

## Chapter XCI.

### BILLS, RESOLUTIONS, AND ORDERS.

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1. Rules for introduction and reference of bills, petitions, etc. Sections 3364–3366.
  2. Forms and practice in relation to bills and resolutions. Sections 3367–3382.
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**3364. Petitions, memorials, and bills are introduced by the Member delivering them to the Clerk.**

**The reference of a private bill is indorsed on it by the Member introducing it, while the reference of a public bill is made by the Speaker.**

**Any petition or memorial of an obscene or insulting nature may be returned by the Speaker to the Member presenting it for reference.**

**Rules for correction of erroneous reference of private and public bills.**

**Petitions, memorials, and bills referred by delivery to the Clerk are entered on the Journal and Record.**

**The erroneous reference of a petition or private bill referred by the Member under the rule does not confer jurisdiction on the committee receiving it.**

Sections 1, 2, and 3 of Rule XXII provide for the introduction, reference to committees, and change of reference of petitions, memorials, bills, and resolutions:

1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates, for publication in the Record.

2. Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

3. All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on

the Journal and printed in the Record of the next day; and correction in case of error of reference may be made by the House without debate, in accordance with Rule XI,<sup>1</sup> on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

These rules are the result of a long, evolutionary process, compelled by the pressure of business, in the course of which the old parliamentary method of presenting bills, petitions, etc., has fallen into disuse, while a new system peculiar to the House has arisen.

The evolution of the new system will be understood best by considering it (1) in relation to petitions and memorials,<sup>2</sup> and (2) in relation to bills.

**3365. Form and history of the rule for the introduction of bills, Rule XXII, sections 1, 2, and 3.**

**Early practice of introducing bills on leave and the gradual evolution of the present system.**

**A bill may be originated by a committee having jurisdiction of the subject by reference of a petition or by order of the House.**

**Number of bills introduced in various Congresses from 1863 to 1907. (Footnote.)**

**Proportion of bills reported by committees and passed by the House. (Footnote.)**

The method of the introduction of bills as established by the present rules is the result of a gradual evolution, which in some of its features is not wholly easy to trace. The First Congress<sup>3</sup> made this rule:

Every bill shall be introduced by motion for leave or by an order of the House on the report of the committee; and in either case a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill; and every such motion may be committed.

At first motions for leave to introduce a bill were not very common, the habits of the House inclining rather to let the committees draft the bill on jurisdiction conferred by the reference of a petition or by a resolution of the House instructing them so to do.<sup>4</sup> Later, from 1835 to 1850, it was a more frequent practice for bills to be introduced on leave. Motions for leave were sometimes debated several days, as occurred in February, 1837.<sup>5</sup> Previous to 1822,<sup>6</sup> so strict was the House as to the introduction of bills that Rule 71 was adopted, which provided that "the several standing committees of the House shall have leave to report by bill or otherwise."

<sup>1</sup>The rule relating to jurisdiction of committees. See section 4019 of this volume and succeeding sections.

<sup>2</sup>See section 3312 for history of this evolution in relation to petitions and memorials.

<sup>3</sup>First session First Congress, Journal, p. 10.

<sup>4</sup>For discussion of the usage see debates in 1827 and statement of Mr. Speaker Polk in 1837. (First session Twentieth Congress, Journal, p. 67; Debates, pp. 823-827; second session Twenty-fourth Congress, Debates, pp. 1340-1345; also second session Nineteenth Congress, Debates, pp. 775, 776.)

<sup>5</sup>Second session Twenty-fourth Congress, Journal, p. 326; Globe, pp. 144-146.

<sup>6</sup>First session Seventeenth Congress, Journal, p. 727; see also speech of Mr. Burchard, second session Forty-fourth Congress, Record, p. 19810. For interesting Senate discussion of the method of introducing bills in that body see first session Forty-fourth Congress, Record, p. 335.

On September 15, 1837,<sup>1</sup> the introduction of bills was confined to one of the morning-hour calls by the adoption of this rule:

Every bill shall be introduced on the report of a committee or by motion for leave. In the latter case, at least one day's notice shall be given of the motion, and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for; such motion or the bill when introduced may be committed.

On March 16, 1860,<sup>2</sup> the rule providing for a call of the States each alternate Monday for resolutions was amended to include also bills on leave, which, by a further provision, were to be referred without debate, and might not be brought back into the House on a motion to reconsider.<sup>3</sup> This amendment was adopted because of the inconvenience and delay caused by many Members rising and asking leave to introduce bills for reference to committees.

On April 14, 1879,<sup>4</sup> a discussion arose in the House on the subject of the introduction of bills under the rules at that time, which were:

115. Every bill shall be introduced on the report of a committee or by motion for leave. In the latter case, at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed. (Apr. 7, 1789; Sept. 15, 1837; Mar. 2, 1838.)

130. All the States and Territories shall be called for bills on leave and resolutions every Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion. \* \* \* (Feb. 6, 1838.) [The rule further, by amendments of March 16, 1860, and January 11, 1872, provided that bills on leave should be referred without debate and not brought back into the House on motion to reconsider, and that the call for introduction of bills on leave should be in the hour after reading the Journal.]

The point of order was made that under these rules a notice of one day should be given by a Member proposing to introduce a bill on leave. Several old Members, including the Speaker, stated that in many years of service they had never known this point of order to be raised, and Mr. Speaker Randall overruled the point of order, and on appeal was sustained, yeas 139, nays 75.

This illustrates to what an extent the habit of the House had outgrown its rules. As late as 1876<sup>5</sup> the House had refused to receive a bill introduced without the notice and leave; but it seems to have been an exceptional case which escaped the memories of the Speaker and older Members in 1879.

In the revision of 1880<sup>6</sup> the introduction of bills was provided for in section 1 of Rule XXIV, which fixed a call of the States each Monday morning for the introduction without notice or leave of bills, joint resolutions, and memorials. This arrangement continued for ten years, until, in the revision of 1890, the present form of rule was adopted as section 3 of Rule XXII.<sup>7</sup>

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<sup>1</sup>First session Twenty-fifth Congress, *Globe*, p. 34. The committee who made this revision were: Charles F. Mercer, of Virginia; Thomas L. Hamer, of Ohio; George N. Briggs, of Massachusetts; Francis O. J. Smith, of Maine, and Henry A. Muhlenburg, of Pennsylvania.

<sup>2</sup>First session Thirty-sixth Congress, *Globe*, p. 1179.

<sup>3</sup>This is now in section 2 of Rule XVIII.

<sup>4</sup>First session Forty-sixth Congress, *Record*, pp. 425-427.

<sup>5</sup>First session Forty-fourth Congress, *Journal*, pp. 1055, 1056.

<sup>6</sup>Second session Forty-sixth Congress, *Record*, pp. 201, 206.

<sup>7</sup>See House Report No. 23, first session Fifty-first Congress. See section 3364 for form of rule.

There is one important exception which should be noted in the general usage as to bills as outlined above. On May 5, 1870, private bills of a certain class becoming numerous, Mr. Samuel S. Cox, of New York, reported from the Committee on Rules and the House adopted the following:<sup>1</sup>

But the Speaker shall not entertain a motion for leave to introduce a bill or joint resolution for the establishment or change of post routes, and all propositions relating thereto shall be referred under the rule, like petitions and other papers, to the appropriate committee.

On May 16, 1879,<sup>2</sup> Mr. James A. Garfield, of Ohio, from the Committee on Rules, moved that river and harbor bills be referred as were post-route bills. This was agreed to,<sup>3</sup> the object being largely to save printing.

In the revision of 1880 the provisions relating to river and harbor and post-route bills were included as section 5 of Rule XXI, which related to bills, and section 1 of Rule XXII was reported as at present, except that the words in the first clause, "or bills of a private nature," were not included.<sup>4</sup>

In the Fiftieth Congress, on December 21, 1887, Mr. Samuel J. Randall, of Pennsylvania, reported from the Committee on Rules<sup>5</sup> the amendment providing for the filing of private bills in the box at the desk, instead of presenting them in open House on Monday, which was then the day for presentation of bills. The effect of this change, he explained, was that private bills could be presented on any day as well as on Monday. The committee also added the clause that the improper reference of a private bill should not confer jurisdiction, Mr. Randall stating that this was in conformity with the decisions of the House heretofore.<sup>6</sup>

In the following Congress, by the revision of 1890, the principle was extended also to public bills and reports of committees.<sup>7</sup>

Thus the privilege of the Member in the introduction of bills has been broadened gradually, until now there is no check whatever upon it, and the number of bills presented each Congress is far beyond the ability of the House to consider.<sup>8</sup>

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<sup>1</sup> Second session Forty-first Congress, *Globe*, p. 3262.

<sup>2</sup> First session Forty-sixth Congress, *Record*, p. 1394.

<sup>3</sup> On January 5, 1874 (first session Forty-third Congress, *Record*, p. 374), Mr. Garfield had proposed that all bills for the relief of private citizens by name should be filed with the Clerk, but this was not adopted.

<sup>4</sup> Second session Forty-sixth Congress, *Record*, p. 206.

<sup>5</sup> First session Fiftieth Congress, *Record*, p. 147.

<sup>6</sup> This may have been the later practice, but earlier the erroneous reference of the private bill did give jurisdiction. See instance on July 22, 1852, when Mr. Speaker Boyd permitted a private-claim bill to be reported from the Committee on Printing. (First session Thirty-second Congress, *Globe*, p. 1885.)

<sup>7</sup> First session Fifty-first Congress, House Report No. 23.

<sup>8</sup> The following table indicates the number of bills and joint resolutions introduced by Members of the House in the Congresses from 1863 to 1907:

Congress.	Bills.	Congress.	Bills.
Thirty-eighth .....	813	Forty-ninth .....	11,260
Thirty-ninth .....	1,234	Fiftieth .....	12,664
Fortieth .....	2,023	Fifty-first .....	14,033
Forty-first .....	3,091	Fifty-second .....	10,623
Forty-second .....	4,073	Fifty-third .....	8,987
Forty-third .....	4,891	Fifty-fourth .....	10,378
Forty-fourth .....	4,708	Fifty-fifth .....	12,223
Forty-fifth .....	6,549	Fifty-sixth .....	14,339
Forty-sixth .....	7,257	Fifty-seventh .....	17,560
Forty-seventh .....	7,685	Fifty-eighth .....	20,074
Forty-eighth .....	8,290	Fifty-ninth .....	26,154

The following summaries show the proportion of bills reported by committees and passed by the House in the Fifty-eighth and Fifty-ninth Congresses:

HOUSE OF REPRESENTATIVES.

In the Fifty-eighth Congress the totals were as follows:

Number of bills introduced .....	19,209
Number of reports .....	4,904
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Number of bills enacted into laws:	
Public .....	574
Private .....	3,467
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	4,041
Number of resolutions:	
Public .....	72
Private .....	2
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	74

In the Fifty-ninth Congress the totals were as follows:

Number of bills introduced .....	26,154
Number of joint resolutions .....	257
Number of concurrent resolutions .....	62
Number of simple resolutions .....	898
Number of reports .....	8,174
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Number of bills enacted into laws:	
Public—	
First session .....	416
Second session .....	276
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	692
Private—	
First session .....	3,573
Second session .....	2,675
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	6,248
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	6,940
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Number of resolutions agreed to:	
Public—	
First session .....	54
Second session .....	29
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	83
Private, second session .....	1

**3366. A Member may have a bill, resolution, or memorial recorded as introduced “by request.”**

**Form and history of Rule XXII, section 4.**

Section 4 of Rule XXII is:

When a bill, resolution, or memorial is introduced “by request,” these words shall be entered upon the Journal and printed in the Record.

In the revision of 1890<sup>1</sup> this rule was brought into Rule XXII. In the Fiftieth Congress it was Rule XLVII, and provided only for the entry of the words upon the Journal. The rule dates from February 14, 1888.<sup>2</sup>

**3367. The statutes prescribe the form of enacting and resolving clauses of bills and joint resolutions.**

**The statutes prescribe the style of title of all appropriation bills.**

**As to the division of bills into sections and the numbering thereof.**

**Forms of bills and joint resolutions.**

The statutes provide<sup>3</sup> that the style of title of all acts making appropriations for the support of the Government shall be as follows:

“AN ACT Making appropriations [here insert the object] for the year ending June 30 [here insert the calendar year].”

The enacting clause of all acts of Congress hereafter enacted shall be in the following form:<sup>4</sup>

*“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.”*<sup>5</sup>

The resolving clause of all joint resolutions shall be in the following form:

*“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.”*<sup>6</sup>

No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.<sup>7</sup>

And each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.<sup>8</sup>

The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities.<sup>9</sup>

The form of a bill, with title, number, etc., is as follows, after it is printed, at the time of its introduction:

59TH CONGRESS, 1ST SESSION.	}	H. R. 7058.
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IN THE HOUSE OF REPRESENTATIVES.

December 13, 1905.

Mr. FLOYD introduced the following bill; which was referred to the Committee on Military Affairs and ordered to be printed.

<sup>1</sup> See House Report No. 23, first session Fifty-first Congress.

<sup>2</sup> First session Fiftieth Congress, Congressional Record, p. 1188.

<sup>3</sup> Revised Statutes, section 11.

<sup>4</sup> Instance of a bill with a declaratory enacting clause. (Sec. 1506 of Vol. II of this work.)

<sup>5</sup> Revised Statutes, section 7.

<sup>6</sup> Revised Statutes, section 8.

<sup>7</sup> Revised Statutes, section 9.

<sup>8</sup> Revised Statutes, section 10.

<sup>9</sup> Supplement to Revised Statutes, volume 2, p. 349; 28 Statutes at Large, section 55, p. 609.

## A BILL

For the erection of a national sanitarium for disabled volunteer soldiers at Eureka Springs, Arkansas.

1 *Be it enacted by the Senate and House of Representatives of the United States of*  
 2 *America in Congress assembled,* That two hundred thousand dollars be, and the same  
 3 is hereby, appropriated for the erection of a national sanitarium for disabled volunteer  
 4 soldiers at Eureka Springs, Arkansas, etc.

The form of a joint resolution, with title, number, etc., is as follows:

59TH CONGRESS, 2D SESSION. } }	H. J. RES. 211.
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IN THE HOUSE OF REPRESENTATIVES.

January 4, 1907.

Mr. McCLEARY introduced the following joint resolution; which was referred to the Committee on the Library and ordered to be printed.

## JOINT RESOLUTION

Authorizing the transfer of the files, books, and pamphlets of the Industrial Commission.

1 *Resolved by the Senate and House of Representatives of the United States of*  
 2 *America in Congress assembled,* That all official minutes and files of correspondence of the  
 3 Industrial Commission deposited with the Librarian of Congress, etc.

On the backs of the bill and joint resolution, respectively, the following endorsements appear:

59TH CONGRESS, 1ST SESSION. } }	H. R. 7058.
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59TH CONGRESS, 2D SESSION. } }	H. J. RES. 211.
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## A BILL

For the erection of a national sanitarium for disabled volunteer soldiers at Eureka Springs, Arkansas.

By Mr. FLOYD.

December 13, 1905.—Referred to the Committee on Military Affairs and ordered to be printed.

## JOINT RESOLUTION.

Authorizing the transfer of the files, books, and pamphlets of the Industrial Commission.

By Mr. McCLEARY.

January 4, 1907.—Referred to the Committee on the Library and ordered to be printed.

In the first rules of the House the enacting style of bills was prescribed as follows:

*Be it enacted by the Senators and Representatives of the United States in Congress assembled.*

This was adopted April 7, 1789.<sup>1</sup>  
 On April 24 this was rescinded.<sup>2</sup>

<sup>1</sup>First session First Congress, Journal, p. 10 (Gales and Seaton ed.).

<sup>2</sup>Journal, p. 20; Annals, p. 200.

Where a two-thirds vote is required, as in proposing an amendment to the Constitution, it is usual to add to the resolving clause the words "two-thirds of both Houses concurring."<sup>1</sup>

**3368. Forms and conditions of bills making declarations of war.**—On April 25, 1898,<sup>2</sup> Mr. Robert Adams, jr., of Pennsylvania, from the Committee on Foreign Affairs, by unanimous consent, presented the following bill, which was passed without debate or division:

"A bill (H. R. 10086) declaring that war exists between the United States of America and the Kingdom of Spain."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* First. That war be, and the same is hereby, declared to exist, and that war has existed since the 21st day of April, A. D. 1898, including said day, between the United States of America and the Kingdom of Spain.

