



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

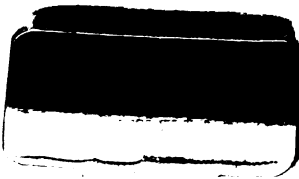
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

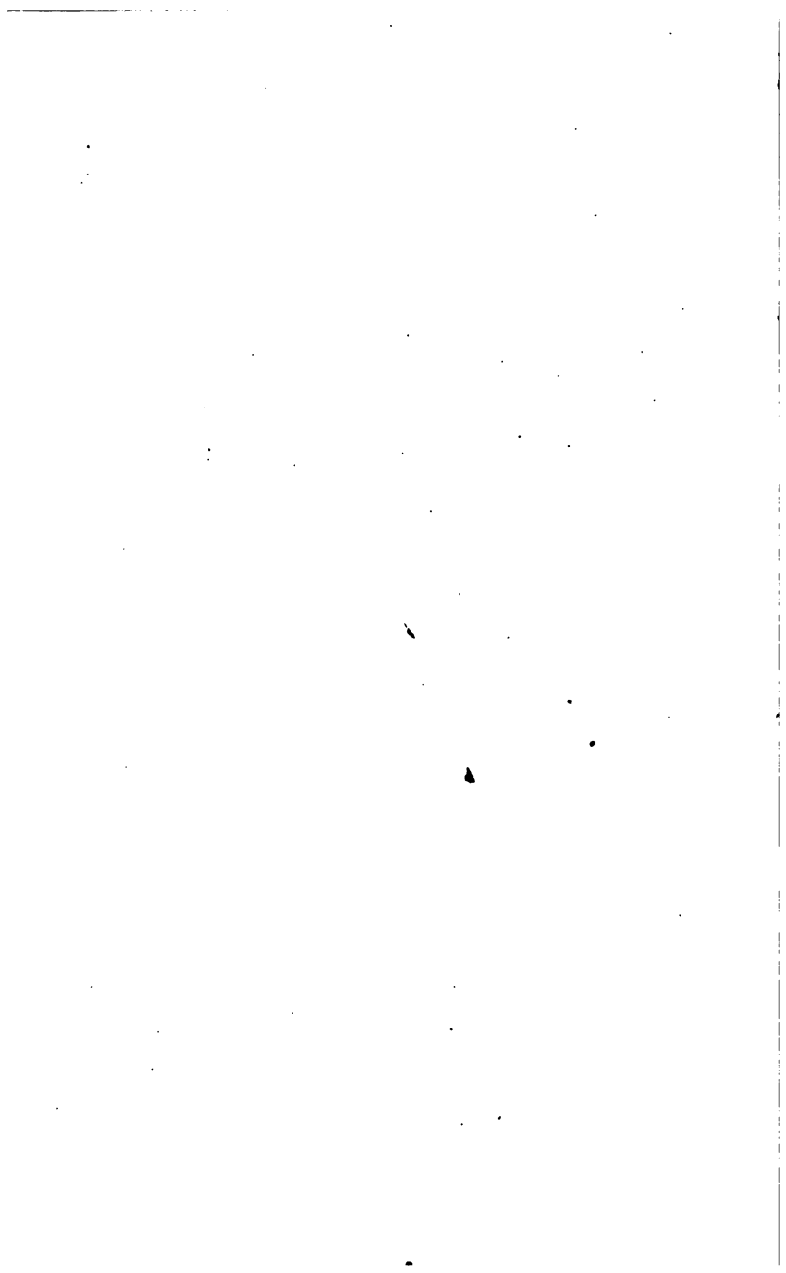
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

A 1,022,853



THE NEW CUSHING'S MANUAL
OF PARLIAMENTARY LAW
AND PRACTICE



THE NEW CUSHING'S
MANUAL OF PARLIAMENTARY
LAW AND PRACTICE

ACCORDING TO PRESENT AMERICAN USAGE

TOGETHER WITH A WORKING
CODE FOR SOCIETIES

REVISED AND ENLARGED

BY

CHARLES KELSEY GAINES, Ph.D.

INSTRUCTOR IN PARLIAMENTARY LAW AND DEBATE IN
ST. LAWRENCE UNIVERSITY

AUTHORIZED REVISION

THOMPSON BROWN COMPANY
(JOHNSON, BLAGDEN & McTURNAN)
BOSTON • NEW YORK • INDIANAPOLIS

JF
515
.C98
1912

COPYRIGHT, 1912, BY
JOHNSON, BLAGDEN & MCTURNAN, INC.

THE PLIMPTON PRESS NORWOOD MASS U S A

© 8. Mr 13 5. 8.

PREFACE

CUSHING'S MANUAL, for many years after its publication in 1844, was the standard authority for ordinary parliamentary law and practice and stood almost without a rival in its field; but since parliamentary rules, like everything else, are subject to gradual change, the need of a thorough revision in time became apparent. Such a labor is best performed by the author himself when that is possible; for a revision, to be effective, must be radical. In dealing with a subject of this nature no superficial or patchwork methods will avail; only a revision which goes to the roots of the matter can renew the wholeness and logical coherency which gave the original treatise its exceptional value. This task had never been adequately performed; it had scarcely been attempted. Mr. Cushing died in 1856 before the need of revision was strongly felt, leaving only a few notes which were afterwards incorporated in the text. In 1877 the work was nominally revised, but practically left unchanged. Later appeared an edition with various additions, but without any real revision of the original text.

