January, 2015

Table Annexed to Article: Jefferson’s Manual of Parliamentary Practice (1801)

Peter J. Aschenbrenner, Purdue University

Available at: https://works.bepress.com/peter_aschenbrenner/297/
TABLE ANNEXED TO ARTICLE:
JEFFERSON’S
MANUAL OF PARLIAMENTARY PRACTICE
(1801)
2 OCL 136_1801
PETER J. ASCHENBRENNER
Department of History, Purdue University
paschenb@purdue.edu
TABLE 136.1801
{WORD COUNT = 58,277}

MANUAL

OF

PARLIAMENTARY PRACTICE,

COMPOSED ORIGINALLY

FOR THIS USE OF

THE SENATE OF THE UNITED STATES.
BY THOMAS JEFFERSON.

WITH REFERENCES TO THE PRACTICE AND RULES OF THE

HOUSE OF REPRESENTATIVES,

THE WHOLE BROUGHT DOWN TO THE PRACTICE OF THE PRESENT
TIME; TO WHICH ARE ADDED

THE RULES AND ORDERS, TOGETHER WITH

THE JOINT RULES OF BOTH HOUSES

OF CONGRESS.

AND ACCOMPANIED WITH

COPIOUS INDICES.
Sec.
1. Rules, importance of,
2. Legislature,
3. Privilege,
4. Elections, -
5. Qualifications, -
6. Quorum, -
7. Call of the House,
8. Absence, -
9. Speaker,
10. Address, -
11. Committees, -
12. Committee of the Whole, -
13. Examination of Witnesses,
15. Order, ...
16. Order respecting Papers, •
17. Order in debate,
18. Orders of the House,

19. Petitions,
MR. JEFFERSON’S PREFACE.

The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it to determine the rules of its own proceedings." The Senate have accordingly formed some rules for its own government: but those going only to few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising either under their own rules, or, where they have provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion; and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion, nor open to the imputation of them. But to what system of rules is he to recur as supplementary to those of the Senate? To this there can be but one answer: to the systems of regulations adopted for the government of some one of the parliamentary bodies within these States or of that which has served as a prototype to most of them. This last is the model which we have all studied; while we are little acquainted with the modifications of it in our several States, It is deposited, too, in publications possessed by many, and open to all. Its rules are probably as wisely constructed for governing the debates of a considerative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate hitherto under the references to them, has given them the sanction of their approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and where these are silent, of the rules of Parliament, I have here endeavoured to collect and digest so much of these as is called for in ordinary practice, collating the parliamentary with the senatorial rules, both where they agree and where they vary. I have done this, as well to have them at hand for my own government, as to deposit with the Senate the standard by which I judge and am willing to be judged. I could not doubt the necessity of quoting the sources of my information; among which, Mr. Hatsell’s most valuable book is pre-eminent; but as he has only treated some general heads, I have been obliged to recur to other authorities, in support of a number of common rules of practice to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to part of the
text, the residue being inferred from known rules and principles. For some of the most familiar forms, no written authority is, or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

I am aware, that authorities can often be produced in opposition to the rules which I lay down as parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing towards uniformity and accuracy; and have now obtained a degree of aptitude to their object, beyond which little is to be desired or expected. Yet I am far from the presumption of believing, that I may not have mistaken the parliamentary practice in some cases; and especially in those minor forms, which, being practised daily, are supposed known to every body, and therefore have not been committed to writing. Our resources in this quarter of the globe, for obtaining information on that part of the subject, are not perfect. But I have begun a sketch, which those who come after me will successfully correct and fill up, till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

JEFFERSON'S MANUAL.

NOTE.

The Rules and practices peculiar to both the Senate and House of Representatives, are printed in smaller type.

MANUAL PARLIAMENTARY PRACTICE.

IMPORTANCE OF RULES.

SECTION I.

THE IMPORTANCE OF ADHERING TO RULES.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, ‘It was a maxim he had often heard when he was a young man from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of
proceeding; that these forms, as instituted by our ancestors operated as a check, and control, on the actions of the majority; and that they were, in many instances, a shelter and protection to the minority, against the attempts of power.’

So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents.

14 LEGISLATURE.

The only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding, which have been adopted as they were found necessary from time to time, and are become the law of the house; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses, which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.—2 Hats. 171, 172.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.—2 Hats. 149.

SECTION II.

LEGISLATURE.

All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of Senate and House of Representatives. — Constitution of the United States, Article I. Section 1.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. — Const, U. 8., Sect. L Art. 6.

For the powers of Congress, see the following Articles and Sections of the Constitution of the United States. — Art. I. Sec. 4, 7, 8, 9.— Art. II. Sec. 1, 2.— Art. III. Sec. 3.—Art. IV. Sec. 1| 3, 5.— ^nd all the Amendments.
The privileges of the members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never-yielding pace. Claims seem to have been brought forward from time to time, and repeated till some example of their admission enabled them to build law on that example. We can only, therefore, state the point of progression at which they now are. It is now acknowledged, 1st, that they are at all times exempted from question elsewhere, for any thing said in their own house: that during the time of privilege, 2d, neither a member himself, his wife,* or his servants, [*familiaria aui] for any matter of their own, may be arrested on mesne process, in any civil suit: 3d, nor be detained under execution, though levied before the time of privilege: 4th, nor impleaded, cited, or subpoenaed, in any court: 5th, nor summoned as a witness or juror: 6th, nor may their lands or goods be distrained: 7th, nor their persons assaulted, or characters traduced. And the period of time, covered by privilege, before and after the cession, with the practice of short prorogations under the connivance of the Crown, amounts in fact to a perpetual protection against the course of justice. In one instance, indeed, it has been relaxed by 10 G. 3. c. 60. which permits judiciary proceedings to go on against them. That these privileges must be continually progressive seems to result from their rejecting all definition of them; the doctrine being, that "their dignity and independence are preserved by

* Order of the House of Commons, 1663, July 16.
  Elsynge, 217-1 Hats. 21-1 Grey's Deb. 133.

by

16 nonLBos.

keeping their privileges indefinite;" and that "<the maxims upon which they proceed, together with the
method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws."—1 Blackstone^ 163, 164.

It was probably from this view of the encroaching character of privilege, that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privilege^ <*> Senators and Representatives" themselves from the single act of arrest in all cases except treason, felony, and reach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House."—Const. U. S., Art. I. Sec. 6. Under the general authority <*> to make all laws necessary and proper for carrying into execution the powers given them," Const. U. S., Art II. Sec. 8, they may provide by law the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground: —1. The act of arrest is void, ab initio, 2 Stra. ^9. —2. The member arrested may be discharged on motion, I Bl. 166. 2 Stra. 090; or by Habeas Corpus under the Federal or State authority, as the case may be; or by a writ of privil^ out of the Chancery, 2 Stra. 9^, in those States which have adopted that part of the laws of England—Orders of the House of Com., 1550, Feb. 20. 8. The arrest being unlawful, is a trespass for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorized arrest. 4. The court before which the process is returnable, is bound to act as in other cases of unauthorized proceeding, and liable also, as in other similar cases, to have their proceedings stayed or corrected by the Superior Courts.

The time necessary for joining to and returning from Congress not being defined, it will of course be judged of in every particular case by those who will have to decide the case.

by

PRIVIL... 17

While privilege was understood in England to extend, as it does here, only to exemption from arrest eundo morando, et redeundo^ the House of Commons themselves decided that "a convenient time was to be understood," —1580 —1 Hats. 99, J00. Nor is the law so strict in point of time as to require the party to set out immediately on his return, but allows him time to settle his private affairs, and to prepare
for his journey; and does not even scan his road very neatly, nor forfeit his protection for a little deviation from that which is most direct; some necessity perhaps constraining him to it — 2 Stra. 986, 987.

This privilege from arrest, privileges of course against all process, the disobedience to which is punishable by an attachment of the person; as a subpoena ad respondendum, or testificandum, or a summons on a jury; and with reason, because a member has superior duties to perform in another place.

When a Representative is withdrawn from his seat by summons, the 47,700 people whom he represents lose their voice in debate and vote, as they do in his voluntary absence: when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does in his voluntary absence. The enormous disparity of evil admits no comparison.

So far there will probably be no difference of opinion as to the privileges of the two Houses of Congress; but in the following cases it is otherwise. In Dec. 1795, the House of Representatives committed two persons of the names of Randall and Whitney, for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House: and the Acts being proved, Whitney was detained in confinement, a fortnight, and Randall three weeks, and was reprimanded by the Speaker. In March, 1796, the House of Representatives voted, a challenge given to a member of their House, to be a breach of the privileges of the House; but satisfactory apologies and acknowledgments by

18 PRIVILEGE.

being made, no further proceedings were had. The Editor of the Aurora having in his paper of Feb. 19, 1800, inserted some paragraphs defamatory to the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of this order, it was insisted in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defence; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British Parliament exercise the right of punishing contempt; all the State Legislatures exercise the same power; and every Court does the same; that if we have it not, we
sit at the mercy of every intruder who may enter our doors or gallery, and by noise and tumult render proceeding in business impracticable; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered, that the Parliament and Courts of England have cognizance of contempts by the express provisions of their law; that the State Legislatures have equal authority, because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their Constitutions have expressly denied them; that the Courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws, adopted in each State by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor any powers but such as are given them by the Constitution; that that has given them directly exemption from personal arrest, exemption from question elsewhere for what is said in the House, and power over their own members and proceedings; for these, no further law is necessary, the Constitution being the law; that, moreover, by that article of

PRIVILBOE. 19

the Constitution which authorizes them "to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in them," they may provide by law for an undisturbed exercise of their functions, e. ff. for the punishment of contempts, of affrays or tumults in their presence, &c.; but, till the law be made, it does not exist; and does not exist, from their own neglect; that in the meantime, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies ad libitum to aid him, 3 Groti, 59, 147, 255, is equal to the smallest disturbances; that, in requiring a previous law, the Constitution had regard to the inviolability of the citizen as well as of the member; as, should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also as, the law being promulgated, the citizen will know how to avoid offence. But if one branch may assume its own privileges without control; if it may do it on the spur of the occasion, conceal the law in its own breast, and after the fact committed make its sentence both the law and the judgment on that fact; if the offence is to be kept undefined, and to be declared only ex re nata,
and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail, time will decide. Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make, and at the same time apply, the law, is open to question and consideration, as are all new laws. Perhaps Congress, in the mean time, in their care for the safety of the citizens, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.

by VjOQQIC

20 PRIVILEGE.

Privilege from arrest takes place by force of the election; and before a return be made, a member elected roaf be named of a committee, and is to every intent a member, except that he cannot vote until he is sworn. —Memor. 107, 10S—D'EWes, 642. col. 2. 653. col 1. ^Pet. Miacd. Pari 119– Zca?. Pari c 23–2 Hats. 22. 62.

Every man must, at his peril, take notice who are members of either House returned of record. — Lex. Pari 23, 4– Inst. 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the sergeant, — 1 Chrey, 88. 95.

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the house. — 3 Grey, 140. 222.

For any speech or debate in either House, they shall not be questioned in any other place. — Const. U. S.y Art. 1, Sec. 6. S. P. protest of Commons to James I. 1621. 2 Rapin. No. 54. p. 211, 212. But this is restrained to things done in the House in a Parliamentary course, 1 Rush^ 663. — For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty. — Com. p.

If an offence be commited by a member in the House, of which the House has cognizance, it is an infringe-
ment of their right for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. — Lex. Pari. 63.

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts; but not of the House itself. — 2 Ndsony 450–2 Grey, 399. For whatever is spoken in the House, is subject to the censure of the House; and offences of this kind have been severely punished, by calling the person to the bar to

make submission, committing him to the Tower, expelling the House, &c. — Scob, 72 — Lex. Pari. c. 22.

It is a breach of order, for the Speaker to refuse to put a question which is in order. — 2 Hats. 175, 176—5 Chrey^ 133»

AncT even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance; yet, in Parliament, a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact, and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege. Otherwise it would be in the power of other branches of the government, and even of every private man, under pretences of treason, &c. to take any man from his service in the House; and so as many, one after another, as would make the House what he pleaseth — Decision of the Commons on the King's declaring Sir John Hotham a traitor — 4 Rushw. 586. So when a member stood indicted of felony, it was adjudged that he ought to remain of the House till conviction. For it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. — ^23 El. i^SO–D'Ewes, 283, col. I—Lex. Pari. 133.

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as' they think proper.— 2 Hats. 259, Of which, see many examples. — 2 Hats. 256, 257, 258. But the communication is subsequent to the arrest, — 1 Blackst. 167.

It is highly expedient, says Hatsell, for the due preservation of the privileges of the separate branches of the Legislature, that neither should encroach on the
other, or interfere in any matter depending before them.

by

23 ELECTIONS.

SO as to preclude, or even influence, that freedom of debate, which is essential to a free council. They are therefore not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches that have been held, by the members of either of the other branches of the Legislature, until the same have been communicated to them in the usual Parliamentary manner—2 Hats. 252—4 Inst. 15—Seid* Jud. 53. Thus the King's taking notice of the bill for suppressing soldiers depending before the House, his proposing a provisional clause for a bill before it was presented to him by the two Houses, his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill, were breaches of privilege. —2 Nalson, 743; and in 1783, December 17, it was declared a breach of fundamental privileges, &c. to report any opinion or pretended opinion of the King, on any bill or proceeding depending in either House of Parliament, with a view to influence the votes of the members.—2 Hats, 251, 6.

SECTION IV.

ELECTIONS.

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.—Co7l«^ U, S^ Art. I. Sec. 4.

Each House shall be the judge of the elections, returns, and qualifications of its own members. —Const. V. 8.iArt. I. Sec. 6.

d by

QUALIFICATIONS. 23
SECTION V.

QUALIFICATIONS.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the end of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature: which shall then fill such vacancies.

No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State, for which he shall be chosen. — Const, U. S., Art. I Sec. 3.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the Electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative, who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. 

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not
taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative. — Const, U. S.f Art. L Sec. 2.

The provisional apportionments of Representatives made in the Constitution in 1787, and afterwards by Congress, were as follows: —

by

QIJALTIFICATIONS.

25

STATES.

)17W(6)

IbUO(e)

1810(<f)

1820(«)

iKjocr;
Ifame-(A)

New Hampsbir*. .
MassachoBetts . • . •

Bliode Island

Connecticut

Vennont

New York

New Jersey ......

Pennsylvania

Delaware •

Marylaad '•

Virginia
Noth Carolina . . .
South Carolina ,,,
Georgia
Kentucky ,
Tennessee (t) ,,,,
Ohio(*)
Louisiana (0 <
Indiana (m) ,
Mississippi (n)
Illinois (o)
Alabama (p)
Missouri (9) .

Michigan (r) ,

Arkansas (}
(a) Ab per constitution.

(b) As per act of April 14th, 1798, one Representative for 33,000, first census.

(c) As per act of January 14th, 1803, one Representative for 33,000, second census.

(d) As per act of December 31st, 1811, one Representative for 35,000, third census.

(e) As per act of March 7th, 1823, one Representative for 40,000, fourth census.
As per act of May StSi, 1833, one Representative for 47^700, fifth census.

As per act of 1848, one Representative for 70,680, sixth census.

Previous to the 3d of March, 1830, Maine formed a part of Massachusetts, and was called the District of Jlfoine, and its Representatives are numbered with those of Massachusetts. By compact between Maine and Massachusetts, Maine became a separate and independent state, and by act of Congress of 3d March, 1830, was admitted into the Union as such; the admission to take place on the 15th of the same month. On the 7th of April, 1820, Maine was declared entitled to seven Representatives, to be taken from those of Massachusetts.

Admitted under act of Congress of June 1, 1796, with one representative.

April 30, 1808,
April 8, 1813,
December 11, 1816,
December 10, 1817,
December 3, 1818,
December 14, 1819,
March 3, 1830,
January 36, 1837,
June 15, 1837,

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies. — Const. U, fif., ArL L Sec. 2.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office. — Const. U. S. Art. L Sec. 6.

SECTION VI.
dUORUM.

A MAJORiTT of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide. — Const, V. S. Art. L Sec. 5.

In general; the chair is not to be taken till a quorm 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 sus- pended.— 2 Hats. 125, 126.

The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end, that any mistake may be corrected that shall have been made in the entriea.—^Rules of the Senate, 1.

d by

CALL OF THE HO V8B-- ABSENCE. 2T

SECTION VII

CALL OF THE HOUSE

On a 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.— Or J. H.of C. 92.

They rise, that their persons may be recognised; 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 Hatsi. 72.
SECTION VIII.

ABSENCE.

No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour is arrived to which the Senate stood adjourned.--^JRuZe 8.

by

SB SPEAItEIt.

SECTION IX.

SPEAKEH,

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided,—Conjr^ U. S., ArL 1. Sec. 3.

The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice President, or when he shall exercise the office of President of the United States.—Const. U. S.t Art* L Sec. 3*

The House of Representatives shall choose their Speaker and other officers.—Const. U. S.t ArL L Sec, 2.

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 Hals. 108, As are also questions of all kind whatever, — 6 Grey, 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 14 days— 1 Chand, 331, 33 B.

In the Senate, a President, pro tempore, in the absence
of the Vice President, is proposed and chosen by ballot. His office is understood to be determined on the Vice President's appearing and taking the chair, or at the meeting of the Senate after the first recess. — Vide Rule 23.

Where the Speaker has been ill, other Speakers pro tempore have been appointed. Instances of this are, 1 H. 4, Sir John Cheney, and for Sir William Sturton, and in 15 /T, 6x Sir John Tyrrell, in 1656, Jan, 27 — 1658, Mar. 9 — 1059; Jan. 13.

d by

ADDRESS. 39

Not merely

pro tempore.

^1 — 1 Chand.

160,276,277.

Sir Job Charlton ill, Seymour chosen 1673, Feb. 18.

Seymour being ill, Sir Robert Sawyer chosen, 1678, April 15th.

Sawyer being ill, Seymour chosen. J

Thorpe in execution, a new Speaker chosen— 31 H. VI. — 3 Grej/y 11; and March 14, 1694, Sir John Trevor chosen. There have been no later instances —2 Hats. 161.— 4 InsL-S Lex. Pari. 263.

A Speaker may be removed at the will of the House, and a Speaker pro tempore appointed. — 3 Grey^ 186 —5 Grey, 134— Vide Rule, Sen. 23.

SECTION X.

ADDRESS.

The President shall, from time to time, give to Ibe Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge ne-
cessary and expedient, — Const. U. 5., Art. II. Sec. 3.

A joint address from both Houses of Parliament is read by the Speaker of the House of Lords. It may be attended by both Houses in a body, or by a committee from each House, or by the two Speakers only. An address of the House of Commons only may be presented by the whole House, or by the Speaker.—9 Grey, 473, 1 Chandler, 298, 301, or by such particular members as are of the Privy Council.—2 Hats. 276.

so COMMITTEES*

SECTION XL

COMMITTEES**

Standing committees, as of privileges an J eleclionsj &c, are usually appointed ai the firal meetmg, to con-continue through the sessiou. The perfiou first named is generally pennitieJ io act aa chairman. But this is a matler of courtesy; every comoiitlee having a rigUUi to elect iheir own chairman, who presides over them, puts qnestionst and reports their proceedings to the House.— 4 ImL 11, VZScob. 7-1 Grey^ U2.

At these co m mi t lees ihe members are lo speak stand- ing, and not sating; though there is reason to conjecture it was formerly otherwise* — D^I^wes^ 630, col, I — 4 FarL Hist. 440-2 Hals, 77,

Their proceed iugs are not to be published, as they are of no force till confirmed by the House. — Huahw. part 3, voL 2, 74-3 Grei/j 40i-Scoif. 39. Nor can they receive a petition but through the House.—9 Gre^, 41'2i

When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is beard in his place, or at the bar, or a special authority is given lo the com-mittee to inquire concerning him* — 9 Grey, 523,

So soon as the House sits, and a committee Is notified of it, the chairman is in duty bound lo nse instantly* and the members to attend the service of the House. —2 JVVwj. 319, Vide Ruks H, E, 102-

It appears, that on joint committee of the Lords and
Commons, each committee acted integrally, in the fol-

* Mode of up pointing committees. — Pirf* Sensit Rules 33.
B4. RutLu H. it 7,

by LjOOQ IC

COMMITTEE OF THE WHOLE. 31

lowing instances— 7 Orey^ 261, 278, 286, 338—^1
Chandler^ 357, 462. In the following instances it does
do not appear whether they did or not — 6 Chrey, 129—^7
Grey, 213, 229, 321.

SECTION XII.

COMMITTEE OF THE WHOLE.

Thb ^speech, messages, and other matters of great
concernment, are usually referred to a committee of the
whole House — 6 Grey, 311, where general principles
are digested in the form of resolutions, which are de-
bated and amended till they get into a shape which
meets the approbation of a majority. These being re-
ported and confirmed by the House, are then referred
to one or more select committees, according as the sub-
ject divides itself into one or more bills — Scob. 86,
44. Propositions for any charge on the people arc
especially to be first made in a committee of the whole
— 3 Hats. 127. Vide Rules K R. 123, 124. The
sense of the whole is better taken in committee, be-
cause in all committees every one speaks as often as
he pleases— 18coft. 49. Vide Rules H. R. 125. They
generally acquiesce in the chairman named by the
Speaker; but, as well as all other committees, have a
right to elect one, some member, by consent, putting
the question. — Scob. 36 — 3 Grey, 301.— Pfrfc Rules
H, R. 118. The form of going from the House into
committee, is for the Speaker, on motion, to put the
question that the House do now resolve itself into a
committee of the whole, to take under consideration
such a matter, naming it. If determined in the affir-
mative, he leaves the chair, and takes a seat elsewhere,
as any other member; and the person appointed chair-

by

82 . COMMITTEE OF THE WHOLE,

man seats himself at the clerk's table. — Scob. 36.
Vide Btdea H, R. 118. Their quorum is the same as
that of the House; and if a defect happens, the chair-
man, on a motion and question, rises, the Speaker resumes the chair, and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair, and receives it, because the committee cannot. 2 Ho’s, 125, 126.

In a committee of the whole, the tellers, on a division, differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon, the members retiring to their places, the Speaker told the House “he had taken the chair without an order, to bring the House into order.” Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further, in consequence of what had happened in the grand committee which was done. 3 Grey 139.

A committee of the whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House, without returning into committee, 3 Grey, 130.

No previous question can be put in a committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise on a question, the House is resumed, and the chairman reports that the committee of the whole have, according to order, had under their consideration such a matter, and have made progress therein: but not having time to go through the same, have directed him to ask leave to sit again. Whereupon, a question is put on their having leave, and on the time when the House will again resolve itself into a committee. iScod. 38. But if they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman reports their proceedings to the House; which being resolved the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of **Now, Now,” whereupon he makes the report: but if it
late, the cry is, «* To-morrow, To-morrow," or, " On Monday," &c. or a motion is made to that effect, and a question put, that it be received to-morrow, &c.—Scob. 38.

In other things the rules of proceedings are to be the same as in we House. — Scob. 39.

SECTION xni.

EXAMINATION QV WITNESSES.

Common fame is a good ground for the House to proceed by inquiry, and even to accusation. — ReaoltA'

Witnesses are not to be introduced but where the House has previously instituted an inquiry, 2 Hats^ 102, nor then are orders for their attendance given blank. — 3 Grey^ 51.