Second. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry this act into effect.

The act declaring war between the United States and Great Britain was approved June 8, 1812.<sup>3</sup> The bill, on "motion made and leave given," was reported from the House Committee on Foreign Relations<sup>4</sup> by Mr. John C. Calhoun, of South Carolina, on June 3, 1812.<sup>5</sup>

The bill was debated in Committee of the Whole House and reported without amendment on June 4, and on the same day passed the House by a vote of 79 yeas to 49 nays.

The act providing for the prosecution of the existing war between the United States and the Republic of Mexico was approved May 13, 1846. The bill was first reported from the Committee on Military Affairs on January 27, 1846, and was (No. 145) an act to authorize the President, under certain circumstances, to accept the services of volunteers, and for other purposes.<sup>6</sup> In the House on May 11 a motion was made and carried to strike out the first section of the bill and insert a preamble reciting that war existed by the act of Mexico, and a section 1 providing means to enable the "Government of the United States to prosecute said war." On the same day the bill passed, 174 yeas to 14 nays. The title was then amended so as to read "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico." By this title it is to be found in the laws.<sup>7</sup>

**3369. The examination of bills for verbal and technical alterations has been proposed but never adopted by the House as a system.**—On March 20, 1816, Mr. Asahel Stearns, of Massachusetts, proposed a standing committee, whose duty it should be—

carefully to examine all bills which may be reported before they are introduced into the House, to make verbal or technical alterations, or take the same into a new draft if they shall think proper. But

<sup>1</sup> Third session Eleventh Congress, Journal, pp. 210, 215. (Feb. 4, 1811.)

<sup>2</sup> Second session Fifty-fifth Congress, Record, p. 4252.

<sup>3</sup> U. S. Stat. L., first session Twelfth Congress, chap. 102. (2 Stat. L., p. 755.)

<sup>4</sup> Now Foreign Affairs.

<sup>5</sup> First session Twelfth Congress, Journal, pp. 461, 469.

<sup>6</sup> First session Twenty-ninth Congress, Journal, pp. 307, 792, 796.

<sup>7</sup> U. S. Stat. L., first session Twenty-ninth Congress, chap. 16. (9 Stat. L., p. 9.)

they shall not change the principles or provisions of the bill without the consent of the committee who shall have reported the same.

This was to be called the "Committee on the Revision of Bills." The motion was not acted on, and the House has never adopted such a system.

**3370. The relative uses of bills and joint resolutions discussed.**—On May 28, 1846,<sup>1</sup> while the House was discussing a joint resolution giving the thanks of Congress to General Taylor and his soldiers for their achievements on the Rio Grande River, Mr. George Ashmun, of Massachusetts, raised the question of order that the resolution proposed an appropriation. This he did not consider constitutional, appropriations being properly made by a bill. Mr. Jacob Brinkerhoff, of Ohio, cited a precedent in the joint resolution thanking Commodore Perry and his squadron and at the same time giving three months' pay to the privates. The chairman of the Committee of the Whole<sup>2</sup> said that the books were full of precedents where money had been appropriated by joint resolution; but he had always believed that money should not be appropriated except by act or bill. Mr. John Quincy Adams, of Massachusetts, took the same view. The resolution as it passed did not contain the appropriation.

**3371.** On January 27, 1871,<sup>3</sup> in the course of a debate in the Senate, ex-Vice President Hannibal Hamlin, of Maine, said:

When I was a Member of the other House there was no such thing known in legislation as a joint resolution. It is a modern invention. It has the force and effect of law. Why, then, shall not all your laws have the same enacting clause? Why have a joint resolution at all? \* \* \* This thing of a joint resolution requires just as many readings, it has to go through all the stages and processes of legislation that a bill does, and then has the same force of law. Now, why should we have our statutes encumbered with legislation headed by different modes of enactment?

At the same time Mr. Charles Sumner, of Massachusetts, said:

I must say that I agree with the Senator from Maine. The system of joint resolutions, as he says, is a modern innovation, and I think the sooner it is dispensed with the better. The Senator did not refer, however, in his statement to one difficulty or incongruity which that causes. It is in the statute book. You have acts of Congress under two different heads, of "acts" and then of "joint resolutions." And I ask Senators if we do not almost daily experience some difficulty in finding what we want simply from that double arrangement.

Mr. Lyman Trumbull, of Illinois, called attention to the fact that the Constitution provided for resolutions, and in the debate it was concluded that although Congress might by law prohibit resolutions, yet if one House should pass one and the other concur and the President sign it, it would have all the force of law.

**3372.** On March 15, 1871,<sup>4</sup> this matter came up again in the Senate, when the joint resolution of the House (H. Res. 29) to authorize the commissioners to revise the statutes to print their reports was, on motion of Mr. Trumbull, amended by the Senate by changing it to an act. The Senate discussed the subject considerably, and decided that it was time to cease legislating so extensively in two forms.<sup>5</sup>

<sup>1</sup> First session Twenty-ninth Congress, Globe, pp. 878–880.

<sup>2</sup> Linn Boyd, of Kentucky, Chairman.

<sup>3</sup> Third session Forty-first Congress, Globe, pp. 775, 776.

<sup>4</sup> First session Forty-second Congress, Globe, pp. 118, 172.

<sup>5</sup> First session Forty-second Congress, Globe, p. 112.

On March 20, in the House, Speaker Blaine said:

In a conference with the Vice-President, the presiding officer of the Senate, he requested the Chair to announce that the Senate had suggested the exclusion of all joint resolutions, except for special purposes, requiring that all enactments having the force of law shall be in the form of an act. It is proposed that joint resolutions shall be confined to inferior style of legislation as well as to the highest style of legislation, proposing amendments to the Constitution of the United States. \* \* \* The complaint against the present practice comes principally from the legal profession throughout the country. It comes from them more than from any other source. They protest against important legislation under the form of joint resolutions.

Mr. James A. Garfield, of Ohio, added that those searching for legislation were often misled by looking in the acts and not finding what had been enacted in form of joint resolutions.<sup>1</sup>

The House on this day, March 20, concurred in the action of the Senate changing joint resolution No. 29 to an act.

On March 16, 1871, the Senate also changed to an act the House joint resolution (H. Res. 31) granting the right to erect a monument to Professor Morse on a Government reservation; but the Senate afterwards recalled the resolution and receded from the amendment. There was no debate, but it seems evident that the resolution form was appropriate for such legislation.

Again, on March 30, the House concurred in the action of the Senate changing to a bill the joint resolution (H. Res. 28) for the relief of Robert Moir & Co.<sup>2</sup>

**3373.** On January 31, 1876,<sup>3</sup> Mr. Henry B. Anthony, of Rhode Island, called attention to the fact that the Congress was again falling into the habit of legislating too much by joint resolutions, and the matter was discussed somewhat, without action, but with a concurrence of opinion, that the joint resolution should be less used for ordinary matters of legislation.

**3374. A joint resolution may be changed to a bill by amendment.**—On July 9, 1838,<sup>4</sup> the House resolved itself into Committee of the Whole House on the state of the Union to consider the joint resolution of the Senate (No. 2) “authorizing the printing of the Madison Papers.”

In the committee Mr. John Quincy Adams, of Massachusetts, moved an amendment changing the joint resolution into a bill. This amendment was agreed to, and the committee rose and reported the resolution with the amendment.

The amendment was concurred in by the House, and the resolution as amended was passed by the House, and the Clerk was ordered to “acquaint the Senate therewith.”

The same day a message from the Senate announced that it had concurred in the amendment changing the joint resolution into an act.

**3375. A joint resolution is a bill within the meaning of the rules.**—On March 2, 1843,<sup>5</sup> Mr. Cuthbert Powell, of Virginia, from the Committee for the District of Columbia, reported a joint resolution to continue the charter of certain banks in the District of Columbia. The same having been read, Mr. Francis W. Pickens,

<sup>1</sup> Globe, p. 182.

<sup>2</sup> Globe, p. 351.

<sup>3</sup> First session Forty-fourth Congress, Record, p. 756.

<sup>4</sup> Second session Twenty-fifth Congress, Journal, pp. 1310, 1311; Globe, pp. 505, 506.

<sup>5</sup> Third session Twenty-seventh Congress, Globe, p. 384.

of South Carolina, inquired whether this was an original bill of the House or a bill from the Senate. The Speaker having replied that it was an original joint resolution reported from a committee, Mr. Pickens observed that a joint resolution was in the nature of a bill and could not without a suspension of the sixteenth joint rule<sup>1</sup> be sent to the Senate.

The Speaker<sup>2</sup> said that the joint resolution was in fact a bill and, if passed, could not be sent to the Senate without a suspension of the rule.

**3376. Under rules of the House which have now disappeared it was held that a resolution of the House might not by amendment be changed to a joint resolution or a bill.**—On April 30, 1852,<sup>3</sup> Mr. Willis A. Gorman, of Indiana, from the Committee on Printing, to whom was referred the mechanical part of the Patent Office report, with instructions to inquire into the propriety of printing extra copies of the same, reported the following resolution:

*Resolved*, That there be printed for the use of the House of Representatives, 50,000 copies of the mechanical part of the Patent Office report and 3,000 additional copies for the use of the Commissioner of Patents.

After considerable discussion, on May 6, the question was put on a motion which was proposed by Mr. Thomas L. Clingman, of North Carolina, that the resolution be committed to the Committee on Printing, and that they be instructed to report as to general arrangements for the public printing, etc.

Mr. Thomas H. Bayly, of Virginia, moved to amend this by inserting before the same the following:

*Resolved by the Senate and House of Representatives of the United States in Congress assembled.*

The Speaker<sup>4</sup> ruled that this proposition was out of order. Under the rule "every bill" (and joint resolutions were governed by the same rule as bills) "shall be introduced on the report of a committee or by motion for leave," and the effect of an affirmative vote on the motion of the gentleman from Virginia would be to introduce a joint resolution in a different way.<sup>5</sup>

On an appeal the decision was sustained.

**3377. On February 14, 1855,<sup>6</sup> the House was considering a resolution providing for the printing of the report of Commodore Perry's expedition to Japan, when Mr. Solomon G. Haven, of New York, asked if it would not be in order to strike out the body of the resolution and engraft on a bill to accomplish the purpose more effectually.**

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

It would not. This is a simple resolution for the House only, and it can not be converted into a bill. Bills are introduced by leave or by reports from committees.

<sup>1</sup>Joint Rule 16 was: "No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session." The joint rules no longer exist.

<sup>2</sup>John White, of Kentucky, Speaker.

<sup>3</sup>First session Thirty-second Congress, Journal, p. 679; Globe, p. 1275.

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

<sup>5</sup>Since this precedent was made the rules and practice of the House have changed so as to remove entirely the reasons on which the decision was founded. Resolutions and joint resolutions are not introduced in the same way.

<sup>6</sup>Second session Thirty-third Congress, Globe, p. 733.

**3378. Forms of resolving clauses of concurrent resolutions.**—The resolving clause of concurrent resolutions has for many years been in form as follows when the resolutions have originated in the House:

*Resolved by the House of Representatives (the Senate concurring), That, etc.*<sup>1</sup>

Concurrent resolutions originating in the Senate have a resolving clause as follows:

*Resolved by the Senate (the House of Representatives concurring), That, etc.*<sup>2</sup>

These forms are the result of a gradual evolution in the practice.

On February 25, 1828,<sup>3</sup> the Senate sent a resolution to the House with the resolving clause in this form:

*Resolved, That, if the House of Representatives concur, the Senate will, in conjunction with the House of Representatives, attend the funeral of Major-General Brown, etc.*

On December 7, 1843,<sup>4</sup> this form of concurrent resolution was used:

*Resolved (the Senate concurring), That two chaplains, etc., be elected, etc.*

**3379. A concurrent resolution is binding upon neither House until agreed to by both.**—On December 12, 1865,<sup>5</sup> Mr. Speaker Colfax held that a concurrent resolution was binding upon neither House until it had been agreed to by both, for the reason that until both had agreed to it there could be no certainty as to what its exact provisions would be. This was decided in relation to the resolution creating the joint committee on reconstruction.

**3380. The commands of the House should be expressed by an “order.”**  
**Form of ordering word of an order.**

**The House expresses facts, principles, and opinions by “resolutions.”**

Mr. Jefferson, in Section XXI of his Manual, draws a distinction between orders and resolutions.

When the House commands, it is by an “order.” But fact, principles, and their own opinions and purposes are expressed in the form of resolutions.

The form of an order is as follows:

*Ordered, That the Clerk notify the Senate,*<sup>6</sup> etc.

**3381. Decisions as to the effect of the title in controlling the body of an act of Congress.**—In the case of *Patterson v. Bark Eudora* (190 U. S., 169), Mr. Justice Brewer says:

It has been held that the title is no part of the statute and can not be used to set at naught its obvious meaning. The extent to which it can be used is thus stated by Chief Justice Marshall in *United States v. Fisher*. (2 Cranch, 358, 386.)

Neither party contends that the title of an act can control plain words in the body of the statute; and neither denies that, taken with other parts, it may assist in removing ambiguities. Where the

<sup>1</sup>First session Fifty-ninth Congress, Journal, p. 1289.

<sup>2</sup>Journal of House, p. 1280.

<sup>3</sup>First session Twentieth Congress, Journal, p. 349.

<sup>4</sup>First session Twenty-eighth Congress, Journal, p. 41.

<sup>5</sup>First session Thirty-ninth Congress, Globe, p. 32.

<sup>6</sup>First session Fifty-ninth Congress, Journal, p. 1262.

intent is plain, nothing is left to construction. Where the mind labors to discover the design of the legislature, it seizes everything from which aid can be derived; and in such case the title claims a degree of notice and will have its due share of consideration.

In *Cornell v. Coyne* (192 U. S., 430), Mr. Justice Brewer says:

The title of an act is referred to only in cues of doubt or ambiguity.<sup>1</sup>

**3382. A bill reported from a committee in a new draft takes a new number.**—Sometimes a committee to whom a bill has been referred reports it in a new draft. In that case it received a new number. Thus, on February 12, 1841,<sup>2</sup> Mr. Millard Fillmore, of New York, from the Committee on Elections, reported a bill (H. R. 675) regulating the taking of testimony in cases of contested elections. A bill of the same title, but numbered 581, had been introduced by Mr. Fillmore and referred to the Committee on Elections. The title of the new draft was the same, but the number was different.

**3383. The fact that a bill has passed the House does not preclude that body from passing another, not identical bill, on the same subject.**

**The House having been misled in regard to the nature of a bill which it passed, a report on the subject was received as privileged.**

On June 27, 1882,<sup>3</sup> Mr. Horace F. Page, of California, from the Committee on Commerce, submitted the following:

The Committee on Commerce, after careful consideration and investigation, desire to submit the following statement and request to the House:

On Monday, the 19th instant, by unanimous consent, Mr. Reagan, of Texas, representing the Committee on Commerce, moved to suspend the rules and pass House bill (H. R. No. 5669) to regulate immigration. The bill which he offered was handed to him by Mr. Van Voorhis, of New York, and purported to be the bill agreed to by the Committee on Commerce. Mr. Reagan and the members of the Committee on Commerce present were misled in regard to the bill which had passed, they supposing it to be a true copy of the bill agreed to by the committee. The committee recommend and ask that the House, by unanimous consent, do substitute the true bill, now in possession of the committee, for the one passed.

The Journal indicates that this report was presented as a privileged question, and the Speaker<sup>4</sup> in his ruling indicated that he considered it privileged to the extent that it might be presented. But when Mr. Page moved, the bill having been brought back from the Senate, that the action of the House in passing the bill be rescinded, the Speaker held that the motion to rescind could be entertained only by unanimous consent.