Meanwhile many other handbooks have been published, but none having the same character as the original Cushing's Manual. Some have been too conservative, reiterating obsolete rules and failing adequately to present current practice. Others have been *codes* rather than true manuals, presenting a series of rules with more or less arbitrary features — not always well judged. Such books are not without their utility, but do not serve the same purpose as the original work of Mr. Cushing.

[v]

250394

Still others seem designed for the infant class; or, at least, intended to enable a person without real understanding of parliamentary law to make some sort of showing by a process of hasty reference — a hopeless undertaking in any serious connection. So the need of a manual on the general plan adopted by Mr. Cushing has remained unsatisfied.

The reviser has found his task much greater than he had anticipated; but being duly authorized by the representatives of Mr. Cushing and the original publishers, he has spared no pains in the endeavor to do whatever seemed needful to make this notable work once more what it was when it first appeared: a logical presentation of the best American practice.

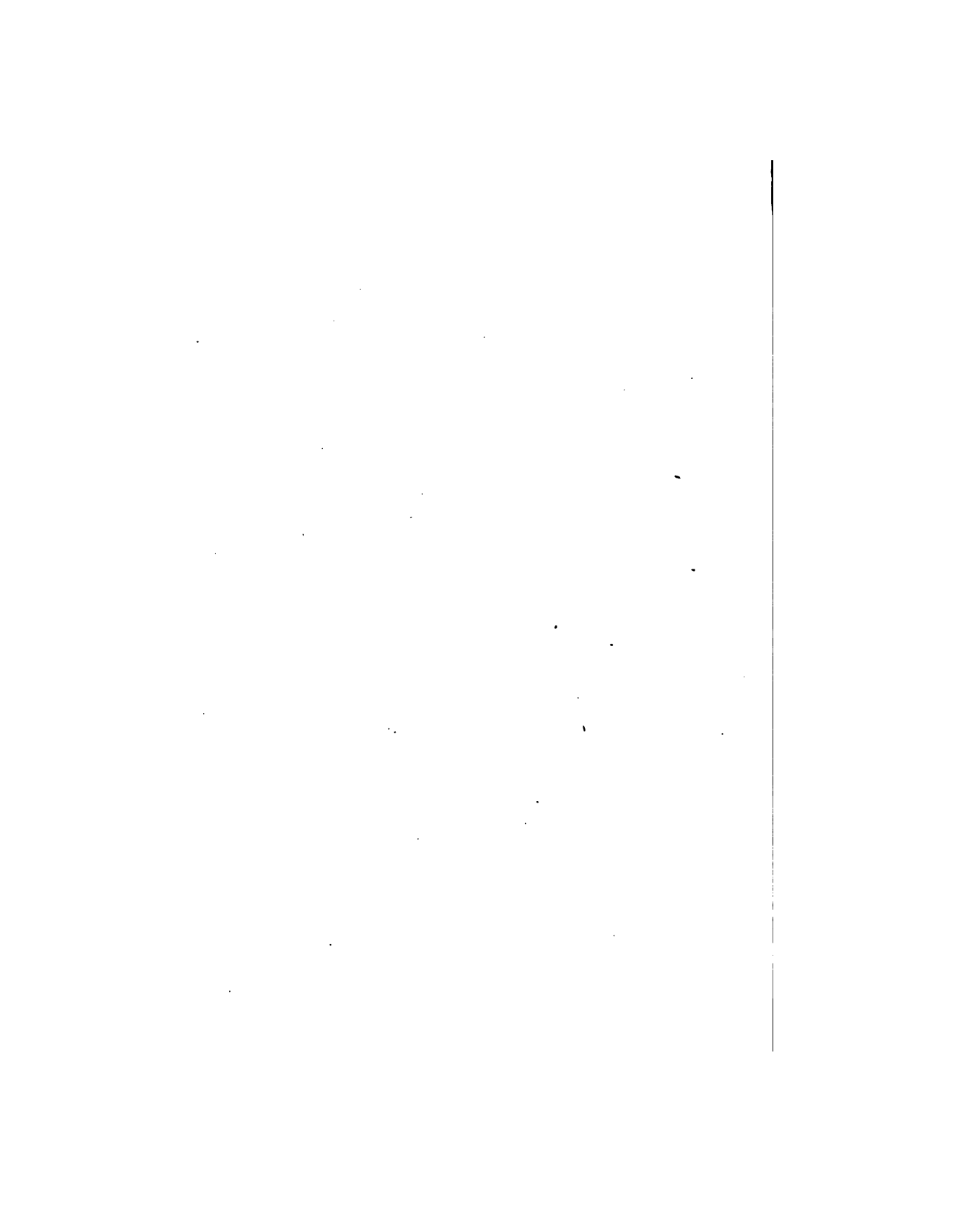
Part I, the "Revised Manual," is intended to present in a readable form a clear and comprehensive view of parliamentary practice as it is today, with adequate discussion of whatever seems difficult or unsettled, and with constant emphasis on the *reasons* on which rules are based. A special feature is the careful definition of terms, — an important matter quite generally neglected in previous manuals (see particularly Sec. 33).

