is not privileged.**—On December 17, 1867,<sup>6</sup> Mr. Speaker Colfax stated incidentally that a motion to discharge a committee was not a privileged motion.

<sup>1</sup> Second session Fiftieth Congress, Journal, p. 536; Record, p. 2028.

<sup>2</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>3</sup> Second session Fifty-fifth Congress, Record, p. 760.

<sup>4</sup> Thomas B. Reed, of Maine, Speaker.

<sup>5</sup> The objection to such a resolution is that the order of business contains no provision establishing a time for the offering of business of that character. Under the rules a resolution of that nature would be referred to the Committee on Rules. If reported favorably by that committee, it might then be agreed to by a majority vote of the House.

<sup>6</sup> Second session Fortieth Congress, Globe, p. 229.

On February 7, 1884,<sup>1</sup> a proposition was made that when any bill referred to a committee should not be reported therefrom within thirty days a motion to discharge the committee should be in order. Messrs. Thomas B. Reed, of Maine, and Samuel J. Randall, of Pennsylvania, pointed out the impracticability of the proposed rule, and it was disagreed to, ayes 56, noes 115.<sup>2</sup>

**4694. A request of the Senate for the return of a bill, no error being alleged, does not make in order a motion in the House to discharge the committee having possession of the bill.**—On April 23, 1906,<sup>3</sup> the Speaker before the House the following request from the Senate:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States.

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

Is there objection to the discharge of the Committee on Merchant Marine and Fisheries from the further consideration of the Senate bill, and returning the bill according to the request of the Senate?

Mr. John S. Williams, of Mississippi, objected.

Thereupon Mr. Williams proposed a motion to comply with the request of the Senate.

The Speaker said, before entertaining the motion:

This involves discharging the committee from consideration of the bill. \* \* \* The Chair would like to examine the question raised by the motion submitted by the gentleman from Mississippi.

On April 25<sup>5</sup> the Speaker gave his decision:

At the adjournment of the House on Monday a motion was pending, submitted by the gentleman from Mississippi [Mr. Williams], to discharge the Committee on the Merchant Marine and Fisheries from further consideration of the bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States, and agree to the request of the Senate for the return of the bill. The Chair did not rule upon the motion, but is prepared to do so now.

The Chair has ascertained that the custom of requesting the return of a bill already passed and sent to the other House is very old, beginning as early as 1810 at least.

In 1856 an order making a request of this sort was considered in the House by unanimous consent and not as privileged. Again in 1862 proceedings asking for and granting the return of bills from and to the Senate were journalized as by unanimous consent. So also in 1886, when the fortifications appropriation bill was pending in the House with Senate amendments, on which the previous question had been ordered, the Senate requested its return, and the House granted the request by unanimous consent. In 1896 (sec. 483 of Parliamentary Precedents) a request for the return of a bill to the Senate was laid

<sup>1</sup>First session Forty-eighth Congress, Record, pp. 964, 973.

<sup>2</sup>In the Senate a resolution to discharge a committee may be presented and after a day may be called up and considered. Thus it is always possible for the majority to discharge a committee. (See Senate proceedings on resolution proposing a constitutional amendment to provide for election of Senators by the people, first session Fifty-seventh Congress, May 9, 1902.)

Again on June 23, 1902, the Senate considered a proposition to discharge the Committee on Territories from the consideration of the bill (H. R. 12543) for the admission of New Mexico, Arizona, and Oklahoma as States.

At the close of a session it was sometimes ordered in the early days of the House that the several committees be discharged from all matters and things, to them respectively referred, upon which reports had not been made, and that all petitioners have leave to withdraw their petitions. Thus, on May 29, 1830. (First session Twenty-first Congress, Journal, p. 773.)

<sup>3</sup>First session Fifty-ninth Congress, Record, pp. 5768, 5769.

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

<sup>5</sup>Record, pp. 5816, 5817.

before the House as privileged; but the actual return was ordered by unanimous consent, as the Journal shows. Again, in 1896, a resolution directing the return of a bill to the Senate was treated as privileged (Parliamentary Precedents, sec. 484), but this was a case where a Senate bill with House amendments disagreed to had been sent to the House and referred to a committee. The resolution which provided for discharging the committee and returning the bill was not offered from the floor as an original proposition, but had been referred to the committee having the bill.