When any person is examined before a committee, or at the bar of the House, any member wishing to

by

84 EXAMINATION QV WITNESS!

at (he person a question, must address it to the Speaker or chairman, who repeats the question, to the person, or says to him, "You hear the question, answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved, or put, or debated, while they are there.— 2 Hats. 108. Sometimes the questions are previously settled in writing before the witness enters.— 2 Hois, 106, 107 — 8 Grey^ 64. The questions asked must be entered in the journals. — 3 Grey, 81. Bat the testimony given in answer before the House is never written down; but before a committee it must be for the information of the house, who are not present to hear it.— 7 Grey, 62, 334.

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody. — 3 HatB. 52.

A member, in his place, gives information to the
Either House may request, but not command, the attendance of a member of the other. They are to make the request by message to the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the Peers are sitting as a court of Criminal Judicature, they may order attendance; unless where it be a case of impeachment by the Commons. There it is to be a request. — 3 Hats. 17-9 Grey, 306. 406-10 Grey, 133.

by

Arrangement of Business. 86

Conzel are to be heafi only on pri?ate» not on public bills; and on such points of law only as the House shall direct. — 19 Grey, 61.

SECTION XIV.

Arrangement of Business.

The Speaker |s not precisely bound to any rules as to what bills or other matter shall be first taken up, but is left to his own discretion, unless the House on a question decide to take up a particular but>ject.— Hakew. 136.

A settled order of business is, however, necessary for the goferment of the presiding person, and to restrain individual members from calling up favourite measures, or matters under their special patronage, out of their just turn. It is useful also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others having a priority of right to their attention in the general order of business.

in Senate the bills and other papers which are in pos^ session of the House, and in a state to be acted upon, are arranged every morning, and brought on in the following order:

1. Bills ready for a second reading are read, that they may be referred to committees, and so be put under way.
But if, on their being read, no motion is made for commitment, they are then laid on the table in the general file, to be taken up in their just turn.

2. After twelve o'clock, bills ready for it are put on their passage.

3. Reports in possession of the House which ofibr grounds for a bill, are to be taken up, that the bill may be ordered in.

4. Bills or other matters before the House, and und by

$t AKRANOSUNTS OF BUSIKEK.

finished on the preceding day* whether taken up in turn, or on special order, are entitled to be resumed and passed on through their present stage.

5. These matters being despatched, for preparing and expediting business, the general file of bills and other papers is then taken up, and each article of it is brought on according to its seniority, reckoned by the date of ka first introduction to the House. Reports on bills belong to the dates of their bills.

[The arrangement of the business of the Senate is now as follows:

1. Motions previously submitted.

2. Reports of committees previously made.

3. Bills from the House of Representatives, and those introduced on leave, which have been read the first time are read the second time; and if not referred to a committee, are considered in committee of the whole, and proceeded with as in other cases.

4. After twelve o'clock, engrossed bills of the Senate, and bills of the House of Representatives, on the third reading are put on their passage.

5. If the above are finished before one o'clock, the general file of bills, consisting of those reported from committees on the second reading, and those reported from committees after having been referred, are taken up in the order in which they were reported to the Senate by the respective committees.

6. At one o'clock, if no business be pending, or if no
motion be made to proceed to other business, the special orders are called, at the head of which stands the un-
finished business of the preceding day.] — Vide Rules H. JL 19 to 27 inclusive.

In this way we do not waste our time in debating what shall be taken up: we do one thing at a time, follow up a subject while it is fresh, and till it is done with; clear the House of business, gradatim as it is brought on, and pre-
vent, to a certain degree, its immense accumulation towards the close of the session.

Arrangement, however, can only take hold of matters in possession of the House. New matter may be moved at any time, when no question is before the House. Such by

ORDER— ORDER RESPECTING PAPERS. 37

are ori^nal motions, and reports on biHs. Such are, bills from the other House, which are received at all times* and receive their first reading as soon as the question then before the House is disposed of; and bills brought in on leave, which are read first whenever presented. So, messages from the other house respecting amendments to bills, are taken up as soon as the House is clear of a ques-
tion, unless they require to be printed, for better consi-
deration. Orders of the day may be called for, even when another question is before the House. ' 

SECTION XV.

ORDER.

Each House may determine the rules of its i punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member. — Const, L 5.

In Parliament, " instances make order," per Speaker Onslow, 2 Hat8, 144: but what is done only by one Parliament, cannot be called custom of Parliament: by Prynne. 1 Grey, 62,

SECTION XVI.

ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers, be taken from the table, or out of his custo-
dy.— 2 HaU. 19a, 194.
Mr. Prynne having, zX a committee of the whole, siniended a mistake in a bill, without order or know-
ledge of the committee, was reprimanded.—1 Chand. 77.

A bill being missing, the House resolved, that apro-
d by

88 ORDER IN DEBATE*

testation should be made and sabscribed by the mem^bers, ** before Almighty God and this honourable House, that neither myself nor any other, to my kno wledge, have taken away, or do at this present conceal a bill entiUed," &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. — Toum. col. 209.

SECTION XVII.

ORDER IN DEBATE.

When the Speaker is seated in his chair, every mem-
ber is to sit in his place, — Scoh. 6. — 3 Grey, 403.

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'Elwes, 487, col. 1—2 Hats. 77—4 Grey, 60—8 Orey^ 108. But members who are indispcMed may be indulged to fpeak sitting. — 3 Hats. 75. 77—1 Grey, 195.

In Senate, every member, when he speaks, shall address the chair, standing in his place; and when he has finished, shall sit down. — Rule 3,

When any member is about to speak in debate, or deli- ver any matter to the Houses he shall rise from his seat, and respectfully address himself to <' Mr. Speaker," and shall confine lumself to the question under debate, and avoid personality. — Ride H. R. 28.

When a member stands updo speak» no question is to be put; but he is to be heard, unless the House ovei^
If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name; when he proceeds, unless he voluntarily Mixa down, and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision; in which case, the question is put, "Which member was first up?" — 2 Hats. 1^—Shob. 1—D'Ewes, A24t, eoL 1, 2.

In the Senate of the United States, the President's decision is without appeal. Their rule is in these words: — When two members rise at the same time, the President shall name the person to speak; but in all cases, the member who shall first rise and address the chair, shall speak first. — Rule 5.

No man can speak more than once to the same bill, on the same day; or even on another day, if the debate be acyooornd. But if it be read more than once, in the same day, he may speak once at every reading.— Co. 12, 1 1—Hakew. 148—ISC6, 68—2 Hats. 75. Even a change of opinion does not give a right to be heard a second time.— /Sm^A. Comm. L. 2. c. 3—.firran. Pml. 17.

The corresponding rule of Senate is in these words: — No member shall speak more than twice in any one debate on the same day, without leave of the Senate. — Rule4.

No member shall speak more than once to the same question, without leave of the House, unless he be the mover, proposer, or introducer, of the matter pending; in which case he shall be permitted to spei^ in reply, but not until every member choosing to speak shall have spoken.— Aule H. R. 32.

But he may be permitted to speak again to clear a matter of fact.— 3 Grey, 357. 416. Or merely to ex^ plain himself, 3 Hats. 73, in some material part of his apeech, ib. 75; or to the manner or words of the question, keeping himself to that only, a|id not travelling into the merits of it. Memorials in Hakew. 29; ot to the orders of the House, if they be transgressed, keeping within that line, and falling into the matter itself. — Mem. Hakew. 30, 31.
But if the Speaker rises to speak, the member standing up must sit down, that he may be first heard. Town. col. 205—ZTo/e. Pari. 133.—3/cm. in Hakew. 30f 31. Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge: then he may, with their leave, state the matter of fact.—3 Grey 38,

No one is to speak impertinently or beside the question, superfluously or tediously.—i$ico6. 31, 33»-2 Hat8. 166, \\"HdU. Pari 133.

No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it.—2 Hati, 109, IKS\^Rushw. p. 3. v. l.fol. 42. But while a proposition is under consideration, is still in fieri, though it has even been reported by a committee, reflections on it are no reflections on the House.—Chrey, 808.

No person, in speaking, is to mention a member then present by his name; but to describe him by his seat in the house, or who spoke last or on the other side of the question, &c. Mem. in Hakew. — 3 Smyth* 9 Comw. L. 2, c. 3; nor to digress from the matter to fall upon the person.—<$'co6. 31 — Halt^ Pari. 133 — 2 Hats. 166, by speaking, reviling, nipping, or unman- nerly words against a particular member. Smyth's Comw. L. 2. e. 3. The consequence of a measure may be reprobated in strong terms; but to arraign the motives of those who propose or advocate it, is « perso- siality, and against order. Qui digreditur a materia ad personam, Mr. Speaker ought to suppress.—-Ore/. Com. 1604, Apt. 19.

When a member shall be called to order by the President or a Senator, he shall sit down and every question

by

ORDER IN DEBATE. 41

ODt of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question
of order. — Rule 6.

While the speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse: nor, while a member is speaking, shall pass between him and the chair. Every member shall remain uncovered during the session of the house. No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling, or ballots are counting. — Rule H. R, 34.

No one is to disturb another in his speech, by hissing, coughing, spitting, 6 Grey, 332 — Scob. 8—> D^EweSf 332, col. 1; nor stand up to interrupt him, Town. col 205 — Mem. in Hakew^ 31; nor to pass be» tween the Speaker and the speaking member; nor to go across the house, Scob. 6; or to walk up and down it; or to take books or papers from the table, or write there. 2 Hats. 171.

Nevertheless, if a member finds it is not the inclination of the house to hear him, and that, by conversation or any other noise, they endeavour to drown his voice, it is the most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says any thing worth their hearing.— 2 llais. 11, 78.

If repealed calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregulariy; whereupon the House may require the member to withdraw. He is then to be heard in excusepation^ and to withdraw. Then the Speaker states the offence committed, and the House considers the degree of punishment they will inflicts —2 Hats. 169, 7, 8, 172.

by

42 ORDER IN DEBATE.

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see 1 Pet. Misc. 82—3 Grey, 128 — 4 Grey, 328—5 Grey, 38 —26 Grey, 204 — 10 Grey, 8. Whenever warm words or an assault have passed between the members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, 3 Grey, 128, 293 — 5 Grey, 289; or orders them to attend the Speaker, who is to accommo^ date their differences, and to report to the House, 3 Grey, 419; and they are put under restraint, if they
Disorderly words are not to be noticed till the member has finished his speech. 5 Chey, 356–6 Grey, 60. Then the person objecting to them, and desiring them to be taken down by the clerk at the table, must repeat them. The Speaker then may direct the clerk to take them down in his minutes. But if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the clerk to take them down, as stated by the objecting member. They are then part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question, whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. — 2 Hats. 199–4 Grey, 170–6 Grey, 59. When any member has spoken, or other business intervened, after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes, which must happen, if words are not taken down immediately.

by

ORDER IN DEBATE. 43

Formerly, they might be taken down at any time the same day. 2 Hats, 106— JIfem. in Hakew^ 71«^-^ Grey^ 48 — 9 Chrey^ 514.

Disorderly words spoken in a committee, must be written down as in the House; but the committee can only report them to the House for animadversion— 6 Grey, 46.

The rule of the Senate says, If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may better enabled to judge. — Rule 7.

In Parliament, to speak irreverently or seditiously against the King, is against order.— JS!niyfA'« Comw. 2. 2. c. 3–2 Hat8. 170.

, It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings
of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. — 8 Crrey, 22.

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed, which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. — 3 Hats* 51.

by VjOOQIC

44 ORDER IN Z>£BATB«

No member may be present when a bill, or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. — «2 Hat8* 219. The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points, before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order, or matter arising in debate, there the matter must be stated, that is, the question must be moved, himself heard, and then to withdraw. — ^ Hats. 121, 122.

Where the private interests of a member are concerned in a bill or question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary not only to the laws of decency, but to the fundamental principles of the social compact, which denies to any man to be a judge in his own cause, it is for the honour of the House that this rule of immemorial observance should be strictly adhered to. — 2 Hats. 119, 121.— 6 Grey, 368.

No man is to come into the House with his head covered, nor to remove from one place to the other with his hat on, nor is to put on his hat in coming in, or removing, until he be sit down in his place.^
A question of order may be adjourned to give time to look into precedents. — 2 Hats. 118.

In the Senate of the United States, every question of order is to be decided by the President, without debate: but if there be a doubt in his mind, he may call for the sense of the Senate. — Rule 6.

If any member, in speaking or otherwise, transgress by

ORDERS OF THE HOUSE. 45

rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favour of the member called to order, he shall have liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House. — 12m/c« if. R, 29.

In Parliament, all decisions of the Speaker may be controlled by the House, — 3 Grey 319.

SECTION XVIII.

ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but to be kept by porters, or sergeants-at-arms, assigned for that purpose. — Mod. ten. ParL 23.

By the rule of the Senate, on motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared, and during the discussion of such motion the door shall remain shut. — Rule 18.

No motion shall be deemed in order to admit any person or persons whatever within the doors of the Senate-chamber, to present any petition, memorial, or address, or to hear any such read. — Rule 19.

The only case where a member has a right to insist on any thing, is where he calls for the execution
of a subsisting order of the House. Here, there
having been already a resolution, any member has a
right to insist that the Speaker, or any other whose
duty it is, shall carry it into execution; and no debate

by

46 ORDERS or THE HOUSE.

or delay can be had on it. Thus any member has a
right to have the House or gallery cleared of strangers,
an order existing for that purpose; or to have the
House told when there is not a quorum present;— 2
Hats. 87, 120. How far an order of the House is
binding, see Hakew. 392.

But where an order is made that any particular mat-
ter be taken up on any particular day, there a question
is to be put when it is called for. Whether the House
will not proceed to that matter? Where orders of the
day are on important or interesting matter, they ought
not to be proceeded on till an hour at which the House
is usually full — (which in Senate is at noon.)

Orders of the day may be discharged at any time,
and a new one made for a different day, — 3 Gret/f
48. 313.

When a session is drawing to a close, and the im-
portant bills are all brought in, the House, in order to
prevent interruption from further unimportant bills,
sometimes come to a resolution, that no new bill be
brought in, except it be sent from the other house—
3 Grey^ 156.

All orders of the House determine with the session;
and one taken under such an order, may, after the
session is ended, be discharged on a Habeas Corpus.
— Raym. 120 — Jacobs, L. B. by Ruffhead — Parlia-
ment^ 1 Lev. 165, Pritchard's case.

Where the Constitution authorizes each House to de-
terminethe rules of its proceedings, it must mean in those
cases, lefissiative, executive, or judiciary, submitted to
them by the Constitution, or in something relating to these,
and necessary towards their execution. But orders and
resolutions are sometimes entered in the journals, having
no relation to these, such as acceptances of invitations to
attend orations, to take part in processions, &c. These
must be understood to be merely conventional among those
who are willing to participate in the ceremony, and are
therefore perhaps improperly placed among the records of
the House. by
PETITIONS.  47

SECTION XIX.

PETITIONS.

A PETITION prays something. A remonstrance has no prayer. — 1 Grey^ 58.

Petitions must be subscribed by the petitioners, Scoh. 87 — L. Pari c. 22—9 Grey, 362, unless they are attending, 1 Grey, 401, or unable to sign, and averred by a member, 3 Grey, 418. But a petition not subscribed, but which the member presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was, on the Question, (March 14, 1800,) received by the Senate. The averment of a member, or somebody without doors, that they know the handwriting of the petitioners, is necessary, if it be questioned. 6 Grey, 36. It must be presented by a member, not by the petitioners, and must be opened by him, holding it in his hand, 10 Grey, 57.

Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer. — Rule 24.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer; they shall not be debated on the day of their being presented, nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented. — Rule, H. R. 55.

Regularly a motion for receiving it must be made and seconded, and a question put. Whether it shall be

by

48 MOTIONS.

received? But a cry from the House of "Received," or even its silence, dispenses with the formality of
this question; it is then to be read at the table, and disposed of.

SECTION XX-

MOTIONS.

When a motion has been made, it is not to be put to the question, or debated, until it is seconded. - Scab. 21.

The Senate say. No motion shall be debated until the same shall be seconded. - Rule 9.

It is then, and not till then, in possession of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker, as often as any member desires it for his information. - 2 Hats. 82.

The rule of the Senate is, When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table, and read by the President, before the same shall be debated. - Rule 10.

When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Clerk, and read aloud by the clerk before debated. - Rules IT. 12. 88.

Every motion shall be reduced to writing, if the Speaker or any member desire it. - Rules HI. R. 39.

It might be asked, whether a motion for adjournment, Off for the orders of the day, can be made by one member while another is speaking? It cannot. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order if he by

RESOLUTIONS - BILLS. 49

departs from it. And the question of order being decided, he is still to be heard throughout. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion.
No motion can be made without arising and addressing the chair. Such calls are themselves breaches of order, which though the member who has risen may respect as an expression of impatience of the House, against farther debate, yet, if he chooses, he has a right to go on.

SECTION XXL
RESOLUTIONS.

When the House commands, it is by an 'order'
But fact, principles, their own opinions, and purposes, are expressed in the form of resolutions.

A resolution for an allowance of money to the clerks, being moved, it was objected to as not in order, and so ruled by the chair. But an appeal to the senate, (i.e. a call for their sense by the president, on account of doubt in his mind, according to Rule 16,) the decision was overruled. — Journ, Sen. June 1, 1798. I presume the doubt was, whether an allowance of money could be made otherwise than by bill.

SECTION XXH.

BILLS.

Every bill shall receive three readings previous to its being passed; and the president shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the senate unanimously direct otherwise. — Rule 26.

by

60 BILLS, LEAVE TO BRING IN—FIRST READING.

Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed. — Rides H. JR. 108.

SECTION XXIII

BILLS, LEAVE TO BRING IN.
One day's notice, at least, shall be given of an intended motion for leave to bring in a bill. — Rule 25.

When a member desires to bring a bill on any subject, he states to the House, in general terms, the causes for doing it, and concludes by moving for leave to bring in a bill, entitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed on this committee, and one or more in addition. — Hakew, 132 — Scob. 40.

It is to be presented fairly written, without any erasure or interlineation; or the Speaker may refuse it. — Scob. 31— Grejy, 82, 84.

SECTION XXIV.

BILLS, FIRST READING.

When a bill is first presented, the clerk reads it at the table, and hands it to the Speaker, who, rising, states to the House the title of the bill; that this is the first time of reading it; and the question will be, Whe—

BUx8, SECOND READING. 51

ther it shall be read a second time? Then sitting down, to give an opening for objections; if none be made, he rises again, and puts the question, Whether it shall be read a second time? — Hakew. 137, 141.
A bill cannot be amended at the first reading.— 6 Chrey^ 286; nor is it usual for it to be opposed then, but it may be done and rejected. — B^Ewea^ 336, col. 1 —8 Hats. 198. (Vide Rules H. R. 109.)

SECTION XXV.

BILLS, SECOND READING.

The second reading must regularly be on another ^j.'^Hakew. 143. It is done by the clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill, that this is the second time of reading it, and that the question will be, Whether it shall be committed,
or engrossed and read a third time? But if the bill came from the other House, as it always comes engrossed, he states that the question will be. Whether it shall be read a third time? And before he has so reported the state of the bill, no one is to speak to it—Hakew. 143, 146.

In the Senate of the United States, the President reports the title of the bill, that this is the second time of reading it, that it is now to be considered as in a committee of the whole, and the question will be. Whether it shall be read a third time? or, that it may be referred to a special committee. — Vide Rule 27.

d by

52 BILLS, COMMITMENT

SECTION XXVI.

BILLS, COMMITMENT.

If, on motion and question, it be decided that the bill shall be committed, it may then be moved to be referred to a committee of the whole House, or to a special committee. If the latter, the Speaker proceeds to name the committee. Any member also may name a single person, and the clerk is to write him down as of the committee. But the House have a controlling power over the names and number, if a question be moved against any one; and may in any case put in and put out whom they please.

Those who take exceptions to some particulars in the bill, are to be of the committee. But none who speak directly against the body of the bill. For he that would totally destroy, would not amend it.—Hakew. U^Town. col 2Q°—D'Ewe8, 634, col. 2

■Scob, 47; or as is said, 5 Grey, 145, the child is not to be put to a nurse that cares not for it. — 6 Chreyt 373. It is therefore a constant rule, J* that no man is to be employed in any matter who* has declared himself against it." And when any member who is against the bill, hears himself named of its committee, he ought to ask to be excused. Thus, March 6, 1 606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. — Scob. 48.

No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a com-
mittee. — Rule 27.

The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?"** If no opposition be made, or if the

question to reject be negatived, the bill shall go to its second reading without a question. — Rules H, R, 110.

In the appointment of the standing committees, the senate will proceed, by ballot, severally to appoint the chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee. — Rule 34.

The clerk may deliver the bill to any member of the committee. — Town, col, 138. But it is usual to deliver it to him who is first named.

In some cases, the House has ordered the committee to withdraw immediately into the committee chamber and act on, and bring back the bill, sitting the House.– Scob. 48. Vide Rules H. R. 102.

A committee meets when and where they please, if the House has not ordered time and place for them. — 6 Grey, 370. But they can only act when together, and not by separate consultation and consent, nothing being the report of the committee, but what has been agreed to in committee actually assembled.

A majority of the committee constitutes a quorum for house.—Elsynge* 8 method of passing bills^ 11.

Any member of the House may be present at any select committee, but cannot vote, and must give place to all of the committee, and must sit below them.—. Elsynge^ 12. — Scob. 49.

The committee have full power over the bill, or other paper committed to them, except that they cannot change the title or subject. — 8 Grey, 228.
The paper before a committee, whether select or of the whole, may be a bill, resolutions, draught of an
by

5i BILLS.

address, i.e. and it may either originate with them, or be referred to them. In every case, the whole paper is read first by the clerk, and then by the chairman, by paragraphs, Scob. 49, pausing at the end of each paragraph, and putting questions, for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended, or unamended, and no final question on the whole. — 3 JHats. 276. But if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately. This is reserved to the close, when a question is put on the whole for agreeing to it as amended or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole; because all parts of the paper having been adopted by the House, stand, of course, unless altered, or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is, to begin at the beginning, and proceed through its paragraphs: and this order is so strictly adhered to in Parliament, that, when a latter part has been amended, you cannot recur back and make any alteration in a former part. — 2 Hats. 90. In numerous assemblies, this restraint is, doubtless, important.

But in the Senate of the United States, though in the main we consider and amend the paragraphs in their natural order, yet recurrences are indulged; and they seem,

by VjOQQIC

BILLS. 5S

OD the whole, in that small body, to produce advantages overweighin^ their inconveniences.
To this natural order of beginning at the beginning, there is a single exception found in Parliamentary usage. When a bill is taken up in committee, or on its second reading, they postpone the preamble, till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill, such alterations may therein be made, as may also occasion the alteration of the preamble.—Isico^ 50–7 Grty, 431.