Part II, the "Working Code," is a succinct statement of the rules of practice, with all ambiguities and uncertainties eliminated, carefully adapted to the use of ordinary societies, and intended for adoption by them as part of the standing rules. This will also serve conveniently as a briefer manual for beginners. A few special rules have been added, which may be adopted where the need of them is felt. The "Table of Classified Questions" (Sec. 200) puts before the eye the substance of the rules of the Code in a compact and lucid form, convenient for quick reference, without the confusion of lines and squares often met with in tabulations. The "Supplement" offers a constitution and by-laws for a school debating club, which may serve as a model, or basis, for any other organization, whatever

its size and scope; also various illustrations of the form of documents, including minutes. It is believed that no previous manual has combined all the features above enumerated. Cross references are numerous, so that all parts of the book are made available on any topic; and the reviser has not hesitated to repeat, wherever a brief restatement would serve to make the manual more convenient for the user. Having conducted classes in parliamentary law for more than twenty years, he feels that he has some appreciation of the needs and difficulties of beginners, and has endeavored to keep these constantly in mind.

CHARLES KELSEY GAINES.

ST. LAWRENCE UNIVERSITY,
August, 1911.



CONTENTS

PART I. REVISED MANUAL

SECTION	INTRODUCTION	PAGE
1.	Fundamental principles	3
2.	Authority of parliamentary law	4
3.	Nature and origin	5
4.	Need of revision	7

CHAPTER I. PRELIMINARY MATTERS

5.	Organization	8
6.	Declining to serve	10
7.	Permanent organization	10
8.	Credentials	11
9.	Questions of membership	12
10.	Quorum	13
11.	Absence of a quorum	14

CHAPTER II. OFFICERS AND THEIR DUTIES

12.	The necessary officers	16
13.	Election of officers	16
14.	The presiding officer	17
15.	Conduct of the presiding officer	18
16.	Power of the chair	19
17.	To deal with obstructive procedure	20
18.	Vice-presidents and substitutes	21
19.	The recording officer and the minutes	21
20.	Other duties of the secretary	23
21.	Other officers	24

CHAPTER III. INTRODUCTION OF BUSINESS

SECTION	PAGE
22. Right to the floor	25
23. Obtaining the floor	25
24. Rules for assigning the floor	25
25. Making a motion	27
26. Proper form of motions	27
27. Seconding a motion	28
28. Stating a motion	29
29. Informal suggestions and changes	30
30. Restatement of a motion	31
31. Presenting a petition	31

CHAPTER IV. MOTIONS AND THEIR INTERRELATIONS

32. A principal motion	33
33. Explanation of terms	34
34. Classification of motions	35
35. Motions made pending others	36
36. Enumeration of privileged questions	37
37. Enumeration of incidental questions	37
38. Enumeration of subsidiary questions	38
39. The older usage	39
40. Enumeration of supplementary questions	40

CHAPTER V. MOTIONS TO SUPPRESS OR DEFER

41. Subsidiary motions in general.	41
42. Question of consideration	42
43. To lay on the table.	43
44. To postpone to a day certain	45
45. To postpone indefinitely	47

CHAPTER VI. MOTIONS TO RESTRAIN DEBATE

46. The previous question — name and purpose	49
47. The previous question as now used	49
48. The previous question — rank and regulations	50
49. Execution of the previous question	51
50. Motions pending execution of the order	53
51. Ordered by majority vote	54
52. History of the previous question	55
53. Other motions to regulate debate	56

CHAPTER VII. COMMITMENT

SECTION	PAGE
54. Committees in general	58
55. The motion to commit	59
56. Appointment of committees	61
57. Appointment by the chair	62
58. Nomination and election	63

CHAPTER VIII. AMENDMENTS

59. Amendments in general	66
60. The motion to amend	67
61. Modes of amendment	68
62. Amending amendments	70
63. Successive amendments	71
64. Effect of motion to insert	72
65. Effect of motion to strike out	73
66. Effect of motion to strike out and insert	75
67. Amendment by substitution	76
68. Filling blanks	78
69. Division of the question	79

CHAPTER IX. PRIVILEGED QUESTIONS

70. Privileged questions in general	82
71. To fix the time to which the assembly shall adjourn	82
72. To adjourn	84
73. Effect of adjournment on pending business	85
74. To take a recess	85
75. Questions of privilege	87
76. A call for the orders of the day	88

CHAPTER X. INCIDENTAL QUESTIONS

77. Incidental questions in general	91
78. Questions of order	91
79. Appeal from the decision of the chair	93
80. The reading of papers	94
81. Withdrawal of a motion	95
82. Suspension of the rules	96
83. To make a special order	97
84. To determine the mode of procedure	99
85. To divide the question	100
86. Nominations and filling blanks	100

CHAPTER XI. SUPPLEMENTARY QUESTIONS

SECTION	PAGE
87. Supplementary questions as a class	101
88. To take from the table	101
89. To discharge a committee	102
90. Reconsideration in general	103
91. The motion to reconsider	105
92. Special rules as to moving a reconsideration	106
93. Reconsideration of subsidiary questions	110
94. The renewal of motions	110
95. To rescind or repeal	112

CHAPTER XII. COMMITTEES

96. Nature and use of committees	113
97. Kinds of committees	114
98. Organization of committees	115
99. Procedure in committees	117
100. Preparing a report	119
101. Minority reports, or views of the minority	120
102. Forms of reports	121
103. Presenting a report	122
104. Action on reports	123
105. Special cases of reports	124
106. Committee of the Whole	126
107. Consideration as if in committee	131

CHAPTER XIII. DEBATE

108. Debate in general	133
109. Relevancy in debate	135
110. Times of speaking	136
111. When debate closes	137
112. Yielding the floor	138
113. Debatability of motions	139