In none of the proceedings referred to did a question of order arise, calling for a formal and well considered ruling; and even these records of procedure do not justify a motion from the floor to discharge the committee from the consideration of the Senate bill on which the two Houses have not reached the stage of disagreement. While it seems to the Chair desirable that the two Houses should maintain conditions of courtesy respecting the requests of the one upon the other, yet the Chair hesitates to make by a formal ruling motions privileged which are not made privileged by the rule, and this reluctance is increased by the fact that requests of this nature may be granted with a reasonable degree of celerity in the regular order by referring the Senate request to the committee having the bill, leaving that committee to report the bill with the recommendation that it be returned to the Senate. The bill will then go to the Calendar, where it may be reached and acted on in regular order, or by suspension of the rules out of the regular order. Of course in a case where an error was alleged, thereby bringing into question the integrity of the proceedings of the House or the Senate as to a bill, a different principle might prevail.

The Chair directs that the request of the Senate be referred to the Committee on the Merchant Marine and Fisheries.

**4695. A motion to discharge a committee from the consideration of a matter, when in order, is not debatable.**—On June 4, 1900,<sup>1</sup> Mr. Robert W. Miers, of Indiana, moved to discharge the Committee on Invalid Pensions from the consideration of a resolution of inquiry relating to the pensions of certain widows. This resolution had not been reported back by the committee within one week,<sup>2</sup> and Mr. Miers's motion was offered and entertained as privileged.

Debate having begun, Mr. Sereno E. Payne, of New York, made the point of order that the motion was not debatable.

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

It is a question involving the priority of business, and it has been decided more than once that that is not debatable. The Chair will refer the gentleman to page 254 of Hinds's Book of Precedents, section 428, where it was squarely decided. Rule XXV<sup>4</sup> provides that questions relating to the priority of business shall be decided by a majority without debate. This is such a question. There is no question but that the point of order is well taken. The question will be put to the House.

**4696. On a motion to discharge a committee the merits of the main question may not be debated.**—On April 18, 1825,<sup>5</sup> Mr. Peter Little, of Maryland, moved to discharge the Committee<sup>6</sup> of the Whole House on the state of the Union from the consideration of the report of the Committee on Foreign Relations approving the mission to Panama.

Mr. Louis McLane, of Delaware, asked if the motion was debatable.

The Speaker<sup>7</sup> said that it was providing the gentleman did not enter into the merits of the main question.

<sup>1</sup> First session Fifty-sixth Congress, Record, p. 6445.

<sup>2</sup> Section 5 of Rule XXII. See section 1856 of Vol. III of this work.

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

<sup>4</sup> See section 3061 of this volume.

<sup>5</sup> First session Nineteenth Congress, Debates, p. 2371.

<sup>6</sup> Such a motion is not now privileged.

<sup>7</sup> John W. Taylor, of New York, Speaker.

**4697. The House, but not the Committee of the Whole, may, by unanimous consent, discharge a standing committee from the consideration of a bill.**—On February 28, 1902,<sup>1</sup> in Committee of the Whole House, Mr. George W. Steele, of Indiana, asked unanimous consent to take up the bill (H. R. 9848) granting an increase of pension to Joseph Cowgill, which had once been on the calendar of the Committee of the Whole House, but had been recommitted to the Committee on Invalid Pensions, and had not again been reported and placed on the calendar.

The Chairman<sup>2</sup> held that under the parliamentary condition the Committee of the Whole House could not take up the bill.

Later, after the Committee of the Whole House had risen, the House, by unanimous consent, discharged the Committee on Invalid Pensions from the further consideration of the bill, and it was considered and passed by the House.

**4698. There is some question as to the status of a report made from a commission constituted by law.**—On December 19, 1893,<sup>3</sup> a question arose as to the bill (H. R. 4340) relating to the accounts of postmasters. This bill was one reported from the commission of Senators and Representatives appointed in the preceding Congress under authority of a clause in an appropriation bill, which constituted the commission for the purpose of investigating the Executive Departments. The Senate discussed on this date the question as to the standing of a bill presented by such a commission, there being a strong feeling that it should be referred to a committee of the Senate like any other legislation, and that there was no particular authority in a commission.