On this head, the following case occurred in the Senate, March 6, 1800. A resolution which had no preamble, having been already amended by the House, so that a few words only of the original remained in it, a motion was made to prefix a preamble, which, having an aspect very different* from the resolution, the mover intimated that he should afterwards propose a correspondent amendment in the body of the resolution. It was objected that a preamble could not be taken up till the body of the resolution is done with. But the preamble was received; because we are in fact through the body of the resolution, we have amended that as far as amendments have been offered, and indeed till little of the original is left. It is the proper time, therefore, to consider a preamble; and whether the one offered be consistent with the resolution, is for the House to determine. The mover, indeed, has intimated that he shall offer a subsequent proposition for the body of the resolution; but the House is not in possession of it; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. The practice of the Senate, too, allows recurrences backwards and forwards for the purpose of amendments, not permitting amendments in a subsequent, to preclude those in a prior part, or e conver$o.

by

06 REPORT OF COMMITTEE.

When the committee is through the whole, a member moves that the committee may rise, and the chairman report the paper to the House, with or without amendments, as the case may be. — 2 Hats. 289, 292 — Scob* 63–2 Hats. 290–8 Scob. 50.

When a vote is once passed in a committee, it cannot be altered but by the House, their votes being binding on themselves. — 1607, June 4.

The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself, set down the amendments, stating the words that are to be inserted
or omitted, &<60>. 50: and where, by reference to the page, line, and word of the bill. – Scob. 50.

SECTION xxvn.

REPORT OF COMMITTEE.

The chairman of the committee, standing in his place, informs the House, that the committee, to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments, (as the case may be,) which he is ready to do when the House pleases to receive it. And he, or any other, may move that it be now received. But the cry of ‘now, now,’ from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations, and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the clerk's table, where the amendments reported are read by the clerk, without the coherence; whereupon the papers lie upon the tables till the

BILL, RS-OOMLIIT1IE1fT — REPORT TAKEN VF. b7

Hoasot at his convenience shall take up the report.

Scob. 62 — Hakew. 148.

The report being made, the committee is dissolved, and may act no more without a new power. – Scob. 61. But it may be revived by a vote, and the same matter recommitted to them. – 4 Grey^ 361.

SECTION XXVIII

BILL, RE-COMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted. But in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. – Hakew. 151. If a report be committed before agreed to in the House, what has passed in the committee is of no Validity; the whole question is
again before the committee, and a new resolution must be again moved, as if nothing had passed. — 3 Hats. 131, nott*.

In Senate, January, 1800, the salvage bill was re-committed three times after the commitment.

A particular clause of a bill may be committed without the whole bill. — 2 Hats. 131; or so much of a paper to one, and so much to another committee.

SECTION XXIX.

BILL, REPORT TAKEN UP.

When the report of a paper, originating with a committee, is taken up by the House, they proceed exactly as in committee. Here, as in committee,

by

58 QITAf11-COULITTEB.

when the paragraphs have, on distinct questions, been agreed to «crioa*m,— 5 Chrey, 366— G Grey^ 368 — 8 Grey, 4rt. 104, 360—1 Torhuck's deb. 125—3 Hats. 348 — no question needs be pat on the whole report. 5 (?rey, 381.

On taking up a bill reported with amendments, the amendments only are read by the clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. — Elsynge^a Mem. 23. When through the amendments of the committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill; as he does also if it has been reported without amendments; putting no question but on amendments proposed; and when through the whole he puts the question, Whether the bill shall be read the third time?

SECTION XXX.

QUASI-COMMITTEE .

If, on the motion and question, the bill be not committed, or if no proposition for commitment be made, then the proceedings in the Senate of the United States, and in parliament are totally different. The
former shall be first stated.

The 28th rule of the Senate says, "All bills, on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in a committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered;' that is to say, unless ordered to be referred to a special committee. And when the Senate shall con*

OTASI-COMMITTEE* 50

aider a treaty, bill» or resolution, as in committee of the whole» the Vice President, or President pro tempore, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole; and the chairman so called, shall, during such time, have the powers of a President, pro tempore.

The proceedings of the Senate, as in a committee of the whole, or in quasi-committee, is precisely as in a real com. mittee of the whole, taking no questions but on amend- ments. When through the whole, they consider the quasi-committee as risen, the House resumed, without any mo- tion, question, or resolution to that effect, and the Presi- dent reports, that " the House, acting as in committee of the whole, have had under their consideration the bill, entitled, &c. and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and questions are regularly to be put again on every amend- ment; which being gone through, the President pauses to give time to the House to propose amendments to the bo- dy of the bill, and when through, puts the question, whe- ther it shall be read a third time?

After progress in amending a bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the se- veral votes that the committee rise, the House resume it- self, discharge the committee of the whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-com- mittee stands in statu quo.

How far does this 28th rule subject the House, when in quasi-committee, to the laws which regulate the proceedings of committees of the whole? The particulars, in which these differ from proceedings in the House, are the following—1. In a committee, every member may speak as often as he pleases.—2,
The votes of a committee may be rejected or altered when reported to the House. — 3. A committee, even of the whole, cannot refer any matter to another committee. — 4. In a committee no previous question can be taken: the only means to avoid an improper dis-

60 BILL, SECOND READING.

eussion, if to move that the committee rise: and if it be apprehended that the same discussion will be attempted on returning into committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. — 5. A committee cannot punish a breach of order, in the House, or in the gallery. — 9 Grey, 113; it can only rise and report it to the House, who may proceed to punish.

The 1st and 2d of these peculiarities attach to the quasi, committee of the senate, as every day's practice proves; and seem to be the only ones to which the 28th rule meant to subject them: for it continues to be a House, and there¬fore, though it acts in some respects as a committee, in others it preserves its character as a House. — Thus, 3d. It is in the daily habit of referring its business to a special committee. — 4th. It admits the previous question: if it did not, it would have no means of preventing an improper discussion; not being able, as the committee is, to avoid it by returning into the House: for the moment it would re¬sume the same subject there, the 20th rule declares it again a quasi-committee. — 5th. It would doubtless exercise its powers as a House on any breach of order. — 6th. It takes a question by Yea and Nay, as the House does. — 7th. It receives messages from the president, and the other House. — 8th. In the midst of a debate, it receives a motion to adjourn, and adjourns as a House, not as a committee.

SECTION XXXI.

BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if, on the motion and question, it be not com¬mited, or If no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between
BILL, 8BOOND RBADXNO. 61

each, but putting no question but on amendments proposed; and when through the whole, he puts the question. Whether it shall be read a third time? if it came from the other House. Or, if originating with themselves. Whether it shall be engrossed and read a third time? The Speaker reads sitting, but rises to put a question. The clerk stands while he reads.

But the Senate of the United States is so much in the habit of making many and material amendments at the third reading, that it has become the practice not to engross a bill till it has passed. An irregular and dangerous practice; because, in this way, the paper which passes the Senate is not that which goes to the other House as the act of the Senate, has never been seen in Senate. In reducing numerous, difficult, and illegible amendments into the text, the secretary may, with the most innocent intentions, commit errors, which can never again be corrected*

The bill being now as perfect as its friends can make it, this is the proper stage for those, fundamentally opposed, to make their first attack. All attempts at other periods are with disjointed efforts; because many who do not expect to be in favour of the bill,

* This difficulty has since been obviated by the following Rule of the Senate:

"The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be. Whether it shall be engrossed and read a third time? and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present: but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put."—Unfe 29.

by

62 RBADINO PAPERS.

ultimately, are willing to let it go on to its perfect
state, to take time to examine it themselves, and to hear what can be said for it; knowing that, after all, they have sufficient opportunities of giving it their veto. Its two last stages, therefore, are reserved for this, that is to say, on the question. Whether it shall be engrossed and read a third time? an(i, lastly, Whether it shall pass? The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote, the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents; and it behooves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question. Whether it shall pass?

When the bill is engrossed, the title is to be endorsed on the back, and not within the bill. — Hakew. 250.

SECTION XXXII

READING PAPERS.

Where papers are laid before the House, or referred to a committee, every member has a right to have them once read at the table, before he can be compelled to vote on them. But it is a great, though common error, to suppose that he has a right, toties quoties, to have acts, journals, accounts, or papers, on the table, read independently of the will of the House. The delay and interruption which this might be made to produce, evince the impossibility of the existence of such a right. There is indeed so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information, and not for delay, the Speaker directs it to be read without putting a question, if no one objects. But if objected to, a question must be put. — 2 Hats. 117, 118.

It is equally an error to suppose, that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that
it contains matter infringing on the privileges of the
House.—2 Hats. 117, 118.

For the same reason, a member has not a right to
read a paper in his place, if it be objected to, without
leave of the House. But this rigour is never exercised
but where there is an intentional or gross abuse of the
time and patience of the House.

A member has not a right even to read his own
speech, committed to writing without leave. This also
is to prevent an abuse of time; and therefore is not re-
fused, but where that is intended. —2 Grey, 227.

A report of a committee of the Senate on a bill from
the House of Representatives being under considera-
tion, on motion that the report of the committee of the
House of Representatives on the same bill be read in
Senate, it passed in the negative. — Feb, 28, 1793.

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.

SECTION xxxm.

PRIVILEGED QUESTIONS.

When a question is under debate, no motion shall be re-
ceived but to adjourn, to lie on the table, to postpone indefi-
nitely* to postpone to a day certain, to commit, or to amend;

^ by COOQle

64 nt1TILBOED QUSSTIOKf .

which fleverel motions shall have precedence in Uie order
they stand arranged, and the motion for adjournment shall
always be in order, and be decided without debate. — Rule 11.
When a question is under debate, no motion shall be re.
ceived but to adjourn, to lie on the table, for the previous
question, to postpone to a day certain, to commit or amend,
to postpone indefinitely; which several motions shall have
precedence in the order in which they are arranged; and no
motion to postpone to a day certain, to commit, or to post-
pone indefinitely, being decided, shall be again allowed on
the same day, and at Uie same stage of the bill or proposi^ton.
A motion to strike out the enacting words of a bill
shall have precedence of a motion to amend, and, if carriedt
shall be considered equivalent to its rejection. — Rules H.
R. 41.
It is no possession of a bill, unless it be delivered to the clerk to be read, or the speaker reads the title.—Lex. Pari. 274 — Elsynge Mem. S^-^Ord. House Commona^ 64.

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

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 cannot be received after another question is actually put, and while the House is engaged in voting.

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 orders 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.

by

PRIVILBOED Q.1JS8TION8. 65

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 Haih. 83. For priority of order gives priority of right, which cannot be taken away but by another special order.

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

It is proper that every Parliamentary assembly should have certain forms of question 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 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.

1. When a proposition is moved, which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppress.
ing, for that time, the motion and its discussion. — 3. Jiat9. 188, 189.

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 HaU. 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.

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 Hat9^ 81. And those who have spoken before, may not speak

by

00 PRIVILIOSD QVBsnOki*
a^ain when the adjourned debate is resumed.— 2 SatB. 73. Sometimes, however, this has been abasively used, by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

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.

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.

0. 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.

The Senate, in their practice, vary from this regular gradation of forms. Their practice, comparatively vsi that of parliament, sounds thus:

For the Parliamentary, The Senate uses,

Postmt. indefinite. — Postmt. to a day beyond the session.
Adjournment. — Postmt. to a day within the session.

LyingontheUble. J [g -"^b" Ubr^^]
In their 11th 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.

But it may be asked, Have these questions any privilege among themselves? or are they so equal

by

IU ^

PRIVILEGED QUESTIONS. 67

that the common principle of the "first moved, first put," takes place among them? This will need explanation. Their competitions may be as follow:

1. Prev. Qu. and Postpone ^ In the 1st, 2d, and 3d

Commit > classes, and the 1st member
Amend ) of the 4th class, the rule


Commit > takes place.
Amend )


Postpone y
Amend

4. Amend and Prev. Qu
Postpone
Commit

In the 1st class, where the previous question is first moved » the effect is peculiar; for h 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 shUl 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.

2d 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.

by

68 PRIVILEGED QUESTION*

The 3d class is subject to the same observations as the 2d.

The 4th class — Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

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 amendment, 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 befriends the motion to amend. Scabell is express — ' On a motion to amend a bill, any one may, notwithstanding, move to commit it, and the question for commitment shall be first put.'— iScoft. 46.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both were 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, c. g.

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

by

}^RIVILEGED QUESTIONS. 69

Suppose a motion for the previous question, or com-
mitment 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; i. It would be absurd to postpone the pre-
vious 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 8th 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 ori-
ginal question; which is the Parliamentary doctrine:
therefore, the motion to postpone the secondary motion
for the previous question, or for committing or amend-
ing, cannot be received: 2. This is a piling of ques-
tions 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, com-
mitment, or amendment.

Suppose a commitment moved, of a motion for the
previous question, or to postpone, or amend.

The 1st, 2d, and dd reasons before stated, all hold
good against this.

Suppose an amendment moved to a motion for the
previous question? Answer: The previous question
cannot be amended. Parliamentary usage, as well as
the 0th Rule of the Senate, has fixed its form to be,
"' Shall the main question be now put?" t. 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. , But suppose a motion to amend a motion for
postponement, as to one day instead of another, or to a
special instead of indefinite time. The useful charac-
ter of amendment gives it a privilege of attaching itself
to a secondary privileged motion. That is, we may

by C^OOQIC
amend a postponement of a main question. Screw may amend a commitment of a main question, as by-
adding, for example, "with instruction to inquire," &c.
In like manner, if an amendment be moved to an 
amendment, it is admitted. But it would not be ad-
mitted in another degree; to wit, to amend an amend-
ment to an amendment of a main question. This would 
lead to too much embarrassment. The line must be 
drawn somewhere; 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.

When motions are made for reference of the same sub-
ject to a select committee, and to a standing committee, 
the question on reference to the standing committee shall 
be first put. — Rule 35.

Infilling a blank with a mm, the largest sum shall 
be first put to the question, by the 12th Rule of the 
Senate,* contrary to the rule of Parliament, which pri-
vileges the smallest sum and longest time. — 5 Grey, 
170--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 whe-
ther 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 
quern in any other case. Then the question must be-
in a maximo. Or whether the lesser includes the

* In filling np blanks, the largest sam and longest time shall 
be first put.— /2ii/6 13.

d by

greater, as in question 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 mi' 
nimo. 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 we 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 Gfrey, 376, 384, 385.
** The fair question in this case is not that to which
and more all will agree, whether there shall be addition
to the question." — 1 Grey, 365.

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.

But there are several questions, which, being inci-
dental to every one, will take place of every one, pri-
ileged or not; to wit, a question of order arising out
of any other question, must be decided before that
question. — 2 Hats. 88.

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

Reading papers relative to the question before the
House. This question must be put before the prin-
cipal one. — 2 Hats. 88.

Leave asked to withdraw a motion. The rule of
Parliament being, that a motion made and seconded
is in possession of the House, and cannot be with-

by

72 PRBVI01T8 d1TESTION.

drawn without leave, the very terms of the rule imply
that leave may be given, and consequently, may be
asked and put to the question.

SECTION XXXIV.

THE PREVIOUS QTTESTION.

When any question is before the House, any mem-
ber 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 any
thing 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. — Rule 9.

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.

Before the question, "Whether the main question shall now be put?" any person might formerly have spoken to the main question, because otherwise he

PREVIOUS QUESTION. 73

would be precluded from speaking to it at all. — J/em. in Ifakewn 28.

The proper occasion for the previous question is, when a subject is brought forward of a delicate nature as to high personages, &c., or the discussion of which may call forth observations, which might be of injurious consequences. Then the previous question is proposed, and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases: but in these, it is an embarrassing procedure: its uses would be as well answered by other more simple Parliamentary forms, and therefore it should not be favoured, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been moved and seconded? — 2 Hatsellj 88, says. If the previous question has been moved and seconded, and also proposed from the chair, (by which be means, stated by the Speaker for debate,) it has been doubted whether an amendment can be admitted to the main question. He thinks it may, after the previous question moved and seconded; but not after it has been proposed from the chair.

In this case he thinks the friends to the amendment
must vote that the main question be not now put; and then move their amended question, which being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether; while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies of the main question by this manoeuvre

by

74 PREVIOUS QUESTION*

to the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support his opinion, too, he makes the deciding circumstance, whether an amendment may or may not be made, to be, that the previous question has been proposed from the chair. But as the rule is, that the House is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed from the chair. It may be said, indeed, that the object of the previous question being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend, and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit previous amendment and only cites a few late instances to the contrary. On the whole, I should think it best to decide it as inconvenient; to wit. Which is most inconvenient, to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put amended? or to put it in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience; inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question; and inasmuch also, as so great a proportion of the cases, in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be ob-
AMENDMENTS. 76

structured by a formality introduced for questions of a peculiar character.

SECTION XXXV.

AMENDMENTS.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment. — Scob. 23.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House; but not within the competence of the Speaker to suppress, as if it were against order. For, were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress instead of subserving the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what was intended by the movers, so that they vote against it themselves, — 2 ftats, 79; 4, 82 84. A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," &c.— 1 Grey, 190, 192.

If it be proposed to amend by leaving out certain words, it may be moved as an amendment to this amendment to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill.— 2 Nats. 80, 9. The Parliamentary question is always, Whether the words shall stand part of the bill?

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph

may make it as perfect as they can, by amendments*
before the question is put for inserting it. If it be received, it cannot be amended afterwards, in the same stagey because the House has, on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If, on the question, it be retained, it cannot be amended afterwards: because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend, by striking out certain words and inserting others, the manner of stating the question is, first to read the whole passage to be amended, as it stands at present; then the words proposed to be struck out; next those to be inserted; and lastly, the whole passage, as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others. — 2 Hat8. 80, 7.

A motion is made to amend by striking out certain words, and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible; because to strike out and insert A, is one proposition. To strike out and insert B, is a different proposition. And to strike out and insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived. For as putting the whole motion to the question at once would

by

AMENDMENTS. T7

not have precluded, the putting the half of it cannot do it *

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B. In which case, those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to
strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition. For then it is resolved into the common case of striking out a paragraph after amending it. Nor does any thing forbid a new insertion, instead of A and its coherence.

In Senate, January 25, 1798, a motion to postpone, until the second Tuesday in February, some amendments proposed to the Constitution. The words, "until the second Tuesday in February," were struck out by way of amendment. Then it was moved to add, "until the first day of June." Objected, that it was not in order, as the question should first be put on the longest time; therefore, a shorter time decided against, a longer cannot be put to question. It was answered, that this rule takes place only in filling

* In a case of a division of the question, and a decision against striking out, I advance, doubtfully, the opinion, here expressed. I find no authority either way; and I know it may be viewed under a different aspect. It may be thought, that having decided separately not to strike out the passage, the same question for striking out cannot be put over again, though with a view to a different insertion. Still I think it more reasonable and convenient to consider the striking out and insertion as forming one proposition; but should readily yield to any evidence that the contrary is the practice in Parliament.

by

78 AMENDMENTS.

blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion; and when struck out, a motion may be received to insert any other. In fact, it is not till they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise, it would be in the power of the mover, by inserting originally a short time, to preclude the possibility of a longer. For, till the short time is struck out, you cannot insert a longer; and if, after it is struck out, you cannot do it, then it cannot be done at all. Suppose the first motion has been to amend by striking out "the second Tuesday in February," and inserting, instead thereof, "the first of June." It would have been regular then to divide the question, by proposing first the question to strike out, and then that to insert. Now this is precisely the effect of the present proceeding; only, instead of one motion and two questions, there are two motions and two questions
to effect it: the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one, and incorporate its matter into another bill by way of amendment. So, if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands, and another for inserting it in the place desired.

A bill passed by the one House, with blanks. These may be filled up by the other, by way of amendments, returned to the first, as such, and passed,—8 Hats. 88.

d by

DIVISION OF THE QUESTION. 79

The number prefixed to the section of a bill being merely a marginal indication, and no part of the text of the bill, the clerk regulates that; the House or committee is only to amend the text.

SECTION XXXVI.

DIVISION OF THE (QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. — Mem. in Hakew, 29. But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not? where it is complicated? into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House on a question, unless the House orders it to be divided: as on the question, Dec. 2, 1G40, making void the election of the Knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each Knight. — 2 Hats. 85, 86. So, wherever there are several names in a question, they may be divided and put one by one, — 9 Grey, 444.
So, 1729, April 17, on an objection that a question was complicated, it was separated by amendment. — 2 Hats. 79. 5.

The soundness of these observations will be evident from the embarrassments produced by the 12th rule of the Senate, which says, "If the question in debate contain several points, any member may have the same divided:" but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out; nor shall the rejection of a motion, simply to strike out, prevent a subsequent motion to strike out and insert.

80 DIVISION OF THE QUESTION.

1708, May 30, the alien bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this, it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section, and the provisos, they cannot be divided so as to put the last member to question by itself; for the provisos might thus be left standing alone as exceptions to a rule when the rule is taken away; or the new provisos might be left to a second question, after having been decided on once before at the same reading; which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconsistence. A question to be divisible, must comprehend points so distinct and entire, that one of them being taken away, the other may stand entire. But a proviso or exception, with an enacting clause, does not contain an entire point or proposition.

May 31, The same bill being before the Senate, There was a proviso, that the bill should not extend, 1. To any foreign minister; nor, 2. To any person to whom the President should give a passport; nor, 3. To any alien merchant, conforming himself to such regulations as the President shall prescribe; and division of the question into its simplest elements was called for. It was divided into four parts, the 4th taking in the words, "conforming himself," &c. It was objected, that the words "any alien merchant" could not be
separated from their modifying words, "conforming," by

CO-BXI8TIMO QUESTIONS. 81

&c, 9 because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the first two divisions, the words "any alien merchant" may be struck out, and their modifying words will then attach themselves to the preceding description of persons, and become a modification of that description.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment: because it is a known rule, that a person may rise and speak at any time before the question has been completely decided by putting the negative, as well as the affirmative side. But me question is not completely put when the vote has been taken on the first member only. One half of the question, both affirmative and negative, still remains to be put—See Executive Journ. June 25, 1795. The same decision by President Adams.

SECTION XXXVII.

CO-EXISTINO QUESTIONS.

It may be asked whether the House can be in possession of two motions or propositions at the same time? So that, one of them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House; and does not stand ipso facto before them at their next meeting, but must come forward in the usual way: so, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (e.g. the previous question, the postponement, or commitment) remove it from before the House, But it is only suspended by
a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House; the rule being, that when a motion has been made and seconded no other can be received except it be a privileged one.

SECTION xxxvm.

XQVIVALENT QUESTIONS.

If, on a question for rejection, a bill be retained, it passes of course to its next reading.— JETaAreu*. 141. Scab, 42, and a question for a second reading determined negatively, is a rejection without farther question.— 4 weyt 140. And see Elsynge's Memor. 42, in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other.—4 Grey, 157. Thus the negative of striking out amounts to the affirmative of agreeing: and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

by

SQTJIVALEN T QUESTIONS* 83

A bill originating in one House, is passed by the other with an amendment. A motion in the originating House, to agree to the amendment is negatived. Do these result from this vote of disagreement? or must the question on disagreement be expressly voted? The questions respecting amendments from another House are, 1st. To agree: 2d. Disagree: 3d. Recede: 4th. Insist: 5th. Adhere.

Ist. To agree* > Either of these concludes the 2d. To disagree. 5 other necessarily, for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains^ On either motion, amendments to the amendment may be proposed; e*
g. if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d* To recede. 1 You may then either insist or adhere.

4th* To insist. L You may then either recede or adhere.

5th. To adhere. J You may then either recede or insist.

Consequently, the negative of these is not equivalent to a positive vote, the other way. It does not raise so necessary an implication as may authorize the secretary by inference to enter another vote; for two alternatives still remain, either of which may be adopted by the House.

d by

84 THE UVUBTim.

SECTION XXXIX,

THE QUESTION.