CHAPTER XIV. MEASURES OF DISCIPLINE

114. Disorderly words	142
115. As to penalties	144
116. Trial of members	145

CONTENTS

xiii

CHAPTER XV. VOTING

SECTION	PAGE
117. When a question comes to vote	148
118. Majority vote	150
119. Voting by <i>ayes</i> and <i>noes</i>	151
120. Division by a rising vote	152
121. Other modes of division	154
122. Voting by <i>yeas</i> and <i>nays</i>	155
123. Ordering a ballot	157
124. Taking a ballot	158
125. Counting a ballot	161
126. Result of a ballot	162
127. Modifications of balloting	162
128. Another mode of election	164

CHAPTER XVI. MISCELLANEOUS

129. Sessions and meetings	165
130. Order of business	167
131. Constitution and by-laws	168
132. Code or rules of order	170

PART II. WORKING CODE

200. Table of Classified Motions	174
--	-----

ARTICLE I. GENERAL PROCEDURE

201. Nature and purpose of code	177
202. Authority of the table	177
203. Quorum	178
204. Sessions	178
205. Officers	179
206. Motions	179
207. Debate	180
208. Voting by <i>ayes</i> and <i>noes</i>	182
209. Division of the assembly	183
210. Voting by ballot (and Rule A)	184
211. Voting by <i>yeas</i> and <i>nays</i>	185
212. Consideration by paragraphs	186
213. A majority	187
214. A two-thirds vote	188
215. Discipline	189

ARTICLE II. PRIVILEGED QUESTIONS

SECTION	PAGE
216. Order of business	189
217. Privileged questions as a class	190
218. To fix the time and place for reassembling	191
219. To adjourn	191
220. To take a recess	192
221. Questions of privilege	193
222. Orders of the day	194

ARTICLE III. INCIDENTAL QUESTIONS

223. Incidental questions as a class	194
224. Questions of order	195
225. Appeal (and Rule B)	196
226. Questions as to reading papers	197
227. Leave to withdraw a motion	198
228. Suspension of the rules	198
229. Special orders	199
230. To determine mode of procedure (and Rule C)	201
231. To divide the question (and Rule D)	202
232. Nominations and filling blanks	202

ARTICLE IV. SUBSIDIARY QUESTIONS

233. Subsidiary questions as a class	203
234. Question of consideration	204
235. To lay on the table	205
236. The previous question	206
237. To postpone to a certain day	208
238. To refer to a committee	209
239. Amendment of an amendment	210
240. Amendment of the main question	211
241. Amendments removing the main question	214
242. To postpone indefinitely	215

ARTICLE V. SUPPLEMENTARY QUESTIONS

243. Supplementary motions as a class	216
244. To take from the table	216
245. To discharge a committee	217
246. Reconsideration	218

