

House is clear of a question, unless they require to be printed, for better consideration. Orders of the day may be called for, even when another question is before the House.

In Jefferson's time the principles of this comment would have applied to both House and Senate; but in the House the order of business may be interrupted at the will of the majority only by certain specified matters (see annotations following rule XIV). For matters not thus specified, interruption of the order takes place only by unanimous consent. For a discussion of the Speaker's policy of conferring recognition for such unanimous-consent requests, see § 956, *infra*.

SEC. XV—ORDER

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

§ 351. Precedent in Parliament and the House.

In the House the Clerk is required to note all questions of order and the decisions thereon and print the record thereof as an appendix to the Journal (clause 2 of rule II). The Parliamentarian has the responsibility for compiling and updating the precedents (2 U.S.C. 28). The Committee Reform Amendments of 1974 gave the Speaker the responsibility to prepare an updated compilation of such precedents every two years (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The Speaker feels constrained in rulings to give precedent its proper influence (II, 1317), because the advantage of such a course is undeniable (IV, 4045). But decisions of the Speakers on questions of order are not like judgments of courts that conclude the rights of parties, but may be reexamined and reversed (IV, 4637), except on discretionary matters of recognition (II, 1425). It is rare, however, that such a reversal occurs.

SEC. XVI—ORDER RESPECTING PAPERS

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

§ 352. Safekeeping of papers and integrity of bills.

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

A bill being missing, the House resolved that a protestation should be made and subscribed by the members "before Almighty God, and this honorable House, that neither myself, nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled," &c. *5 Grey*, 202.

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

In the House an alleged improper alteration of a bill was presented as a question of privilege and examined by a select committee. It being ascertained that the alteration was made to correct a clerical error, the committee reported that it was "highly censurable in any Member or officer of the House to make any change, even the most unimportant, in any bill or resolution which has received the sanction of this body" (III, 2598). Alleged abuse of power in the processing and enrollment of bills has formed the basis of questions of privilege (Feb. 16, 2006, p. __; May 22, 2008, p. __). The Clerk signs engrossments; the Speaker signs enrollments (1 U.S.C. 106).

SEC. XVII—ORDER IN DEBATE

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

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

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

When any Member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular Member, but to the Speaker, who calls him by his name,

§ 354. Procedure of the Member in seeking recognition.