The question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before the question, may rise and speak before the negative be put. Because it is no full question till the negative part be put. — Scob. 'Z^

HatM. 73.

But in small matters, and which are of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House, where no objection is expressed, and does not give them the trouble of putting the question formally. — Scob. 22 — 2 Hats, 87. 2. 87—5 Grey, 129—9 Grey, 301.

SECTION XL.

BILLS, THIRD READING.

To prevent bills from being passed by surprise, the House, by a standing order, directs that they shall not
be put on their passage before a fixed hour, naming one at which the House is commonly full. — Hakew. 153.

The usa of the Senate is, not to put bills on their passage tillnoon.

A bill reported and passed to the third reading, cannot on that day be read the third time and passed. Be-

cause this would be to pass on two readings on the same day. At the third reading, the clerk reads the bill, and delivers it to the Speaker, who states the title, that it is the third time of reading the bill, and that the question will be, Whether it shall pass! Formerly, the Speaker, or those who prepared a bill, prepared also a breviate or summary statement of its contents, which the Speaker read when he declared the state of the bill at the severd readings. Sometimes, however, he read the bill itself, especially on its passage. — Hakew. 136, 137. Coke, 22. 115. Latterly, in stead of this, he, at the third reading, states the whole contents of the bill, verbatim; only instead of reading the formal parts, **be it enacted," &c., he states, that **the preamble recites so and so; the first section enacts, that, &c. the second section enacts," &c.

But in the Senate of the United States, both of these formalities are dispensed with; the breviate presenting but an imperfect view of the bill, and being capable of being made to present a false one; and the full statement being a useless waste of time, immediately after a full reading by the clerk; and especially as every member has a printed copy in his hand.

A bill, on the third reading, is not to be committed for the matter or body thereof; but, to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. — Hakew. 156; thus, 27 EL 1584, a bill was committed on the third reading, having been formerly committed on the second; but it is declared not usual. — D^Rives^ 137, col 2. 414, col 2.

When an essential provision has been omitted, rather than erase the bill, and render it suspicious, they add a clause on a separate paper, engrossed and called a rider, which is read, and put to the question three times. — JSIsynge^1 Memorials, 59 — 6 Grey, 335—1 BlackaU 183. For examples of riders, see 3 Hats.

86 BILLf THIRD RBADINO.
121, 122, 124. 126. E?eiy one is at liberty to bring in a rider without asking leave. — 10 Grey, 52.

It is laid down as a general rule, that amendments proposed at the second reading shall be twice read, and those proposed at the third reading thrice read; as also all amendments from the other House.— Tbu^n. coh 19, 23, 24, 25, 26, 27, 28.

It is with great, and almost with invincible reluctance, that amendments are admitted at this reading, which occasion erasures or interlineations. Sometimes the proviso has been cut off from a bill; sometimes erased. — 9 Grey, 513.

This is the proper stage for filling up blanks; for if filled up before, and now altered by erasure, it would be peculiarly unsafe.

At this reading, the bill is debated afresh, and for the most part is more spoken to, at this time, than on any of the former readings. — Hakew. 153.

The debate on the question. Whether it should be read a third time? has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes.*

The former vote has tried the strength of the first opinion, and furnished grounds to estimate the issuer and the question now offered for its passage, is the last occasion which is ever to be offered for carrying or rejecting it.

When the debate is ended, the Speaker, holding the bill in his hand, puts the question for its passage, by saying, "Gentlemen, all you who are of opinion that this bill shall pass, say ay;" and after the answer of ayes, "* All those of the contrary opinion, say no."— jSoieti.; 154.

After the bill has passed, there can be no further alteration of it in any point.— Z^etc^a. 159.

by

DimiON or THB BOCBE. 87

SECTION XLI.
The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied which voice is the greater, or if, before any other member comes into the House, or before any new motion is made, (for it is too late after that,) any member shall rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House.—^ Scob. 24—2 Hats. 140.

When the House of Commons is divided, the one party goes forth, and the other remains in the House. This has made it important which go forth, and which remain; because the latter gain all the indolent, the indifferent, and inattentive. Their general rule, therefore, is, that those who give their vote for the preservation of the orders of the House, shall stay in, and those who are for introducing any new matter or alteration, or proceeding, contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications. —2 Fush, p, 3, foh 92 —Scob. 43. 62— Co. 12. UQ—B'Wes, 505, col. 1 —gefFt. in Hakew. 25. 29; as will appear by the following statement of who go forth *

Petition that it be received,*
Read, ....

^ Ayes.

Now. 9 Grey, 3C5.

by

88

DIVISION OF THE HOUSE.
Lie on the table, ' ' ' Z
Rejected after refusal to lie on the table, 5
Referred to a committee, or farther pro- 5 *

ceeding, - . - - j ^^

Bill, that it be brought in, -
Read 1st or 2d time, *
Engrossed or read 3d time.
Proceeding on every other stage,
Committed,

To a committee of the whole.
To a select committee.
Report of a bill to lie on table,
Be now read, - - -
Be taken into consideration three months 150 P. J.

hence ------ J 251.
Amendments be read a 2d time. Noes.
Clause offered on report of bill be read"*

2d time. . - . . I

Noes.

> Aye9*

Noes.
Ayes.
Noes.
1 Ayes.

For receiving a clause,
With amendments be engrossed,
That a bill be now read a 3d time.
Receive a rider, - - -

Pass, . . - -

Be printed, - . . .
Committees. That A. take the chair, '
To agree to the whole or any part of

report, -
That the House do now resolve into a committee, - - - -
Speaker. That he now leave the chair, after order to go into committee.
That he issue warrant for a new visit.
Member. That none be absent without leave, - - - -
Witness. That he be farther examined. '
Previous questions, ...

S^Ayes. 334
Noes. 398
1 200
Ayes. 259

>Noes«

Ayes.
Noes.

291

344

d by

DIVISION OF TBS UOVBE. 80
Hanks. That they be filled with the )
largest sam, - - - - vAyes.

AmendmeDts. That words stand part of, J
Lords* That their amendment be read 5 .
a 2d time, - - - - 5 ^y@**
Messenger be received, " " 1
Orders of the day to be now read, if be- I Ayes.

fore 2 o'clock, • • • J
If after 2 o'clock, - . - Noes.

Adjonrnment, till the next sitting day, ) j.
if before 4 o'clock. - - - S ^yes.
If after 4 o'clock. ... Noes.

Over a sitting day, (unless a previous 7 .
resolution,) .... ^ ^yes.
Over the doth January, - - Noes.

For sitting on Sunday, or any other day, 7 .
not being a sitting day, - - i ^

The one party being gone forth, the speaker names
two tellers from the affirmative, and two from the ne-
gative side, who first count those sitting in the House,
and report the number to the Speaker. Then they
place themselves within the door, two on each side,
and count those who went forth, as they come in, and
report the number to the Speaker.– J/em. in Hakew.
26.

A mistake in the report of the tellers may be recti-
fied after the report made. – 2 Hats, 145. Note.

But, in both Houses of Congress, all those intricacies
are avoided. The ayes first rise, and are counted, stand-
ing in their places, by the President or Speaker. Then
tb^ sit, and the noes rise, and are counted in like manner.

in Senate, if the^ be equally divided, the Vice-President
announces his o)inion, ^ich decides.

The Constitution, however, has directed that *»the jreas
and nays of the members of either House, on any question,
■hal], at the desire of one-fifth of those present, be entered
on the journal." And again, that in all cases of re-con.

by

90 DIVISION OF THIS H01T8S.

eiderin^ a bill, disapproved by the President, and returned
with his objections, "*the votes of both Houses shall be
determined by the yeas and nays, and the names of the
persons votine; for .and against the bill, shall be entered
on the journals of each House respectively."

By the 16th and 17th rules of the Senate, when the
veas and nays shall be called for by one-fifth of the mem-
ers present, each member called upon shall, unless for
special reasons he be excused by the Senate, declare
openly, and without debate, his assent or dissent to the
question. In taking the yeas and nays, and upon the call
of the House, the names of the members shall be taken
alphabetically.

When the yeas and nays shall be taken upon any ques-
tion, in pursuance of the above rule, no member shall be
permitted, under any circumstances whatever, to vote
after the decision is announced from the chair.

When it is proposed to take a vote by yeas and nays,
the President or Speaker states, that "The question is
whether, e.g., the bill shall pass? That it is proposed,
that the veas and nays shall be entered on the journal.
Those, therefore, who desire it, will rise." If he finds
and declares that one-fifth have risen, he then states, that
«< those who are of opinion that the bill shall pass, are to
answer in the affirmative; those of the contrary opinion,
in the negative." The clerk then calls over the names
alphabetically, notes the yea or nay of each, and gives the
list to the President or Speaker, who declares the result.
In Senate, if there be an equal division, the secretary calls
on the Vice-President, and notes his affirmative or nega-
tive, which becomes the decision of the House.

In the House of Commons, every member must give
his vote the one way or the other. — Scob. 24. As it
is not permitted to any one to withdraw who is in the
House when the question is put, nor is any one to be
told in the division who was not in when the question
was put. — 2 Hats. 140.

This last position is always true when the vote is
by yeas and nays; where the negative as well as the
affirmative of the question is stated by the President
by

DIVISION OF THE HOUSE. 91

*t the same time* and the vote of both sides begins
and proceeds pari passu. It is true, also, when the
question is put in the usual way, if the negative has
also been put. But if it has not, the member entering,
or any other member may speak, and even propose
amendments, by which the debate may be opened
again, and the question greatly deferred. And, as some
who have answered ay, may have been changed by
the new arguments, the affirmative must be put over
again. If, then, the member entering may, by speak-
ing a few words, occasion a repetition of the question,
it would be useless to deny it on his simple call for it.
While the House is telling, no member may speak, or move out of his place; for, if any mistake be suspected, it must be told again.—Afem. in Hakew. 26—2 Hats. 143.

If any difficulty arises in point of order, during the division, the Speaker is to decide peremptorily, subject to the future censure of the House, if irregular. He sometimes permits old experienced members to assist him with their advice, which they do sitting in their seats, covered to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. — 2 Hais. 143.

The voice of the majority decides. For the lex majoris partis is the law of all councils, elections, &c. where not otherwise expressly provided. — Hakew. 93. But if the House be equally divided, "^semper presumatur pro negante:* that is, the former law is not to be changed but by a majority.—Tbtcm^ col. 134.

But, in the Senate of the United States, the Vice-President decides, when the House is divided. — Const U. 8.9 Art. I. Sec. 11.

When, from counting the House, on a division, it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day. — 2 Hats. 126.

1606, May 1, on a question, whether a member having said Yea, may afterwards sit and change his opinion? A precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 Eliz. who in like case changed his opinion.—iWcm. in Hakew. 27.

SECTION XLII.

TITLE.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other Housq.
SECTION XLIII.

RE-CONSIDERATION.

When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter. — Rule 20.

BE-CONSIDERATION. 03

1798. Jan. A bill on its second reading, being amended, and on the question, whether it shall be read a third time negatived, was restored by a decision to reconsider the question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if the were expunged from the journals. Consequently, the bill is open for amendment, just so far as it was the moment preceding the question for the third reading. That is to say, all parts of the bill are open for amendment, except those on which votes have been already taken in its present stage. But also may it be re-committed.

The rule permitting a reconsideration of a question affixing to it no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it has passed has been parted with, there can be no reconsideration: as if a vote has been for the passage of a bill, and the bill has been sent to the other House. But where the paper remains, as on a bill rejected, when, or under what circumstances, does it cease to be susceptible of reconsideration? This remains to be settled, unless a sense that the right of reconsideration is a right to waste the time of the House in repeated agitations of the same question, so that it shall never know when a question is done with, should induce them to reform this anomalous proceeding.

In Parliament, a question once carried, cannot be questioned again, at the same session; but must stand
as the judgment of the House. — Towns, col. 67—Mem. in Hakew. 33. And a bill once rejected, another of the same substance cannot be brought in again the same session.—i7a;etr. 158 — 6 Grey, 392. But this does not extend to prevent putting the same questions in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment

- This defect is remedied by Rule 20, cited above, which has been adopted since the original edition of this work was published.

by

04 RE-CONSIDERATION*

has been accepted or rejected in a former stage. So in reports of committees, e. g. report of an address', the same question is before the House, and open for free discussion. — Towns, col 26— 2 Hats. 98. 100, 101. So orders of the House, or instructions to committees may be discharged. So a bill begun in one House, sent to the other, and there rejected, may be renewed again in that other, passed, and sent back.—Jb. 92 — 3 Hats. 161. Or if, instead of being rejected, they read it once, and lay it aside, and put it off a month, they may order in another to the same effect, with the same or a different title. — Hakew. 97, 98.

Divers expedients are used to correct the effects of this rule; as, by passing an explanatory act, if any thing has been omitted or ill-expressed, 3 Hats. 278; or an act to enforce, and make more effectual an act, &c. or to rectify mistakes in an act. Sic. or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill of reply.—2 Hats. 194. 6. Or the session may be closed for one, two, three, or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin de novo. — 2 Hats. 94. 98. Or a part of the subject may be taken up by another bill, or taken up in a different way. — 6 Grey, 304. 316.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed as to stop intiispensable proceedings altogether. — 2 Hats, 92. 98. Thus, when the address on the preliminaries of peace, in 1782, had been lost by a majority of one; on account of the importance of the question, and smallness of the majority, the same question in substance, though with words not in the first, and which might change
the opinion of some members, was brought on again

d by

- BILLS SSNT TO THE OTHER HOUSE.' 95

and carried: as the motives for it were thought to out-
weigh the objection of form. — 2 Hats, 99, 100.

A second bill may be passed, to continue an act of
the same session; or to enlarge the time limited for its
execution. — 2 Hats. 95, 98. This is not in contra-
diction to the first act.

[SECTION XLIV.

BILLIs sent to the OTHER HOUSE.

Ali. bills passed in Senate shall, before they are sent to
the House of Representatives, be examined by a com-
mittee, consisting of three members, whose duty it shall
be to examine all bills, amendments, resolutions, or mo-
tions, before they go out of the possession of the Senate,
and to make report that they are correctly engrossed;
which report shall be entered on the journal. — Rule 33.

A Bill from the other House is sometimes ordered
to lie on the table. — 2 Hats. 97.

When bills, passed in one House and sent to the
other, are grounded on special facts requiring proof,
it is usual, either by message, or at a conference, to
ask the grounds and evidence: and this evidence, whe-
ther arising out of papers, or from the examination of
witnesses, is immediately communicated.— 3 Hals* 48.

SECTION XLV.

AMENDMENTS BETWEEN THE HOUSES.

When either House, e. g*. the House of Commons,
sends a bill to the other, the other may pass it with
amendments. The regular progression in this case

d by
is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open. But the first adherence by either, renders it necessary for the other side to recede or adhere also; when the matter is usually suffered to fall. — 10 Grey^ 148. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would be endless. — 3 Hats. 268. 270. The term of insisting, we are told by Sir John Trevor, was then [1679] newly introduced into Parliamentary usage, by the Lords — 1 Grey^ 94. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the House to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance.— 10 Grey^ 146. But it is not respectful to the other. In the ordinary Parliamentary course, there are two free conferences at least before adherence.— 10 Grey, 147.

Either House may recede from its amendment, and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment. For here the disagreement and receding destroy one another, and the subject stands as before the disagreement.— Elsynge^ 23. 27 — 9 Grey, 476.

But the House cannot recede from or insist on, its own amendment with an amendment, for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form; 9 Grey, 353—10 Greyy 240. In Senate, March 29, 1798. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.
In the case of a money bill, the Lords' proposed amendments, became, by delay, confessedly necessary. The Commons, however, refused them, as infringing on their privilege as to money bills, but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the Lords' amendments, and urged, that it was an expedient warranted by precedent, and not unparliamentary in a case become impracticable, and irremediable in any other way.—3 Hat. 256. 266. 270. 271. But the Lords refused and the bill was lost, 1 Chand. 288. A like case, 1 Chand, 311. So the Commons resolve, that it is unparliamentary to strike out at a conference anything in a bill which hath been agreed and passed by both Houses, 6 Grey, 274—1 Chand. 312.

A motion to amend an amendment from the other House, takes precedence of a motion to agree or disagree.

A bill originating in one House, is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment; that being only in the second and not the third degree. For, as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the first degree, and the amendment to that again by 6

by

98 CONFXRBNCKS.

Ifae amending House is only in the Sd, to wit» an amendment to an amendment* and so admissible. Just so when, on a bill from the originating House, the other, at its 2d reading, makes an amendment; on the 3d reading, this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree.

SECTION XLVI.

CONFERENCES.

It is on the occasion of amendments between the
Houses that conferences are usually asked: but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers.—3 Hats. 71–Grey^ 425.

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered without debate, to the managers of the other House at the conference; but they not then to be answered.—3 Grey, 144. The other House then, if satisfied^ vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory, and ask a conference on the subject of the last conference, where they read and deliver in like manner written answers to those reasons.—3 Grey, 183. They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof d by

CONFEBEM CXS. 99

that the miscarriage of a necessary measure is not imputable to them.—3 Grey^ 255* At free confer-enceS) the managers discuss viva voce and freely, and interchange propositions for such modifications as may be made in a Parliamentary way, and may bring the sense of the two Houses together* And each party reports in writing to their respective Houses the sub-stance of what is said on both sides, and it is entered in their journals.—6 Grey^ 220 – 3 Hats. 280. (Vide Joint Bides, l.) This report cannot be amended or altered as that of a committee may be.—Jotim. Se-nate. May 24, 1796.

A conference may be asked, before the House asking it has come to a resolution of disagreement, in-sisting or adhering.—9. Hats. 269. 341. In which ease the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding. For, as was urged by the Lords on a particular occasion, ** it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions, and upon terms of impossi-bility to persuade."*—3 Hats. 226. So the Commons say ** an adherence is never delivered at a free conference, which implies debate."—10 Grey, 147. And on another occasion, the Lords made it an objection that the Commons had asked a free conference after they
had made resolutions of adhering. It was then af-

100 CONFERENCES.

100 CONFERENCES.

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

1. In all cases of confer-

When a conference is asked, the subject of it must be expressed, or the conference not agreed to.— Or(f. H. Com. 89–1 Grey, 425–7 Grey, 31. They are sometimes asked to inquire concerning an offence or default of a member of the other House, 6 Grey, 181—1 Chand. 304; or the failure of the other House to present to the King a bill passed by both Houses, 8 Grey, 302; or on information received, and relating to the safety of the nation, 10 Grey, 171, or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. —10 Grey, 148. So, when an unparliamentary message has been sent, instead of answering it, they ask a conference. —1 Grey, 5. Formerly an address, or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference.—7 Grey, 128. 300. 387—7 Grey, 80–8 Grey, 210.265–1 Torbuck’s Deb. 278–10 Grey, 293.—1 Chandler, 49. 287. But this is not modern practice. —8 Grey, 255.

A conference has been asked, after the first reading
of a bill. — 1 Grey, 194. This is a singular instance,

d by

MESSAGES. 101

SECTION XLVII.

MESSAGES.

Messages between the Houses are to be sent only while both Houses are sitting. — 3 Hats. 15, They are received during a debate, without adjourning the debate. — 3 Hats. 22,

In Senate, the messengers are introduced in any state of business, except — 1. While a question is putting. 2. While the yeas and nays are calling. 3. While the ballots are calling. The first case is short: the second and third are cases where any interruption might occasion errors difficult to be corrected. — Rule 46.

In the House of Representatives, as in Parliament, if the House be in a committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into a committee, without any question or interruption.— 4 Grey^ 226.

Messengers are not saluted by the members, but by the Speaker, for the House. — 2 Grey^ 253. 274,

If messengers commit an error in delivering their messages, they may be admitted, or called in, to correct their message.— 4 Grey^ 41. Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on de novo.

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds
the bill in his hand, and acquaints the House, ** that the other House have, by their messenger, sent cer- tain bills,** and then reads their titles, and delivers them to the clerfc to be safely kept, till they shall be called for to be read. — Hakew. 178.

It is not the usage for one House to inform the other by what numbers a bill has passed.— -10 Grty^n

150. Yet they have som^tiimes recommended a bill as of great importance to the consideration of the House to which it is sent. — 3 Hats. 25. Nor when they have rejected a bill from the other House, do they give notice of it; but it passes sub-silentio, to prevent unbe- coming altercation. — 1 Blacks 133*

But in Congress the rejection is notified by message to the House in which the bill originated. — JoliiU RuteB, 12.

A question is never asked by the one House of the other, by way of message, but only at a conference; for this is an interrogatory, not a message.-^S Grjej/f

151. 181.

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it — 3 Hats. 25— -5 Grey, 154. But if it be mere inattention, it is better to have it don^ informally, by communications between the Speakers, or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Par- liament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party, to which the message referred, its being sent to one House, was not noticed by the other, be- cause the declaration, being original, could not possi- bly be sent to both Houses at the same time.— 2 Hois. 260,261,262.

The King having sent original letters to the Com^w.

by

AMoarTm 103
monsy afterwards dtsires they may be retarned, that be may communicate item to the Lords.— 1 Chandler ^

SECTION XLVIII.

A88ISNT.

The House which has receiTed a bill, and passed it, may present it for the King's assent, and ought to do it, though they have not by message notified to the other their passage of it. Tet the notifying by message 18 a form which ought to be obsenred between the two Houses, from motives of respect and good understand — 2 Hats. 242. Were the bill to be withheld from being presented to the King, it would be an in-fringement of the rules of Parliament. — 2 Hata. 242,

When a bill has passed both Houses of Congress, the House last acting on it notifies its passage to the other, and delivers the bill to the joint committee of enrolment, who see that it is truly enrolled in parchment — {Vide Jaini Rules, 6.) When the bill is enrolled, it is not to be written in paragraphs, but solidly and all of a piece, that the blanks within the para^phs may not give room for forgery. — ^9 Chrey, 143. It is then put in the hands of the clerk of the House of Representa —

104 JOURNAU* proceed to re-consider it. If, after such re-consideration, two-thirds of the House shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall likewise be re-considered^ and if approved by two-thirds of that House, it shall be- come a law. If any bill shall not be returned by the Pre—
sident within ten days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. — Const, U. 8., Art. L Sec, 7.

Every order, resolution, or vote, to which the concur-
rence of the Senate and the House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. — Const, U. 8., Art, L Sec, 7.

SECTION XLIX.

JOURNALS.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy. — Const, I, 5,

The proceedings of the Senate, when not acting as in a committee of the House, shall be entered on the journals, as concisely as possible, care being taken to detail a true account of the proceedings. Every vote of the Senate shall be entered on the journals, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, be also inserted on the journals. — Rule 32.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals. — Rule 31.

d by

JOURNALS. 105

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote: but when suppressed by the previous question, the first question must be stated, in order to introduce, and make intelligible, the second.— 2 Hats. 83.

So also, when a question is postponed, adjourned, or laid on the table, the original question, though not
yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning, or laying on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed which it may be improper to publish to the world, in the form in which they are made.—2 Hals. 85.

In both Houses of Congress, all questions whereon the yeas and nays are desired by one-fifth of the members present, whether decided affirmatively or negatively, must be entered in the journals.—Const, I, 5, 3.