CONTENTS

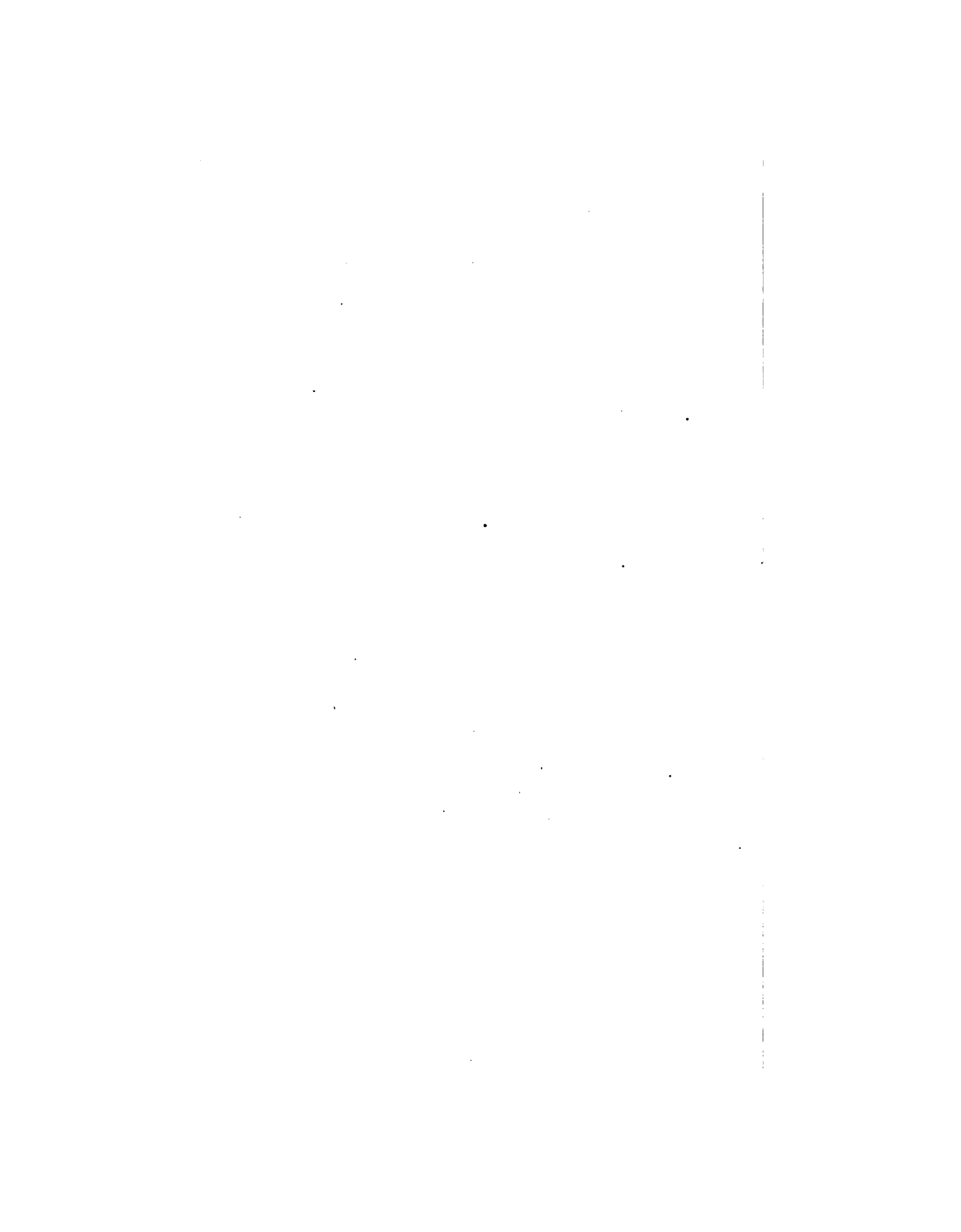
XV

ARTICLE VI. COMMITTEE PROCEDURE

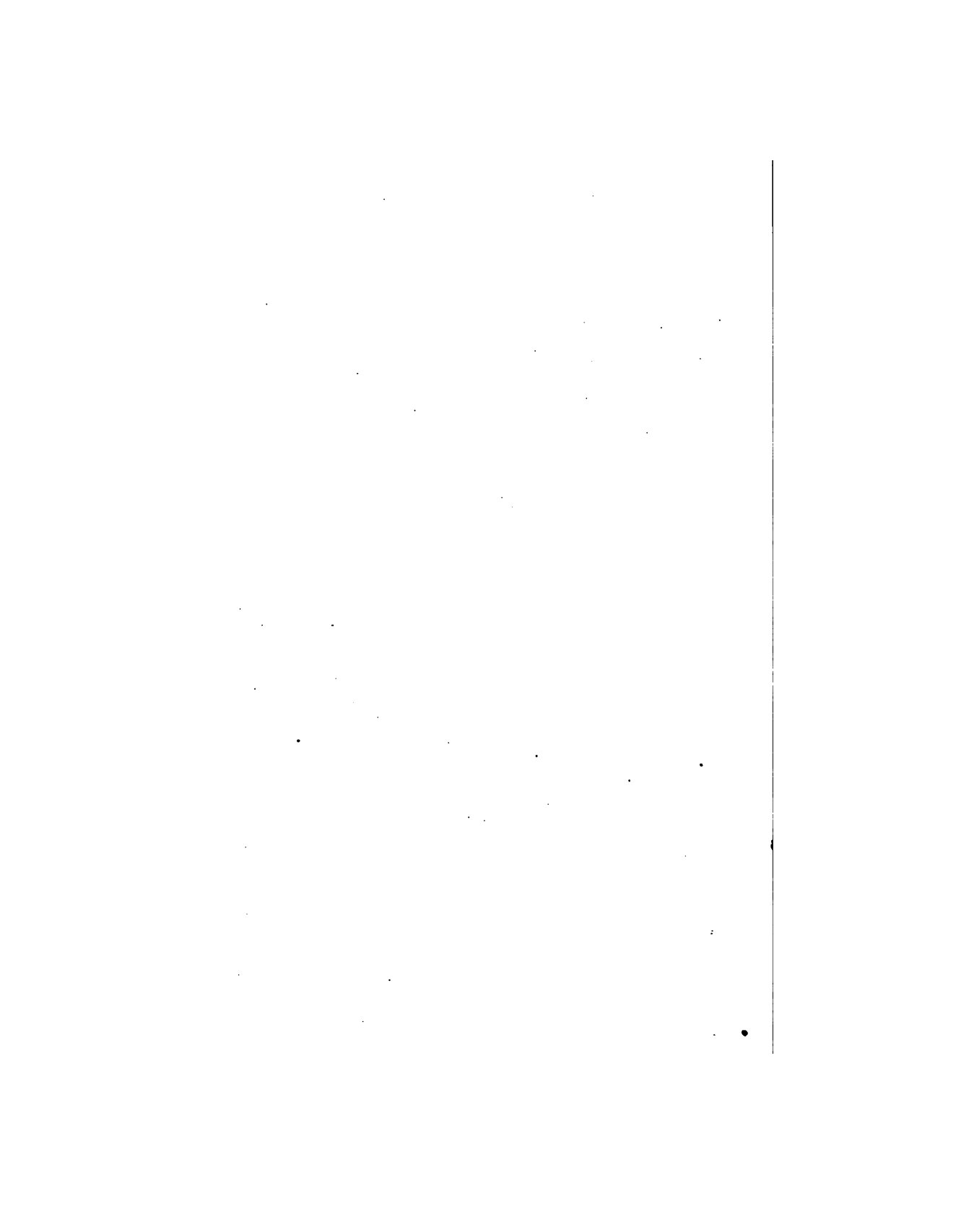
SECTION	PAGE
247. Special rule for reconsideration (Rule E)	221
248. To rescind or repeal	222
249. Organization	223
250. Preparing a report	224
251. Reporting to the assembly	225
252. Acting on a report	226
253. Minority reports or views	226
254. Committee of the Whole	227

SUPPLEMENT: FORMS AND MODELS

255. Constitution for a school society	233
256. By-laws appended to the constitution	238
257. Model of minutes for a school society	244
258. Form of a resolution for debate	251
259. Form of roll for <i>yeas</i> and <i>nays</i>	252



