less a Member insists they shall be read, and then nobody can oppose it. *2 Hats., 117.*

Under the rules, petitions, memorials, and communications are referred through the Clerk's desk, so that there is no opportunity for reading before reference, though messages from the President are read (clauses 1 and 3 of rule XII; clause 2 of rule XIV).

SEC. XXXIII—PRIVILEGED QUESTIONS

§ 437. Possession of a bill by the House.

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

§ 438. Theory as to privileged questions.

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

In the House, by rule and practice, the system of privileged motions and privileged questions has been highly developed (rule IX, clause 5 of rule XIII, clause 1 of rule XIV, and clause 4 of rule XVI).

§ 439. Precedence of the motion to adjourn.

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

The rules and practice of the House have prescribed comprehensively the privilege and status of the motion to adjourn (clause 4 of rule XVI). The motion intervenes between the putting of the question and the voting, and also between the different methods of voting, as between a vote by division and a vote by yeas and nays, as after the yeas and nays are ordered and before the roll call begins (V, 5366). But after the roll call begins it may not be interrupted (V, 6053). Clause 4 of rule XVI was amended in the 93d Congress to provide that a motion that when the House adjourns

on that day it stand adjourned to meet at a day and time certain is of equal privilege with the motion to adjourn, if the Speaker recognizes for that purpose (H. Res. 6, p. 26). In the 102d Congress the motion to authorize the Speaker to declare a recess was given an equal privilege (H. Res. 5, Jan. 3, 1991, p. 39).

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

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

"Orders of the day" were part of the regular and daily order of business (IV, 3151). Although a mention of them has survived in clause 1 of rule XIV, they have disappeared from the practice of the House (IV, 3057) and should not be confused with "special orders of business," which are resolutions reported from the Committee on Rules pursuant to clause 5 of rule XIII to provide for consideration of matters not regularly in order. The term "special orders" is also used separately to describe permission to address the House at the conclusion of legislative business.

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

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

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

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

§ 442. Obsolete use of the previous question.

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

The previous question of the parliamentary law has been changed by the House into an instrument of entirely different use (V, 5445; clause 1 of rule XIX).

§ 443. The motion to postpone indefinitely.

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

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

§ 444. Postponement to a day certain.

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

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

§ 445. Motion to lay on the table.

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

This is the use of the motion to lay on the table that is established in the general parliamentary law, and was followed in the early practice of the House. But by an interesting evolution in the House the motion has now come to serve an entirely new purpose, being used for the final, adverse disposition of a matter (clause 4 of rule XVI; V, 5389). And a matter once laid on the table may be taken therefrom only by suspension of the rules (V, 6288) or similar process, unless it be a matter of privilege (V, 5438, 5439) such as bills vetoed by the President (IV, 3549; V, 5439). A proposition to impeach having been laid on the table, a similar or identical proposition may be again brought up (III, 2049; VI, 541).

§ 446. Delegation of consideration to committee.

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.

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

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

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

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

FOR THE PARLIAMENTARY: THE SENATE USES:

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

In their eighth rule, therefore, which declares that while a question is before the Senate no motion shall be received, unless it be for the previous question, or to postpone, commit, or amend

the main question, the term postponement must be understood according to their broad use of it, and not in its parliamentary sense. Their rule, then, establishes as privileged questions the previous question, postponement, commitment, and amendment.

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

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

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

1. Previous question and postpone
   commit
   amend
2. Postpone and previous question
   commit
   amend
3. Commit and previous question
   postpone
   amend
4. Amend and previous question
   postpone
   commit

In the first, second, and third classes, and the first member of the fourth class, the rule "first moved first put" takes place.

In the first class, where the previous question is first moved, the effect is peculiar; for it not only prevents the after motion to postpone or

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

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

§ 449. General principles of priority of motions.

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

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

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

The fourth class. Amendment of the main question first moved, and afterwards the pre-

vious question, the question of amendment shall be first put.

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

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the 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. *Scobell* is express: "On motion to amend a bill, anyone may notwithstanding move to commit it, and the question for commitment shall be first put." *Scob., 46.*

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

§ 450. Applications of the previous question to debatable secondary and privileged motions.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both are moved on the original or main question; but now let us suppose one of them to be moved,

not on the original primary question, but on the secondary one, *e.g.:*

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

Although the general principle that one secondary or privileged motion should not be applied to another is generally recognized in the House, the entire change in the nature of the previous question (V, 5445) from a means of postponing a matter to a means of compelling an immediate vote, makes obsolete the parliamentary rule. For because the motions to postpone, commit, and amend are all debatable, the modern previous question of course applies to them (clause 1 of rule XIX).

§ 451. Motion to postpone not applicable to other secondary motions.

Suppose a motion for the previous question, or commitment or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of the Senate says that when a main question is before the House no motion shall be received but to commit, amend, or pre-question the original question, which is the parliamentary doctrine also.

Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, can not be received. 2. This is a piling of questions one on another; which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment, or amendment.

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

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

§ 452. The motion to amend not applicable to the previous question.

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

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

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

* * * But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of an indefinite time. The useful character of amendment gives it a

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

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

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

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

This rule of the parliamentary law is considered fundamental in the House (clause 6 of rule XVI).

§ 455. Filling blanks; and amendment to numbers.

[In filling a blank with a sum, the largest sum shall be first put to the question, by the thirteenth rule of the Senate, contrary to the rule of Parliament, which privileges the smallest sum and longest time. *5 Grey, 179; 2 Hats., 8, 83; 3 Hats., 132, 133.*] And this is considered to be not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question

to what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem in any other case; then the question must begin a maximo. Or whether the lesser includes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence or the terminus a quo in any other case where the question must begin a minimo; the object being not to begin at that extreme which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. *3 Grey, 376, 384, 385.* "The fair question in this case is not that to which, and more, all will agree, but whether there shall be addition to the question." *1 Grey, 365.*

The thirteenth rule of the Senate has been dropped. The House has no rule on the subject other than this provision of the parliamentary law. It is very rare for the House to fill blanks for numbers. When a number in pending text is to be changed by amendment, the practice of the House permits to be pending: the alternative number proposed in the amendment to the text; a second alternative number as an amendment to the amendment; a third as a substitute; and a fourth as an amendment to the substitute. Thus, if the pending text itself states a number, then five alternative numbers may be pending simultaneously. With respect to a concurrent resolution on the budget (which is considered as read and open to amendment at any point and to which amendments must be mathematically consistent under clause 10 of rule XVIII), adoption of a perfecting amendment changing several figures precludes further amendment merely changing those figures, but does not preclude more comprehensive amend-

ments changing other portions of the resolution that have not been amended as well (Apr. 27, 1977, p. 12485). In recent practice an amount in an appropriation bill has been changed by inserting a parenthetical "increased by" or "decreased by" after the amount rather than by directly changing the number.

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

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.

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

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

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

This principle governs the procedure of the House, but a question of order arising after a motion for the previous question must be decided without debate (clause 1 of rule XIX).

§ 458. Matters of privilege as intervening questions.

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.*

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

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

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

This provision formerly applied in the House to the reading of papers other than those on which the House was to vote. That was under an earlier form of clause 6 of rule XVII, which now applies only to the use of exhibits in debate. For a history of the former rule on reading papers and an explanation of the earlier practice, see §§ 963–965, *infra*.

§ 460. Withdrawal of motions.

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

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

SEC. XXXIV—THE PREVIOUS QUESTION

§ 461. The previous question of Parliament.

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

§ 462. Manner of putting the previous question.

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.