The first order for printing the votes of the House of Commons, was October 30, 1685.—1 Chandley 387.

Some judges have been of opinion, that the journals of the House of Commons are no records, but remembrances. But this is not law.—Co6. 110, 111—Lex.
Parli. 114, U^—Joir. H. C. Mar. 17, 1^2—Hale Parli. 105. For the Lords, in their House, have power of judicature; the Commons, in their House, have power of judicature; and both Houses together have power of judicature; and the book of the clerk 6*

by

^ 106 AmOVRKMEI^T.

of the House of Commons is a record, as is affirmed by act of Parliament—6 H. 8. e. 1^Inat. 23, 34; and every member of the House of Commons has a judi*
cisd place.—4 Inst, 15. As records, they are open to every person; and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case.—2 Hats. 261—3 Hata. 27-30w Every member has a right to see the journals, and to take and publish votes from them. Being a record, every one may see and publish them.—6 Grey 118, 110.

On information of a mis-entry or omission of an en-
try in the journal, a committee may be appointed to examine and rectify it, and report it to the House.—'2 Hats. 194, 5.
SECTI
ON L.
ADJOURNMENT.

The two Houses of Parliament have the sole, separate, and independent power of adjourning, each their respective Houses. The King has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fitting. -2 Hats. 332-1 Blackstone, 186-5 Grey, 122.

By the Constitution of the United States, a smaller number than a majority may adjourn from day to day. - J. 5. But neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which d by

A SESSION* 107

the two Houses shall be sitting. - J. 5. The President may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. - Const. II. 3.

A motion to adjourn simply, cannot be amended as by adding, "To a particular day." But must be put simply, "That this House do now adjourn?" and, if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, "That at its rising, it will adjourn to a particular day;" and then the House is adjourned to that day, - 2 Half. 82.

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c. it adjourns "during pleasure. - 2 Hals. 305. Or for a quarter of an hour. - 5 Grey, 381.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. - 5 Grey, 137. And from courtesy and respect, no member leaves his place till the Speaker has passed on.
SECTION LI.

A SESSION.

Parliament have three modes of separation, to wit, by adjournment, by prorogation, or dissolution by the King, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session; provided some act has passed. In this case, all matters depending before them are discontinued, and at their next meeting are to be taken up.

d by

108 A SESSION.

de novo if taken up at all. — 1 Blackst. 186. Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, &c, ad libitum. All matters depending remain in statu quo and when they meet again, be the term ever so distant, are resumed without any fresh commencement, at the point at which they were left. — 1 Lev. 165—Zcar. Pari c. 2—1 Ro. Rep. 29—4 Inst. 7, 27, 25—^Hutt. 61—1 Mod. 162—Ruffh. Jac^L. Diet. Parliaments — Blackst. 186. Their whole session is considered but as one day, and has relation to the first day thereof. — Bro* Mr. Parliament, 86.

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. — 5 Grey^374—9 Grey, 350—1 Chandler, 50. Neither House can continue any portion of itself in any Parliamentary function, beyond the end of the session, without the consent of the other two branches. When done, it is by a bill constituting the commissioners for the particular purpose.

Congress separate in two ways only, to wit, by adjournment or dissolution by the efflux of their term. What then constitutes a session with them? A dissolution certainly closes one session, and the meeting of the new Congress begins another. The Constitution authorizes the President, "on extraordinary occasions, to convene both Houses, or either of them." — Art, I. Sec. 3. If convened by the President's proclamation, this must begin a new session, and of course determine the preceding one to have been a session. So, if it meets under the clause of the Constitution, which says, "The Congress shall assemble, at least, once in every year, and such meeting shall be on the first Monday in December, unless they
shall by law appoint a different day," — J, 4— this must begin a new session. For even if the last adjournment was to this day, the act of adjournment is merged in the higher authority of the Constitution, and the meeting will be under that, and not under their adjournment So fkr

by

TREATIES. 109

we have fixed landmarks for determining sessions. In other eaees, it is declared by the joint vote authorizing the President of the Senate and the Speaker, to close the ses. sion on a fixed day, which is usually in the following fonn, "Resolved by the Senate and House of Representatives, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on the -- day of ."

When it was said above, that all matters depend* ing before Parliament were discontinued by the deter^ mination of the session, it was not meant for judiciary cases, depending before the House of Lords, such as impeachments, appeals, and writs of error. These stand continued of course to the next session.— /?aym. 120. SSi—Ruffh. Jac. L Z>. Parliament.

Impeachments stand in like manner continued before the Senate of the United States.*

SECTION LII.

TREATIES.

The President of the United States has power, by and with the advice and consent of the Senate, to make trea- ties, provided two-thirds of the Senators present concur. — ConsL U, 8., Art, 11. Sec. 2.

All confidential communications, made by the President of the United States to the Senate, shall be, by the mem- bers thereof, kept inviolably secret; and that all treaties, which may hereafter be laid before the Senate, shall also be kept secret, until the Senate shall, by their resolution, take off* the injunction of secBBcy. — Rule 38.

Treaties are legislative acts. A treaty is a law of the land. It differs from other laws only as it must

* It was held, in the case of Hastings, that a dissoltUion did
not work the discontinuance of an impeachment.

by

110 TREATIES.

have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power: and there, also, if they touch the laws of the land, they must be approved by Parliament. Ware vs. Hylton. — 3 DaUas's Rep, 199. It is acknowledged, for instance, that the King of Great Britain cannot, by a treaty, make a citizen of an alien. VcUtelt b. 1. c. 19. sec. 214. An act of Parliament was necessary to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht, in 1712, the commercial articles required the concurrence of Parliament, but a bill brought in for that purpose was rejected. France, the other contracting party suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty. — 4 RusseWs HUt. Mod* Eu* rope, 467-2 Smollett, 242. 246.

By the Constitution of the United States, this department of legislation is confined to two branches only, of the ordinary Legislature; the President originating, and Senate having a negative. To what subject this power extends, has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. — 1. It is admitted, that it must concern the foreign nation, party to the contract, or it would be a mere nullity res inter alias acto. — 2. By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty, and cannot be otherwise regulated. — 3. It must have meant to except out of these the rights reserved to the States; for surely the President and Senate cannot do by treaty what the whole Government is interdicted from doing in any way. — 4. And also to except those subjects of levellation in which it has a participation to the House or Representatives. This last exception is denied by some, on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate

Digfeed by

TREATII^S. Ill

from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by
the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation, is no more inconvenient than to the Senate. But the ground of this exemption is denied as unfounded. For examine, e. g, the treaty of commerce with France, and it will be found that out of thirty-one articles, there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions.

Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the Legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France, 1798.

It has been the use of the Executive, when it communicates a treaty to the Senate for their ratification, to communicate also the correspondence of the negotiations. This having been omitted in the case of the Prussian treaty, was asked by a vote of the House, of February 12, 1800, and was obtained. And in December, 1800, the Convention of that year between the United States and France, with the report of the negotiations by the Envoys, but not their instructions, being laid before the Senate, the instructions were asked for, and communicated by the President.

The mode of voting on questions of ratification, is by nominal call.

Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify the whole or any part, shall be received.

Its second reading shall be for consideration; and on a subsequent day, when it shall be taken up as in a committee of the whole, and every one shall be free to move a question on any particular article in this form, ** Will the Senate advise and consent to the ratification of this article? or to propose amendments thereto, either by inserting or by leaving out words, in which last case the question shall be, <-* Shall the words stand part of the article 1" And in every of the said cases, the concurrence of two-thirds of the Senators present shall be required to decide a^ratively. And when through the whole, the proceedings shall be stated to the House, and questions be again severally put thereon for confirmation, or new ones pro^posed, requiring in like manner a concurrence of two-thirds for whatever is retained or inserted.
The votes so confirmed shall, by the Houie, w a com* roittee thereof, be reduced into the form of a ratification with or without modifications, as may have been deecidedy and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by in- serting or leaving out words; in which last case the ques- tion shall be, ** Shall the words stand part of the resolu- tion V And in both cases the concurrence of two-thirds shall be requisite to carry the affirmative: as well as on the final question to advise and consent to the ratification in the form agreed to. — Rule 37,

When any question may have been decided by the Se- nate, in which two-thirds of the members present are ne- cessary to carry the affirmative, any member who voted on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes. — Rule 44.

SECTION LIII.

IMPEACHMENT.

The House of Representatives shall have the sole power of impeachment. — Const. U, S., Art. I. Sec. 3.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any of-

d by

niPSAGHlIBNT. 113

fice of honour, trast, or profit, \
der the United States. B9t the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law. — Const. 17. 8,, Art. L Sec. 3.

The President, Vice President, and all civil officers of the United States, shall be removed from office on im- peachmenfe for, and conviction of, treason, bribery, or other nigh erimes aiid misdemeanors. — Const. U. 8,, Art. IL Sec. A.
The trial of crimes, except in cases of impeachment, shall be by jury.—Con^ U. 8., Art. III. Sec. 2.

These are the provisions of the Constitution of the United States on the subject of impeachments. The following is a sketch of some of the principles and practices of England on the same subject.

Jurisdiction. — The Lords cannot impeach any to themselves, nor join in the accusation, because they are judges. — Seld, Judic, in Pari. 12. 63. Nor can they proceed against a commoner, but on complaint of the Commons. — Id. 84. The Lords may not, by the Jaw, try a commoner for capital offence, on the information of the King, or a private person; because the accused is entitled to a trial by his peers generally; but on accusation by the House of Commons, they may proceed against the delinquent, of whatsoever degree, and whatsoever be the nature of the offence; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and the judgment is given on their demand, which is instead of a verdict. So the Lords do only judge but not try the delinquent. — Id. 6, 7. But Wooddeson denies that a commoner can now be charged capitally before the Lords, even by the Commons; and cites Fitz-harris's case, 1681, impeached of high treason, where the Lords remitted the prosecution to the inferior court. — 8 Grtxfs Deb. 325, 6, 7 — 2 Wooddeson^ 601. 576—3 Seld. 1610. 1619. 1641—4 Black. 257 ^3 Seld. 1604. 1618, 9. 1656.

by

114 nmACHMBNT.

•tfceii«ah*<m.*— The commons, as the grand inquest of the nation, become jsuitors for penal jwttice.— 2 Wodd. 597—6 Grey, 356* The general course is to pass a resolution, containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation, at the bar of the House of Lords, in the name of the Commons. The person signifies, that the articles will be exhibited, and desires that the delinquent may be sequestered from his seat, or be committed, or that the Peers will take order for his appartunace.— &ici^.

Trial. 325—2 Wodd* 602. 605.^Zords' Vour. 3 June, 1701—1 Wms. 616—6 Grey, 324.

ProcesB.^\i the party do not appear, proclamations are to be issued giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues, giving a
short day. If he appear not, his goods may be arrested, and they may proceed.— iS!e/(f. Jud. 98, 99.

^riicles.^-Th! accusation (article) of the Commons, is substituted in place of an indictment. Thus, by the usage of Parliament an impeachment for writing or speaking, the particular words need not be specified.— iS!acA. TV. 325-P-2 Woodd. 602. e05— Lords* Joum. 3. June, 1701-1 Wms. 616.

^appearance.'^K he appears, and the case be capital, he answers in custody; though not if the accusation be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers a Lord in his place, a Commoner at the bar, and not in custody, unless, on the answer, the Lords find cause to commit him till he find sureties to attend, and lest he should fly. — Seld. Jud. 98, 99. A copy of the articles is given him, and a day fixed for his answer. — T. Ray"^1 Ruahw, 268 — Phst. 232 — 1 Clar, Hist, of the Reb. 379. On a misdemeanor, his appearance may be in person, or he may answer

by

IMFXAOHMSNT. 115

k writingt or by Bitomey."^SM. Jud. 100. The general fve col mceusation for a misdemeanor is, that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer.— >!s!e//f. Jud. 101. If prctIously committed by the Commons, he answers as a prisoner. But this may be called, in some sor!^ judicium parium suorum. ^-Seld. Jud. In misdemeanors, the party has a right to counsel by the common law; but not in capital e^Bea.—Seld. Jud. 102— *5.

ttfiMu^er.— -The answer need not observe great strictt* ness of form. He may plead guilty as to part, and defend as to the residue; or, saying d1 exceptions, deny the whole, or give a particular answer to each article separately.— 1 JRuah. 274-2 Hush. 1874-12 Pari. Hi9t. 442-8 Lordi' Joum. 18 Nov. 1648-2 PVood. 607. But he cannot plead a pardon in bar to the impeach.tment. — 2 Wood. 618 — 2 St. TV. 735.


ffitnesees. — The practice is to swear the witnesses In open House, and then examine ihem there: or a committee may be named, who shall examine them in
committee either on interrogatories agreed on in the House, or such as the committee, in their discretion, shall demand. — Seld. Jud. 120. 128.

In the case of Alice Pierce, 1 i?. 2. a jury was empannelled for her trial before a committee.— Seld. Jud. 128. But this was on a complaint, not an impeachment by the Commons.— iSicM. Jud. 168. It must also have been for a misdemeanor only, as the Lords' Spiritual sat in the case, which they do on misdemeanors, but not in capital cases.— <S(e)/(/. Jud. 148. The judgment was a forfeiture of all her lands and goods. — Seld. Jud. 188. This, Selden says, is by

116 UlfBAQRffBlIT.

the onljjury hr^hds recorded in Parliament for mis-
demeanors; fct he makes no doubt if the delinquent doth put himself on the trial of his country, a jury ought to be «mpannelled : and he adds, that it is not so on impeachment by the Commons; for they are in oco proprio, and here no jury ought to be empan-
nelled.— /rf. 124. The Lord Berkley, 6 E. 3. was arraigned for the murder of, 2. 2. on an information on the part of the King, and not on impeachment of the Commons; for then they had been patria sua. He waived his peerage, and was tried by a jury of Glou-
cestershire and Warwickshire.— /i. 125. In one, 1 H, 7. the Commons protest that they sm not to be considered as parties to any judgment given, or hereafter to be given in Parliament.— /i. 133. They have been generally, and more justly considered, as is before stated, as the grand jury. For the conceit of Selden is certainly not accurate, that they are the patria sua of the accused, and that the Lords do only judge, but not try. It is undeniable that they do try. For they examine witnesses as to the facts, and acquit or condemn according to their own belief of them. And Lord Hale says, 'the Peers are judges of law as well as of fact.' — 2 Hale. P. C. 275. Conse-
quently of fact as well as of law.

Presence of Commons. — The Commons are to be present at the examination of witnesses. — Seld. Jud. 124. Indeed, they are to attend throughout, either as a committee of the whole House; or otherwise, at discretion, appoint managers to conduct the proofs.*— Rushw. Tr. of Straff. S7—Com. Journ. 4 Feb. 1709, 10 — 2 Wood. 614, And judgment is not to be given till they demand it. — Seld. Jud. 124. But they are not to be present on impeachment when the Lords consider of the answer or proofs, and determine of their judgment. Their presence, however, is neces-
sary at the answer and judgment in cases capital – 7rf.

by VjOOQIC

IMPSACIHMENT. 117

58. 159; as well as not capital, 162. The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty; and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. – Seld. Jud. 167-2 fFood. 612,

Judgment, – Judgments in Parliament, for death, have been strictly guided per legem terrse which they cannot alter: and not at all according to their discretion. They can neither admit any part of the legal judgment, nor add to it. Their sentence must be secundum, non ultra legem, – Seld.Judn 168, 169, 170, 171. This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments, prevail. For impeachments were not framed to alter the law, but to carry it into more effectual execution against two powerful delinquents. The judgment, therefore, is to be such as is warranted by legal principles or precedents. – 6 Sta. Tr. 14 – 2 Wood. 611. The Chancellor gives judgments in misdemeanors; * the Lord High Steward, formerly, in cases of life and death. – Seld. Jud. 180. But now the Steward is deemed not necessary. – /b^ 144 – 1 Wood. 613. In misdemeanors, the greatest corporal punishment hath been imprisonment. – Seld. Jud. 184. The King’s assent is necessary in capital judgments, (but 2 Woodd. 614. contra.) but not in misdemeanors. – Seld. Jud. 136-

Continuance. – ^An impeachment is not discontinued by the dissolution of Parliament; but may be resumed by the new Parliament. – 7\ Ray. 383 – 5 Com. Jour. 23 Dec. 1790– Lords' Jour. May 16, 1791–2 Wood. 618.

by LjOO^IC

d by

RULES FOR CONDUCTING BUSINESS
SENATE OF THE UNITED STATES.

by

by

RULES

FOR

CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

3. Every member, when he speaks, shall address the chair, standing in his place, and, when he has finished, shall sit down.

4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the chair shall speak first.

6. When a member shall be called to order by the President, or a Senator, he shall sit down; and every question out of order shall be decided by the President, without debate, subject to an appeal to the Senate; and
The President may call for the sense of the Senate on any question of order.

7. If the member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

8. No member shall absent himself from the service of the Senate, without leave of the Senate first obtained. And, in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, ' respeciively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9. No motion shall be debated until the same shall be seconded.

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day. certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

12. If the question in debate contain several points,
any member may have the same divided: but, on a
ton motion to strike out and insert, it shall not be in order
to move for a division of the question: but the rejection
of a motion to strike out and insert one proposition
shall not prevent a motion to strike out and insert a
different proposition; nor prevent a subsequent mo-
iion, simply to strike out: nor shall the rejection of a
motion simply to strike out prevent a subsequent mo-
tion to strike out and insert.

13. In filling up blanks, the largest sum and longest
time shall be first put.

14. When the reading of a paper is called for, and
the same is objected to by any member, it shall be de-
termined by a vote of the Senate, and without debate.

15. The unfinished business in which the Senate
was engaged at the last preceding adjournment, shall
have the preference in the special orders of the day,

16. When the yeas and nays shall be called for by
ejon-eighth of the members present, each member called
upon shall, unless for special reason be excused
by the Senate, declare openly, and without debate, his
assent or dissent to the question. In taking the yeas
and nays, and upon the call of the House, the names
of the members shall be tak'n alphabetically.

17. When the yeas and nays shall be taken upon
any question, in pursuance of the above rule, no mem-
er shall be permitted, under any circumstances what-
ever, to vote after the decision is announced from the
chair.

18. On a motion made and seconded to shut the
doors of the Senate, on the discussion of any business
which may, in the opinion of a member, require se-
crecy, the President shall direct the gallery to be
cleared; and, during the discussion of such motion,
the doors shall remain shut.

19. No motion shall be deemed in order, to admit
any person or persons whatsoever within the doors of

20. When a question has been once made and car-
rried in the affirmative or negative, it shall be in or-
der for any member of the majority to move for th9
reconsideration thereof: but no motion for the recon-
sideration of any vote shall be in order after a bill, re-
solution, message, report, amendment, or motion, upon
which the vote was taken, shall have gone out of the
possession of the Senate, announcing their decision;
nor shall any motion for reconsideration be in order,
unless made on the same day on which the vote was
taken, or within the next two days of actual session
of the Senate thereafter.

21. When the Senate are equally divided, the secre-
tary shall take the decision of the President.

22. All questions shall be put by the President of
the Senate, either in the presence or absence of the
resident of the United States, and the Senators shall
signify their assent or dissent, by answering, ay or no.

23. The Vice President, or President of the Senate
pro tempore, shall have the right to name a member
to perform the duties of the chair; but such substitu-
tion shall not extend beyond an adjournment.

24. After the journal is read, the President shall first
call for petitions, and then for reports from standing
committees: and every petition or memorial, or other
paper, shall be referred of course, without putting a
question, for that purpose, unless the reference is ob-
jected to by a member at the time such petition, me-
memorial, or other paper, is presented. And before any
petition, or memorial, addressed to the Senate, sh^ be received and read at the table, whether the samq
shall be introduced by the President or a member, a
brief statement of the contents of the petition or me-
memorial shall verbally be made by the introducer.

25. One day's notice, at least, shall be given of an

by

RULES OF THE SENATE. 125

intended motion for leave to bring in a bill; and all
bills reported by a committee, shall, after the first read-
ing, be printed for the use of the Senate: but no other
paper or document shall be printed for the use of the
Senate, without special order.

26. Every bill shall receive three readings previous
to its being passed; and the President shall give notice
at each, whether it be the first, second, or third; which
readings shall be on three different days, unless the
Senate unanimously direct otherwise. And all resolu-
tions proposing amendments to the constitution, or to
which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills: and all other resolutions shall lie on the table one day for consideration, and also reports of committees.

27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President pro tempore, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole; and the chairman so called shall, during such time, have the powers of a President pro tempore.

29. The final question upon the second reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present: but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. The special orders of the day shall not be called by the chair before one o'clock, unless otherwise directed by the Senate.

31. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be
inserted on the journals.

32. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings: but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the journal,

33. The following standing committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

A Committee on Foreign Relations.
A Committee on Finance.
A Committee on Commerce.

by

RULES OF THE SENATE. 127

A Committee on Manufactures.
A Committee on Agriculture.
A Committee on Military Affairs.
A Committee on the Militia.
A Committee on Naval Affairs.
A Committee on Public Lands.
A Committee on Private Land Claims.
A Committee on Indian Affairs.
A Committee of Claims.
A Committee on Revolutionary Claims.
•A Committee on the Judiciary.
A Committee on the Post Office and Post Roads.
A Committee on Roads and Canals.
A Committee on Pensions.
A Committee on the District of Columbia.
A Committee on Patents and the Patent Office.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

And a committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and shall deliver the same to the secretary of the Senate, who shall enter upon the journal that the same have been correctly engrossed.

34. In the appointment of the standing committees the Senate will proceed by ballot, severally to appoint the chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject by

Rules of the Senate*

or matter of a similar nature may, on motion, be referred to such committee.

85. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

86. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The secretary of the Senate shall also attend to take the minutes of the Senate.

37. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for in-
formation only; when no motion to reject, ratify, or modify the whole, or any part, shall be received. Its second reading shall be for consideration, and on a subsequent day; when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form: **Will the Senate advise and consent to the ratification of this article?** or to propose amendments there-to, either by inserting or by leaving out words; in which last case, the question shall be, **Shall these words stand as part of the article?** And in every of the said cases, the concurrence of two-thirds of the Senators present shall be requisite to decide affirmatively. And when through the whole, the proceed-

by

R1L8S8 OF THE SENATE* 120

ings shall be stated to the House, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been deemed, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, **Shall these words stand as part of the resolution?** And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as, on the final question, to advise and consent to the ratification in the form agreed to.

38. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

39. All information or remarks, touching or concerning the character or qualifications of any person, nominated by the President to office, shall be kept secret.

40. When acting on confidential or executive business the Senate shall be cleared of all persons, except the secretary, the principal or the executive clerk, the sergeant-at-arms and doorkeeper, and the assistant doorkeeper.
41. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings, of the Senate, shall be kept in separate and distinct books.

42. The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate; and all nominations approved, or definitively acted on by the Senate, shall be returned by the secretary, from day to day, as such proceedings may occur; but no further extract from the executive journal shall be furnished, except by special order; and no paper, except original treaties transmitted to the Senate by the President of the United States, or any executive officer, shall be returned or delivered from the office of the secretary, without an order of the Senate for that purpose.

43. When an amendment to be proposed to the constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

44. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

45. Messages shall be sent to the House of Representatives by the secretary, who shall previously endorse the final determination of the Senate thereon.