PART I
REVISED MANUAL



PARLIAMENTARY PRACTICE

INTRODUCTION

1. Fundamental Principles. — The purposes for which a deliberative assembly is constituted can only be effected by ascertaining the will of the assembly in reference to the subjects submitted to it. By the will of the assembly is meant the will of the majority of the members present and acting at any meeting, and it is determined by a vote on a formal proposition called a motion. Parliamentary practice, especially in America, is the outgrowth of free institutions, and its underlying principle is the same, — that the will of the majority shall prevail. This is limited only by the absolute rights of individuals as members of the assembly on a footing of strict equality, by the acts of the assembly itself, and by the laws of the land. An assembly may not transcend its authority by attempting to deal with matters out of its province; but within its legitimate field the will of the assembly, deliberately expressed by the vote of a majority of its members, is the court of last appeal.

This guiding principle must never be lost sight of in the interpretation of parliamentary law. Any system which prevents the majority from expressing its deliberate will, or makes futile its will when so expressed, frustrates the main end which parliamentary rules are designed to serve. The fact that a majority may sometimes abuse its power does not alter this fundamental canon. The possibility of such abuse is inherent in the institutions of democracy on which all parliamentary practice is based, and the remedy is not to be found in rules but in reason.

Undoubtedly the assembly itself may adopt special rules restricting its action in certain cases — as when the concurrence of two-thirds is made necessary for some purpose — but such rules are no part of general parliamentary law; they are binding when duly enacted, not otherwise. It should be noted, however, that while parliamentary procedure is firmly based on the principle that the will of the majority shall ultimately prevail, it by no means favors hasty and inconsiderate action. No clearer and more adequate statement of its true aim has ever been made than is found in the words which in the original edition of this work were placed at the end, which the reviser prefers to place at the beginning:

The great purpose of all rules and forms is to subserve the will of the assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberate sense.

2. Authority of Parliamentary Law. — Every deliberative assembly, by the mere fact of its being assembled and constituted, becomes subject to those rules and forms of procedure which custom and experience have established as most fit, without which it would be impossible for it to accomplish the purposes of its creation. An assemblage of persons without a presiding officer, discussing questions without order, without motions, and without determining the will of the majority by vote, is not in any proper sense a deliberative assembly and is not so regarded. But whenever three or more persons organize as an assembly by choosing a chairman, thereby, and as a matter of course, they subject themselves to a general mode of procedure prescribed by usage and known as Parliamentary Law. The observance of this it is the duty of the chairman to enforce and the right of any member to demand. Unimportant and unintentional deviations, especially if not protested against at the time, do not invalidate action; but essential rights must

at all times be respected, — and what these are may in extreme cases, especially in bodies exercising functions of trust, become a question for the courts of law. Under this limitation the assembly may, as already stated, regulate its own proceedings by adopting any special rules which it deems advisable.

3. Nature and Origin. — Parliamentary Law is not a written code; like the rules of language, the rules of correct procedure are determined by *usage*. This usage, to be authoritative, must be *general* and must be the *best*, — that is, it must represent the fairly uniform practice of those deliberative bodies which are recognized as of the highest standing and most approved efficiency. In England the ultimate authority on this subject is the practice of the House of Commons; and in the precedents established by that body, parliamentary law had its origin. In this country the English practice naturally prevailed during the colonial period; this, however, has been modified by changes suggested by experience, until ours must be regarded as a distinct system. To hark back to abandoned methods, reciting obsolete rules as if they were still in force, is not the proper business of a parliamentary manual; but in the present work, such features of the older usage as still in some measure linger are mentioned in the proper connection, with a clear indication of their status.

The practice of Congress (especially in its lower branch) has been the main source of the changes noted above, and undoubtedly presents the highest development of parliamentary procedure in America. Congressional practice, therefore, is to be regarded as the basis and ultimate standard of parliamentary law in the United States; and, in particular, the established usage of the House of Representatives in matters of general application is of the highest authority. This may in some cases be supplemented by the usage prevailing in the various State

legislatures; but such usage lacks uniformity, and is without general authority when it varies from State to State.

It must not be inferred from anything stated above that the adoption of a certain rule of procedure by the House of Representatives (much less by the legislature of any State) necessarily and at once makes this a part of general parliamentary law. Such a rule may have no proper application in ordinary assemblies (for example, the rule for ordering the *yeas* and *nays* on demand of one-fifth of the members present), in which case the consensus of all the legislative bodies in the country would not make it binding in a social club or a debating society. And even apart from this, general practice is conservative, following somewhat slowly the trend of legislative changes; a new rule must find general acceptance before it can be regarded as authoritative in assemblies by which it has not been expressly adopted.

The rules applicable as a matter of course to ordinary assemblies are, therefore, *determined by the general practice of similar assemblies throughout the country*. They are subject to gradual change; they are never finally and absolutely determined in all their details. Change, however, can be effected only by a general consensus of usage. No treatise, whatever its value and authority for interpretation, can do more than state and explain actual practice; it may suggest modifications, but it cannot enact them.

To determine when old rules have become truly obsolete, and when a gradually prevailing practice has become so nearly universal that it should be recognized as part of the general law, is the vexed question of the parliamentarian. With such problems, however, an adequate parliamentary manual must deal — not arbitrarily, but by setting forth the facts.

