

SEC. VI.—QUORUM.

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In general the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended. *2 Hats., 125, 126.*

§ 310. Necessity of a quorum during business, including debate.

In the House of Representatives the Speaker takes the Chair at the hour to which the House stood adjourned and there is no requirement that the House proceed immediately to establish a quorum, although the Speaker has the authority under clause 6 of rule XV to recognize for a call of the House at any time. The question of a quorum is not considered unless properly raised (IV, 2733; VI, 624), and it is not in order for the Speaker to recognize for a point of no quorum unless he has put the pending question or proposition to a vote. While it was formerly the rule that a quorum was necessary for debate as well as business (IV, 2935-2949), under the procedure put in effect in the 95th Congress such is not the case. In the 94th Congress, it was established by rule that certain proceedings in the House did not require a quorum (clause 6 of rule XV).

SEC. VII.—CALL OF THE HOUSE.

On the call of the House, each person rises up as he is called, and answereth; the absentees are then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard. *Ord. House of Commons, 92.*

§ 311. Parliamentary rules for call of the House.

They rise that their persons may be recognized; the voice, in such a crowd, being an insufficient verification of their presence. But in so

small a body as the Senate of the United States, the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time. *2 Hats., 72.*

Rule XV of the House of Representatives provides for a procedure on call of the House. Members of the House do not rise on answering.

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SEC. IX.—SPEAKER.

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When but one person is proposed, and no objection made, it has not been usual in Parliament to put any question to the House; but without a question the members proposing him conduct him to the chair. But if there be objection, or another proposed, a question is put by the Clerk. *2 Hats., 158.* As are also questions of adjournment. *6 Gray, 406.* Where the House debated and exchanged messages and answers with the King for a week without a Speaker, till they were prorogued. They have done it *de die in diem* for fourteen days. *1 Chand., 331, 335.*

§ 312. Election of Speaker.

The Speaker of the House of Representatives was first chosen by ballot, but since 1839 has been chosen by a viva voce vote on a roll call (I, 187, 211). The Clerk appoints tellers for this election (I, 217), but the House, and not the Clerk, decides by what method it shall elect (I, 210). The motion to proceed to the election of Speaker is privileged (I, 212, 214; VIII, 3883), and debatable unless the previous question be ordered (I, 213). In 1860 the voting for Speaker proceeded slowly, being interspersed with debate (I, 223), and in one instance the House asked candidates for Speaker to state their views before proceeding to election (I, 218). In 1809 it was held that the Speaker should be elected by a majority of all present (I, 215), and in 1879 that he might be elected by a majority of those present, if a quorum, and that a majority of all the Members was not required (I, 216). In two instances the House chose a Speaker by plurality of votes, but confirmed the choice by majority vote (I, 221). On several occasions