46. The reporters shall be placed on the floor of the Senate, under the direction of the secretary.

No person except members of the House of Representatives, their Clerk, Heads of Departments, Treasurer, Comptrollers, Register, Auditors, Postmaster General, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Mi-
RULES 07 THE SENATE* 131

nisters and their Secretaries, Officers who, by name, have received or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, or who have received medals by the vote of Congress, the Commissioners of the Navy Board, Commissioner of Patents, Governor, for the time being, of any State or Territory of the Union, Judges of the Supreme Courts of Law and Equity of any State, such gentlemen as have been Heads of Departments or members of either branch of the Legislature, and at the discretion of the President of the Senate, persons who belong to such Legislatures of foreign Governments as are in amity with the United States, shall be admitted on the floor of the Senate.

48. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages, as are or may be set apart for the use of the Senate and its officers.

49. The Secretary of the Senate, the Sergeant-at-arms and Doorkeeper, and the Assistant Doorkeeper, shall be chosen on the second Monday of the first session of the 21st Congress, and on the same day of the first session of every succeeding Congress.

RULES AND OBLIGATIONS

THE HOUSE OF REPRESENTATIVES.
1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order and, on the appearance of a quorum shall cause the Journal of the preceding day to be read.

3. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question but may state it briefly.

4. Questions shall be distinctly put in this form, to wit; "As many as are of opinion that (as the question may be) say "y";" and, after the affirmative voice is expressed, "* As many as are of the contrary opinion, My No." If the speaker doubts, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterward those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then
name two others, one from each side, to tell those in the negative; which being also reported, he shall rise, and state the decision to the House. No division and count of the House by tellers shall be in order, but upon motion seconded by at least one-fifth of a Quo-rum of the members.

5. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail: and, in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

8. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained. And in all ballottings blanks shall be rejected, and not taken into the count in the enumeration of votes, or reported by the tellers.

by

HOUSE OF REPRESENTATIVES* 137

0. In all cases of election by the House, the Speaker shall vote; in other cases he shall not vote* unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost*

10. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.

11. In all cases of election by the House of its officers, the vote shall be taken viva voce, — (December 10, 1839.)
12. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the clerk.

13. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the committee of the whole House) shall have power to order the same to be cleared.

14. No person, except members of the Senate, their Secretary, Heads of Departments, Treasurer, Comptrollers, Register, Auditors, Postmaster General, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Commissioners of the Navy Board, Governor, for the time being, of any State or Territory in the Union, who may attend at the seat of the General Government during the session of Congress, and who may choose to avail himself of such privilege, such gentlemen as have been Heads of Departments, or members of either branch of the Legislature, and, at the discretion of the Speaker, persons who belong to such Legislatures of Foreign Governments as are in amity with the United States, shall be admitted within the hall of the House of Representatives.

15. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor, or elsewhere to effect their object, as shall not interfere with the convenience of the House.

16. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report. — (March 1, 1838.)

17. The Doorkeeper shall execute strictly the 14th and 15th rules, relative to the privilege of the hall. — (March 1, 1838.)
18. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. — (Rule April 13, 1789, and act June 1st, 1789.) He shall be deemed to continue in office until another be appointed.— (March 1, 1791)

ORDER OF BUSINESS OF THE SESSION*

19. After six days from the commencement of a second or subsequent session of any Congress, all

* There is no law, resolution, rule, or order, directing the appointment of the Clerk of the House. On the 1st April, 1789, being the first day that a quorum of the House assembled under the new constitution, the House immediately elected a Clerk by ballot, without a previous order having been passed for that purpose; although in the case of the Speaker, who was chosen on the same day, an order was previously adopted. A Clerk has been regularly chosen at the commencement of every Congress since.

by

HOUSE OF REPRESENTATIVES* 139

bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

ORDER OF BUSINESS OF THE DAY.

20. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State, and delegates from each Territory, beginning with Maine and the Territory of Wisconsin, alternately; and if, on any day, the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day; provided that, after the first thirty days of the session petitions shall not be received, except on the first day of the meeting of the House in each week.

21. No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States, in which it now exists, shall be received by this House, or entertained in any way whatever.

22. The petitions having been presented and disposed of, reports from committees shall be called for
and disposed*of; in doing which, the Speaker shall call upon each standing committee in the order they are named in the 70th and 98th rules; and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off. Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions; provided that no member shall offer more than one resolution, or one

by VjOOGIC

140 RULES OF THE

series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.

23. All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions, until all the States and Territories are called through.—(February 6, 1838.)

24. After one hour shall have been devoted to reports from committees, and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

1st. Messages and other Executive communications.

2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

8d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees, and put under way; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.
4th. Engrossed bills, and bills from the Senate on their third reading.

5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications, and bills, on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.

25. The business specified in the two preceding rules shall be done at no other part of the day, except by permission of the House.

LOCAL OR PRIVATE BUSINESS.

26. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

27* On the first and fourth Friday of each month the calendar of private bills shall be called over, and the bills, to the passage of which no objection shall then be made, shall be first considered and disposed of.— (January 25, 1839.)

OF DECORUM AND DEBATE.

28. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

29. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favour of the member called to order, he shall be at liberty to proceed; if otherwise^ he shall not be permitted to proceed, in case any member object, without leave of the
142 RULES OF THE

House; and, if the case require it, he shall be liable
to the censure of the House.

80. If a member be called to order for words spoken
in debate, the person calling him to order shall repeat
the words excepted to, and they shall be taken down
in writing at the clerk's table; and no member shall
be held to answer, or be subject to the censure of the
House, for words spoken in debate, if any member
has spoken, or other business has intervened, after
the words spoken, and before exception to them shall
have been taken.

31. When two or more members happen to rise at
once, the Speaker shall name the member who is first
to speak.

32. No member shall speak more than once to the
same question, without leave of the House, unless he
be the mover, proposer, or introducer, of the matter
pending; in which case he shall be permitted to speak
in reply, but not until every member choosing to speak
shall have spoken.

83. If a question depending be lost by adjournment
of the House, and revived on the succeeding day, no
member, who shall have spoken on the preceding day,
shall be permitted again to speak without leave.

34. While the Speaker is putting any question, or
addressing the House, none shall walk out of or across
the House; nor, in such case, or when a member is
speaking, shall entertain private discourse; nor, while
a member is speaking, shall pass between him and
the chair. Every member shall remain uncovered
during the session of the House. No member or
other person shall visit or remain by the clerk's table
while the ayes and noes are calling, or ballots are
counting.

85. No member shall vote on any question in the event
of which he is immediately and particularly interested.

by

HOUSE or REPRESENTATIVES. 148

or in any case, inhere he was not within the bar of
the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question, "Were you within the bar when your name was called?"

36. Upon a division and count of the House on any question, no member without the bar shall be counted.

37. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

38. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the chair, and read aloud by the clerk, before debated.

39. Every motion shall be reduced to writing, if the Speaker or any member desire it.

40. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

41. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words by

144 RULES OF THE

of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

42. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:
The committee of the whole House on the state of the Union; the committee of the whole House; a standing committee; a select committee.

43. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order: these motions, and the motion to lie on the table, shall be decided without debate.

44. The hour at which every motion to adjourn is made, shall be entered on the journal. (October 9, 1837.)

45. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

46. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

47. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

HOUSE OF REPRESENTATIVES. 145

48. Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct, that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

49. Motions and reports may be committed at the pleasure of the House.

50. No motion or proposition on a subject different from that under consideration shall be admitted under
colour of amendment; *' (March 13, 1822.) No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House, t (September 15, 1837.)

51. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn.

* This role was originally established on the 7th of April 1789, and was in these words; **No new motion or proposition shall be admitted under colour of amendment, as a substitute for the motion or proposition under debate." On the 13th of March, 1822, it was changed to its present form, in which the words ** new " and " substitute ** do not appear.

i The latter clause of this rule was adopted at the 1st session of the 35th Congress; and, as originally reported by the committee, the following words were oontained at the end of it: " nor by any jtrposition eomUumitg thb sdbstasch, tii whol€ or in part^ of any other biU or resolution pending b^ore Ms House,** These words were stricken out by the House, before it would agree to the rule, by which it would seem to be de* elded that a bill or resolution might be amended, by incorpo* rating therein tiie substancs of any other bill or xesolutloa be-, fore Uie Hoose.

by

146 nuunDT tBM

52. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

53. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received without special leave of the House, until the former is disposed of.

54. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

55. Petitions, memorials, and other papers, addressed to the House, shall be presented by the
Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer; they shall not be debated on the day of their being presented, nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

56. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, or by the Postmaster General, or to print an extra number of any document or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be picked up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the clerk shall cause the same to be delivered.

Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.

58. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

59. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

60. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.

61. Upon the call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody, as they appear, or may be sent for and taken into custody, wherever to be
found, by special messengers to be appointed for that purpose.

62. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

63. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.

64. The fees of the sergeant-at-arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one-tenth of a dollar per mile.

65. It shall be the duty of the sergeant-at-arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker, and endorsed by the member,) and pay over the same to the member entitled thereto. (April 4, 1838.)

66. The sergeant-at-arms shall give bond, with surety, to the United States, in a sum not less than five, nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members. (April 4, 1838.)

67. The sergeant-at-arms shall be sworn to keep the secrets of the House.

68. A doorkeeper and an assistant doorkeeper shall be appointed for the service of the House. (April 2, 1789)

69. The doorkeeper and assistant doorkeeper shall be sworn to keep the secrets of the House.

70. The postmaster to superintend the Post Office.
kept in the Capitol for the accommodation of the members, shall hereafter, be appointed by the House.*

(April 4, 1838.)

* Immediate] after the organization of the government under the present constitution, a room was set apart in the Capitol for the reception and distribution of letters and packets to and from members of the House without an order for that purpose, and was called the Post Office. It was superintended by the doorkeeper and his assistant. On the 10th of April the

To

conslft

members

HOUSE OF REPRESENTATIVES. 140

71. Twenty-seven standing committees shall be appointed at the commencement of each session, viz:
A Committee of Elections,
A Committee of Ways and Means,
A Committee of Claims,
A Committee on Commerce,
A Committee on the Public Lands,
A Committee on the Post Office and Post Roads,
A Committee for the District of Columbia,
A Committee on the Judiciary,
A Committee on Revolutionary Claims,
A Committee on Public Expenditures,
A Committee on Private Land Claims,
A Committee on Manufactures,
A Committee on Agriculture,
A Committee on Indian Affairs,
A Committee on Military Affairs,
A Committee on the Militia,
A Committee on Naval Affairs,
A Committee on Foreign Affairs,
A Committee on the Territories,
A Committee on Revolutionary Pensions,
A Committee on Invalid Pensions,
A Committee on Roads and Canals,
A Committee on Patents,
A Committee on Public Buildings and
Grounds,
A Committee of Revisal and Unfinished
Business,
A Committee of Accounts,
A Committee on Mileage,

1814, t special allowance was made to the doorkeeper to meet the eipentes of this office, and he was authorized toVippointa postmaster. The office continued on this footing till April 4, 1838, when an order was passed as above for the appouitment of the postmaster by the House itself.

by

To

consist
^of five
^mem-
bers

150 RULES OF THE

72. It shall be the duty of the Committee of Elec-
tions to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consi-
deration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

73. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; [to examine into the state of the several public Depart-
ments, and particularly into the laws making appro-
priations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the eco-
nomy of the Departments, and the accountability of their officers.]*

In preparing bills of appropriations for other objects* the Committee of Ways and Means shall not Include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill
shall be referred to them for their consideration, which

- That portion of the duty of the Committee of Ways and Means which is printed within brackets, was, originally, adopted on the 7th of January, 1802. On the 26th February, 1814, the Committee on Public Expenditures was created, and added to the list of Standing Committees; the duties of this latter committee are exactly those contained in that portion of the duties of the Committee of Ways and Means which are referred to in this note as within brackets; (see rule 84.) The words ought to be stricken from the specification of the duties of the Committee of Ways and Means,

by

HOUSE OF REPRESENTATIVES. 151

contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.

74. It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills — for the civil and diplomatic expenses of Government; for the army; for the navy; and for the Indian Department and Indian annuities; or, in failure thereof, the reasons of such failure.

75. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

76. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, (September 14, 1637,) unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government; [May 13, 1838.]

77. It shall be the duty of the Committee of Claims to take into consideration all such petitions, and matters or things touching claims and demands on the United States, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

78. It shall be the duty of the Committee on Com-
merce to take into consideration all such petitions and matters or things touching the commerce of the United States, as shall be presented, or shall or may come into question and be referred to them by the House; and to report, from time to time, their opinion thereon.

79. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the Lands of the United States, as shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

80. It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions and matters or things touching the Post Office and Post Roads, as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

81. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions and matters or things touching the said District as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

82. It shall be the duty of the Committee on the Judiciary to take into consideration all such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

83. It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House;
and to report their opinion thereupon, together with
such propositions for relief therein as to them shatt
seem expedient,

84. It shall be the duty of the Committee on Public
Expenditures to examine into the state of the several
public departments, and particularly into laws making
appropriations of money, and to report whether the
moneys have been disbursed conformably with such
laws; and also to report, from time to time, such pro-
visions and arrangements as may be necessary to add to
the economy of the departments, and the accountability
of their officers.*

85. It shall be the duty of the Committee on Pri-
vate Land Claims to take into consideration all claims
to land which may be referred to them, or shall or
may come in question; and to report their opinion
thereupon, together with such propositions for relief
therein as to them shall seem expedient.

86. It shall be the duty of the Committee on Mili-
tary Affairs to take into consideration all subjects re-
lating to the military establishment and public defence,
which may be referred to them by the House, and to
report their opinion thereupon; and also to report, from
time to time, such measures as may contribute to eco-
nomy and accountability in the said establishment.

87. It shall be the duty of the Committee on the
Militia to take into consideration and report on all sub-
jects connected with the organizing, arming, and dis-
ciplining, the militia of the United States.

88. It shall be the duty of the Committee on Naval
Affairs to take into consideration all matters which con-

* See Note to Rule 73.--And further, on the 30th March,
1816, fix Committees on Expenditures in the several Depart-
ments of the Government were created and added to the list
of standing committees. The duties assigned to these several
committees would seem entirely to cover the duties of the
(Committee on Public Expenditures. (See Rules 9i) and 100.)

by
measures as may contribute to economy and account-
tability in the said establishment.

89. It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which con-
cern the relations of the United States with foreign na-
tions, and which shall be referred to them by the House and to report their opinion on the same.

DO. It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

91. It shall be the duty of the Committee on Revo-
lutionary Pensions to take into consideration all such matters respecting pensions for services in the revolu-
tionary war, other than invalid pensions, as shall be referred to them by the House.

92. It shall be the duty of the Committee on la-
valid Pensions to take into consideration all such mat-
ters respecting invalid pensions as shall be referred to them by the House.

93. It shall be the duty of the Committee on Roads and Canals to take into consideration all such peti-
tions and matters or things relating to roads and ca-
nals, and the improvement of th^ navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

94. It shall be the duty of the Committee on Pa-
tents to consider all subjects relating to patents which may be referred to them, and report their opinion

d by

HOUSE OF REPRESENTATIVES. 195

thereon, together with such propositions relative thereto as may seem to them expedient.

95. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington which may be referred to them, and re-
port their opinion thereon, together with such propo-
sitions relating ithereto as may seem to them expedi-
90. It shall be the duty of the Committee of Re- 
visal and Unfinished Business to examine and report 
what laws have expired, or are near expiring, and re- 
quire to be revived or further continued; also, to ex- 
amine and report, from the Journal of last session, all 
such matters as were then depending and undeter-
mined.

97. It shall be the duty of the Committee of Ac-
counts to superintend and control the expenditures of 
the contingent fund of the House of Representatives, 
and to audit and settle all accounts which may be 
charged thereon; and also to audit the accounts of the 
members for their travel to and from the seat of Go-

gvernment, and their attendance in the House.*

98. It shall be the duty of the Committee on Mile-
age, to ascertain and report the distance to the Ser-
geant-at-arms for which each member shall receive 
pay.

. 99. Six additional standing committees shall be ap-
pointed at the commencement of the first session in

' * So much of this rule as directs the Committee of Accounts 
to audit and settle the mileage and daily pay of the members, 
was adopted at the 1st session, 12th Congress, (1812.) At the 
1st session of the 2r>th Congress, (1837,) a Standing Com-
mittee on Mileage was created for the especial purpose of as-
certaining and reporting the mileage for which each member
shall receive pay. (See Aule 98.)

d by

To

consist

of fifteen

members

each

50 RULES OF THE

each Congress whose duties shall continue until the 
first session of the ensuing Congress:
1. A Committee on so much of the public accounts and expenditures as relate to the Department of State;

2. A Committee on so much of the public accounts and expenditures as relate to the Treasury Department;

3. A Committee on so much of the public accounts and expenditures as relate to the Department of War;

4. A Committee on so much of the public accounts and expenditures as relate to the Department of the Navy;

5. A Committee on so much of the public accounts and expenditures as relate to the Post Office; and

6. A Committee on so much of the public accounts and expenditures as relate to the Public Buildings.

100. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective departments are justified by law:

Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount:

Whether such claims have been discharged out of funds appropriated therefor; and whether all moneys have been disbursed in conformity with appropriation laws: and

Whether any, and what provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their characters or extravagant in their amount.

by

HOUSE OF REPRESENTATIVES. 157
And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what retrenchment can be made in the expenditures of the several departments, without detriment to the public service; whether any, and what abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments, and the accountability of its officers.

101. The several standing committees of the House shall have leave to report by bill or otherwise.

102. No committee shall sit during the sitting of the House, without special leave.

103. It shall be the duty of the clerk to make, and cause to be printed, and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the Government to make to Congress; referring to the act or resolution, and page of the volume of the laws or journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.

104. It shall be the duty of the clerk of the House, at the end of each session, to send a printed copy of the journals thereof to the Executive and to each branch of the Legislature, of every State.

105. All questions of order shall be noted by the clerk, with the decision, and put together at the end of the journal of every session.

106. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the Members, clerk, sergeant-at-arms, and doorkeeper, and

And when the Speaker, or any other member, shall inform the House that he has communications to make,
which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

- 107. All questions relating to the priority of business to be acted on shall be decided without debate*

OF BILLS.

108. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed.

109. Every bill shall receive three several readings in the House, previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

110. The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, **Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

111. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether

by

fiOt7Sfi Of REPft£SENTATiyiS. 159

a select or standing committee, or to a Committee of the Whole House: if to a Committee of the Whole House, the House shall determine on what day; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order. But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

112. Not more than three bills, originating in the
House, shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

113. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

114. All bills ordered to be engrossed shall be executed in a fair round hand.

115. No amendment by way of rider shall be received to any bill on its third reading.

116. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

117. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.

118. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.

119. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered: the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

120* All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.

12k All amendments made to a report committed to a Committee of the Whole House shall be noted and reported, as in the case of bills.
122. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.

123. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.

124. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.

125. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.

126. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice * by

HOU8S OF RSPRESSNTATnrES. 161
to any question, until every member choosing to speak shall have spoken.

127. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by a vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

128. It shall be in order for the Committee on Enrolled Bills to report at any time.

129. The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House, and the Joint Rules of the Senate and House of Representatives.

130. No person shall be permitted to perform di-
vine service in the chamber occupied by the House of Representatives, unless with (he consent of the Speaker.

131. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.

132. The clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution, to members and delegates, of the journal of the House, together with an accurate index to the same. (June 18, 1832.)

133. There shall be retained in the library of the

162 RULES OF THE HOUSE.

by

e offi ce, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library. (December 22, 1826.)

134. The clerk shall have preserved for each member of the House, an extra copy, in good binding, of all the documents printed by order of either House at each future session of Congress. (February 9, 1831.)

135. The clerk shall make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such order and proceedings; which statement shall be printed for the use of the members. (April 21, 1836.)

136. The clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts. (July 4, 1832.)

137. The clerk shall take proper measures for the care and preservation of the public stable provided for the business and accommodation of the House of Representatives. (July 9, 1838.)
138. The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker, until the further order of the House, (May 26, 1824.)

139. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House. (March 2, 1837; September 11, 1837.)

140. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose. (December 14, 1838.)

JOINT RULES

ORDERS OF THE TWO HOUSES.

by

JOINT RULES

ORDERS OF THE TWO HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, inter alia. Or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.
2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

& The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

by

IM JOINT RULES.

6. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the secretary or clerk of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the clerk of the House of Representatives, or the secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

9* After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

9. After a bill shall have been thus signed in each House, it shall be presented, by the said committee, to the President of the United States for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the secretary or clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the journal of each House, 'I'he said committee shall report the day of presentation to the President; which time shall also be carefully entered on the journal of each House.
10. All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation shall also, in the same manner, be previously enrolled, examined, and signed; and shall by

JOINT RULES. 107

be presented in the same manner, and by the same committee, as provided in the cases of bills.

11. When the Senate and House of Representa-
tives shall judge it proper to make a joint address to the President, it shall be presented to him in his au-
dience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

12. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed.

14. Each House shall transmit to the other all pa-
ers on which any bill or resolution shall he founded.

15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

16. No bill that shall have passed one House shall be sent for concurrence to the other on eith-
er of the last three days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States for his approbation on the last day of the session.

18. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

19. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol^ or on the public grounds adjacent thereto.
Absence f not allowed without leave

provision in cases of - - - - 27
Address f how presented - - - - 29
Adhere, question discussed - - - - 82
effect of a vote to - - • - 96
should be two conferences before vote to - 96
Adjournment f motion for, cannot be amended - 107
rules and regulations in respect to - 106
a question is removed by • - 81
of the session, all unfinished business falls 94
of the session, modes and manner dis-
cussed .... 107-108
to be declared by the Speaker - - 107
for more than three days, by concurrent
votes ..... 106
provision for disagreement respecting - 107
effect of, on business depending • 107-109
Amendment to BiUs.^See also BiUs. ... 58
proceedings in relation to - - 51-55
now to be reported ... 57-58
fall on recommitment - - • 56
in the third degree not admissible * 70-93
discussion of the nature and coherence of 67-78
Speaker cannot refuse to receive because
inconsistent - - - 74
may totally change the subject • • 75
if House refuses to strike out a paragraph,
it cannot be amended . . 76
a new bill may be engrafted on another 76

by

172 INDEX.

A w un dm entf mode of proceeding on amendmenU be-
tween the Houiei ... 95-6-99
made in Committee of the Whole, falls by

a reference - - - - 59
proposed, inconsistent with one adopted,

may be pot ... - 75
may be amended prior to adoption, but not
after ..... 76
(proposed,) by striking m, and lost, the
paragraph proposed to be stricken out

cannot be amended - - - 76
not identical, or equivalent to one lost,
may be proposed ... 77
by insertion, how far liable to farther
amendment . - . - • 77
Apportionment of representatives, table of - - 25
Appropriation, made by resolution . - - 50
Ajrest, definition of privilege from « . . 16-20
terminates with the session ... 46
AbsoimU and affrays in the House, how settled - 41
Assent to bills, by the executive, regulations respecting 103
Ayes and noes, how questions are determined by . 88-9
no member to vote if not present • 91
BUls, engrossed, must not be looked into - - 37
to DC fairly written, or Speaker may refuse them 50
amendments fall, if recommitted > . 57
a particular clause may be recommitted - 57
amendments, how proceeded with - - 52-8
amendments fall ir referred to committee - 59
proceedings on second reading - • 60*1
time for attacking or opposing - • 61-86
what constitutes possession - . . 64
one bill may be engrailed on another - -^ 75-78
one House may pass with blanks and be filled in
the other - . • - 78
on third reading, forms observed • - 84-5
on third reading, may be committed . - 85
on third reading, amended by riders . - 85
on third reading, blanks filled • - 86
cannot be altered after passage - • 86
new, concerning their introduction - - 46
to receive three readings, &c. . * - 49
how brought in on notice and leave - 50

d by

JBrFSRSON's MANTAL. 173

BiU$^ fornis in introducing « • «. • 50
not amended at first reading • • 51
proceedings on second reading - - 51-60-1
now and to whom committed • • 55^
shall be read twice before commitment • 52
not to be referred to avowed opponents • 52
referred, may be delivered to any of the com-
mittee • - • - - 82
amendments between the Houses, mode of pro-
ceeding .... 95^
by whom to be taken from House to House - 101
may be specially commended to notice of the
other House .«..•. 102
rejected, course to be pursued ... 102
if one House neglects a Bill, the other may re-
mind of it - • - - - 102
how to be enrolled, signed and presented to

President ..... 103
amendments to, cannot be receded from or in-
sisted on, by the amending House, with a

farther amendment .... 96
amendment to an amendment has precedence

over a motion to agree or disagree -- 97

amendments to amendments, how far admissible 97
I>roceedings upon in committee of the Whole, &c. 59

titles, when made - - - - 92
reconsideration, when and how the question

may be moved - .. • 92-95
reconsideration, at what time to be moved - 92
reconsideration, effect of a vote for -- 93 ^
(rejected) relating to their being brought in da-
ring the same session -- - 94
originating in one House, rejected in the other,

may be renewed in the rejecting House - 94
expedients for remedying omissions in - 94-5
mode of proceeding, when founded on facts re-
quiring explanation - - • • 95
effect of a vote to insist or adhere -- 96
conferences upon, at what stages, and by whom
asked ..... 96
papers relating to, to be left with the conferees
of the House acceding to the conference - 99
enrolling ..... 100
d by

174 nn>Kx.