4. The Need of Revision. — Of the many treatises upon this subject, the original work of Mr. Cushing has long been regarded as one of the most authoritative, and its value in many parts is undiminished; yet in consequence of the slow process of change already adverted to, a thorough revision has become necessary to preserve its usefulness as a practical manual. To make such a complete revision as will fully modernize the work without sacrificing what is of permanent value, and to do this as nearly as possible in the spirit of the original, is the purpose of the present edition, which is undertaken with the consent and approval of the legal representatives of the author and at the desire of the authorized publishers of his work.

The purpose of Mr. Cushing was to state and expound General Parliamentary Law (as above defined), not to legislate upon the subject; and this original aim will be strictly adhered to. Many societies, however, desire not merely this, but a Working Code, extending somewhat beyond the general law and more exactly suited to their needs, which they may adopt. Such a Code, constructed with strict regard for current usage and practical utility, has been included in this edition (Part II). Any society desiring to avail of it should adopt it as part of the Standing Rules. The Code may, of course, be amended in any particular.

CHAPTER I

PRELIMINARY MATTERS

5. **Organization.** — Some deliberative assemblies, such as legislatures, municipal and other corporations, are constituted and organized, at least in part, in virtue of certain legal provisions which must be strictly followed. Others of a more voluntary or occasional character, such as societies (at their inception), conventions, and public meetings generally, assemble at a certain time and place, in response to a call issued by the prime movers in the matter, for the purpose of organizing themselves. The most usual and convenient mode of procedure is the following:

Some person, commonly one of those who issued the call, rises, requests the assembly to come to order, and suggests that Mr. A (for example) act as chairman — or as temporary chairman, if a merely preliminary organization is intended. If no other names are proposed he at once puts the question: "As many as are in favor of Mr. A as chairman will say *aye*." If the majority is manifest and unquestioned he thereupon declares that Mr. A is elected; but if there is any question or uncertainty he then puts the negative, thus: "Those opposed will say *no*." Ordinarily the person named is elected and at once assumes the chair. If, however, the candidate is not elected, then, if other names have been proposed, the member who opened the meeting puts the question upon them, in the order in which they were presented, until some nominee obtains a majority vote; whereupon he is declared elected,

and no action is taken upon the remaining names, if there be such. If no election is reached and no names are before the assembly, further nominations may be called for and voted upon in the same manner. In general, no single member should make more than one nomination; but if, all the nominations before the assembly having failed, further nominations are called for, he may then make a second nomination. No candidate may be twice nominated.

The member who calls the meeting to order may, instead of himself naming the first candidate, at once call for nominations, otherwise proceeding as above indicated. When more than one name is proposed, all the nominations offered are received before any are voted upon, in order that the assembly may make its decision with the entire proposition before it; the names are then put to vote in the order in which they were presented. A second nomination is not an amendment of the first, but an alternative proposition, and there is no limit, other than that imposed by common sense, to the number of nominations which may be offered. A nomination need not be seconded. If, after fair opportunity has been given, only one nomination is made, the person nominated may be declared elected without a formal vote, provided no one objects.

The above mode of procedure is prescribed in all manuals, and in ordinary assemblies is undoubtedly the most prompt and convenient method of putting a presiding officer in charge of the meeting until further steps can be taken. In a very temporary gathering, such as a mass meeting, the same procedure may serve very well for further elections also, provided there is no great difference of opinion; but *in all cases where there is any serious issue elections should be by ballot* (see Secs. 123-127, and Code, Sec. 210). When once a presiding officer is in the

chair, a motion to take the vote by ballot in any subsequent election should always be entertained. In legislative and similar bodies some officer (usually the clerk) of the preceding assembly presides until a chairman can be elected, and a ballot or equivalent method (see Sec. 128) is always used: much risk of confusion is thus avoided.

As soon as the chairman has taken his place a secretary should be chosen; and this officer may be elected by ballot, or in the manner just described — the chairman now stating and putting to vote all questions. Sometimes a secretary is simply appointed by the chair, but this can only be done with the consent of the assembly, express or implied.

It has seemed best to describe quite fully the procedure at this critical moment of organization, as the inexperienced are apt to be at a loss how to take the initial steps. After the chairman is seated, it becomes part of his duty to give such parliamentary information as may be needed, and the character of the meeting will depend very largely upon his competency.

6. Declining to Serve. — Ordinarily, a member should not decline, or attempt to decline, a nomination; nor, if elected, should he refuse to act. Such procedure is especially objectionable when the assembly is endeavoring to organize, and if indulged in as a mere expression of modesty is in extremely bad taste. It is the duty of every member, within reason, to serve the assembly as it may direct, and unless very serious considerations prevent he should not ask to be excused. When such a request is made and insisted upon it should, in ordinary assemblies, be granted without question, since such bodies have no adequate means of enforcing their will in such cases.

7. Permanent Organization. — The organization thus effected may be sufficient for all the purposes of the meeting, in which case the assembly at once

proceeds to the business for which it was called. But if, for any reason, it is desired to have a greater number of officers, or to have them selected with greater deliberation, it is the practice to organize temporarily in the manner above described, and then to refer the subject of permanent organization and the selection of persons to be nominated for the several offices to a committee, which should be instructed to report at a stated time or as soon as practicable. When the report is received the assembly proceeds to reorganize in conformity thereto, or in any other manner which the majority of the members may prefer. The report of the committee forms the basis of action, and its provisions should ordinarily be accepted, but they are not binding until adopted by vote of the assembly. The resolutions reported by the committee may be adopted as a whole by a single vote, or they may, if the assembly so order, be divided and a separate vote taken on each name or item (see Sec. 69). Where nominations are reported, if a separate vote on each name is called for it should usually be ordered by the chairman without question, but if question is made the mode of procedure is determined by vote (see Sec. 84). If nominations are offered from the floor in antagonism to the report of the committee, these also must be entertained, and an election by ballot (see above, page 9) should in most cases be ordered. When a constitution and by-laws are considered desirable, the subject is usually referred to a committee in the same manner, and the assembly acts on their report (see Sec. 131).