The Chair thinks there is no difficulty about this. In the opinion of the Chair, to rescind the action of the House in passing this bill would require unanimous consent. But the Chair agrees with the gentleman from Kentucky, that the fact this bill has passed does not cut off the House from passing any other bill on the same subject; and the Chair thinks, without further action of the House, this bill would remain here and not go back to the Senate. It has gone once there, and having been once recalled, the officers of the House, without the action of the House, would never send it back again.

Thereupon, by unanimous consent, a new bill was presented from the Committee on Commerce.

<sup>1</sup>And he cites *United States v. Fisher* (2 Cranch, 358, 386), *Yazoo and Mississippi R. R. v. Thomas* (132 U. S., 174, 188), *United States v. Ogden, etc.*, R. R. (164 U. S., 526, 541), and *Price v. Forrest* (173 U. S., 410, 427).

<sup>2</sup>Second session Twenty-sixth Congress, Journal, p. 279.

<sup>3</sup>First session Forty-seventh Congress, Journal, p. 1547; Record, p. 5404.

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

**3384. A bill having been rejected by the House, a similar but not identical bill on the same subject was afterwards held to be in order.**—On August 17, 1856,<sup>1</sup> Mr. John Wheeler, of New York, presented a resolution instructing the Committee on Ways and Means<sup>2</sup> to report a bill for the support of the Army in accordance with the text accompanying the resolution. This new bill was drawn up the same as the army bill, which had already failed because of differences between the House and Senate concerning a provision relating to the use of troops in Kansas, with the exception that the proviso relating to Kansas was stricken out, and three appropriations were changed as to amounts.

Mr. Benjamin Stanton, of Ohio, made the point of order that two army appropriation bills had been disposed of this session, one coming over from last session and failing by difference between the Houses, and the other being defeated in the House. The Manual provided that—

In Parliament, a question once carried can not be questioned again at the same session, but must stand as the judgment of the House; and a bill once rejected, another of the same substance can not be brought in again the same session.

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

But one bill for the support of the Army has been introduced at this session of Congress. The second bill came over from the last session. It was not introduced at this session of Congress. One bill introduced at this session of Congress has been defeated, but the bill embraced by the resolution before the House differs from that bill in the very material manner of wanting the proviso, which is the subject matter of controversy between the two Houses. The language of the Manual read by the gentleman—that a bill once rejected, another of the same substance can not be brought in—refers to the provisions of a bill, and not to bills on the same subject. The Chair is of opinion that the resolution is in order.

On August 30 a bill for the support of the Army was reported and passed the House.

It was the old bill, with an amended proviso.

**3385. A resolution laid on the table by the House may be presented again in similar but not identical form.**—On December 19, 1864,<sup>4</sup> Mr. Speaker Colfax held that a resolution which the House had laid on the table might not be presented again, unless one or two words were changed, to make it in fact a different resolution. This was on the occasion of Mr. Henry Winter Davis, of Maryland, presenting a resolution relating to the power of Congress over foreign affairs. The Speaker did not make a formal ruling, but expressed his opinion.

**3386. Where the two Houses pass similar but distinct bills on the same subject it is necessary that one or the other House act again on the subject.**—On April 18, 1906<sup>5</sup> (legislative day of April 17), the House passed the bill (S. 4250) relating to quarantine, with an amendment in the nature of a substitute. The substitute was the text of a bill (H. R. 14316) which the House had passed on April 3 and sent to the Senate. As the Senate had already passed S. 4250 on the same subject and sent it to the House, it was evident that one House or the other would have to take up the subject anew, and as the House had acted

<sup>1</sup> Second session Thirty-fourth Congress, Journal, pp. 1596, 1597, 1617, 1619; Globe, pp. 55, 81.

<sup>2</sup> The Ways and Means Committee then reported the appropriation bills.

<sup>3</sup> Nathaniel P. Banks, of Massachusetts, Speaker.

<sup>4</sup> Second session Thirty-eighth Congress, Globe, p. 66.

<sup>5</sup> First session Fifty-ninth Congress, Record, p. 5392.

on H. R. 14316 while it had S. 4250 in its possession, it seemed proper that the House should take the subject up.

In the second session of the Forty-third Congress, however, on February 3, 1875,<sup>1</sup> the House took up and passed its own civil rights bill (H. R. 796), although the Senate civil rights bill (S. 1) was on the Speaker's table, having come to the House in the preceding session of the Congress.<sup>2</sup> The House civil rights bill passed the House and then was taken up and passed by the Senate.<sup>3</sup> (See also the bills S. 22 and H. R. 2315 in the first session Forty-seventh Congress.)

**3387. A Member who has by unanimous consent presented a bill may withdraw it while the House is dividing on an appeal from a decision relating to a proposed amendment.**—On December 17, 1898,<sup>4</sup> the unanimous consent of the House was granted for the consideration of the bill (H. R. 11186) to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands, which was presented by Mr. Sereno E. Payne, of New York.

To this bill Mr. Thomas C. McRae, of Arkansas, offered an amendment to provide that the law “to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories,” etc., should be extended to the Hawaiian Islands.

Mr. Payne having made the point of order that the amendment was not germane, the Speaker sustained the point of order.

Mr. McRae thereupon appealed, and Mr. Payne moved to lay the appeal on the table. On division there were ayes 65, noes 44.

Mr. McRae demanded the yeas and nays.

Mr. Payne proposed to withdraw the bill.

The Speaker<sup>5</sup> said, a question having arisen:

The previous question has not been ordered and no action has been taken by the House. The Chair thinks the gentleman may withdraw the bill.

The proceedings thereupon fell.

**3388. A bill introduced in a Member's name in his absence was ordered by the House to be removed from the files.**

**The fraudulent introduction of a bill was held to involve a question of privilege.**

On February 6, 1906,<sup>6</sup> Mr. Robert Adams, of Pennsylvania, as a question of privilege, called attention to a resolution of the House in the nature of a resolution of inquiry, purporting to have been introduced on January 27 by Mr. Clarence D. Van Duzer, of Nevada, and stated that Mr. Van Duzer had not been present on that date. Therefore Mr. Adams offered the following:

*Ordered,* That the said resolution, No. 197, be canceled as a resolution of the House, and that the copies in the document room be removed and destroyed.

<sup>1</sup> Second session Forty-third Congress, Record, p. 938.

<sup>2</sup> First session Forty-third Congress, House Journal, p. 1272.

<sup>3</sup> Second session Forty-third Congress, Record, pp. 1012, 1861–1870

<sup>4</sup> Third session Fifty-fifth Congress, Record, pp. 270, 271.

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

<sup>6</sup> First session Fifty-ninth Congress, Record, pp. 2149, 2150.

Mr. John S. Williams, of Mississippi, having questioned the proceeding and debate arising, the Speaker<sup>1</sup> said:

The Chair will suggest that this is a privileged question, there having been no point of order raised against the resolution. The gentleman from Pennsylvania rises in his place to a question of privilege and suggests that what purports to be a record of the House is not a record of the House, and states that the gentleman from Nevada was not present in Washington upon that day. The gentleman from Mississippi states that on the day before—the 26th—having been caught in a railroad wreck he was not here. This seems to have been introduced on the 27th. Now, so far as the Chair is concerned, the Chair does not care, if it is for his information, to have an argument as to whether this question is privileged or not. The House can take such action as it sees proper to take. The Chair will suggest, with the permission of the gentleman from Pennsylvania and of the gentleman from Mississippi, if the House desires to do so, it seems to the Chair that unanimous consent might be given that the motion of the gentleman from Pennsylvania and the resolution purported to be offered or that was offered, as the case may be, by the gentleman from Nevada [Mr. Van Duzer] shall go over until the further action of the House, and no action be taken upon the resolution until the House has acted further as to its consideration. The Chair is of opinion that that amounts to an agreement that a motion to discharge the committee should not be privileged pending the proceedings.

It was so ordered.

On February 27,<sup>2</sup> Mr. Adams called up the order, whereupon Mr. Williams presented the following letter:

PHILADELPHIA, *February 7, 1906.*

MY DEAR MR. WILLIAMS: I note action yesterday regarding a resolution purporting to have been introduced by me.

I will say that I have never seen original or copy of same; that I never authorized, directed, or requested introduction of same; that it was introduced without my knowledge or consent, and am as yet unacquainted with even its purpose or language.

I was detained West by illness of my wife, who at present time is critically ill. I am suffering from effect of injury in a wreck, and have been under physician's care for ten days.

I will write to explain about resolution, so you may take action necessary, if party interests are at all involved.

Yours, very truly,

C. D. VAN DUZER.

Thereupon the order was agreed to by the House.

**3389. The effect of the repeal of a repealing act is regulated by statute.**—The act approved February 25, 1871,<sup>3</sup> provides—

Whenever an act is repealed, which repealed a former act, such former act shall not thereby be revived unless it shall be expressly so provided.

**3390. The Speaker makes it his duty, ordinarily, to object to a request for unanimous consent that a bill may be acted on without being read.**—

On February 11, 1905,<sup>4</sup> Mr. Charles H. Grosvenor, of Ohio, asked unanimous consent for the consideration of the bill H. R. 18200.

The Clerk read as follows:

A bill (H. R. 18200) to amend section 4414 of the Revised Statutes of the United States.

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

<sup>2</sup> Record, p. 3067.

<sup>3</sup> 16 Stat. L., p. 431; section 12, Revised Statutes.

<sup>4</sup> Third session Fifty-eighth Congress, Record, p. 2406.

Mr. Grosvenor then said:

Mr. Speaker, I would like to omit the formal reading of this bill. If gentlemen will look at it they will see that it is only an alteration of the inspection force. Instead of taking them as they are, scattered all over the country at various prices, under the law it simply proposes a uniform classification. It does not change their salary—does not change their compensation.

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

The Chair is of the opinion that the bill ought to be read.

On February 13, 1905,<sup>2</sup> the House was proceeding to consider the bill (H. R. 16187) for the extension of Nineteenth street, when Mr. Joseph W. Babcock, of Wisconsin, said:

Mr. Speaker, I ask unanimous consent that the further reading of this bill be dispensed with for the reason that it is in the exact form of all the bills of this character that have passed the House, and I will yield to the gentleman from Missouri [Mr. Cowherd] to explain its provisions. It does not impose any burden on the Government.

The Speaker said:

It seems to the Chair that bills ought to be read to the House. The Chair will have to object to that request.

Presently the House proceeded to consider the bill (H. R. 16917) to provide for condemning the land necessary for joining Kalorama avenue and Prescott place.

Mr. Babcock said:

Mr. Speaker, I ask unanimous consent that the further reading of this bill be waived, as it is an exact duplicate so far as its provisions of law are concerned with the one just passed. The only difference is in one section, and that is where an appropriation of \$300, made to provide for the expense of condemnation, is paid by the abutting property in the other bill, while in this case the \$300, or so much of it as is necessary, is appropriated and paid by the District. That is the only difference in the two propositions.

The Speaker said:

The Chair finds, or is informed, that heretofore touching this class of bills that where one bill has been read and a statement is made that the formal language of the bill is the same as in the bill that is proposed to be acted upon that the Chair has frequently entertained a request to omit the reading. The Chair did not recollect himself of such a practice, so that the Chair will submit the request to the House. The request is to omit the further reading of the bill upon the statement of the gentleman from Wisconsin. Is there objection? [After a pause.] The Chair hears none.

### **3391. The rule for the reading, engrossment, and passage of bills.**

**The second reading of a bill is in full, the third reading by title unless a Member demand reading in full.**

#### **Form and history of section I of Rule XXI.**

Section I of Rule XXI provides for the reading, engrossment, and passage of bills—

Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a Member, and the question shall then be put on its passage.

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

<sup>2</sup>Record, pp. 2486, 2487.

In the rules of the First Congress, adopted April 7, 1789,<sup>1</sup> it was provided that each bill should receive three several readings in the House previous to its passage, and that no bill should be read twice on the same day without special order. If, after the first reading, opposition should be made, the question was put, "Shall the bill be rejected?" If this question was negatived the bill went to its second reading without a question. By the rule of November 13, 1794,<sup>2</sup> it was provided that after a bill should be ordered to be engrossed the House should appoint the day for the third reading. The commitment of a bill took place after its second reading for many years; but when, in the revision of 1890, the reference of bills by filing them with the Clerk was established, the time of the first and second reading was necessarily deferred until the bills should be taken from the calendars for consideration.

In the revision of 1880 the old rules relating to the reading of bills were modified to the present form.<sup>3</sup>

**3392. In the House amendments are offered to any part of a bill after it is read the second time.**—On June 17, 1902,<sup>4</sup> the bill (H. R. 13679) to amend the act establishing a uniform system of bankruptcy, was taken up for consideration in the House, when Mr. David A. De Armond, of Missouri, interrupted the reading of the bill to make a parliamentary inquiry about the time of presenting amendments.

The Speaker pro tempore<sup>5</sup> said:

The Chair will state to the gentleman that the regular order is to read the bill through. After the bill has been read through, amendments may be offered to any part of it by any gentleman who gets the floor for that purpose. The Clerk will continue the reading.

**3393. A Senate bill may not be amended in the House after it has passed to the third reading.**—On February 1, 1904,<sup>6</sup> the House was considering the bill (S. 2795) to amend an act for the regulation of the practice of dentistry in the District of Columbia, etc.

The bill was read a third time, the previous question not being ordered.

Thereupon Mr. James M. Griggs, of Georgia, proposed an amendment.

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

The Chair is of opinion that the bill is not amendable at this time.

**3394. The amendment of the numbers of the sections of a bill is done by the Clerk.**—On June 13, 1902,<sup>8</sup> the Committee of the Whole House on the state of the Union was considering under the five-minute rule the bill (S. 3057) for the reclamation of arid lands by irrigation, when the Clerk read section 9 of the bill, which by the insertion of a preceding section would become section 10.

Mr. Thomas H. Tongue, of Oregon, rising to a parliamentary inquiry, asked if a vote should not be taken on the committee amendment changing the number of the section.

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<sup>1</sup>First session First Congress, Journal, pp. 9 and 10.

<sup>2</sup>Third and Fourth Congress (Gales & Seaton ed.), Journal, p. 229.

<sup>3</sup>Second session Forty-sixth Congress, Record, p. 206.

<sup>4</sup>First session Fifty-seventh Congress, Record, p. 6938.

<sup>5</sup>John Dalzell, of Pennsylvania, Speaker pro tempore.

<sup>6</sup>Second session Fifty-eighth Congress, Record, p. 1470.

<sup>7</sup>Joseph G. Cannon, of Illinois, Speaker.

<sup>8</sup>First session Fifty-seventh Congress, Record, p. 6777.

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

That is merely to change the number of the section, and under the rule of the House the Clerk is authorized to do that without the vote of the committee.

**3395. A Member may demand the reading in full of the actual engrossed copy of a bill; and although the previous question be ordered the bill, on demand, is laid aside until engrossed.**—On February 27, 1885,<sup>2</sup> the House had passed the sundry civil appropriation bill to be engrossed and read a third time, and the question recurred on the passage of the bill. On that Mr. Samuel J. Randall, of Pennsylvania, demanded the previous question.

Thereupon Mr. John D. White, of Kentucky, demanded the reading of the engrossed bill, quoting section 2<sup>3</sup> of Rule XXI in support of this demand.

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

The Chair has no doubt as to the right of a Member under the express language of the second clause of Rule XXI to demand the third reading of the bill at length before the question is taken on its passage; but the question of practice, as to which the Chair has some difficulty, is whether the Member has a right to demand that the bill shall be actually engrossed before it is read.

There was a practice prevailing at one time, according to the impression of the Chair, to take the printed or manuscript bill and simply indorse it as an engrossed bill. That practice prevailed for a long time in the House according to the present recollection of the Chair, but was afterwards discontinued and the bill was simply read in its original printed form.

Here Mr. Thomas B. Reed, of Maine, stated that in the earlier years of his service in the House the demand for the reading of an engrossed bill required that the bill should be engrossed before it was read. Mistakes were likely to occur in engrossment, and no custom of the House could do away with a principle so essential.