Bills f proceedings when disapproved - - 104
not returned in ten days, to be laws, unless an
adjournment intervene - - 104
Blanks, longest time, largest sum, first put - - 70
bills maj be passed with, and be filled in other
House ----- TO
may be filled in engrossed bills - - 85
construction of the rule for filling - 77
Breach of Peace, mode of proceeding on charge of - 21
Bribery, (Randall and Whitney's case; breach of pri-
vilege ----- 17
Business, order of, in Senate - - " «, ', ^
a settled order in its arrangement useful o5
CaU of the House, proceedings in case of - - 27
Challenge, breach of privilege ' ' ' JI
Chairman of Committee elected - - - 30
of Committee of the Whole, may be elected 31
Change of Vote, right to -- -- ^
Clerk, puts questions before election of Speaker - 28
to read standing . " * " " S
numbers the sections - - * in?
may correct his errors - - - - 101
Committees, cannot inquire concerning their members w
must not sit when House is in session - ^
may elect chairman.
manner of proceeding in

cannot reconsider or alter their own votes - 56
how they report amendments -
cannot sit in the recess after the Congress
has expired - - - -
a member elect, though not returned, may
be appointed on - - - J^ standing - . - - • 30
forms and proceedings in - - - 30-53
joint, how they act -
who shall compose
how appointed in Senate ' ' ' m
time and place of meeting " ' * ro
* majority of, to constitute a quorum - - 53
members of the House may be present at
their sittings ' ' ' ' ^
their power over a bill - -

d by

56
108

30
52
53

53

175
dfmmUtteSf hare entire control of a repoft reoolimitt«d 57
dissolved by a report - - - 57
how revived - - - • 57
may be discharged from instmctionf 94
when they may sit during recess * 108
effect of a reference to, when a bill has been amended in committee of the whole 59
CammiUu qfthe Whole, ffreat matters nsaally referred to, 31
may elect Uieir chairman - • 31
Speaker may resume chair if great disorder 32
manner of doing badness in, in Senate 59
proceedings in - - - - 30-64-59
irregularly dissolved . * • 32
cannot adjourn - • • • 32
report proceedings ... 33
subjects which have passed through, may
he referred to special committees - 59
particulars which attach to - - 60
Communications, confidential, to be kept secret - 109
Common fame, a ground for proceeding - • 33
Cof^erences, common to have two, before vote to adhere 96
cannot alter any thing on which the Houses
have agreed - ... 97
discussion of the nature and the occasion of 99
report of cannot be amended or altered - 99
papers left with conferees of House agree-
ing to - - • - • 99
when, by which House, and at what stages
to be asked ... - 98
CO'exisHng questions discussed .. • 81
Counsel may be heard on private bills and law points 35
Count of the House may be called ... 26
(See Division of the House.)
Covered, when members are not to be - - 44
Debate, no one to speak impertinently, superfluously,
or tediously .... 40

not cut off, till both sides of the question be put 84

forms and proprieties to be observed in - 38-9
the Speaker not allowed to engage in, except

on points of order ... - 40

proceedings of the House not to be censured 40

d by

176 INDSZ.

jM\{l\} perwrnalit\{i\}Mi to be prohibited . • 40

moti\{t\}es not to be arraigned ... 40

Violation of order in, to be h\{a\}pp\{n\}\{e\}ned by the

Speaker 41-43

d\{i\}forder\{l\}\{\}\{e\}\{r\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}\{\}
Clerk may correct his own. - - 101
Equivalent questions, discussed ... 82
Felony, mode of proceeding on charge of > - 21
(?a2^ery, clearing of ..... 45
Committee of the Whole cannot punish for
disorder in .... 60
Hats, when to be taken off - - - 44
House, division of, how ascertained ... 86-90
of Representatives—See Representatives,
Impeachment, a sketch of the law of Parliament, respecting ....". 112.117

by

jBrrsRsoN's manital* 177
inquiry for treason, common fame a ground for 33
Insist, question discussed ...
effect of vote to . , -
Journal shall be kept by each House
of each House to be published
shall show every vote
to contain a brief statement of every petition
paper, &c, presented
titles of bills and parts affected by amendments, to be inserted on -
what questions shall be entered on -
a record, in law ...
subject to examination
direction as to making up -
either House may notice and inspect Journal
of the other - - -
how it may be amended

King, not to be spoken of irreverently, dec.

Largest stem, question first put

Lie an tables call up at any time, matters that

Longest time, question first put

Majority decides on general questions,

Members and officers of one House not amenable to the

other ....

must vote when question is put

not to vote unless present when question was put - - -.

Memorial, —See Petition.

Messages cannot be received in committee —

nature of -

Executive, to be made to both Houses at the same time ....

when received . . -

forms in receiving -

eroors in their defivery may be corrected

bills not acted on, the subjects of -

Minority, protected by adherence to Rules -

Mistakes. —See Errors,

Motion, not to be put or debated until seconded

9»

96

104

104

104

104

104

105
d by

178 DTDBX.

M$tUn, to be put in writing if desired . 48
to be read for information . - 48
to adjourn, not in order when a member bai the
floor ... - 48
privileged, what shall be - - .68
removed from before House by adjournment,
&c - - - - .82

Bee (ituitum$.

Jfnewspaper ftMUaUanSf defammtory, breach of privilege 17
Cl/ieert, of either Hooae, forma of nomination or elec-
tion - ... - 28
of one House not amenable to the other - 43

Onslow, Mr, his opinion of importance of Rules •> 13

Order violated by Speaker, by not putting question - 21

<< instances make " order ... 37

respecting papers- See Papers, - - 37

in debate.- See Debate, - - 38

Questions of, may be adjourned - • 44

decision of the Speaker on points of, may be

controlled ..... 45

a member may insist on the execution of a sub-sitting . . . . . 45

Committee of the whole cannot punish breach

of eo

if point arise while question is putting, Speaker
to decide promptly - - - • 91

i>f6imneM, propriety of • - - 35

for the Senate • • - 35

of the day, how, and when to be called up - 46

may be discharged at any time - 46

cannot be moved while member is speaking- ... 48

take precedence of all questions - 64

Order, of the House, determined with the session - 46

question of, to supersede a question depending 71

and Resolution, distinction between - - 49

s^edaL, rules upon subject of - - - 46-65

Opposition to Bill, proper time to make - • 61-86

Papers and Journals, not to be removed from clerk's

Uble - - - - 37
Jefferson's juanval* 179

Papers and Journals^ rules respecting their preservation 37
reading of, how far they may be called for -- 62
referred, usually read by title -- 63
to be left with conferees of the House according to conference -- "*" ' ' 99
Parliament^ each House of may adjourn independently of the other -- .... 106
Petition and Remonstrance, distinction -- 47
to be presented by a member, its form, &c. -- 47
to be subscribed or written by petitioner -- 47
must go to committee through the House -- 30
question as to receiving -- -- 47
Postpone indefinitely ^ effect of a question to -- 65
beyond session, effect of -- -- 65
Preamble last considered .... 55
President of the Senate, provided by the Constitution 28
may appoint chairman -- 28
pro tempore^ to be chosen in the absence of the Vice President -- 128
at what time his office shall de-termine ... 128
of the United States, forms in presenting bills to 101-2
Previous ^estum^ its intention and effect . -- 72
can an amendment be moved to M. Q. 72
cannot be put in committee -- 32
effect of -- -- . 61-64
discussed ... 67
Privilege of Parliament has gradually increased - 15
of members of Parliament - - - 15-20
of Senators and Representatives - - 16-19
of Senators, constructive extent - • 18-20
of the two Houses, cases of alleged breach of 18 to 19
of members commence by virtue of election 19
of members must be ascertained at the peril
of the party violating ... 20
of members, the privilege of the House - 20
a member cannot waive breach of - - 20
is violated by Speaker not putting a question
which is in order - - - - 21
of one House in relation to the other, or in
relation to a co-ordinate branch of the
Government . - - - 22-43
by

180 UTDBZ.
Privilege, breach of, ptrtj ■ammoned, or ■ent fbr - 20
bremch of, by members, punishable bj Hoole
onlr - - - - • 20
bremch of, by the King or Executive - 22
members of one House cannot be summoned
by the other .... 34
neither House can exercise authority oyer
members or officers of the other - - 43
of a member, where he is charged or inte-
rested, &c. .... 44
question of, takes precedence of all - 71
Privileged i^ue^ions, - See Q^esiions,
\^ali/ieatum of Senators - • - - 23
\^-rel, in Committee must be settled in House - 42
members must declare they will not prosecute 42
question of privilege arising from, has prece-
dence ..... 71
illustration of general rule for putting ... 64-83
the priority of certain, considered • - 64
removed nom before House by adjournment 81
may be debated between the count of af-
firmative and negative - -- 84
manner of putting - - • 86
must not speak, or move about when put-
tinff "-" 91
must be decided promptly, if difficulty arise 9V
one House cannot question the other • 102
jniviied to what shall be - • - 63-72
in filling blanks ... 75-77
in references to committees • 70
in amending amendment, and agree
or disagree - - 97
motion to amend has precedence
over motion to strike out • 71
of order, (incidental,) how far it shall super-
sede any other - • 71
division of, how made • - - 79
what are divisible - • 79
when divided, each point open
to debate and amendment - 81
(co-exisUng) what suspends, and what re-
moves from the House, an
existing question - - 81

d by

JSFr'LR8ON'8 MANUAL. 181
Q^estianSf equivaknt, what is considered - - 82
determined by ayes and noes - - 89
to be resumed in statu quo^ when suspended
by the want of a quorum - - 8d-92
fremous. - See Previous question,
^^oruf only shall do business - « • 26
what number shall be a - - • 26
how the attendance of, may be compelled - 26
any member majr desire a count, for the pur-
pose of ascertaining ... 26-46
not present suspends the question - • 26*92

Randall and Whitney, reference to case, breach of privilege ... 17

Reading of papers, right to require ... 62

question on, first put -- 71

a speech^ is not a right . . . ^

a report of one House/ not of right in the

other House .... 63

Rcede, question discussed - - - . 82

effect of a vote to .... 94-96

ReomniUment,effQBtof - - - • 57

J2eE(m5t<^a>t(m, of bills, orders, instructions, &c. - 92-95

of questions requiring two-thirds, by

whom may be moved -- 111

Remonstrance and Petition, iiBtixixiion. - . 47

Report of Committee^ how to proceed in House - 58

if one House, not to be read in the other - 63

Representatives, appointment of, since 1789 -- 25

qualifications of -- . 23^-^ 

House of of whom composed • 23

shall choose their Speaker

and other officers -- 28

powers of, in relation to its

rules, and the conduct of

members - - - 37

Jbsolution, and Order, distinction ... 49

to pay money, in order - - - 49

"when to be presented for approval - 104

ISuisfy, amend engrossed bills by - - - 82-86
Rides, adherence to, important.

d by

18S ua>KL.

Ibdūi Md ordfTB pfmek House, to whtt etiet tbey fhall apply — — — 46

86ciUn», numbered bj clerk — — — 79

Senate, of whom composed, and how classed — 23

the Vice President to be the President — 28

shall choose their officers, &c. — — 28

power of, in relation to rales, and the conduct

of members — — — 37

equal division to be determined by the vote of

the Vice President — — — * 87-89

adjournment of. — See Adjowmmment — 104-105

session of, what constitutes — — 107

Seetian, what constitutes .... 107

Speaker^ manner of choosing — — * — SM)—28

absence of, from sickness, another chosen — 20-28

violates order by not putting question — 28

Clerk puts question, before election of — 28

may be removed at will of the House — 29

not to speak unless to order — — — 40

reads sitting, rises to put question — — 39

cannot refuse an amendment, inconsistent — 75

to decide point of order that arises in putting

question, promptly and may ask advice of

old members ... — 91
Special orders. — See Orders.

6j»ee«A, cannot be read of right • -- 63
^rike out, paragraph may be perfected before ques-
tion to -- -- 75
Strike out and Insert, discussed -- 75 to 77
Sum, largest, first put ----- 70

TsiZerj, to count sides of questions . -- 89

their errors rectified -- 89
Tims, longest, first put -- 70
TUle, to be on back -- 62
when to be made or amended -- -> 92
Transposing of sections, rule respecting -- 78
Treason, mode of proceeding on charge of -- 21
Treaties m&v be made by the President and Senate - 109-10
shall be Jcept secret until injunction removed 109
are legislative acts -- 109
extent of the power to make -- 110

INDEX.

183

Treaties may be rescinded by an act of the Legiflature 111
pa[]erB to be communicated with • - 111
ratified b^ nominal call -- 111
read for information, the day received • 111
read for consideration on subsequent day • 111
proceedings upon ... • . HI
reconsideration of votes upon, may be moved
by one of the side prevailing - 112
Vote, cannot, till sworn .... 20
every member must - - - 90
must not vote, if not present ... 90
change of - - - - 92
IPVarm words, or quarrel, adjustment of - - 32-41-71
Whitney and Randall, bribery case, reference to - 17
Withdraw, members cannot, when question is patting 90
Withdraw motions, rule of parliament . - 72
Witnesses, how summoned, examined, &c. - • 33
Yeas tmd Kays, may be required by one-fifth <> 86-90
to be taken alphabetically - * 87-90
all present shall vote unless excused • 87-90
when called and decision announced no
member allowed to vote - - 87-90
how questions are determined by - 89
no member to vote unless present • 90

INDEX

TO TBI

RULES OF THE SENATE.

[The first eohimn of figures rtfers to the number of the rule, the second to the page on which the rule will be found.]

Absence, from the Senate, not allowed without leave - 8 122
without leave, in caaea of, the aergeant-at-arms
may be sent • - - - - 8 122

Address to the President, how to be preaented Hoint
rule) 11 167
At Okere, effect of a vote in the two Houses to (joint rule) - - - - 15 167
Adjournment for a motion for, has precedence - 11 122
Adoption of a motion for, has precedence - 11 122
Amendments to a resolution to amend the Constitution, carried by a majority - - 43 130
to bills on which the two Houses disagree, conference upon (joint rule) - * - 1 165
Appeal allowed from the decision of the President, - 6 131
Bills may be introduced upon one day's notice • 25 125
shall be read twice before amendment or reference - - - - - 27 125
reported, shall be printed - - 25 125
shall receive three readings on different days - 26 125
on second reading, considered as in Committee
of the Whole - - - - 28 125
proceedings on, at different stages - - 29 126
titles of, only, and parts affected by amendments,
inserted on the journal • . - 31 126
engrossed, how examined, reported, and entered 33 126
on their passage to be on paper (joint rule) • 5 165
by

INDEX TO THE RULES OF THE SENATE. 185
Bills to be enrolled on parchment after passing the two Houses (joint rule) - - • - 6 166
See Engrossed Bills, passed one House and lost in the other, notice to be given of (joint rule) - - - - 12 167
passed one House and lost in the other, how they may be renewed (joint rule) - - - 13 167
tohen sent from one House to the other ^ to be accom-
panied by the papers on which they are founded
(joint rule) - - - - 14 167

not to be sent from one House to the other for
concurrence on the last three days of the ses-
sion (joint rule) - - * - 16 167
not to be presented to the President on the last
day of a session (joint rule) - - - 17 167

joint rule relative to printing of - - ^18 167
BlankSf in filling, what' motions have preference, - 13 123
Business, unfinbhed, has preference * - - 15 123
Capitol, no spirits to be brought within or about (joint
rule) - - - - - 19 167
CAsotr to be addressed - - - - 3 121
Character of persons nominated to be kept secret - 39 129
Commit, motion to, in order at any time before final
passage • - - * 29 1516
Committee on Enrolled BiUs, appointment and duties of
(joint rule) - - 7 166
Committees, standing - - • - - 33 126
how appointed - - - - 34 127
on enrolled bills, (joint rule) - - 7 166
reports fiom standing, when received - 24 124
reports of, to lie one day - • - 26 125
Communications f confidential, to be kept secret, - 38 129
Conference on disagreeing votes of the two Houses, rule
respecting ^joint rule) - - -1 165
Consent, bills may be read three times in a day, by - 26 125
unanimous - • - 26 125
nominations may be considered on the day
received, by unanimous - • 36 128
Constitution, what majority requisite to amend a reso-
lution proposing amendments to the '43 130
Conversation amone the members, not allowed during
the debate, or while papers are reading 2 121
Debate, no member to speak more than twice, in the same, in one day, without leave • • 4 121

186 INDEX TO THB

Debate not mllowed on a call to order - * - 6 121
prohibited on a motion to adjoam • - 11 122
not allowed on a call for reading papers - 14 123
not allowed in taking yeas and nays • 16 123
Docununts, to be printed only by special order - 25 125
Enrolled Bills, to be examined by the committee, (joint rule,) - . - - 7 166
provision for the appointment of the committee on (joint rule) • - 7 166
to be signed by the presiding officers of the two Houses (joint rule^ • 8 166
how to be presented to the President, and the time to be noted (joint rule) 9 166
not to be presented to the President on last day of session (joint rule) - 17 167
Exeeuihe rtcord, eztracU from, prohibited - - 42 129
fyeeuUve proceedings, to be kept in separate books - 41 129
17SMir<>f<S0fia<s, reporters placed on - • -47 130
the persons entitled to admission on - 47 130
Galleries, when they shall be cleared t - 18 123
Journal, to be read on a quorum assembling • - 1 12] to contain the titles, only, of bills, and the parts affected by proposed amendments - 31 126
every vote to be entered on - - 38 126
a brief statement of every memorial, petition, and paper, to be entered on - 32 126
to be as concise as possible, when acting as in Committee of the Whole - - • 32 126
engrossed bills to be entered on -- 32 126
Leave to bring in a bill, one day's notice of motion for, required • • - • • - 25 125
Members, prohibited from speaking to each other during debate, 2 121
present, not a quorum, empowered to send
for absent members - • - 8 122
shall express assent or dissent by ay or no - 22 124
Member, when he speaks, shall address the chair, . - 3 121
first rising and addressing the chair, shall speak rst, -- . . 5 121
called to order by President or Senator, shall sit down - -- • - . 6 121
d by

RULES OF THE SENATE. 187
MemhrTf words of, shall be taken down, when called to order by a Senator - - - 7 128
shall not absent himself without leave, - 8 122
any, may desire a motion to be reduced to writing, - - . - -10 122
may have a question divided, if susceptible of division 12 122
required to vote when yeas and nays are called 16 123
not allowed to vote after decision is announced 17 123
Memorial or petition^ contents of, shall be stated before received and read, - • -24 124
when received, - - - - 24 124
how referred, . - . 24 124
contents of, to be entered on the journal - 32 126
Messages between the two Houses, how to be announced
and delivered (joint rule) -- 2-3 165
by whom to be sent (joint rule) -- 4 165
Messengers, when introduced - - - - 46 130
Motion, not to be debated until seconded -- 9 122
made and seconded, shall, if desired, be re-
duced to writing, - • - - 10 122
to be read before debated - - - 10 122
to adjourn, has preference • • - 11 122
to adjourn, to be decided without debate • 11 122
privileged, what shall be, when a subject is .
under debate - - - - 11 122
privileged in filling blanks - - - 13 123
privileged, in reference to select or standing
committees - - - - 35 128
to close the galleries, shall be discussed confi-
dentially - . - . 18 123
to admit persons for the purpose of presenting
memorial, not in order - - - 19 123
to reconsider, when and by whom may be
made - - - - 44 130
JiTeewspapers, not to be read while a member is speaking 2 121
JVormnations, not to be considered on the day received,
unless by consent - - - 36 128
JVotiee of one day required of an intended motion for
leave to bring in a bill - • - 25 125
Orders of the day, special, not called before one o'clock 30 126
of the day, special, unfinished business has pre-
ference in - - - - 15 123
^ by Vj00QIC

188 vmrnx to thx
Ortfer, upon a call to, the member shall be put down > 6 121

^oestions of, to be decided without debate - 6 121

appeals on questions of, may be made from the

residents decision - - - 6 121

on questions of, the President may require the

sense of the Senate - - - 6 121

upon a call to, by a Senator, for words spoken,

the exceptionable words shall be taken down 7 122

Papers and Documents not to be printed without special

order - - - 25 125

Persons not admitted to present a memorial, &c, • 19 123

entitled to admission on the floor, the • 47 190

Petition before received, contents of, to be stated - 24 124

when received - - - - 24 124

how referred 24 124

contents of those presented to be entered on

the journal - . - - - - 32 126

Pruitfelft to be first addressed by the speaker - 3 121

to decide when two or more rise at the same

time to speak • • - - 5 121

to decide questions of order - - - 6 121

may call for the sense of the Senate on a

question of order - - - - 6 121

may desire a motion to be reduced to writing 10 122

to decide on an equal division • - 21 124

decision of, on an equal division, to be taken

by the secretary - - - - 21 124

shall put all questions - - - 22 124

may, for a limited time, name a member to

perform the duties of the chair - -23 124
may appoint a chairman, while the Senate
are acting as in Committee of the Whole 28 125
to give notice of the several readings of bills 26 125
to have the regulation of the parts of the
Capitol appropriated to the Senate • 48 131
President of the U. S. manner of presenting bills and
resolutions to the (joint rule) - -9 166
manner of presenting joint addresses to the
Joint rule) - - • - 11 167
no bill or resolution to be presented on the
last day of the session to the (joint rule • 17 167
to be assigned the President's chair when at-
tending the deliberations of the Senate - 36 ' 128
Printing of bills, joint rule relating to - - - 18 123

d by

RULES OF THE SBKATB* 189
^uestion under debate, when, and by what motioni
superseded - - - * 11 122
may be divided - * - 12 123
final, on second readings • • - 29 126
to be decided, by ay or na • • - 22 124

to be pat by the President of the Senate, • 22 124
on amending the constitution, short of the
main question, to be determined by a ma-

majority . . - . -43 130
Qttonifn, proceedings when a less number shall have
assembled 8 122

