

Grason  
Roberts

Hillen  
Gallagher

Berret  
Powder—33

## NEGATIVE.

Messrs. Tack, Speaker  
Hopewell  
Ford  
Crane  
McDaniel  
Usilton  
Welch  
Gale  
Brown  
Iglehart  
Simmons  
Sollers  
Beall  
Hughes  
Carpinter

Matthews  
Kerr  
Denny  
Boyle, of Tal.  
Jump of Tal.  
Carroll  
Adams  
Lemmon  
Frazier  
Eccleston  
Tall  
Parker  
Simpers  
Bowie

Ghiselin  
Swann  
Towensend  
Selby  
Hearn  
Powell  
Carter  
Boon  
Jump, of Car.  
Beam  
Griffith  
White  
Dawson  
Sprigg—43

So the amendment was rejected.

Mr. Carroll called for the previous question;

The Speaker decided that the motion was not in order—and as signed the following reasons:

An amendment to the bill is pending—a motion is made for the previous question, upon the passage of the bill.

It is the opinion of the Speaker, that under the 22d and 23d rules of the house, the previous question is in order, in a case like the present,—but the practice of the house has been different for several years past. If it were a new question, the Chair would not hesitate to say that the question might be put, and cut off all pending amendments—but practice is precedent for the government of the Chair, and the Speaker in this case, as in several previous cases during this session, decides that the motion is not in order. These are the reasons influencing his decision. It is for the house to say whether his constructions of the rules be correct or not, and whether he was right in following the precedents set by his predecessors, instead of his own judgment.

From which opinion, Mr. Carroll appealed from the decision of the Chair.

On motion of Mr. Roberts, the house was called, and the door-keeper sent for the absent members.

Mr. Berret moved that the house adjourn,  
Determined in the negative.

Mr. Wilmer moved that the house adjourn,  
Determined in the negative.

On motion of Mr. Wilmer, the yeas and nays were ordered and appeared as follows—