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a matter of privilege (V, 5438, 5439) such as bills vetoed by the President (IV, 3549; V, 5439). A proposition to impeach having been laid on the table, a similar or identical proposition may be again brought up (III, 2049; VI, 541).

5. If the proposition will want more amendment and digestion than the formalities of the House will conveniently admit, they refer it to a committee.

§ 446. Delegation of consideration to committee.

6. But if the proposition be well digested, and may need but few and simple amendments, and especially if these be of leading consequence, they then proceed to consider and amend it themselves.

In the House of Representatives it is a general rule that all business goes to committees before receiving consideration in the House itself. Occasionally a question of privilege or a minor matter of business is presented and considered at once by the House.

The Senate, in their practice, vary from this regular graduation of forms. Their practice comparatively with that of Parliament stands thus:

§ 447. Privileged motions in the Senate and in Parliament.

FOR THE PARLIAMENTARY: THE SENATE USES:

Postponement indefinite,	{	Postponement to a day beyond the session.
Adjournment,	{	Postponement to a day within the session.
Lying on table,	{	Postponement indefinite. Lying on the table.

In their eighth rule, therefore, which declares that while a question is before the Senate no motion shall be received, unless it be for the previous question, or to postpone, commit, or amend the main question, the term postponement must be understood according to their broad use of it, and not in its parliamentary sense. Their rule, then, establishes as privileged questions the previous question, postponement, commitment, and amendment.

The House of Representatives governs these motions by clause 4 of rule XVI.

But it may be asked: Have these questions any privilege among themselves? or are they so equal that the common principle of the “first moved first put” takes place among them? This will need explanation. Their competitions may be as follows:

§ 448. Obsolete provision as to priority of privileged motions.

1. Previous question and postpone	} commit amend	} In the first, second, and third classes, and the first member of the fourth class, the rule "first moved first put" takes place.
2. Postpone and previous question		
3. Commit and previous question	} postpone amend	
4. Amend and previous question		

In the first class, where the previous question is first moved, the effect is peculiar; for it not only prevents the after motion to postpone or commit from being put to question before it, but also from being put after it; for if the previous question be decided affirmatively, to wit, that the main question shall *now* be put, it would of course be against the decision to postpone or commit; and if it be decided negatively, to wit, that the main question shall not now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for nor against the previous question will enable the advocates for postponing or committing to get at their object. Whether it may be amended shall be examined hereafter.

While clause 4 of rule XVI now governs the priority of motions, these provisions of the Manual remain of interest because of the parliamentary theory they present.

**Second class.** If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment or amendment; but if decided negatively (that it shall not be postponed), the main question may then be suppressed by the previous question, or may be committed, or amended.

§ 449. General principles of priority of motions.

The previous question is used now for bringing a vote on the main question and not for suppressing it.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

In present practice of the House the question on the previous question would be put first, and being decided affirmatively would force a vote on the amendment and then on the main question.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amend-

ment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved shall be first put; because, in truth, it facilitates and be-friends the motion to amend. *Scobell* is express: "On motion to amend a bill, anyone may notwithstanding move to commit it, and the question for commitment shall be first put." *Scob.*, 46.

These principles of priority of privileged motions are recognized in the House of Representatives, and are provided for by clause 4 of rule XVI.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both are moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one, *e.g.*:

Suppose a motion to postpone, commit, or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed, because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way—by deciding against the postponement, commitment, or amendment. 2. *Hats.*, 81, 2, 3, 4.

While the general principle that one secondary or privileged motion should not be applied to another is generally recognized in the House of Representatives, yet the entire change in the nature of the previous question (V, 5445) from a means of postponing a matter to a means of compelling

an immediate vote, makes obsolete the parliamentary rule. For as the motions to postpone, commit, and amend, are all debatable, the modern previous question of course applies to them (clause 1 of rule XVII).

**Suppose a motion for the previous question, or commitment or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of the Senate says that when a main question is before the House no motion shall be received but to commit, amend, or pre-question the original question, which is the parliamentary doctrine also. Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, can not be received. 2. This is a piling of questions one on another; which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment, or amendment.**

**Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The first, second, and third reasons, before stated, all hold against this.**

The principles of this paragraph are in harmony with the practice of the House of Representatives, which provides further that a motion to suspend the rules may not be postponed (V, 5322).

Suppose an amendment moved to a motion for the previous question. Answer: The previous question can not be amended. Parliamentary usage, as well as the ninth rule of the Senate, has fixed its form to be, "Shall the main question be now put?"—*i.e.*, at this instant; and as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example and without utility.

\* \* \*

Although the nature of the previous question has entirely changed, yet the principle of the parliamentary law applies to the new form.

\* \* \* But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of an indefinite time.

§ 453. Motion to amend applicable to motions to postpone or refer.

The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion; that is, we may amend a postponement of a main question. So, we may amend a commitment of a main question, as by adding, for example, "with instructions to inquire," &c.