The Speaker said that he had no doubt that the practice in most legislative bodies was as stated by the gentleman from Maine; but, as at this point Mr. Randall moved to suspend the rules to avoid the reading of the engrossed bill, the Speaker continued—

The Chair prefers not to decide the question made by the gentleman from Kentucky [Mr. White] as to his right to have the engrossed bill read at this time; because it is not necessary to do so or to establish a precedent which shall prevail in regard to this matter hereafter. The gentleman from Pennsylvania [Mr. Randall] moves to suspend the rules so as to take the vote on the passage of the bill without having it read a third time at length.

**3396.** On January 26, 1887,<sup>5</sup> the House had ordered the river and harbor appropriation bill to be engrossed and read a third time, when Mr. William P. Hepburn, of Iowa, demanded the reading of the engrossed copy of the bill.

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

The Chair sustains the gentleman. The gentleman has the right to have the engrossed copy of the bill read before the question is taken on its passage. Pending the demand for the previous question, or even after the previous question is ordered, the gentleman has the right to demand the reading of the engrossed bill before the vote is taken.

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

<sup>2</sup> Second session Forty-eighth Congress, Record, p. 2251.

<sup>3</sup> Now section 1 of Rule XXI.

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

<sup>5</sup> Second session Forty-ninth Congress, Record, p. 1062; Journal, p. 388.

**3397.** On April 3, 1896,<sup>1</sup> the House had passed to be engrossed the bill (H. R. 4526) granting a pension to Jonathan Scott.

Mr. C. J. Erdman, of Pennsylvania, demanded the reading of the engrossed copy of the bill.

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

The engrossed copy of the bill, the Chair will state, is not here. \* \* \* The bill will have to be laid aside if demand is made for the engrossed Copy.<sup>3</sup>

**3398.** On February 2, 1852,<sup>4</sup> the House passed to be engrossed and read a third time the bill (H. R. 193) for the relief of Hiram Moore and John Hascall.

The bill was about to be read a third time, when Mr. Alexander Evans, of Maryland, objected to the third reading on the ground that the bill had not actually been engrossed.

The Speaker<sup>5</sup> sustained the objection, and the bill was accordingly left on the Speaker's table.<sup>6</sup>

**3399.** On April 19, 1904,<sup>7</sup> the House had passed to be engrossed and to a third reading the bill H. R. 14749:

A bill to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Thereupon the Clerk read the bill by title.

A question then arose as to the reading of the bill in full, and after some discussion, Mr. John W. Maddox, of Georgia, demanded the reading of the engrossed copy of the bill.

The Speaker<sup>8</sup> said:

The Chair was and still is in doubt, on the third reading of the bill, the demand for the reading of the engrossed bill not having been made until the reading had begun, whether it was not waived. Suppose that the title of the bill having been already read, the third reading had progressed in full until the last section, and then the reading of the engrossed bill should be demanded in lieu of the one read almost universally in practice.

It is not one time in a hundred that the engrossed bill is read, or that the bill has been engrossed, under the practice of the House touching these matters. The third reading of the bill is by its title; and yet it is in the power of any Member to demand the reading of the engrossed bill. That is almost universally waived.

Now, the question in the mind of the Chair is whether the Clerk having commenced to read the bill it is too late to demand the reading of the engrossed bill.

The Chair will resolve the doubt in favor of the privilege of each Member of the House.

Thereupon the Speaker sustained the demand of Mr. Maddox.

<sup>1</sup> First session Fifty-fourth Congress, Record, p. 3540.

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

<sup>3</sup> Also see Record, first session Fifty-second Congress, p. 4586, for a similar ruling.

<sup>4</sup> First session Thirty-second Congress, Journal, p. 302; Globe, p. 442.

<sup>5</sup> Linn Boyd, of Kentucky, Speaker.

<sup>6</sup> Again on August 16 (Journal, p. 1036, Globe, p. 2229) Mr. Speaker Boyd sustained the same objection.

<sup>7</sup> Second session Fifty-eighth Congress, Record, p. 5152.

<sup>8</sup> Joseph G. Cannon, of Illinois, Speaker.

**3400. The right to demand the reading in full of the engrossed copy of a bill exists only immediately after it has passed to be engrossed, and not at later stages.**—On August 10, 1876,<sup>1</sup> the House had under consideration the report of the committee of conference on the river and harbor appropriation bill.

Mr. Benjamin A. Willis, of New York, demanded the reading of the engrossed bill.

The Speaker pro tempore<sup>2</sup> ruled that the demand was not in order.

**3401. A special order does not deprive the Member of his right to demand the reading of the engrossed bill.**—On May 30, 1900,<sup>3</sup> the House proceeded to the consideration of sundry pension bills under the terms of a special order which provided as follows:

The previous question to be considered as ordered on each bill and all amendments thereto to their final passage, and each to be disposed of without intervening motion.

The bill (H. R. 11010) granting an increase of pension to James H. Eastman, having been passed to be engrossed and read a third time, Mr. W. Jasper Talbert, of South Carolina, demanded the reading of the engrossed bill.

Mr. Charles H. Grosvenor, of Ohio, made the point that this demand was not in order under the terms of the special order.

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

The Chair understands the gentleman from South Carolina to insist on his demand. On the point of order from the gentleman from Ohio the Chair is clearly of opinion that it is the right of any Member to demand the reading of the engrossed bill. This is not a motion excluded by the rule adopted yesterday; it is simply a demand which the rules clearly give any Member the right to make. The question has been repeatedly so ruled on.

**3402. A bill having been read a third time by title and the yeas and nays being ordered on the passage, it is too late to demand the reading in full of the engrossed copy.**—On June 13, 1892,<sup>5</sup> the bill (H. R. 9172) to incorporate the Washington and Great Falls Electric Railway Company was ordered to be engrossed, was read a third time by title, and the question was put, "Shall the bill pass?"

On this question the yeas were 128, the nays 18, not voting 183. No quorum appearing, a call of the House was ordered.

A quorum having appeared and proceedings under the call having been dispensed with, the question was again put on the passage of the bill.

Mr. Louis E. Atkinson, of Pennsylvania, demanded that the engrossed bill be read in full.

Objection being made to said demand,

The Speaker pro tempore<sup>6</sup> decided that the bill having been read by its title the third time pursuant to the rule the right to have the engrossed bill read had been waived, and after the yeas and nays had been ordered on the passage of the bill it was too late to demand that the bill be again read at length.

<sup>1</sup> First session Forty-fourth Congress, Journal, p. 1423.

<sup>2</sup> William M. Springer, of Illinois, Speaker pro tempore.

<sup>3</sup> First session Fifty-sixth Congress, Record, pp. 6251, 6252.

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

<sup>5</sup> First session Fifty-second Congress, Journal, p. 225.

<sup>6</sup> Alexander M. Dockery, of Missouri, Speaker pro tempore.

**3403. The reading in full of the engrossed copy of a bill should be demanded before it has been read a third time by title.**—On December 21, 1854,<sup>1</sup> the House was considering the bill (H. R. 445) to reorganize the courts of the District of Columbia, and to reform and improve the laws thereof.

The bill having been ordered to be engrossed and read a third time, and having been read a third time and the previous question on the passage having been demanded, Mr. Nathaniel G. Taylor, of Tennessee, raised the question of order that the bill had not been engrossed.

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

The Chair will state to the gentleman from Tennessee that the point of order in reference to the engrossment of the bill, in his opinion, comes too late. By the rules of the House after a bill has been ordered to be engrossed and read a third time it must be engrossed—if the question is raised—before it can be read a third time. But in the present instance the bill was read the third time before objection in reference to its engrossment was raised. The Chair will therefore rule that the objection comes too late, and that the bill having received its third reading may be put upon its passage without reference to its engrossment.

**3404.** On December 11, 1882,<sup>3</sup> the House had passed to be engrossed and the Clerk had read a third time the bill (H. R. 6229) to provide for the collection of taxes in the District of Columbia.

Mr. Emory Speer, of Georgia, made the point of order that the bill had not in fact been engrossed.

The Speaker<sup>4</sup> held that as the bill had been read a third time the point of order came too late.

**3405. A bill having been ordered to be engrossed and read a third time, a privileged motion was not permitted to intervene before the third reading.**—On June 23, 1852,<sup>5</sup> the bill (H. R. 280) making grants of land to aid in the construction of railroads, and for other purposes, having been ordered to be engrossed and read a third time, and being engrossed, the Clerk was about to read it a third time, when Mr. George W. Jones, of Tennessee, moved that the House resolve itself into Committee of the Whole House on the state of the Union.

The Speaker<sup>6</sup> decided that the motion was not in order, on the ground that the House had ordered the pending bill to be engrossed and read a third time, and, having been engrossed, it must now be read the third time, to the exclusion of any motion. He stated further that if a motion could be made at this time he must first entertain the motion of the gentleman from New York [Mr. Henry Bennett], who had first risen and submitted an equally privileged motion, but which had been decided to be out of order until the bill had been read a third time.

Mr. Jones having appealed, the appeal was laid on the table, on motion of Mr. Alexander H. Stevens, of Georgia.

**3406. The vote on the passage of a bill was reconsidered in order to remedy the omission to read it a third time.**—On June 27, 1834,<sup>7</sup> the House

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<sup>1</sup> Second session Thirty-third Congress, Globe, p. 124.

<sup>2</sup> Thomas S. Bocoek, of Virginia, Speaker pro tempore.

<sup>3</sup> Second session Forty-seventh Congress, Record, p. 196.

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

<sup>5</sup> First session Thirty-second Congress, Journal, p. 832; Globe, p. 1603.

<sup>6</sup> Linn Boyd, of Kentucky, Speaker.

<sup>7</sup> First session Twenty-third Congress, Journal, p. 863.

was considering, the bill (S. 203) "for the benefit of the city of Washington," and the question "Shall the bill pass?" being put, was decided in the affirmative, yeas 97, nays 78.

At this stage of the proceedings the Speaker<sup>1</sup> rose and suggested to the House that doubts were entertained by many Members whether the said bill had been by a vote of the House ordered to be read a third time; that these doubts had been informally communicated to him; that, according to his recollections of the proceedings in a former part of the day, a vote of the House had been taken, whereby the bill was ordered to be read a third time, but that the Clerk, upon an examination of his minutes, did not find an entry of the fact. Under these circumstances the Speaker wished the House to decide whether the bill should be considered passed or not.

Thereupon a motion was made by Mr. John Quincy Adams, of Massachusetts, that the House do reconsider the vote on the passage of said bill. This motion being agreed to, the question "Shall the bill be read a third time?" was put and decided in the affirmative. Then the bill was passed.

**3407. In the consideration of amendments on a bill pending between the two Houses it is not necessary to read the entire bill when the amendments come up for action.**—On March 2, 1897,<sup>2</sup> Mr. David B. Henderson, of Iowa, called up the bill (S. 3538) relating to the court of appeals for the District of Columbia, which the House had amended and on which the Senate had disagreed to the amendment and asked a conference.

The Clerk having proceeded to read the bill, Mr. Joseph W. Bailey, of Texas, suggested that it was unnecessary to read the bill and asked unanimous consent to dispense with it.

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

The Clerk will read the amendment. Strictly speaking, the bill has not to be read, except for the information of the House.

**3408. A bill or resolution must be considered and voted on by itself.**—On May 8, 1900,<sup>4</sup> the House was considering a report from the Committee on Ways and Means on House Resolutions Nos. 226 and 229, both relating to the same subject, viz, inquiry of the Secretary of the Treasury as to certain returns made by manufacturers of oleomargarine.

The committee returned the two resolutions with a single report, which recommended that they lie on the table.

Mr. James A. Tawney, of Minnesota, raised a question as to a separate vote on each resolution.

The Speaker<sup>5</sup> held that the resolutions would have to be considered and voted on separately.<sup>6</sup>

<sup>1</sup> John Bell, of Tennessee, Speaker.

<sup>2</sup> Second session Fifty-fourth Congress, Record, p. 2653.

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

<sup>4</sup> First session Fifty-sixth Congress, Record, p. 5286.

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

<sup>6</sup> It seems evident, also, that a committee may not return two distinct resolutions to the House with a single report, if objection be made. To return a number of bills with a single report would be manifestly improper, and the rule makes no distinction between bills and resolutions.

**3409. A bill which has been read in full and considered in Committee of the Whole does not require to be read in full again when taken up for action in the House.**—On February 8, 1899,<sup>1</sup> the House proceeded to the consideration of the bill (H. R. 10969) for the erection of a public building in the city of Blair, Nebr., which had been considered in Committee of the Whole House on the state of the Union and reported therefrom with a favorable recommendation. The title having been read, the question was put on ordering the previous question.

Mr. James D. Richardson, of Tennessee, made the point of order that the bill should be read.

The Speaker<sup>2</sup> said that it would be read, if demanded, after being ordered to be engrossed and read a third time; but that it was not the custom to have the bill read upon being reported from the Committee of the Whole, as was shown by the usage in regard to appropriation bills.

Later on the same day the same question was raised by Mr. Alexander M. Dockery, of Missouri, on the bill (S. 1273) for a public building at Altoona, Pa.

The Speaker held:

The Chair thinks the bill has been read the proper number of times. The House is entitled to the reading of the amendments, because the House committed the bill to the committee, and it has reported it back with amendments. The bill has been technically read a first and second time.

**3410.** On February 28, 1899,<sup>3</sup> the House was considering a series of bills for the construction of public buildings, reported favorably from the Committee of the Whole House on the state of the Union on a former day. The bill (H. R. 10962) for the construction of a public building at Joliet, Ill., having been called up, Mr. Alexander M. Dockery, of Missouri, demanded as a matter of right that the bill be read.

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

The Chair would be very glad to have any suggestion from any Member, and, without undertaking to rule upon the question generally, the Chair will give his idea about the present situation, which is that a bill, when it comes up for consideration, after being reported from the Committee of the Whole, and having been read in Committee of the Whole, has not within my recollection been again read as of right in the House.<sup>3</sup>

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<sup>1</sup>Third session Fifty-fifth Congress, Record, pp. 1614, 1634.

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

<sup>3</sup>Third session Fifty-fifth Congress, Record, p. 2581.

<sup>4</sup>On April 30, 1906 (First session, Fifty-ninth Congress, Record, pp. 6129, 6130), in the Senate a discussion arose as to the practice of the Senate in relation to amending bills.

Mr. John T. Morgan, of Alabama, said: "The universal usage in the parliamentary bodies of England and the United States is that a bill, after it has been read, shall be taken up by sections for amendment, and each section passed upon, and the amendments thereto discussed, considered, and voted upon. I am perfectly willing that that rule shall be observed so far as I am concerned. That, of course, terminates general debate, as we call it, whenever we agree to take up the bill for amendment, read the sections from first to last consecutively, and call for amendments to each section as it is reached. That will terminate the general debate. Then, if Senators want a limitation upon the time for the discussion of the amendments, respectively, as they are presented, the Senate can agree upon that, of course.

"But I venture to suggest that when we have a motion to lay on the table, which cuts off debate, that it is quite easy to dispose of all amendments by that motion. If they are laid on the table, they are ended, and if they are kept up for consideration by refusal to lay on the table then we understand that that is an important matter upon which a vote by yeas and nays is going to be taken. I think there

**3411. When a bill is considered for amendment the preamble is taken up after the body of the bill has been gone through.**—Jefferson's Manual, in Section XXVI, says:

When a bill is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is that, on consideration of the body of the bill, such alterations may therein be made as may also occasion the alteration of the preamble.<sup>1</sup>

**3412. A bill sometimes has a preamble.**—A bill sometimes begins with a preamble, as for instance, the act declaring war against Mexico passed by the House on May 11, 1846.<sup>2</sup>

**3413.** On March 2, 1905,<sup>3</sup> the bill (H. R. 19203) to provide for celebrating the birth of the American nation—the first permanent settlement of English-speaking people on the Western Hemisphere—by the holding of an international naval, marine, and military celebration in the vicinity of Jamestown, on the waters of Hampton Roads, in the State of Virginia; to provide for a suitable and permanent

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is ample power in the Senate in the use of that motion to control the time upon the discussion of amendments, and it ought to be freely resorted to. No Senator ought to feel at all discommoded or sensitive because another Senator chooses to try to bring debate to a close by a motion to lay on the table. If we go at it in that way, the only thing, it seems to me, that is necessary to be done is to recognize that rule and to agree on a day when we will take up the bill to be considered, section by section, with the amendments thereto."

