

SEC. XV—ORDER

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In Parliament, “instances make order,” per Speaker Onslow. *2 Hats., 141*. But what is done only by one Parliament, cannot be called custom of Parliament, by Prynne. *1 Grey, 52*.

§ 351. Precedent in Parliament and the House.

In the House the Clerk is required to note all questions of order and the decisions thereon and print the record thereof as an appendix to the Journal (clause 2 of rule II). The Parliamentarian has the responsibility for compiling and updating the precedents (secs. 341–342, Legislative Reorganization Act of 1970; 84 Stat. 1140). The Committee Reform Amendments of 1974 gave the Speaker the responsibility to prepare an updated compilation of such precedents every two years (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The Speaker feels constrained in his rulings to give precedent its proper influence (II, 1317), since the advantage of such a course are undeniable (IV, 4045). But decisions of the Speakers on questions of order are not like judgments of courts which conclude the rights of parties, but may be reexamined and reversed (IV, 4637), except on discretionary matters of recognition (II, 1425). It is rare, however, that such a reversal occurs.

SEC. XVI—ORDER RESPECTING PAPERS

The Clerk is to let no journals, records, accounts, or papers be taken from the table or out of his custody. *2 Hats., 193, 194*.

§ 352. Safekeeping of papers and integrity of bills.

Mr. Prynne, having at a Committee of the Whole amended a mistake in a bill without order or knowledge of the committee, was reprimanded. *1 Chand., 77*.

A bill being missing, the House resolved that a protestation should be made and subscribed by the members “before Almighty God, and this honorable House, that neither myself, nor any other to my knowledge, have taken away, or do

at this present conceal a bill entitled,” &c. 5 *Grey*, 202.

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into. *Town*, col. 209.

In the House an alleged improper alteration of a bill was presented as a question of privilege and examined by a select committee. It being ascertained that the alteration was made to correct a clerical error, the committee reported that it was “highly censurable in any Member or officer of the House to make any change, even the most unimportant, in any bill or resolution which has received the sanction of this body” (III, 2598). Engrossed bills do not go into the Speaker's hands. Enrolled bills go to him for signature.

SEC. XVII—ORDER IN DEBATE

§ 353. Decorum of Members as to sitting in their places.

When the Speaker is seated in his chair, every member is to sit in his place. *Scob.*, 6; *Grey*, 403.

In the House the decorum of Members is regulated by the various provisions of rule XVII; and this provision of the parliamentary law is practically obsolete.

When any Member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular Member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. *Scob.*, 6; *D'Ewes*, 487, col. 1; *2 Hats.*, 77; *4 Grey*, 66; *8 Grey*, 108. But Members who are indisposed may be indulged to speak sitting. *2 Hats.*, 75, 77; *1 Grey*, 143.

§ 354. Procedure of the Member in seeking recognition.

In the House a Member seeking recognition is governed by clause 1 of rule XVII, which differs materially from this provision of the parliamentary law. The Speaker, moreover, calls the Member, not by name, but as “the gentleman (or gentlewoman) from ——,” naming the State. As long ago as 1832, at least, a Member was not required to rise from his own particular seat since seats are no longer assigned (V, 4979, footnote).