

Formerly, when papers were referred to a committee, they used to be first read; but of late only the titles, unless a Member insists they shall be read, and then nobody can oppose it. *2 Hats., 117.*

§ 436. Reading of papers on reference.

Under the rules, petitions, memorials, and communications are referred through the Clerk's desk, so that there is no opportunity for reading before reference, though messages from the President are read (clauses 1 and 4 of rule XXII; clause 2 of rule XXIV).

#### SEC. XXXIII.—PRIVILEGED QUESTIONS.

It is no possession of a bill unless it be delivered to the Clerk to read, or the Speaker reads the title. *Lex. Parl., 274; Elysynge Mem., 85; Ord. House of Commons, 64.*

§ 437. Possession of a bill by the House.

It is a general rule that the question first moved and seconded shall be first put. *Scob., 28, 22; 2 Hats., 81.* But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

§ 438. Theory as to privileged questions.

In the House of Representatives, by rule and practice the system of privileged motions and privileged questions has been highly developed (rule IX, clause 4 of rule XI, clause 4 of rule XVI, and clause 1 of rule XXIV).

A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion can not be received after another question is actually put and while the House is engaged in voting.

§ 439. Precedence of the motion to adjourn.

The rules and practice of the House of Representatives have prescribed comprehensively the privilege and status of the motion to adjourn (clause 4 of rule XVI). The motion intervenes between the putting of the question and the voting, and also between the different methods of voting, as be-

tween a vote by division and a vote by yeas and nays, as after the yeas and nays are ordered and before the roll call begins (V, 5366). But after the roll call begins it may not be interrupted (V, 6053). Clause 4 of rule XVI was amended in the 93d Congress to provide that a motion that when the House adjourns on that day it stand adjourned to meet at a day and time certain is of equal privilege with the motion to adjourn, if the Speaker in his discretion recognizes for that purpose (H. Res. 6, pp. 26–27). In the 102d Congress the motion to authorize the Speaker to declare a recess was given an equal privilege (H. Res. 5, Jan. 3, 1991, p. —).

**Orders of the day take place of all other questions, except for adjournment—that is to say, the question which is the subject of an order is made a privileged one, *pro hac vice*. The order is a repeal of the general rule as to this special case. When any Member moves, therefore, for the order of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed it might continue through the day and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, “Whether the House will now proceed to the orders of the day?” they must be read and proceeded on in the course in which they stand, 2 *Hats.*, 83; for priority of order gives priority of right, which can not be taken away but by another special order.**

“Orders of the day” are part of the regular and daily order of business (IV, 3151). Although a mention of them has survived in clause 1 of rule XXIV, “orders of the day” have disappeared from the practice of the House (IV, 3057) and should not be confused with “special orders,” which are resolutions reported from the Committee on Rules pursuant to clause 4 of rule XI to provide for consideration of matters not regularly in order. The term “special orders” is also used separately to describe permissions for Members to address the House at the conclusion of legislative business.

§ 440. Obsolete  
parliamentary law  
governing orders of  
the day.

After these there are other privileged questions, which will require considerable explanation.

§ 441. Jefferson's discussion of certain privileged motions.

It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them. Such are: 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

The House of Representatives by clause 4 of rule XVI has established the priority and other conditions of motions of this kind.

1. When a proposition is moved which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing for that time the motion and its discussion. *3 Hats., 188, 189.*

§ 442. Obsolete use of the previous question.

The previous question of the parliamentary law has been changed by the House of Representatives into an instrument of entirely different use (V, 5445; rule XVII).

2. But as the previous question gets rid of it only for that day, and the same proposition may recur the next day, if they wish to suppress it for the whole of that session, they postpone it indefinitely. *3 Hats., 183.* This quashes the proposition for that session, as an indefinite adjournment is a dissolution, or the continuance of a suit *sine die* is a discontinuance of it.

§ 443. The motion to postpone indefinitely.

As already explained, in the House of Representatives the previous question is no longer used as a method of postponement (V, 5445) but a means to bring the pending matter to an immediate vote. The House does use the motion to postpone indefinitely, and in clause 4 of rule XVI and the practice thereunder, has defined the nature and use of the motion.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing claims the present time, the question or debate is adjourned to such a day within the session as will answer the views of the House. *2 Hats., 81.* And those who have spoken before may not speak again when the adjourned debate is resumed. *2 Hats., 73.* Sometimes, however, this has been abusively used by adjourning it to a day beyond the session, to get rid of it altogether as would be done by an indefinite postponement.

The House of Representatives does not use the motion to adjourn a debate. But it accomplishes the purpose of such a procedure by the motion to postpone to a day certain, which applies, not to a debate, but to the bill or other proposition before the House. Of course, if a bill which is under debate is postponed, the effect is to postpone the debate. The conditions and use of the motion are treated under clause 4 of rule XVI.

4. When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

This is the use of the motion to lay on the table which is established in the general parliamentary law, and was followed in the early practice of the House of Representatives. But by an interesting evolution in the House the motion has now come to serve an entirely new purpose, being used for the final, adverse disposition of a matter (clause 4 of rule XVI; V, 5389). And a matter once laid on the table may be taken therefrom only by suspension of the rules (V, 6288) or similar process, unless it be

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