Mr. ALDRICH. Two or three suggestions have been made, one by the Senator from Georgia and another by the Senator from Iowa, that we take up the bill in proper order. The custom of the Senate is that when a bill is reported it is read for amendments. The committee amendments are acted upon first. If there are no committee amendments, as there are none in this case, amendments are offered to the bill generally. Of course you can not preclude a Senator from offering an amendment to the first section after all the sections have been read. Amendments are not only in order after that time, but they are in order in the Senate. That has been the parliamentary rule.

So I see no particular value in the suggestion that we agree to follow that course—that is, that after the bill has been read through, section by section, any amendment shall be in order to any section of the bill, and that when one is offered to the first section and is disposed of, we will, in like manner, go through the whole twenty sections, or whatever number of sections there are, and after the twentieth section has been disposed of any Senator may offer an amendment to the first section. I can see no particular good in getting an agreement of that kind because that is the course which we would necessarily follow.

Mr. ALLISON. The Senator will see that there being sixty or seventy amendments unless we proceed reasonably in order it will take a long time. Of course a Senator can withhold his amendment until we get through with the reading of the bill in the Senate. But my suggestion was for an orderly proceeding, not that I sought in any way to cut off anyone. That I know could not be done, and there is no disposition to do it.

Mr. ALDRICH. I have no objection to taking up the bill by sections, and disposing of as many amendments as possible from time to time, understanding all the time that any amendment is in order to the bill, as it always has been under the practice of the Senate and as it is under the rule of the Senate, until the bill is finally passed to a third reading.

Mr. FRYE. An amendment is in order now. An amendment is in order any day and at any hour.

Mr. ALDRICH. I understand that. So when we talk about parliamentary practice and the rules of the Senate, they are not very orderly and never have been in the consideration of amendments.

<sup>1</sup> See Journal, p. 89, January 7, 1903 (Second session Fifty-seventh Congress), for fine illustration of mode of disposing of preamble.

<sup>2</sup> First session Twenty-ninth Congress, Journal, p. 792; Globe, p. 795.

<sup>3</sup> Third session Fifty-eighth Congress, Record, pp. 3889–3896.

commemoration of said event, and to authorize an appropriation in aid thereof, and for other purposes, was passed in the House in form as follows:

Whereas it is desirable to commemorate in a fitting and appropriate manner the birth of the American nation—the first permanent settlement of English-speaking people on the American continent—made at Jamestown, Va., on the 13th day of May, 1607, in order that the great events of American history which have resulted therefrom may be accentuated to the present and future generations of American citizens; and

Whereas that section of the Commonwealth of Virginia where the first permanent settlement was made conspicuous in the history of the American nation by reason of the vital and momentous events which have there taken place in the colonial, Revolutionary, and civil war eras of the nation, including not only the first permanent settlement of English-speaking people but also the scene of the capitulation of Lord Cornwallis at Yorktown and the scene of the first naval conflict between armor-clad vessels, the *Monitor* and *Merrimac*: Therefore,

*Be it enacted, etc.*, That there shall be inaugurated in the year 1907, on and near the waters of Hampton Roads, in the State of Virginia, as herein provided, an international naval, marine, and military celebration, beginning May 13 and ending not later than November 1, 1907, etc.

On the same day the bill passed the Senate and became a law.

**3414. The preamble of a bill or joint resolution may be agreed to most conveniently after the engrossment and before the third reading.**—On April 13, 1898,<sup>1</sup> the House was considering the joint resolution authorizing and directing the President of the United States to intervene to stop the war in Cuba.

The resolution having been passed to be engrossed, Mr. Robert Adams, jr., of Pennsylvania, asked for the previous question on the adoption of the preamble, and, the previous question having been ordered, the preamble was agreed to under the operation thereof.

Then the Speaker<sup>2</sup> announced that the third reading of the joint resolution would take place.

**3415. The House has adjourned pending the question on the title of a bill.**—On August 4, 1856,<sup>3</sup> when the bill (S. 68) relating to French spoliation claims was before the House, the bill was passed, and a motion to reconsider the vote on the passage was taken and decided in the negative. Thereupon, the title was read, and the question was stated: “Will the House agree thereto?”<sup>4</sup>

Pending the question, the House adjourned. On the next day the House resumed consideration of the title, and the motion was agreed to.

**3416. Procedure for amendment of the title when the bill is considered in the House as in Committee of the Whole.**—On February 19, 1906,<sup>5</sup> the House considered, in the House as in Committee of the Whole, the bill (H. R. 12864) to provide for the purchase of certain coal lands in the Philippine Islands, etc. After the last section of the bill had been read for amendment under the five-minute rule, the Clerk read as follows:

Amend the title so as to read: “A bill to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands, and for the purpose of securing a local coal supply to the Government of the United States and to the government of the Philippine Islands.”

<sup>1</sup> Second session Fifty-fifth Congress, Record, p. 3820.

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

<sup>3</sup> First session Twenty-ninth Congress, Journal, pp. 1223, 1224; Globe, p. 1195.

<sup>4</sup> No question is ordinarily taken on the title unless there be an amendment thereto.

<sup>5</sup> First session Fifty-ninth Congress, Record, p. 2693.

Mr. Henry A. Cooper, of Wisconsin, offered as an amendment a substitute, as follows:

Amend the title so as to read: "A bill to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands."

The substitute was agreed to, the amendment as amended by the substitute was agreed to, and then the bill was ordered engrossed, read a third time, and passed.

So, under this procedure, the title was amended before the final passage.

**3417. When a bill passes the House the Clerk certifies the fact at the foot thereof.**—In 1836<sup>1</sup> the House had this rule:

96. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

This rule was adopted at an earlier period, and continued until later; and the Clerk still certifies in this way on the engrossed copy. Section 3 of Rule III requires the Clerk to "certify to the passage of all bills and joint resolutions," but the present form of the rule does not specify further as to the manner of certifying. This certification should be distinguished from the certification made on the back of the enrolled bill in accordance with the provisions of a former joint rule.

**3418. Senate bills are sometimes laid on the table in the House.**—On May 5, 1876,<sup>2</sup> a Senate bill (S. 2) was reported by a House committee with an adverse recommendation and laid on the table.

**3419.** On February 22, 1879,<sup>3</sup> on motion of Mr. James A. Garfield, of Ohio, the bill (H. R. 805) to repeal the third section of the resumption act, which had been returned from the Senate with amendments, was laid on the table, by a vote of yeas 141, nays 110.

**3420. The question on the engrossment and third reading being decided in the negative, the bill is rejected.**—On April 21, 1838,<sup>4</sup> the House was considering the bill (No. 121) for the relief of the legal representatives of Dr. Philip Turner, and the question was put: "Shall the bill be engrossed and read a third time?"

There were in the affirmative yeas 75, nays 76.

"And so the said bill was rejected," is the entry in the Journal after this vote.

**3421.** A refusal of the House to order a bill to be engrossed is a rejection, and one of the old Journals has after an entry of a refusal to order to engrossment these words, "And so the said bill was rejected."<sup>5</sup>

**3422. One House having rejected a bill of the other, the fact was made known by message.**<sup>6</sup>—On July 16, 1840,<sup>7</sup> a message from the Senate announced that that body had rejected the bill of the House (No. 465) entitled "An act to continue the corporate existence of certain banks in the District of Columbia."

<sup>1</sup> See Journal, p. 1399, first session Twenty-fourth Congress.

<sup>2</sup> First session Forty-fourth Congress, Record, p. 3008.

<sup>3</sup> Third session Forty-fifth Congress, Journal, p. 498.

<sup>4</sup> Second session Twenty-fifth Congress, Journal, p. 810.

<sup>5</sup> May 6, 1822. (First session Seventeenth Congress, Journal, p. 566.)

<sup>6</sup> This notification is required by one of the former joint rules. See section 3430 of this chapter.

<sup>7</sup> First session Twenty-sixth Congress, Journal, p. 1287.

The Senate having rejected the bill of the House (H. R. 380) for the removal of legal and political disabilities the House was notified of the fact by message on February 12, 1872.<sup>1</sup>

**3423. Instance wherein the House, having stricken out the enacting clause of a Senate bill, informed the Senate that they had rejected the bill.**—On May 22, 1830,<sup>2</sup> in the Senate, a message was received from the House of Representatives announcing that they had “rejected the bill from the Senate entitled ‘An act for the relief of John Edgar.’”

On May 21<sup>3</sup> the enacting clause of this bill had been stricken out in the House.

**3424. Discussion as to the cases in which an unfavorable disposition of a bill by one House is to be messaged to the House in which it originated.**—In the first session of the Forty-seventh Congress the House passed the bill (H. R. 5656) to amend the laws relating to the entry of distilled spirits, etc., and it went to the Senate, where it was amended, considered, and indefinitely postponed.<sup>4</sup> At the next session of Congress the Senate recommitted the bill<sup>5</sup> and afterwards it was reported and passed. But the Record shows that at the time the motion to postpone indefinitely was carried a motion to reconsider was entered, and this motion to reconsider was voted on and decided affirmatively before the motion to recommit was made.<sup>6</sup>

The House Journal shows that when the Senate postponed the bill indefinitely it did not send a message to the House.

**3426. The House may not consider a Senate bill unless in possession of the engrossed copy; but may at once direct that the Clerk request a, duplicate engrossed copy of the bill.**—On February 28, 1907,<sup>7</sup> Mr. William E. Humphrey, of Washington, moved to suspend the rules, discharge the Committee on the Merchant Marine and Fisheries from further consideration of the bill (S. 1462) for the establishment of fish-cultural stations on Puget Sound, and pass the same.

A second was ordered, and, after debate, the question was about to be when the Speaker<sup>8</sup> said:

The Chair will state that search has been made in the files of the Committee on the Merchant Marine and Fisheries and the bill is misplaced or lost.

Thereupon Mr. Humphrey offered the following:

*Ordered,* That the Clerk be directed to request the Senate to send to the House a duplicate engrossed copy of the bill (S. 1462) to establish one or more fish-cultural stations on Puget Sound, State of Washington, the original having been lost.

Thereupon Mr. James R. Mann, of Illinois, rising to a parliamentary inquiry, asked:

Is it in order on the motion to suspend the rules to consider a Senate bill without the engrossed copy of the bill?

<sup>1</sup> Second session Forty-second Congress, Journal, p. 333.

<sup>2</sup> Second session Twenty-first Congress, Senate Journal, p. 320.

<sup>3</sup> House Journal, p. 690.

<sup>4</sup> First session Forty-seventh Congress, Record, p. 4939.

<sup>5</sup> Second session Forty-seventh Congress, Record, p. 351.

<sup>6</sup> Second session Forty-seventh Congress, Record, pp. 351, 352.

<sup>7</sup> Second session Fifty-ninth Congress, Record, pp. 4257–4260.

<sup>8</sup> Joseph G. Cannon, of Illinois, Speaker.

The Speaker replied:

Certainly not. In other words, it is in order to make the motion to discharge the committee from further consideration of the bill, and the motion which has been made is in order. Debate has been in order, but at the close of the debate, after the bill has been searched for on the files of the committee, and does not materialize, the vote can not be taken; the House can not act upon a bill of which it does not have manual possession.

The order proposed by Mr. Humphrey was then agreed to.

Later, on the same day, a message from the Senate transmitted the duplicate engrossed copy of the bill, and the vote was taken on the motion pending.

**3426. The House directed the return of a Senate bill not attested by the Secretary.**—On January 11, 1838,<sup>1</sup> Mr. Ratliff Boon, of Indiana, from the Committee on the Public Lands, reported the following resolution, which was agreed to by the House:

*Resolved*, That a message be sent to the Senate, returning the bill (No. 5) entitled “An act to authorize the States to tax any lands within their limits sold by the United States,” sent to this House by that body, and informing them that the same is without the usual attestation of their Secretary, according to the fifth of the joint rules of the two Houses.<sup>2</sup>

**3427. The Secretary of the Senate having omitted to sign certain engrossed Senate bills before they were sent to the House, he was admitted to affix his signature.**—On July 5, 1838,<sup>3</sup> on motion of Mr. Elisha Whittlesey, of Ohio, it was—

*Ordered*, That the Secretary of the Senate be admitted to affix his signature to Senate bills numbered 88, 198, 234, and 275, and Senate Resolution No. 2, which were delivered to this House by said Secretary without his signature, which is required by the fifth joint rule.

**3428. The rules of the House do not require the report of a committee as to the accuracy of the engrossed copy of a bill.**—On August 23, 1890,<sup>4</sup> Mr. William E. Mason, of Illinois, made the point of order that the engrossed copy of the bill (H. R. 11568) defining lard and imposing a tax and regulating the sale, etc., of compound lard, which was being read, had not been compared, and that no committee had reported it as correctly engrossed.

The Speaker pro tempore<sup>5</sup> overruled the point of order on the ground that no ruler, of the House required its comparison and report by a committee, and that, the engrossment being by the Clerk of the House, the presumption was that the bill was correctly engrossed.

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

**3429. The rule and practice as to the enrolling and signing of bills and their presentation to the President.**

**Enrolled bills are signed first by the Speaker, then by the President of the Senate.**

<sup>1</sup> Second session Twenty-fifth Congress, Journal, p. 254.

<sup>2</sup> The joint rules are no longer in force, but the practice of attesting bills in this manner prevails still.

<sup>3</sup> Second session Twenty-fifth Congress, Journal, p. 1244.

<sup>4</sup> First session Fifty-first Congress, Journal, p. 984; Record, p. 9104.

<sup>5</sup> Lewis E. Payson, of Illinois, Speaker pro tempore.

<sup>6</sup> On November 20, 1820, the House disagreed to a proposition for a rule creating a committee on engrossed bills. (Second session Sixteenth Congress, Journal, pp. 21, 24.)

**Enrolled bills are presented to the President by the committee of enrollment.**

**Notice of the signature of a bill by the President is sent by message to the House in which it originated, and that House informs the other.**

**An enrolled bill, when signed by the President, is deposited in the office of Secretary of State.**

Jefferson's Manual, in Section LXVIIH, provides:

When a bill has passed both Houses of Congress the House last acting on it notifies its passage to the other, and delivers the bill to the Joint Committee of Enrollment,<sup>1</sup> who see that it is truly enrolled in parchment. When the bill is enrolled it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery.<sup>2</sup> (9 Grey, 143.) It is then put into the hands of the Clerk<sup>3</sup> of the House of Representatives to have it signed by the Speaker.<sup>4</sup> The Clerk then brings it by way of message to the Senate<sup>5</sup> to be signed by their President. The Secretary of the Senate return it to the Committee of Enrollment, who presents it to the President of the United States. If he approve, he signs, and deposits it among the rolls in the office of the Secretary of State, and notifies by message the House in which it originated that he has approved and signed it; of which that House informs the other by message.

**3430. The printing, enrolling, signing, and certification of bills on their passage between the two Houses are governed by usages founded on former joint rules.**

**The certification and presentation of enrolled bills to the President is governed by usage founded on former joint rules.**

**The Committee on Enrolled Bills reports, for entry on the Journal, the date of presentation of bills to the President.**

**History of certain of the joint rules and their abrogation in 1876.**

From a very early date<sup>6</sup> the House and Senate had joint rules, a large portion of which related to the handling of bills; and although they have since been allowed to lapse, the usages instituted by them remain. These rules relating to bills are:

<sup>1</sup>A bill passed before the appointment of the Committee on Enrolled Bills is enrolled by the Clerk and presented directly to the Speaker for his signature. (See Journal, p. 17, first session, Fifty-second Congress, December 23, 1891.)

<sup>2</sup>Under the law as to enrolling bills by printing this regulation as to paragraphs is not observed. Bills which originate in the House are enrolled by the enrolling clerk of the House, while those originating in the Senate are enrolled under direction of that body.

<sup>3</sup>The chairman of the Committee on Enrolled Bills certifies the bills as correctly enrolled. Formerly he made this report from his place on the floor (see Globe, p. 375, first session Thirty-third Congress), but now he lays the bills, each with his certificate as to its correctness, on the Speaker's table, to be placed before the House and signed by the Speaker.