The bill was referred in the Senate to the Committee on Post-Offices and Post-Roads, and, after consideration, reported by that committee on January 9, 1894,<sup>4</sup> and later passed.

This bill was reported in the House on December 12, 1893,<sup>5</sup> directly from the Commission, and was immediately passed. No question was made.

**4699.** On December 9, 1880,<sup>6</sup> the annual report of the commission for the completion of the Washington Monument was referred in the House to the Committee on Library.

**4700.** On January 14, 1901,<sup>7</sup> Mr. Eugene F. Loud, of California, presented to the House the report of the Joint Postal Commission, appointed under the act of June 30, 1898. No bill accompanied the report.

Mr. Loud asked unanimous consent that the report be printed, and that Senator Chandler, a member of the Commission, have leave to file his views within twenty days.

The House granted both branches of the request.

---

<sup>1</sup> First session Fifty-seventh Congress, Record, pp. 2256, 2259.

<sup>2</sup> Adin B. Capron, of Rhode Island, Chairman.

<sup>3</sup> Second session Fifty-third Congress, Record, pp. 389–395.

<sup>4</sup> Record, pp. 565, 852.

<sup>5</sup> Journal, p. 26; Record, p. 170.

<sup>6</sup> Third session Forty-sixth Congress, Journal, p. 44.

<sup>7</sup> Second session Fifty-sixth Congress, Record, p. 985; Journal, p. 116.

In 1905<sup>1</sup> the commission constituted by law to examine as to the merchant marine, composed of members of the House and Senate, transmitted its reports by letter addressed to the Speaker and laid before the House with other communications.

**4701.** On January 30, 1904,<sup>2</sup> Mr. William P. Hepburn, of Iowa, by unanimous consent, submitted, as a report from the commission to acquire a site for and direct and supervise construction of the office building for the House of Representatives, a documentary history of the construction and development of the United States Capitol building and grounds.

The report was ordered printed and laid on the table.

**4702. The report of a commission constituted by law is referred to a committee when presented in the House.**—On January 4, 1905,<sup>3</sup> Mr. Charles H. Grosvenor, of Ohio, presented the report of the Commission<sup>4</sup> on Merchant Marine. At the same time Mr. Thomas Spight, of Mississippi, also a member of the Commission, obtained leave to file minority views at a future time.

The Speaker<sup>5</sup> thereupon said:

Under the rule the report, and the minority views when presented, will be referred to the Committee on the Merchant Marine and Fisheries.

On January 9, 1905,<sup>6</sup> in the Senate, on motion of Mr. Jacob H. Gallinger, of New Hampshire, the report was referred to the Committee on Commerce.

**4703. A commission, created by concurrent resolution, and including persons not Members of Congress in its membership, reported like a committee.**

**Members of a Congressional commission, who were not Members of the House or Senate, exercised the privilege of filing minority views when the report was made.**

On March 2, 1877,<sup>7</sup> the report of the Monetary Commission was presented to the House. This Commission consisted, under the terms of the concurrent resolution<sup>8</sup> by which it was created, “of three Senators to be appointed by the Senate; three Members of the House of Representatives, to be appointed by the Speaker; and experts, not exceeding three in number, to be selected by and associated with them,” and was directed as to the lines of inquiry to be pursued by it. The Commission was also given authority to determine the time and place of meeting and to take evidence. When the Commission reported, the two experts, who were neither Senators nor Representatives, participated on an equal footing with the other Members, filing minority views individually. The Commission was created in the first session of the Forty-fourth Congress, and reported in the second session of the same Congress.

---

<sup>1</sup> First session Fifty-ninth Congress, Journal, p. 75; House Executive Documents, Nos. 56, 564, 876, 895.

<sup>2</sup> Second session Fifty-eighth Congress, Journal, p. 224; Record, p. 1421.

<sup>3</sup> Third session Fifty-eighth Congress, Record, pp. 449, 450.

<sup>4</sup> This Commission was created by law.

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

<sup>6</sup> Record, p. 571.

<sup>7</sup> Second session Forty-fourth Congress, Journal, p. 627; Record, p. 2125; House Report No. 185.

<sup>8</sup> The report speaks of the Commission as created by a “joint resolution.” In fact, it was created by a concurrent resolution. (See first session Forty-fourth Congress, Record, p. 5218; Journal, pp. 1393, 1509, 1514.)