\* \* \*

This principle is recognized in the practice of the House of Representatives (V, 5521).

\* \* \* In like manner, if an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn some-

§ 454. Amendment in the third degree not in order.

where, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

This rule of the parliamentary law is considered fundamental in the House of Representatives (rule XIX).

[In filling a blank with a sum, the largest sum shall be first put to the question, by the thirteenth rule of the Senate, contrary to the rule of Parliament, which privileges the smallest sum and longest time. *5 Grey, 179; 2 Hats., 8, 83; 3 Hats., 132, 133.*] And this is considered to be not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem in any other case; then the question must begin a maximo. Or whether the lesser includes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence or the terminus a quo in any other case where the question must begin a minimo; the object being not to begin at that extreme which, and more, being within every man's wish, no one could negative it, and yet, if

§ 455. Filling blanks;  
and amendment to  
numbers.



he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. *3 Grey, 376, 384, 385.* “The fair question in this case is not that to which, and more, all will agree, but whether there shall be addition to the question.” *1 Grey, 365.*

The thirteenth rule of the Senate has been dropped. The House of Representatives has no rule on the subject other than this provision of the parliamentary law. It is very rare for the House to fill blanks for numbers. When a number in pending text is to be changed by amendment, the practice of the House permits to be pending: the alternative number proposed in the amendment to the text; a second alternative number as an amendment to the amendment; a third as a substitute; and a fourth as an amendment to the substitute. Thus, if the pending text itself states a number, then five alternative numbers may be pending simultaneously. With respect to a concurrent resolution on the budget (which is considered as read and open to amendment at any point and to which amendments must be mathematically consistent under clause 8 of rule XXIII), adoption of a perfecting amendment changing several figures precludes further amendment merely changing those figures, but does not preclude more comprehensive amendments changing other portions of the resolution which have not been amended as well (Apr. 27, 1977, p. 12485).

Another exception to the rule of priority is when a motion has been made to strike out, or agree to, a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

§ 456. Priority of amendments over motions to strike out or agree.

In the House of Representatives the principle that a text should be perfected before a question is taken on striking it out, and that an amendment should be perfected before agreeing to it, is well established. But in considering bills, even by paragraphs, the House does not agree to the paragraphs severally; but after amending one passes to the next, and the question on agreeing is taken only on the whole bill by the several votes on engrossment and passage.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question of order arising out of any other question must be decided before that question. *2 Hats., 88.*

§ 457. Incidental questions, like points of order, which intervene during consideration of the main question.

This principle governs the procedure of the House of Representatives, but a question of order arising after a motion for the previous question must be decided without debate (clause 3 of rule XVII).

A matter of privilege arising out of any question, or from a quarrel between two Members, or any other cause, supercedes the consideration of the original question, and must be first disposed of. *2 Hats., 88.*

§ 458. Matters of privilege as intervening questions.

Rule IX of the House of Representatives and the practice thereunder, confirm and amplify the principles of this provision of the parliamentary law.

Reading papers relative to the question before the House. This question must be put before the principal one. *2 Hats., 88.*

§ 459. Intervention of questions relating to reading of papers.

This provision formerly applied in the House of Representatives to the reading of papers other than those on which the House was to vote. That was under an earlier form of rule XXX, which now applies only to the use of exhibits in debate. For a history of the former rule on reading papers and an explanation of the earlier practice, see §§ 916-917, *infra*.

Leave asked to withdraw a motion. The rule of Parliament being that a motion made and seconded is in the possession of the House, and can not be withdrawn without leave, the very terms of the rule imply that leave may be given, and, consequently, may be asked and put to the question.

§ 460. Withdrawal of motions.

The House of Representatives does not vote on the withdrawal of motions, but provides by clause 2 of rule XVI and clause 5 of rule XXIII the conditions under which a Member may of his own right withdraw a motion.

SEC. XXXIV.—THE PREVIOUS QUESTION.

When any question is before the House, any Member may move a previous question, “Whether that question (called the main question) shall now be put?” If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter. *Memor. in Hakew., 28; 4 Grey, 27.*

The previous question being moved and seconded, the question from the Chair shall be, “Shall the main question be now put?” and if the nays prevail, the main question shall not then be put.

In the modern practice of the House of Representatives the previous question is put as follows: “The gentleman from —— demands the previous question. As many as are in favor of ordering the previous question will say aye; as many as are opposed will say no” (V, 5443).

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. *2 Hats., 80.* Sir Henry Vane introduced it. *2 Grey, 113, 114; 3 Grey, 384.* When the question was put in this form, “Shall the main question be put?” a determination in the negative suppressed the main question during the session; but since the words “now put” are used, they exclude it for the present only; formerly, indeed, only till the present debate was over, *4 Grey, 43,* but now for that day and no longer. *2 Grey, 113, 114.*