<sup>4</sup>The signing by the Speaker of the House of Representatives and by the President of the Senate in open session of an enrolled bill is an official attestation by the two Houses of such bill as one that has passed Congress. When approved by the President and deposited in the State Department according to law, its authentication is completed and unimpeachable. (*Field v. Clark*, April 15, 1892, 143 United States Supreme Court Reports, p. 649.)

<sup>5</sup>In the early days of the House the chairman of the Committee on Enrolled Bills took the message to the Senate (see first session Twelfth Congress, Annals, p. 203); but under the present practice the Clerk, or one of his assistants, takes all enrolled bills signed by the Speaker (whether House or Senate bills) and conveys them to the Senate as a message from the House. As all enrolled bills are signed first by the Speaker, the Senate Committee on Enrolled Bills send their bills to the House Committee on Enrolled Bills, who report them to the House for signature as they report House bills. These Senate bills bear a certificate from the chairman of the Senate Committee on Enrolled Bills.

<sup>6</sup>The joint rules were agreed to November 13, 1794, but many of them antedated even that time. (First session Third Congress, Journal, pp. 230, 231.)

While bills are on their passage between the two Houses they shall be on paper and under the signature of the Secretary or Clerk of each House, respectively.<sup>1</sup>

After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.<sup>1</sup>

When bills are enrolled they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.<sup>2</sup>

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.<sup>3</sup>

After a bill shall have been thus signed in each House it shall be presented by the said committee to the President of the United States for his approbation (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate), and shall be entered on the Journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the Journal of each House.<sup>3</sup>

All orders, resolutions, and votes which are to be presented to the President of the United States for his approbation shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee as provided in the cases of bills.<sup>3</sup>

When a bill or resolution which shall have passed in one House is rejected in the other notice thereof shall be given to the House in which the same shall have passed.<sup>4</sup>

Each House shall transmit to the other all papers on which any bill or resolution shall be founded.<sup>5</sup>

No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of a session.<sup>5</sup>

No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session.<sup>6</sup>

The joint rules of the two Houses were allowed to lapse because of complications arising in 1876 as to the twenty-second rule, relating to the electoral count. In 1876 the Senate examined carefully the joint rules, their origin, nature, and effect<sup>6</sup> and on January 22 sent to the House a concurrent resolution adopting the joint rules in force in the previous Congress except the twenty-second.<sup>7</sup> The House referred the resolution to the Committee on Rules," and no further action was taken in relation thereto. On August 12, near the end of the session, the House as usual

<sup>1</sup>This rule dates from July 27, 1789. (First session First Congress, Journal, p. 67; Annals, pp. 58, 59, 698.)

<sup>2</sup>This rule dates also from July 27, 1789; but was amended as to the size of the Senate portion on February 1, 1826. (2d sess. 19th Cong., Journal, p. 230.) The committee has ceased to be regarded as a joint committee, each House having now its own standing committee. In the House it numbers seven and in the Senate three.

<sup>3</sup>Dates from July 27, 1789.

<sup>4</sup>Dates from June 10, 1790. (First session Second Congress, Annals, p. 1024.)

<sup>5</sup>Dates from January 30, 1822. (first session Seventeenth Congress, Journal, p. 203; Annals, p. 832.) These two rules were often suspended during their existence, and since they have lapsed no usage has continued from them, as in the case of the other joint rules relating to bills.

<sup>6</sup>For this discussion see first session Forty-fourth Congress, Record, pp. 220, 309, 517, 1020, 1024.

<sup>7</sup>Journal of House, p. 239; Record, pp. 552.

<sup>8</sup>Journal, p. 318; Record, p. 835.

sent to the Senate a concurrent resolution abrogating the joint rules making a time limit on the passage of bills and their transmittal to the President.<sup>1</sup> The Senate in response sent a message announcing that as the House had not notified the Senate of the adoption of joint rules, as proposed by the resolution of the Senate of January 20, there were no joint rules in force.<sup>2</sup> Since then no joint rules have been recognized.<sup>3</sup>

**3431. The chairman of the Committee on Enrolled Bills reports daily the enrolled bills presented to the President of the United States for approval.**—On February 14, 1902<sup>4</sup> Mr. Frank C. Wachter, of Maryland, from the Committee on Enrolled Bills, reported that they had this day presented certain specified enrolled bills to the President of the United States for his approval.

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

The Chair will state for the information of the House that a new system has been inaugurated and is now carried out by the Committee on Enrolled Bills whereby a report is made as to the time when a bill goes to the President, so that it will go on record and Members can see when the time for the return of a bill from the President has elapsed. This is an old system, but has been out of use for some time.<sup>6</sup>

**3432. In early days a joint committee took enrolled bills to the President of the United States.**—On May 19, 1789<sup>7</sup>, a message from the Senate announced that they had appointed a committee to join a committee on the part of the House to present to the President of the United States the bill entitled “An act to regulate the time and manner of administering certain oaths” after the same should be duly engrossed, examined, and signed by the Speaker of the House and President of the Senate.

The House concurred in appointing a committee for this purpose.

**3433. The rules and law for the engrossment and enrollment of bills.**—On October 26, 1893,<sup>8</sup> Mr. James D. Richardson, of Tennessee, from the

<sup>1</sup> Journal, p. 1470; Record, p. 5567.

<sup>2</sup> Journal of House, pp. 1477, 1478; Record, p. 5567.

<sup>3</sup> For joint rule relating to electoral count see section 1949 of Vol. III of this work.

<sup>4</sup> First session Fifty-seventh Congress, Record, p. 1778; Journal, p. 346.

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

<sup>6</sup> In 1888 the House and Senate considered somewhat legislation in regard to the manner of transmitting enrolled bills to the President, but no final action was taken. (First session Fiftieth Congress, Record, pp. 8801, 8862, 8893.)

It has been the practice from the earliest days for the Senate to message to the House h6 statement of signature by the President of a bill or bills originating in the Senate. (Journal, second session Second Congress, p. 698; second session Fourth Congress, p. 668; and vice versa for the House to message to Senate, second session Sixth Congress, p. 800 (Gales and Seaton ed.).)

Also the Joint Committee on Enrolled Bills, by one of its members, used to report to the House that he (the Member reporting) had waited on the President and presented for his approval certain enrolled bills. (Journal, second session Second Congress, p. 698 (Gales and Seaton ed.) I Journal, second session Sixth Congress, p. 800 (Gales and Seaton ed.).)

On February 18, 1865, is found an illustration of the practice of the Committee on Enrolled Bills reporting the bills and joint resolutions that they had on the preceding day presented to the President. (Second session Thirty-eighth Congress, Journal, p. 273.)

As late as February 18, 1869, the Committee on Enrolled Bills reported to the House bills which it had presented to the President. (Journal, third session Fortieth Congress, p. 375.)

<sup>7</sup> First session First Congress, Journal, p. 38 (Gales and Seaton ed.).

<sup>8</sup> First session Fifty-third Congress, Journal, p. 164; Record, pp. 2858, 3039.

joint commission appointed to investigate the Executive Departments of the Government, reported the following:

*Resolved by the House of Representatives (the Senate concurring)*, That, beginning with the first day of the regular session of the Fifty-third Congress, to wit, the first Monday in December, 1893, in lieu of being engrossed, every bill and joint resolution in each House of Congress at the stage of the consideration at which a bill or joint resolution is at present engrossed, shall be printed, and such printed copy shall take the place of what is now known as, and shall be called, the engrossed bill or resolution, as the case may be, and it shall be dealt with in the same manner as engrossed bills and joint resolutions are dealt with at present, and shall be sent in printed form, after passing, to the other House, and in that form shall be dealt with by that House and its officers in the same manner in which engrossed bills and joint resolutions are now dealt with.

*Resolved*, That when said bill or joint resolution shall have passed both Houses, it shall be printed on parchment, which print shall be in lieu of what is now known as, and shall be called, the enrolled bill or joint resolution, as the case may be, and shall be dealt with in the same manner in which enrolled bills and joint resolutions are now dealt with.

*Resolved*, That the Joint Committee on Printing is hereby charged with the duty of having the foregoing resolutions properly executed, and is empowered to take such steps as may be necessary to carry them into effect and provide for the speedy execution of the printing herein contemplated.

Mr. Richardson explained that the commission had studied the usages of other nations, and especially of the British Parliament, where bills had been printed at these stages since 1849. Mr. Nelson Dingley, of Maine, a member of the commission, stated that in his own State the proposed system had been in successful operation for twenty years.

The resolutions were agreed to by the House.

On November 1 the Senate acted on the resolutions, agreeing to them without amendment.<sup>1</sup>

**3434.** In 1895,<sup>2</sup> action in the House being taken on February 12, the House and Senate agreed to the following concurrent resolution:

*Resolved by the Senate (the House of Representatives concurring)*, That, during the last six days of any session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided for in the concurrent resolution adopted by the Fifty-third Congress, first session, November 1, 1893, may be suspended, and said bills and joint resolutions may be written by hand when in the judgment of the Joint Committee on Printing it is deemed necessary.

**3435.** The act of March 2, 1895,<sup>3</sup> provides:

That hereafter the engrossing and enrolling of bills and joint resolutions of either House of Congress shall be done in accordance with the concurrent resolution adopted by the Fifty-third Congress at its first session, November 1, 1893: *Provided*, That during the last six days of a session such engrossing and enrolling of bills and joint resolutions may be done otherwise than as prescribed in said concurrent resolution, upon the order of Congress by concurrent resolution.

**3436.** On January 27, 1871,<sup>4</sup> in the course of the debate on a bill relating to the enacting words of bills, Mr. Charles Sumner, of Massachusetts, said in the Senate:

<sup>1</sup> In the preceding Congress there had been many errors in enrollment, ninety in the naval appropriation bill alone. (See Record, first session Fifty-third Congress, p. 22.)

<sup>2</sup> Third session Fifty-third Congress, Journal, pp. 124, 128; Record, pp. 2012, 2077, 2089.

<sup>3</sup> 29 Stat. L., p. 769.

<sup>4</sup> Third session Forty-first Congress, Globe, p. 775.

It is now many years since I brought forward in this Chamber a proposition to do away with parchment or enrolled bills. The legislature of Massachusetts and the Congress of the United States are, I believe, the only two legislative bodies on this side of the Atlantic where parchment is used for enrolled bills. I am not aware that it is used in any State of the Union except Massachusetts, where it has been handed down from old Colonial days; and here in Congress you may say that it was handed down from Colonial days, for when Congress began the system adopted was the old Colonial system; and indeed there was reason for it then which does not exist now, because our statutes were all deposited in the State Department, and the copies there deposited became evidence in a court of justice. But now, by act of Congress, our statute book is evidence. Therefore there seems to be no reason why we should go every day through this surplusage of labor by having our acts enrolled in parchment. It is contrary to economy, it is contrary to convenience.<sup>1</sup>

**3437.** In 1874<sup>2</sup> there was some consideration of the matter of enrolling bills, then done by hand. Mr. James A. Garfield, of Ohio, in the House, proposed a resolution, which was agreed to, directing the Committee on Enrolled Bills to inquire into the expediency of repealing the law requiring the statutes to be enrolled on parchment, and devise some means whereby interpolations might be avoided. Shortly after, on February 20,<sup>3</sup> Mr. Charles Sumner, of Massachusetts, in the Senate, stated that in England the Parliament had seen the unwisdom of trusting their laws to a written roll, and had provided that all bills should be in print for the assent of the sovereign. In France he had found the archives all on paper, and generally printed. This discussion was occasioned by the interpolation of a letter and a comma in a tariff bill, whereby large interests were affected. On February 20<sup>4</sup> Mr. Sumner proposed in the Senate a resolution, which was agreed to, proposing that the Committee on Enrolled Bills examine the question of enrolling on parchment, with a view to its discontinuance and to having all bills printed before submission to the President.

**3438. In the last six days of a session the engrossing and enrolling of bills by hand instead of printing may be authorized by concurrent resolution.**—At the latter part of a session, for convenience, it is usual to adopt a resolution like the following:<sup>5</sup>

*Resolved by the House of Representatives (the Senate concurring),* That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

**3439.** On February 25, 1901,<sup>6</sup> Mr. William B. Baker, of Maryland, presented, and the Speaker<sup>7</sup> entertained as privileged, the following resolution, which was agreed to by the House:

*Resolved by the House of Representatives (the Senate concurring),* That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

<sup>1</sup> Parchment continues to be used for the enrollment of all bills that have passed the two Houses, as provided by the joint rule of 1789. See section 3430 of this chapter.

<sup>2</sup> First session Forty-third Congress, Record, p. 1340.

<sup>3</sup> Record, p. 1664.

<sup>4</sup> Record, p. 1667.

<sup>5</sup> Second session Fifty-fourth Congress, Journal, p. 221.

<sup>6</sup> Second session Fifty-sixth Congress, Record, p. 3007; Journal, p. 274.

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

Mr. Tawney further stated:

**3440. Present practice of comparison of bills for enrollment under direction of the Committee on Enrolled Bills.**—On January 14, 1907,<sup>1</sup> a discussion arose in the House as to the duties of the enrolling clerk and the Committee on Enrolled Bills with relation to enrollment, and the practice was stated by Mr. James A. Tawney, of Minnesota:

The Committee on Enrolled Bills has never met during this Congress and did not meet during the last Congress. The comparison which is supposed to be made in the Committee on Enrolled Bills is made by the clerks employed by that committee.

This statement was supplemented by Mr. James R. Mann, of Illinois:

The gentleman does not mean the Committee on Enrolled Bills never meets. He means they do not have a formal meeting of the committee for the purpose of comparing these bills. The chairman of the Committee on Enrolled Bills and the clerks are working on the bills, \* \* \* comparing these bills returned there by the enrolling clerk. They are compared first at the Printing Office, then by the enrolling clerk, and afterwards compared by the Committee on Enrolled Bills, through their clerks, to find if mistakes have crept in.

What I said in regard to the Committee on Enrolled Bills not meeting had no reference whatever to the work of the chairman of that committee. I was asked who the committee were and when they met. I am informed by members of the committee that it is a fact that the committee has not met during this Congress, and did not meet during last Congress as a committee. But that does not mean that the chairman of the committee has in the least neglected his duty.

**3441. The House may, by suspension of the rules, waive the usual requirements as to the examination of enrolled bills.**—On March 3, 1855,<sup>2</sup> Mr. George S. Houston, of Alabama, reported that it was an impossibility for the Committee on Enrolled Bills to examine all the bills before it before the time should arrive for the adjournment of the Congress.

Thereupon, by a suspension of the rules, it was

*Ordered*, That leave be granted to the Committee on Enrolled Bills to report without examination, for the signature of the Speaker, bills of the following titles, viz:

H. R. 579. An act making appropriation for the naval service for the year ending the 30th of June, 1856.

H. R. 569. An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1856, and for other purposes.

Thereupon Mr. Frederick W. Green, of Ohio, from the committee, reported the bills and the Speaker signed the same.

**3442. Only in a very exceptional case has Congress waived the strict requirements as to the enrollment of bills.**

**Rare instance wherein, after the Senate had disagreed to a resolution of the House, the House insisted and a conference was held.**

On May 29, 1874,<sup>3</sup> the Senate disagreed to a concurrent resolution of the House proposing to suspend the joint rule requiring bills to be enrolled in parchment and allow certain House bills providing for a revision of the statutes to be presented to the President as engrossed in the House and amended in the Senate. The reason for this proposition was the great labor of enrolling by hand. The Senate, after

<sup>1</sup> Second session Fifty-ninth Congress, Record, pp. 1091, 1092.

<sup>2</sup> Second session Thirty-third Congress, Journal, p. 585.

<sup>3</sup> First session Forty-third Congress, Journal, pp. 1068, 1091; Record, pp. 4380, 4465, 4483.

discussion, disagreed to the resolution, and, as the House insisted, the matter was referred to conference, where the disagreement was settled by the adoption of a provision that the bills in question should be “printed upon paper, and duly examined and certified by the Joint Committee on Enrolled Bills provided by the joint rules.”