Reading newspapers prohibited while the Senate are in
session - - ^ - -> 2 121
of a paper called for, and objected to, to be
decided by the Senate • - -14 123

Reconsideration of motion for, may be made by one of
the majority - -- 20 124

or by a member of the side that pre-
vailed - -- -44 130
motion for, must be made within two
days after vote - -- -20 124

motion for, must be made before the
subject matter is out of possession
of Senate - -- -20 124

of a question requiring the affirma-
tive vote of two-thirds, to be de-
termined by a majority, - • 44 130

Record^ Executive, extracts from, prohibited - -42 129

Reference of petitions, Ac, how made • -24 124

Reports of standing committees, when received • 24 124
of committees, to lie one day - -- -26 125

Reporters placed on the floor - • - - 47 130

Resolutions^ requiring approbation of the President to
amend constitution, and grant money, to
be treated as bills - -- • 26 125

other, to lie one day • -- 26 125

on third reading, amended only by consent 29 124
engrossed, recommitted, and reported, to
be again read a second time - -29 126

orders, votes, &c., requiring the President's
approbation, shall be signed and present-
ed as in case of bills (See Bills) (joint
rule) - -- . -- .10 122

passed one House and lost in the other;
notice to be given (joint rule) - -- 12 122

by CjOUQIC

100 t1TDBZ TO THS

IU$ol%Um$, not to be presented to the President on list
day of the leMion (joint rule) - • 17 123
Secretary enjoined on confidential communications - 38 129
enjoined on remarks on persons nominated 39 129
enjoined on treaties - - • - 38 129
Secretary to endorse bills passed, dto. • - 45 1 30
to take the decision of the Vice President
when the Senate is equally divided - 21 124
to receive from committee, and enter en*
ffrossedbilU, • - - - 33 126
to furnish the President with transcripts of
executive journal - - - • 42 129
reporters on the floor under direction of the 47 130
to be chosen on second Monday of first session
of every Congress - - - 49 131
to attend and to observe minutes when Senate is
convened to any other place • - 36 128
to make returns on nominations, from day to
day 42 129
to return or deliver no paper, except original
treaties, without order of Senate - - 42 129
to furnish no extract from executive journal
without special order • - -42 129
to convey messages to House of Representa-
tives • - - - 45 130
Senate proceedings of, when a number less than a
quorum shall have assembled .. 8 122
proceedings of, in quasi committee to be en-
tered concisely .. 32 126
ceremonial proceedings when met by the
President of the United States at any other
place than the Senate Chamber • . 36 128
*36 128
relating to the executive proceedings of
who shall be admitted when engaged in Exe-
the proceedings of, to be recorded separately
transcripts and extracts from Executive re-
records, in what cases furnished
rites of, to be entered on journal
contents of memorials and petitions presented
to, to be entered on the journal

d by

RULES OF THE SENATE. 191

Senate f shall be cleared of all persons except their
officers, when acting on Executive business
Executive proceedings of, to be recorded
separately from the Legislative
officers of, when they shall be elected
messages to and from (joint rules)
Speaking, among the members prohibited during de-
more than twice in one day on the same

subject, prohibited.
Spirits f not to be brought within or about the Capitol
(joint mle)
Time, longest, first put
Treaties, proceedings on
to be kept secret, until injunction be remoTed
Unfinished business, has preference in special orders
Vice President, or President pro tempore, may appoint
a chairman
Fate, every, to be entered on the journal
no member allowed to, after decision is announced
Words, exceptionable, shall be taken down, when a
call to order is made by a Senator • • 7 122
Fm» ami na«, to be called alphabetically, - • 16 123
may be required by one-fifteenth - 16 123
to be taken without debate - - 16 123
after being taken no member allowed
to enter his vote . . . 17 123

d by

INDEX
TO
THE RULES AND ORDERS
or
THE HOUSE OF REPRESENTATIVES,
AND TO THE JOINT RULES*

MolliUon petitions, rule respecting . . • . 21 139'
Msent membtrSf their attendance may be compelled by
fifteen members . . . .57 147
MserUf no member allowed to be, unless on leave • 60 147
Absentees at a call, proceedings against » . 61, 62 147
Acts and Addresses signed by the Speaker, . . « 13 137
Address to the President^ how to be presented (joint
rule) . . • .19 167
Adhere^ effect of a vote in the two Houses to (joint
rule) 15 167
Adjourn, motion to, always in order, but not to be de*
bated 43 144
hour to be entered 44 144
^menif, order of motion to - . .41 143
Amendment not to be admitted, if on a subject different
fVom that under consideration . . 50 145
Amendments to engrossed bills, by way of rider not permitted 115 159
to engrossed bills, to be kept on separate paper 119 159
to original motions, in Committee of the Whole 120 160
to bills and resolutions, cannot be made by adding other bills or resolutions . . 50 145
by

XRDKX. 103
AvaendnunU to roles, proposition of . . 127 161
to reports in Committee of the Whole 121 160
to bills on which the two Houses disagree,
conference on (joint inle) . 1 165
of Senate, to bills, when considered . 84 140
Appeals, how made and debated ... 2 135
proceedings in case of 90 142
not debated on previous question .46 144
Appropriations, to be reported within 90 days . 74 151
to have preference in order of day . 75 151
appropriations not authorized by law,
not to be made, 76 151
Appropriations for treaties not to be included in bills making appropriation for other objects .73 150
Appropriations to be first discussed in Committee of the Whole ...... 125 160
Ba22o< for committees 7 136
in other cases 8 136
no person to look on when tellers are counting 34 142
Bar, no member to vote unless within the . 37, 38 143
Bills on the table, when to be taken up and disposed of, 24 140
private, to have precedence on Fridays and Saturdays . .26 141
to be called over on first and fourth Friday of every month – preference to those not objected to 27 141
rejected, if enacting words be stricken out . 41 143
cannot be amended by adding other bills « . 50 145
proceeding on /eav» to introduce . . 108 158
now to be introduced, or reported . 108 158
making appropriations, to be reported within 30 days 74 151
to have preference in order . 75 151
appropriations not authorized . 76 151
to be first discussed in Committee of the Whole 125 160
the several readings of .... 109 158
if opposed on first reading, question to reject to be put, ^ . 110 158
how to be disposed of on second reading . Ill 158
not more than three to be committed to the same Committee of the Whole . . 112 159
10 by

194 INDBZ.

Bills, may be recommitted at any time before passage 113 159
to be engrossed in a fair round hand . . 114 159
amendments of Senate when considered . . 24 140
engrossed, when to be read a third time .. 24 140
from the Senate, when to be read and disposed of 24 140
not to be amended on third reading by rts«r 115 159
when passed to be certified by the clerk . 116 159
[in Committee of the Whole] how to be taken up;
not to be interlined; amendments to, how to be
kept and reported; and, after report, may be again debated and amended. 119 159
on their passage to be on paper (joint rule). 5 165
to be enrolled on parchment after passing the two

Houses (joint rule) 6 166
(See Engrossed Bills.)

passed one House and lost in the other, notice to be given of (joint rule) 118 167

passed one House and lost in the other, how they may be renewed (joint rule). 13 167

when sent from one House to the other, to be accompanied by the papers on which they are founded

(joint rule), 14 167

not to be sent from one House to the other for canr currence on the last three days of the session

(joint rule) . 16 167

not to be presented to the President on the last day of a session (joint rule) . 17 167

joint rule relative to printing of . 18 107

Blanks, rule respecting the filling of. 122 160

Blank b(d)lots, not to he counted 8 136

Business, unfinished at first to be resumed at second session of Congress 17 138

daily order of. 20, 22, 23, 24 139-40
order of, changed or postponed. 127 161
no debate on priority of . 107 158
Business on the table, when to be taken up and disposed of 20 139

Business on the Speaker's table, mode of disposing of. 24 140
list to be made of. 135 162
private to have preference on Fridays and Saturdays 26 141
't to be called over on the tint and fourth

Fridays in every month, and preference given to matters not objected to. 27 141

'^CaUron Departments for information, rule relating to 55 1 46
&ULB8 OF THE HOUSES AND JOINT RULES. 195

Call of the House of names called alphabetically . . 58 147
rules relative to a . .45, 57, 58 144-47

Capitol, unappropriated rooms in . 138 162
no spirits to be brought within or about, (joint rule) 19 167

Chair, Speaker may substitute a member to take the 6 136
Clerk to cause resolutions to be delivered to the Presi-
dent, “bc 56 146
to take an oath to act faithfully, and tenure of ap-
pointment, &c 18 138
to make a list of reports to be made by public offi-
cers to Congress 103 157
to forward the Journals to the Governors of the
States . • 104 157
to make weekly a list of business on Speaker's
table 135 162
to cause Journal to be completed and distrib-
uted • . 132 161
to furnish members with bound documents . 1 34 1 63
to cause the laws to be indexed . 136 162
to note questions of order .... 105 157
to attest legal acts signed by the Speaker . 12 137
to retain certain books in the office library . 133 161
to provide for the care and preservation of the public
stable 137 162
CUrha to eommiUees, House must order employment
of 140 162
Committee or amendment, order of motions to 41 143
Committees, hovr to be appointed . 7 136
order in which they shall be called for re-
ports 22 139

a member may, in a certaia case, be excused
from serving on' 59 147

precedence of, in motions for reference . 42 144

appointment of standing . .71 149

duties of, viz: of Elections .72 149
of Ways and Means 73, 74 150-51

of Claims . .77 151

on Commerce . .78 151

on Public Lands . . 79 152
on the Poet Office and Post

Roads : 80 152

for the District of Columbia 81 152

on the Judiciary . .82 152
on Revolutionary Claims . 83 152
on Public Expenditures . 84 153

%

by

C0mwuiCi9, duties of, mi on Prit ate Luid CkiiM • 85 153
on Militafj AAin -86 153
ontbeMUitui - • -87 153
onNavmlAffiun- -88 153
on Foreign Ailfkin - -89 154
on the Territories • - 90 154
on Bevolutionar^ Pensions - 91 154
on InTilid Pensions - -92 154
on Roads and Canals - • 93 154
on Patents • - • - 94 154
on Public Buildings • -95 155
on Sevisal and Unfinished bu-
siness - - -96 155
of Accounts - - -97 155
on Milea^ - - -96 155
CammiUets im ExpemdUures, appointment and duties of
the six • 99,100 155-56
CommUUes, Standing, may report by bill - - 101 157
not to sit during session of House - 102 157
not to employ clerks ... 140 162
CammiUeeofthe Whole on the Unum, a standing order of
the day - - - -117 159
CommUUe of the Whole, how formed - - • 1 18 159
how to proceed in cases of bills - - 119 159
how to report amendments to original mo-
tions 120 160
how to report amendments to a report - 121 160
rules of the House to be observed in - 126 160
must first entertain all motions for laying or
increasing taxes - - 123,124 160
appropriations must be first discussed in 125 160
Committee Clerks, House to order employment of 140 162
Committee on Enrolled Bill$f appointment and duties of,
(joint rule) - - - - 7 166
to report at any time ... 128 161
Commitment of motions and reports to be at the pleasure
of the House - - - 49 145
when different committees are proposed,
their order - - - .42 144
Conference on disagreeing votes of the two Houses, rule
respecting, (joint rule^ - - - 1 165
Co$\text{''}fidential communications or proceedings, rules
upon 106 157
Sergeant-at-arms sworn to secrecy - 67 148
Doorkeeper sworn to secrecy - - 69 148
Consideration of questions of - . . - 5 136
by

RULES OF THE HOUSE 4KD JOINT RULES. 107
Cipher$$ativinf (private) not to be entertained while a mem-
ber is speaking - « - - 34 142

Debate, provisions for the preservation of order and decorum in - - 28,29,30 141-42

on appeals, limited nature of - - -2 135

on appeals in calls to order, prohibited - 29 141

prohibited on motions to adjourn > ^q -.^ prohibited on motion to lie on the table, >

prohibited to speak more than once or twice - 32 142 prohibited on petitions and other papers on day of presentation - - • • - 56 146

prohibited on priority of business - 107 158

to be precluded by the previous question - 46 144

Division of questions, when and how they may be allowed 48 145

Division of the House, how made and decided • 4 135

Divine service, not to be performed in the Hall, unless by consent of the Speaker - 130 161

Disorder of the gallery, remedy for - - -13 137

Documents, members to be furnished with an extra set - - - - 134 162

rule respecting printing extra numbers 56 146

Doorkeepers to be appointed and tenure of office • 68 148

to be sworn to secrecy - • - 69 148

required to execute rules strictly - 17 138

Duties or taxes, rules to be observed respecting the imposition or increase of • 123,124 160

Elections, how to be conducted - - « 8 136

previous nomination necessary - * 10 137

votes to be viva voce - - - - 11 137

Enacting words, if stricken out, to be considered as a rejection of bill, &c. - - 41 143

Engrossment to be in a fair round hand - 114 159

Engrossed bills not to be amended by riders • 115 159

while on their passage between the two Houses. (See Bills.)

Enrolled Bills, committee on, may report at any time 123 161
to be examined by the com- ^

prSn for the appoint. [ a<»i"tr«le)7 166

ment of the committee on j
to be signed by the presiding officers of the
two Houses (joint rule) -- 8 166

by

108 INDEX.

Enrolled Bills, how to be presented to the President, and
the time to be noted (joint rule) -- 9 166
not to be presented to the President on last
day of session (joint rule) • -- 17 167
Executive Departments' rules to be observed in calling for
information from heads of -- 56 146
Executive communicationS when to be read -- 24 140
Excused from voting, rule relating to being -- 36 143
Excused from serving on a committee, a member may
be 59 147
Fees in cases of calls of the House -- -- 62 147
of Sergeant-at-arms -- -- 66 148
Galleries may be cleared in case of disorder • -- 13 137
House to be under the direction of the Speaker • 6 136
persons who may be admitted within the • 14 137
this rule to be strictly executed -- -- 17 138
not to be used in the performance of Divine service unless by consent of the Speaker 130 161
Hats off during session of House -- -- 34 142
Heads of Departments, cvXLε fox mioftDAiAOTL from -- 56 146
Interested, members not to rote when -- -- 35 142
Indefinitely, questions not to be resumed which are
postponed -- -- -- 47 145
Information, calls on the President and Departments
for 56 146
Insert and strike out, questions indivisible -- 48 145
Index to laws, to be made ... 136 16^
Jefferson's Manual to govern in certain cases • 129 161
Joint resolutions, or propositions requiring the consent
of the Senate, to be laid on the table one
day -- • -- -- 64 146
signed by the Speaker - - - 12 137

•/mma2| reading of - - - - - 1 135

to be examined by the Speaker - - 6 136
to be printed and distributed within thirty
days after the adjournment - 132 161

Laws, to be signed by the Speaker - - - 12 137

index to be made ... 136 162

Lts oii (As tod/e, precedence of a motion to -- 41 143

no debate allowed on a motion to - 43 144

by

RULES OF THE HOUSE AND JOINT RULES. 199

lie on the table one day, all matters requiring the concur-
rence of the Senate to - 54 146

all resolutions calling on Executive officers for information

shall - - -56 146

Library of Clerk's office, books to be retained - 133 161

Lobby may be cleared in cases of disorder -- 13 137

Manual, Jefferson's, to govern in certain cases 129 161

Memorials, when to be presented - - ^ - 20 139

rules to be observed on the presentation of 55 146

Members, not to vote, when interested -- 35 142

to be furnished with extra set of documents 134 1 62

to sit uncovered - - - 34 142

their names to be called alphabetically - 58 147

to be paid by Sergeant-at-arms -- 65 148

Messages between the two Houses, how to be announced

and delivered (joint rule) - -2, 3 165
by whom to be sent (joint rule) - - 4 ] 65
Messages from Senate, when considered - - 24 140
Messages from President, when read - - 24 140
Mileage, duty of committee on - - 98 155
Motions, to be stated by the Speaker, or read by the clerk 38 143
if desired, shall be reduced to writing - - 39 143
when to be considered as in possession of the House 40 143
precedence and order of certain - 41, 42 143-44
may be committed at pleasure - - 49 145
when they may be withdrawn - - 40 143
M'ominations, cases in which it shall be necessary - 10 137
Or Jer, proceedings in cases of calls to - 29,30 141-42
Speaker to decide questions of - - 2 135
Speaker to make calls to - - 29 141
Clerk to note questions of - - 105 157
questions of, arising after previous questions, no debate - - - 46 144
Order of business, of the Besaion - - 19 138
of the day - 20,22,23,24,25 139-40-41
postponed or changed - 127 161
Order ef callings w peiiiona » - - 20 139
for reports of committees - - 22 139
Orders of the day, when io he caXled ' - - 24 140
by

-65
200 INDIX,

OrA9n of ike day, may be moved pend'M comidera.
tion or disouaion orreports and
retolotiong -- -- 24 140

unfinished bosineas to have prece.
dence in -- -- 54 146

PKay of members, by Sergeant^at-anna
Pelituwu, when they may be presented -

rules to be observed on the presentation of * 55

rule respecting debate on -
Personality in debate to be avoided -
Postmaster General, calls for information from
Postmaster of House, to be appointed -
Postponed indefinitely, effect of question which is
Postpone, to dav certain, order of motion
or change order of business

Prctd^^ J'. i to be decided without debate 107 158
Priority of business i ^).^,,

Precs^nee of motions -- -- -41,42 14^-44

Pftsidisax, rules to be observed in calling for informa-
tion from the -- - 56 146
manner of presenting bills and resolutions
to the (joint rule) -- -- 9 166

manner or presenting joint addresses to the

Qoint rule) - - - 11 167

no l>ill or resolution to be presented on the
last day of the session to the Qoint rule) 17 167
Printing of Journals to be completed withm thirty •

days after an adjournment 132 161
Fnnfii of 6iM#, joint rule relating to . -18 138

Printing, motion for extra numbers to lie one day - 56 147
Previous ^estion, order of motion for -- 41 143

rules relating to the - 45, 46 144

Private business, to have preference on Fridays and

Saturdays - - - 26 141

to be called over on first and fourth
Friday of every month, and prefe.
rence given to not objected to > 27 141
Privileged to come within the Hall, named rules respecting to be strictly executed.

tuestiens, manner of putting decorum to be observed during the putting of may be divided, and the manner of dividing to be propounded in the order in which they are moved.

by

RULES OF THE HOUSE AND JOINT RULES. Qiortim, fifteen members may compel the attendance of a " . . . .57 147

Reading a paper if objected to, rule respecting the JR«eofisui«r, rule respecting motions to " . . . .51 145

Reference, order and precedence of notions of of motions to be at the pleasure of the House Reporters f rules respecting - - . 15, 16 138

Reports, may be committed at pleasure . - 49 145

Reports of Committees, when to be made - -22 139

Reports to he made to (Ungress, Clerk to make a list of - - - - . 103 157

Resclyiions, when they may be submitted, &c. 22, 23 139-40 only one at a time - . - - 22 139

every alternate Monday set aside for those giving rise to debate to lie over - 23 140 cannot be am«nde4 by adding other resolutions - - - - . 50 145

requiring assent of the Senate, to be laid on the table one day before acting on , dbc. 54 146 calling on Executive officers for information to he one day, - - - 56 146

orders, votes, Ac, requiring the President's approbation shall be signed and presented as in cases of bills (see BiUs) (joint rule) 10 166
passed one House, and lost in the other, no-
tice to be given (joint rule) - - 12 167
not to be presented' to the President on the
last day of the session (joint rule) - 17 167
Riders^ engrossed bills not to be amended by • 115 159
Booms, Speaker to dispose of unappropriated - 138 1jS2
Rules f how to be amended, rescinded, or suspended 127 161

;S:nTe<^, rule relating to ... 106 157
Sergeant-at-arms sworn to - -- 67 148
Doorkeeper sworn to - -- 69 148
Senate, all orders to be laid <>n the table one day, which
require the assent of the > - 54 146
bills and resolutions, when to be read • 24 140
consider messages from - - 24 140
messages to and from (joint rules) 5, 6 165-66
SergtantHH-arms, to be appointed, and duties of the - 63 147
fees of the - . . • 66 148
to pay members - * -65 148
toffivebond - . -66 148
to be sworn to secrecy . 67 148
by LjOOQI^  

202 INDEX.
Slavery petUionSf mle ren^cting - -21 139
Spmker^ to take the ohadr at the hour of meeting - 1 135
to have preference in speaking to order • 2 135
to rise to pot a question - - 3 1^5
\fi decide questions of order - - 2 135
to examine the Jonrnal - -- 6 136
Ho have direction over the Hall - - 6 136
to appoint committees - -- 7 136
to name member who is to speak - - 31 142
to call members to order - - - 29 141

to have direction over unappropriated rooms 138 162

may substitute a member in his place - - 6 136

cases in which he shall or may vote - - 9 137

to sign acts, addresses, writs, subpcetias, &c. - 12 137

Divine service not to be performed in the Hall, unless by content of the - - 130 161

Speaking, modes of disposing of business on -24 140

Speaking, rules to be observed in the House - 28,29,30,31,32,33 141-42

Speaking, rules to be observed in Committee of the Whole - - 126 160

private discourse not to be entertained, nor is any person to pass between the chair and a

member who is - - - 34 142

Speak, Speaker to designate the member who is first to 31 142

no member to speak more than, once or twice - 32 142

Spirits, not to be brought within or about the Capitol

(joint rule) - - - 19 167

Stables, public, Clerk to supply - 137 162

Stenographers, may be admitted on the floor, &c. - 15 138

further regulations for - - 16 138

"Strike out and Insert" rules respecting motions to - 48 145

Substitute, for a proposition, rule respecting a - 50 145

Summons to be signed by the Speaker - - 12 137

Taxes or duties, respecting the imposition of 123, 124 160

Tetters, may be appointed to count in certain cases 4 135

Vhesoever, members to sit - - - 34 142

(jtifimshed business to have precedence, db. - 53 146
,
"0101 no member to vote when intnreiiited, or without the bar 35 142
Vote, every member present shall vote, unless ezeused 37 143
to be given viva voce - - - 11 137

d by

RULES OF THE HOUSE AND JOINT RULES. 203
^o<^m^, manner of - . . • . - 4 135
who are to be excluded from - - 35,36142-43
« a member requests to vote, he is to be interro-
^iW* fif^tfi hy Speaker - - - 35 142
»^»a voce, elecUons to be by - - - 11 137
W/iIMjw, how to be subpoenaed - - -12 137
ivi*i,^ \^^^ ^"' compensatinff - - 131 161
WrUesZ''^ °^ motions,7ule respecting the - ' 40 J43
Wr^n^^'** ^' t^ ^ signed^ the Speaker, &c. 12 137
^^ewcpfed to, to be reduced ti writing - - 30 142
Yea, «ndJVay, when calling, no one to go near the _ ^ ^^^
to be taken alphabetically, - - 58 147

d by

by

by

by