

SEC. XLIII—RECONSIDERATION

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 that question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if they 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. So, also, it may be recommitted.

The rule permitting a reconsideration of a question affixing it to no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it is 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.

The House provides for reconsideration by clause 3 of rule XIX.

In Parliament a question once carried can not be questioned again at the same session, but must stand as the judgment of the House. *Towns., col. 67; Mem. in Hakew., 33.* * * *

§ 514. Parliamentary law as to reconsideration.

* * * And a bill once rejected, another of the same substance can not be brought in again the same session. *Hakew., 158; 6 Grey, 392.* But this does not

§ 515. A bill once rejected not to be brought up again at the same session.

extend to prevent putting the same question 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 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 and sent to the other and there rejected, may be renewed again in that other, passed, and sent back. *Ib., 92; 3 Hats., 161.* Or if, instead of being rejected, they read it once and lay it aside or amend it 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.*

In the House, with its rule for reconsideration, there is rarely an attempt to bring forward a bill once rejected at the same session. One instance

is recorded (IV, 3384), but the House has declined to consider a bill brought forward after a rejection (IV, 3384; Mar. 9, 1910, p. 2966). The Committee on Rules may report as privileged a resolution making in order the consideration of a measure of the same substance as one previously rejected and to rescind or vacate the action whereby the House had rejected a measure (VIII, 3391; Mar. 17, 1976, p. 6776); and a special order of business nearly identical to one previously rejected by the House, but providing a different scheme for general debate, was held not to violate this section (July 27, 1993, p. 17115).

Divers expedients are used to correct the effects of this rule, as, by passing an explanatory act, if anything 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, &c., 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 supply. 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 indispensable 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

§ 516. Expedients for changing the effect of bills once passed.

§ 517. Exceptions to the rule against bringing up a matter once rejected.

same question in substance, though with some words not in the first, and which might change the opinion of some Members, was brought on again and carried, as the motives for it were thought to outweigh 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 contradiction to the first act.

The House has by a joint resolution corrected an error in a bill that had gone to the President (IV, 3519).

SEC. XLIV—BILLS SENT TO THE OTHER HOUSE

A bill from the other House is sometimes ordered to lie on the table. 2 *Hats.*, 97.

This principle is recognized in the practice of the House, both as to Senate bills (IV, 3418, 3419; V, 5437), and as to House bills returned with Senate amendments (V, 5424, 6201–6203). The motion to lay on the table Senate amendments to a House bill does not take precedence over the motion to recede and concur, because the motion would table the entire bill (Speaker Longworth, Jan. 24, 1927, p. 2165), but the motion to lay on the table a motion to recede and concur in a Senate amendment does not carry the amendment and bill to the table, and other motions are in order to dispose of the Senate amendment (Feb. 22, 1978, p. 4072).

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