**3443. The Clerk is sometimes authorized to make a merely formal amendment to a bill that has passed the House.**—On February 27, 1891,<sup>1</sup> the Speaker laid before the House a letter from Edward McPherson, Clerk of the House, stating that in the deficiency appropriation bill passed on the preceding day the total on a certain page required to be changed to conform to the changes made by the striking out of several paragraphs by the House.

Thereupon it was

*Ordered*, That the Clerk be authorized to make the correction suggested in the said bill.

**3444. The Committee on Enrolled Bills sometimes reports an amendment to correct a clerical error.**—On July 6, 1848,<sup>2</sup> Mr. James G. Hampton, from the Committee on Enrolled Bills, moved that the bill of the House (No. 340) entitled “An act to incorporate the Washington Gas Light Company” be amended by changing the name of “N. P. Callan” to “M. P. Callan,” which motion was unanimously agreed to by the House, and the bill was amended accordingly.

Thereupon Mr. Hampton reported that the committee had examined the bill and found it truly enrolled.

**3445. A clerical error in a bill has been corrected by joint action of the Committee on Enrolled Bills of the two Houses.**—On February 20, 1857,<sup>3</sup> Mr. Thomas G. Davidson, of Louisiana, from the Committee on Enrolled Bills, reported that the committee had examined an enrolled bill of the following title, viz:

H. R. 400. An act to divide the State of Texas into two judicial districts;

and having caused a clerical omission in the fourth line of the same to be corrected by the insertion of the word “counties,” had found the same truly enrolled.

Mr. Davidson explained that this action had been taken after consultation with the Committee on Enrolled Bills on the part of the Senate. Thereupon,

*Ordered*, That the approval of the House be given to the said correction.

The Speaker thereupon signed the said bill.

The bill was also signed by the Vice-President.

**3446. The correction of an enrolled bill is sometimes ordered by concurrent resolution of the two Houses.**—On May 14, 1896,<sup>4</sup> the Speaker laid before the House the following concurrent resolution from the Senate, which was considered and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled “An act to amend an act entitled ‘An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,’” by striking out the word “nine,” in line 2 of said enrolled bill, and inserting “eight.”

<sup>1</sup> Second session Fifty-first Congress, Journal, p. 310; Record, p. 3463.

<sup>2</sup> First session Thirtieth Congress, Journal, p. 991.

<sup>3</sup> Third session Thirty-third Congress, Journal, p. 479; Globe, pp. 785, 788.

<sup>4</sup> First session Fifty-fourth Congress, Record, p. 5243.

**3447.** On June 11, 1898,<sup>1</sup> Mr. Nelson Dingley, of Maine, having announced that there had been found an error in the printed copy of the conference report on the war revenue bill, submitted this resolution, which was agreed to:

*Resolved by the House of Representatives (the Senate concurring),* That the enrolling clerk of the House be, and he is hereby, authorized and directed to enroll the act (H. R. 10100) entitled "An act to provide ways and means to meet war expenditures, and for other purposes," in accordance with the text of said act as submitted to both Houses in connection with the report of the managers of the two Houses on the disagreeing votes.<sup>2</sup>

**3448.** On February 8, 1901,<sup>3</sup> Mr. William B. Baker, of Maryland, chairman of the Committee on Enrolled Bills, obtained unanimous consent for the consideration of the following resolution, which was agreed to by the House:

*Resolved by the House of Representatives (the Senate concurring),* That the enrolling clerk of the House be, and he is hereby, authorized and directed to correct the enrolled bill (H. R. 9928), entitled "An act granting an increase of pension to H. S. Reed, alias Daniel Hull, by inserting in the enacting clause the word "States" after the word "United."

**3449.** On April 16, 1906,<sup>4</sup> Mr. Charles Curtis, of Kansas, asked unanimous consent for the present consideration of this resolution:

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently," etc.

Mr. Curtis explained the object of the resolution:

In this case the resolution simply makes the bill read as it was agreed to in the conference. In the first conference report the statement was correctly made. It was printed, and in the second conference report the clerk of the Senate Committee on Indian Affairs was directed to have the language printed as in the first conference report. We agreed upon it the same as we did in the first conference report. There was no disagreement at all on this subject between the conferees of the House and the conferees of the Senate, but after the clerk had prepared the report he was informed by a clerk in the Senate that the Senate could not recede with an amendment, and that the House must recede. So he struck out the words "the Senate receded" and made it read "the House receded," presented the report, and we signed it without noticing these mistakes. It was not noticed until after the report was agreed to by the Senate, too late to go back to conference. Now, if the bill goes through as it is presented here it will simply destroy three sections agreed on in conference.

Mr. J. Warren Keifer, of Ohio, objected.

<sup>1</sup> Second session Fifty-fifth Congress, Record, p. 5770.

<sup>2</sup> On May 12, 1820, a rule was agreed to making it the duty of the Committee on Enrolled Bills to correct any error in date in any engrossed or enrolled bill and report such correction to the House. (First session Sixteenth Congress, Journal, pp. 518, 520 (Gales and Seaton ed.); Annals, pp. 22, 31.)

On March 1, 1881 (Third session Forty-sixth Congress, Record, p. 2321), Mr. John E. Kenna, of West Virginia, submitted as a privileged report from the Committee on Enrolled Bills a concurrent resolution authorizing and directing the committee to change the enrollment of the river and harbor bill in order to correct clerical errors, and those alone.

<sup>3</sup> Second session Fifty-sixth Congress, Record, p. 2145.

<sup>4</sup> First session Fifty-ninth Congress, Record, pp. 5308-5310.

Thereupon, it being a suspension day, on motion of Mr. Curtis, the rules were suspended and the resolution was agreed to.

**3450.** On February 12, 1903,<sup>1</sup> the House agreed to the following:

Senate concurrent resolution 65.

*Resolved by the Senate (the House of Representatives concurring),* That in the enrollment of the bill (S. 569) to establish the Department of Commerce and Labor the Committee on Enrolled Bills be authorized to insert, in line 12 of the third paragraph of section 6, after the word "Interstate," the word "Commerce."

**3451. An error in the enacting clause of an enrolled bill was corrected by a second enrollment and a second signature by the Speaker.**—On July 3, 1848,<sup>2</sup> the Speaker, by unanimous consent, presented to the House the following letter, which was read and ordered to lie on the table:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,

*July 3, 1848.*

SIR: On a reexamination of the enrolled bill entitled "An act for the relief of Russell Goss," it appears that a clerical error exists in the enrolled bill by omitting the words "Be it enacted," at the commencement of the bill. These words are contained in the engrossed bill, and the Clerk, on being advised of the omission, has had the said bill truly enrolled and examined by the Committee on Enrolled Bills, so that the beneficiary of the bill may not be deprived of its benefits, if these words may be deemed essential to the efficacy of the bill. The foregoing statement will explain why the "bill" entitled "An act for the relief of Russell Goss," has been a second time reported for the signature of the presiding officers of the two Houses of Congress.

Very respectfully,

THO. J. CAMPBELL, *Clerk of the House, Etc.*

Hon. R. C. WINTHROP, *Speaker of the House, Etc.*

Thereupon Mr. James G. Hampton, of New Jersey, from the Committee on Enrolled Bills, reported that the committee had again examined the said bill and found the same truly enrolled.

Thereupon the Speaker again signed the said bill.

**3452. The House may, by unanimous consent, authorize the Speaker to sign an enrolled bill that is not certified by report of the committee.**—On July 3, 1852,<sup>3</sup> the Speaker<sup>4</sup> having informed the House that no member of the Committee on Enrolled Bills was present, and that it was highly important that the enrolled bill of the Senate (No. 451) to amend the act entitled "An act to carry into effect the convention between the United States and the Emperor of Brazil, of the 27th of January, in the year 1849," approved March 29, 1850, should be signed immediately,

It was then unanimously—

*Ordered,* That if the Speaker is satisfied that the said bill is truly enrolled he be authorized to sign the same.

The Speaker thereupon signed the said bill.

**3453. An error having been discovered in an enrolled bill, the House authorized the Speaker to erase his signature, and the error was corrected**

<sup>1</sup> Second session Fifty-seventh Congress, Journal, p. 238; Record, p. 2092.

<sup>2</sup> First session Thirtieth Congress, Journal, pp. 979, 980.

<sup>3</sup> First session Thirty-second Congress, Journal, p. 860.

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

**by a concurrent resolution.**—On March 1, 1890,<sup>1</sup> the Speaker laid before the House the following request of the Senate:

IN THE SENATE OF THE UNITED STATES, *February 26, 1890.*

*Ordered,* That the Secretary be directed to request the House of Representatives to return to the Senate Senate bill 993 “To constitute Minneapolis, Minn., a subport of entry and delivery in the collection district of Minnesota, and for other purposes.”

The request of the Senate having been read, the Speaker stated that there seemed to be an error in the bill as to a date, and the Senate had requested the House to return the bill to that body. Before that request had been received by the House the Speaker had signed the bill, which had been reported to the House. The Speaker<sup>2</sup> suggested that if there be no objection he would erase his signature and return the bill to the Senate.

Mr. John G. Carlisle, of Kentucky, said he understood the error occurred in printing the bill at the Government Printing Office. He thought, therefore, that the Speaker should be authorized to erase his name and return the bill.

This authorization was given without objection, and the Speaker erased his signature and returned the bill.

On March 3 the House passed the following resolution, which had been passed by the Senate:

*Resolved by the Senate (the House of Representatives concurring),* That in the enrollment of the bill (S. 993) to constitute Minneapolis, Minn., a subport of entry and delivery, etc., the Secretary of the Senate be authorized to insert the word “eighty-eight” in lieu of “eighty-two” where it occurs in section 2 of said enrolled bill.

**3454. Bills having been prematurely enrolled and signed by the Presiding Officers, the two Houses authorized the cancellation of the signatures.**—On June 9, 1858,<sup>3</sup> the following message was received from the Senate:

The Senate have adopted resolutions directing the return of the following enrolled bills, and requesting that the Speaker of this House may be authorized to cancel his signature upon the same, and that the engrossed bills (of the same titles) may be returned to the Senate, to enable them to correct their report thereon to the House of Representatives, viz:

H. R. 267. An act for the relief of Timothy L. O’Keefe; and

H. R. 356. An act for the relief of Roswell Minard, father of Theodore Minard, deceased.

This was a case where the first bill had passed the Senate with amendment, and was erroneously reported to the House as having passed the Senate without amendment. The second bill had been indefinitely postponed by the Senate, but had been reported to the House as having passed the Senate. So both bills had been enrolled by the House and signed by the Speaker, and then transmitted to the Senate and signed by the presiding officer there. The Senate, therefore, had adopted in relation to each bill a preamble setting forth the facts, and a resolution as follows:

*Resolved,* That the President of the Senate be, and hereby is, authorized to cancel his signature upon said enrolled bill, and that the same be returned to the House, and the House of Representatives be respectfully requested to authorize the Speaker of the House of Representatives to cancel his signature upon said enrolled bill, and return to the Senate the engrossed bill, to enable the Senate to correct its report to the House of Representatives.

<sup>1</sup> First session Fifty-first Congress, Record, pp. 1842, 1888.

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

<sup>3</sup> First session Thirty-fifth Congress, Journal, pp. 1062, 1063; Globe, p. 2820.

The House adopted an order authorizing the Speaker to cancel his signatures and directing that the engrossed bills be returned to the Senate. The Speaker having canceled his signatures,

*Ordered*, That the clerk return the said enrolled and engrossed bills to the Senate.

**3455. By unanimous consent the Speaker, on request of the Senate, was authorized to cancel his signature to an enrolled pension bill, the beneficiary of which was dead.**—On February 29, 1904,<sup>1</sup> the Speaker laid before the House the following resolution from the Senate:

*Resolved*, That the action of the President pro tempore in signing the bill (S. 167) “granting an increase of pension to J. Hudson Kibbe” be rescinded, and that the bill be returned to the House of Representatives, with the request that similar action be taken by the House with respect to the signature of the Speaker, and that the passage of the bill be reconsidered, and that it be postponed indefinitely, the beneficiary of the same being dead.

By unanimous consent the Speaker was empowered and directed to cancel his signature to the bill.

He accordingly did so.

**3456. On February 25, 1903,<sup>2</sup> the Speaker laid before the House the following order of the Senate:**

*Ordered*, That the Secretary be directed to return to the House of Representatives the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or individual plants in the Indian Territory, with the request that the House of Representatives vacate the action of the Speaker in signing the said enrolled bill, and return the same and the message of the Senate agreeing to the amendment of the House to said bill to the Senate.

Mr. John Dalzell, of Pennsylvania, thereupon, by unanimous consent, offered the following, which was agreed to:

*Ordered*, That the Speaker be, and he hereby is, empowered and directed to strike his signature from the said enrolled bill (S. 5718), and that the message of the Senate on said bill to the House be returned to the Senate, in accordance with the request of the Senate.

**3457. A request of the Senate that the House vacate the signature of the Speaker to an enrolled bill, was denied by the House, unanimous consent being refused.**—On June 23, 1902,<sup>3</sup> in the Senate, Mr. James K. Jones, of Arkansas, by unanimous consent presented and the Senate agreed to the following resolution:

*Resolved*, That the Secretary of the Senate be directed to return to the House of Representatives the enrolled copy of the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, and request the House of Representatives to vacate the action of the Speaker in signing said enrolled bill, and to return said enrolled bill and the message of the Senate agreeing to the amendment of the House of Representatives to said bill to the Senate.

Mr. Jones at the same time entered a motion to reconsider the vote by which the Senate concurred in the amendment of the House to the bill.

On June 26,<sup>4</sup> the resolution of the Senate was read, and the Speaker<sup>5</sup> said:

This being a request for the erasing of name of the Speaker from a bill, and there being no allegation that the request is for the purpose of correcting an error, the Chair feels that this should be done by unanimous consent.

<sup>1</sup> Second session Fifty-eighth Congress, Journal, p. 361; Record, p. 2581.

<sup>2</sup> Second session Fifty-seventh Congress, Journal, p. 284; Record, p. 2648.

<sup>3</sup> First session Fifty-seventh Congress, Record, p. 7195.

<sup>4</sup> Record, p. 7432.

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

Objection having been made, the following resolution was offered by Mr. John Dalzell, of Pennsylvania, and agreed to by the House:

*Ordered*, That the clerk be directed to return to the Senate the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, with the information that the House has considered the request of the Senate that the House vacate the action of the Speaker in signing said enrolled bill, and that the unanimous consent necessary to enable such action to be taken was refused.

**3458. The Speaker may not sign an enrolled bill in the absence of a quorum.**—On May 20, 1826,<sup>1</sup> Mr. Jacob Isacks, of Tennessee, from the Joint Committee for Enrolled Bills, reported that the committee had examined an enrolled bill entitled “An act making appropriations for the public buildings in Washington, and for other purposes,” and had found the same to be duly enrolled.

When, a quorum not being present, objection was made by a Member to signing the said bill by the Speaker.<sup>2</sup>

And thereupon the House adjourned.

**3459. Proceedings in correcting an error where the Speaker had signed the enrolled copy of a bill that had not passed.**—On March 14, 1864,<sup>3</sup> the Speaker stated to the House that—

the Secretary of the Senate having inadvertently, on Friday last, announced the passage by the Senate of the Court of Claims bill No. 116, instead of the bill of the House (H. R. 116), and having since corrected said error by certifying to the bill which actually did pass, the Speaker, with the consent of the House, will cause the Journal of that day to be amended by the insertion of the title of the bill which actually passed, in lieu of the one originally announced; and when reported by the committee he will sign the proper enrolled bill, canceling his signature of H. R. C. C. 116.

The unanimous consent of the House was given to the course indicated by the Speaker.<sup>4</sup>

**3460. It is a common occurrence for one House to ask of the other the return of a bill, for the correction of errors or otherwise.**—On April 11, 1810,<sup>5</sup> the House proceeded to consider the amendments of the Senate to the bill entitled “An act regulating the Post-Office Establishment.”

Mr. Ezekiel Bacon, of Massachusetts, moved that the following words, “Section 25, lines 2 and 3, strike out the words ‘each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight,’” appearing to have been an interpolation in the amendments sent from the Senate after the same were received by this House, be expunged therefrom.

Pending consideration a message was received from the Senate requesting the return of the bill and amendments,

it having been discovered that an inaccuracy had taken place in stating the amendments of the Senate.

The House ordered the bill returned, and the same day a message from the Senate returned to the House the corrected amendments.

<sup>1</sup> First session Nineteenth Congress, Journal, p. 639.

<sup>2</sup> John W. Taylor, of New York, Speaker.

<sup>3</sup> First session Thirty-eighth Congress, Journal, p. 377; Globe, p. 1096.

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

<sup>5</sup> Second session Eleventh Congress, Journal, pp. 355, 356 (Gales and Seaton ed.); Annals, pp. 650 (Vol. I) and 1769 (Vol. II).

**3461.** On June 28, 1834,<sup>1</sup> the House received from the Senate a message that they had passed this resolution:

*Resolved,* That the House of Representatives be requested to return the bill for the erection of light-houses, etc., to the Senate, for their further action on the same.

The resolution from the Senate being read, it was

*Ordered,* That the Clerk do return the said bill to the Senate.

**3462.** On March 27, 1838,<sup>2</sup> a message from the Senate requested the return to the Senate of the bill (No. 31) entitled "An act for the relief of the legal representatives of Bolitha Laws."

On the same day the House proceeded to the consideration of the message, and it was

*Ordered,* That the said bill be returned to the Senate.

**3463.** On July 31, 1886,<sup>3</sup> the Committee on Appropriations had reported back the fortifications appropriation bill (H. R. 9798) with the recommendation that the Senate amendments thereto be nonconcurrent in. A motion having been made in the House to nonconcur, the previous question was ordered thereon. Thereupon the House adjourned.

On August 3<sup>4</sup> the Senate requested the return of the bill, and the House by unanimous consent ordered its return.

**3464.** On February 11, 1851,<sup>5</sup> a bill having been sent from the Senate to the House by mistake, a message was sent to the House asking its return, and the House returned the bill.

**3465. There being an error in an engrossed House bill sent to the Senate, a request was made that the Clerk be permitted to make correction.**—On March 2, 1843,<sup>6</sup> it was—

*Ordered,* That a message be sent to the Senate, notifying that body that an error has been made in the engrossment of the bill (No. 602), entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7, 1838, as sent from this House to the Senate, which error consists in incorporating in said engrossed bill as section as the third section thereof, that section having been stricken from the original bill by this House previous to the passage of the bill; and that the Senate be requested to permit the Clerk to correct the said error.

**3466. Instance of reconsideration of a bill which had passed both Houses.**—On March 2, 1904,<sup>7</sup> the following resolution was received from the Senate and laid before the House:

*Resolved,* That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 5611) granting a pension to Juliette Westbrook.

The request of the Senate was granted.

<sup>1</sup> First session Twenty-third Congress, Journal, pp. 892, 893.

<sup>2</sup> Second session Twenty-fifth Congress, Journal, pp. 675, 680.

<sup>3</sup> First session Forty-ninth Congress, Journal, p. 2468.

<sup>4</sup> Journal, pp. 2481, 2482; Record, p. 7932.

<sup>5</sup> Second session Thirty-first Congress, Journal, p. 254; Globe, p. 505.

<sup>6</sup> Third session Twenty-seventh Congress, Journal, p. 520.

<sup>7</sup> Second session Fifty-eighth Congress, Record, p. 2711.

On March 3,<sup>1</sup> in the Senate, the President pro tempore laid before the Senate the bill, whereupon Mr. John C. Spooner, of Wisconsin, said:

While the bill was pending in the Senate the beneficiary died. The bill has passed both Houses. The gentleman in the House who had charge of it desired us to bring about its recall in order that it might be disposed of in the Senate. I therefore ask unanimous consent that the vote by which it was passed here be reconsidered and that the bill be indefinitely postponed.

There being no objection, the vote on the passage of the bill was reconsidered, and the bill was thereupon postponed indefinitely.

**3467.** On April 21, 1904,<sup>2</sup> the Senate agreed to this resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 10046) granting an increase of pension to Thomas J. Campton, the beneficiary of said bill having died.

Later, on the same day<sup>3</sup> in the House, this request of the Senate was agreed to.

On April 22<sup>4</sup> the bill was indefinitely postponed by the Senate.

This was an instance wherein the beneficiary had died after the bill had passed both Houses, but before the enrolled bill had been signed. The Senate, having acted on the bill last, recalled it in order that its reconsideration might take place in the body which had acted on it last.

**3468.** On May 22, 1902,<sup>5</sup> Mr. John F. Rixey, of Virginia, by unanimous consent, offered the following resolution, which was agreed to by the House:

Whereas the House has been informed that since the passage of the bill (H. R. 12576) granting an increase of pension to Thomas Wells the said Thomas Wells has died: Therefore,

*Resolved*, That the said bill (H. R. 12576) be transmitted to the Senate with the request that it reconsider the vote whereby it passed the said bill.

On the same day,<sup>6</sup> in the Senate, when the message was received and was laid on the table, the opinion being expressed that the House might dispose of its own bill.<sup>7</sup>

**3469.** On February 2, 1853,<sup>8</sup> Mr. Bernhart Henn, of Iowa, from the Committee on Enrolled Bills, reported that the bill (S. 208) for the relief of Barbara Reily could be of no effect, since the beneficiary had died.

Various propositions were made as to the disposition of the bill, but were objected to, and objection was made that the Committee on Enrolled Bills might only report as to the enrollment of the bill.

The Speaker<sup>9</sup> said:

The Chair decides that it is not competent for Committee on Enrolled Bills to report this bill back in this form, unless by the unanimous consent of the House; but that, by unanimous consent, it would be competent for the House to reconsider the vote by which the bill passed, and to regularly

<sup>1</sup> Record, p. 2736.

<sup>2</sup> Second session Fifty-eighth Congress, Record, p. 5221.

<sup>3</sup> Record, p. 5286.

<sup>4</sup> Record, p. 5303.

<sup>5</sup> First session Fifty-seventh Congress, Journal, p. 733; Record, p. 5813.

<sup>6</sup> Record, p. 5800.

<sup>7</sup> Is a bill which has passed both Houses any longer exclusively the bill of the originating House?

<sup>8</sup> Second session Thirty-second Congress, Globe, p. 474.

<sup>9</sup> Linn Boyd, of Kentucky, Speaker.

notify the Senate of that fact. Objection has been made, and the Chair decides that the committee can not report the bill.

Later this bill was reported as truly enrolled, and was signed by the Speaker and Presiding Officer of the Senate, and approved by the President.<sup>1</sup>

**3470. A Senate bill having been lost in the House, a resolution requesting of the Senate a duplicate copy was entertained as a matter of privilege, although the earlier practice had been otherwise.**

**Form of resolution requesting of the Senate a duplicate copy of one of its bills.**

On February 27, 1896,<sup>2</sup> Mr. Warren B. Hooker, of New York, offered as a privileged resolution the following, which was presented to the House as such and adopted:

*Resolved*, That the Senate be requested to furnish the House of Representatives a duplicate copy of the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; the same having been lost or misplaced.

**3471.** On August 12, 1852,<sup>3</sup> on motion of Mr. John S. Millson, of Virginia, by unanimous consent,

*Ordered*, That the Clerk request the Senate to furnish this House with a certified copy of the bill of the Senate (No. 369) "appropriating land script in full and final satisfaction of Virginia military bounty land warrants," the engrossed bill having been mislaid since it was received from the Senate.

**3472.** On February 13, 1852,<sup>4</sup> the following, having been introduced by unanimous consent, was agreed to:

*Ordered*, That a message be sent to the Senate requesting that a copy be furnished the House of the resolution of the Senate (No. 9) to establish certain post routes, the said resolution having been lost or mislaid since its reference to the Committee on the Post-Office and Post-Roads of the House.<sup>5</sup>

**3473. A House bill with Senate amendment being lost by a House committee, the House ordered a duplicate engrossed copy of the bill and requested of the Senate a copy of the amendment.**—On December 22, 1896,<sup>6</sup> the attention of the House was called to the fact that the bill (H. R. 1261) for the relief of John Kehl, which had passed the House, been returned from the Senate with an amendment, and committed to the Committee on Invalid Pensions, had been lost by that committee. Mr. Fernando C. Layton, of Ohio, claiming the floor for a privileged resolution, submitted two resolutions, which the House agreed to, as follows:

*Resolved*, That H. R. 1261, a bill for the relief of John Kehl and to restore him to his former rating, is hereby ordered to be reengrossed, and that the engrossed copy be delivered to the Committee on Invalid Pensions.

<sup>1</sup> See Journal, pp. 251, 257, 278.

<sup>2</sup> First session Fifty-fourth Congress, Record, p. 2236.

<sup>3</sup> First session Thirty-second Congress, Journal, p. 1026; Globe, p. 2198. The Globe indicates that Mr. Millson claimed the floor on a question of privileged nature, but the Journal indicates that Mr. Speaker Boyd did not so regard it.

<sup>4</sup> First session Thirty-second Congress, Journal, p. 348; Globe, p. 561.

<sup>5</sup> When the order was presented the suggestion was made that it might be privileged, but the manner in which it is journalized indicates that such was not the opinion of Mr. Speaker Boyd.

<sup>6</sup> Second session Fifty-fourth Congress, Record, p. 406.

*Resolved*, That the Clerk be directed to request the Senate to furnish to the House a copy of the Senate amendment to H. R. 1261, a bill for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment which has been lost.

**3474.** On February 14, 1906,<sup>1</sup> Mr. Sereno E. Payne, of New York, submitted as a privileged question, the following:

*Ordered*, That the Clerk be directed to have reengrossed and properly attested the following bills: H. R. 7085. Authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 11263. To authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

H. R. 11045. To amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

*Ordered further*, That the Clerk be directed to request the Senate to have made on the engrossed copies of each of the said bills the proper indorsement of the Senate's action thereon.

Mr. Payne explained that the bills, after passing the House and Senate, had been lost, and that it was desirable to have the duplicates from which to make the enrollment.

The order was agreed to by the House.

On February 15<sup>2</sup> in the Senate the request of the House was granted, and on the same day the bills with the proper indorsements were received in the House by message.

**3475. The Senate having requested the return of a bill which, with amendments, had reached the stage of disagreement, a motion to discharge the House committee and return the bill was treated as privileged.**—On June 4, 1896,<sup>3</sup> Mr. Henry C. Loudenslager, of New Jersey, presented, as a privileged report from the Committee on Pensions, the following resolution, which was received as such and agreed to by the House:

*Resolved*, That the Committee on Pensions be discharged from the further consideration of the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland, and that the said bill be returned to the Senate, in accordance with their request.

This was a case wherein the Senate had disagreed to House amendments and asked a conference, and the bill on being returned to the House had been referred to the Committee on Pensions. It is an accepted principle that after the stage of disagreement has been reached a bill is privileged.

**3476. Process of recalling a bill from the Senate in order to correct an error in the number.**—On February 26, 1906,<sup>4</sup> on motion of Mr. Henry C. Loudenslager, of New Jersey, the House agreed to this resolution:

House resolution 344.

*Resolved*, That the Senate be requested to return to the House the bill of the House (H. R. 2697) granting an increase of pension to R. G. Childress, said bill having been incorrectly reported and engrossed as H. R. 2897.

<sup>1</sup> First session Fifty-ninth Congress, Record, p. 2577.

<sup>2</sup> Record, pp. 2589, 2623.

<sup>3</sup> First session Fifty-fourth Congress, Record, pp. 5339, 6110.

<sup>4</sup> First session Fifty-ninth Congress, Record, p. 3006.

On March 5,<sup>1</sup> the bill having been received from the Senate, the Speaker laid the bill before the House, and on motion of Mr. Henry C. Loudenslager, of New Jersey, the vote by which the bill was passed was reconsidered, and then the bill was recommitted to the Committee on Pensions, for amendment.

**3477. The mere request for the other House to return a bill, no error or impropriety being involved, has not been regarded as a privileged matter.**—On August 6, 1856,<sup>2</sup> an order directing the Clerk to request the Senate to return the Mississippi land bill in order that an error in engrossment might be corrected, was offered by unanimous consent, and does not seem to have been contemplated in the light of a privileged proposition.

In 1862<sup>3</sup> are found proceedings asking for and granting the return of bills from and to the Senate, journalized as by unanimous consent.

**3478. A bill which had not in fact passed the House having been sent to the Senate by error, a resolution requesting its return was entertained as a matter of privilege.**—On, February 12, 1895,<sup>4</sup> Mr. Augustus N. Martin, of Indiana, called up a resolution requesting the Senate to return to the House the bill (H. R. 5260) to grant an increase of pension to Thomas Corigan. Mr. Martin explained that this bill having been reported from the Committee of the Whole House with the recommendation that it do lie on the table, had been by inadvertence taken up by the House and passed among bills favorably reported.

Objection having been made that the resolution was not privileged, the Speaker<sup>5</sup> said:

If the gentleman from Indiana would modify his resolution so as to allege that this bill was reported unfavorably from the Committee of the Whole, and was considered by the House under the idea that it had been favorably reported, the Chair thinks the resolution would be privileged. But a simple resolution to recall a bill can hardly be considered privileged, because in that case such a resolution might be presented with regard to any bill that is passed. To make the resolution privileged it should show that the House has acted under some misunderstanding of the report of the committee, or something of that kind.

**3479. A resolution to recall from the Senate a bill alleged to have passed the House improperly was held to be privileged.**—On June 18, 1878,<sup>6</sup> Mr. William M. Springer, of Illinois, offered as a question of privilege the following:

*Ordered,* That the Clerk of the House be directed to request the Senate to return to the House the bill (S. 1088) to provide for the revision and correction of assessments for special improvements in the District of Columbia, and for other purposes.

Mr. George W. Hendee, of Vermont, raised the question as to whether or not the order was privileged.

Mr. Springer stated that the bill had passed the House improperly; but upon this point there was a difference of opinion among Members, and the point was made that if such orders were considered privileged every bill that passed might be called back.

<sup>1</sup> Record, p. 3359.

<sup>2</sup> First session Thirty-fourth Congress, Journal, p. 1381; Globe, p. 1949.

<sup>3</sup> Second session Thirty-seventh Congress, Journal, pp. 458, 466, 496, 1013.

<sup>4</sup> Third session Fifty-third Congress, Record, p. 2093.

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

<sup>6</sup> Second session Forty-fifth Congress, Record, pp. 4830–4832.

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

The Chair is not very certain that this question presents a question of privilege; but the Chair prefers to rule in the direction of avoiding even the semblance of justification for an allegation that any wrong has been done in the passage of any bill in this House.

Therefore the Chair admitted the resolution.

**3480. The Senate having requested the return of a bill which had been enrolled, signed by the Speaker, and transmitted to the Senate, a resolution was passed directing that the Senate be informed thereof.**—On May 21, 1900,<sup>2</sup> the Speaker laid before the House the following resolution from the Senate:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate House bill 2955, providing for the resurvey of township No. 8, of range No. 30 west, of the sixth principal meridian in Frontier County, State of Nebraska.

Mr. Sereno E. Payne, of New York, thereupon presented the following resolution, which was agreed to:

*Resolved*, That the Clerk be directed to inform the Senate that the bill (H. R. 2955) providing for the resurvey of township No. 8, of range No. 30 west, of the sixth principal meridian in Frontier County, State of Nebraska, of which the Senate request the return by resolution of May 19, transmitted to the House by message on this day, is no longer in the possession of the House, as prior to the receipt of the message of the Senate it had been transmitted to the Senate as an enrolled bill, duly signed by the Speaker.

**3481. A request of the Senate for the return of a bill is treated as privileged in the House.**—On May 12, 1896,<sup>3</sup> the Speaker<sup>4</sup> announced that he laid before the House as privileged the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

But the return of the bill was ordered by unanimous consent.

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

<sup>2</sup> First session Fifty-sixth Congress, Record, p. 5827.

<sup>3</sup> First session Fifty-fourth Congress, Record, p. 5126; Journal, p. 480.

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