8. Credentials. — In ordinary societies there is rarely any question as to who are entitled to act as members; but in representative bodies it is necessary, before proceeding to other business, to ascertain the membership in some authoritative way, in order that no person may participate who is not

entitled to do so, and that a list of the members may be made for the use of the assembly and its officers. The proper time for this investigation is after the temporary and before the permanent organization, and the most convenient mode of conducting it is by the appointment of a committee to receive and report upon the credentials presented by those who claim to be members. The same committee may be charged with the investigation of rival claims, if such appear; and no person whose membership is likely to be disputed should be appointed on the committee. The final decision is in all cases made by the assembly itself, usually acting on the committee's report.

9. Questions of Membership.— When a question arises involving the right of a member to his seat, such member is entitled to be heard on the question; he is then to withdraw from the assembly until the matter is decided. If, by the indulgence of the assembly, he is permitted to remain in his place during the discussion, he must neither take any further part in the debate, nor vote either upon the question itself or upon any motion relating to it; for it is a fundamental rule of all deliberative assemblies that those members whose rights as such are not in question constitute a judicial tribunal to decide upon the cases of those whose rights of membership are challenged. If, in defiance of the will of the assembly, the person whose membership is under discussion persists in remaining or attempts to participate in the proceedings, he may be ejected by officers or members appointed for the purpose. The place where an assembly is held being rightfully in its possession, no person is entitled to be present save by the consent of the assembly; and if any person refuse to withdraw when ordered to do so, or conduct himself in a disorderly or improper manner, the assembly may unquestionably employ sufficient force to remove

such person from the meeting. If a person so removed suffers injury in consequence of resisting, the assembly *as such* is not responsible, provided it has not exceeded its authority in making the order; but those who undertake to execute such an order should use the utmost discretion, since they are individually responsible for any unnecessary violence, and this may be made a question for the law courts to determine.

10. **Quorum.** — By a quorum is meant the number or proportion of the members of an assembly necessary for the transaction of business. The number necessary *for organization* in an ordinary assembly which meets in response to a call is indefinite, and is commonly determined by those having the matter in charge, who open the meeting when they consider the number in attendance sufficient. In bodies such as conventions, in which the members represent constituencies, and in assemblies convened in pursuance of legal provisions, the number requisite is determined by law or by custom and is commonly a majority. Doubtless there are particular cases in which a single person could lawfully act, and others in which all the members without exception must be present; but such questions are for the courts and beyond the scope of the present manual.

In all ordinary cases, in this country, a majority of the total membership is, in the absence of a special provision, regarded as constituting a quorum for the transaction of business; but the assembly may by a special rule define its own quorum. Such a rule, of course, must be adopted in a proper and regular manner; it may not be introduced as an emergency measure to meet the difficulty at a time when a quorum is not present.

It is sometimes necessary to distinguish quite carefully between the actual membership of the organization as such and its potential membership.

For example, when an alumna association is organized by the graduates of a college, only those who respond to the call become actual members of the organization at its inception; others must first be admitted to membership, either individually or by a general vote applying to all who are eligible upon complying with certain conditions — and this is true even though, from the very nature of the case, it may be incumbent on the association to admit on application all who are duly qualified. Such an association, or any other likely to be made up of members widely scattered and difficult to assemble, should immediately after organizing appoint what its quorum shall be, adopting a number much less than a majority. For instance, an association consisting of several hundred scattered members might well adopt *fifteen* as a quorum. Failure to attend to this matter at the proper time, or the adoption of too large a number, may result in great inconvenience and may even frustrate the purposes for which the organization was intended.

For the transaction of business, only the actual presence of a quorum in the place of assembly is requisite. To decide a question it is not necessary that the full number of a quorum vote upon it; those who neglect this duty are assumed to acquiesce in the decision of those who act. The presence of a quorum is simply a question of fact, to be ascertained by the chairman by counting the members or deputing others to do so. Failure to respond when the roll of members is called does not prevent the chairman from counting a member actually present as part of a quorum. This question, which was once the subject of much dispute, has been finally settled by decisions of the courts, the action of Congress, and general practice in accord with these.

11. Absence of a Quorum. — No business can regularly be entered upon until a quorum is present,

nor can business already before the assembly be regularly proceeded with when it is ascertained that the requisite number is no longer in attendance. It is commonly stated that under these conditions the assembly can only adjourn, but this requires some qualification. Legislative assemblies may, when a quorum is wanting, adopt such measures as the members present deem necessary to secure the attendance of absent members; and unquestionably ordinary assemblies have a similar right, provided they do not exceed their natural authority. For example, a committee might be appointed to summon absent members. In legislative bodies this right, by constitutional provision, even extends to imposing penalties, but in assemblies of a more voluntary character such procedure would be inadmissible.

Further, it is usually stated that the presiding officer should not call the meeting to order until a quorum is present; but in fact this is often done, for good and sufficient reasons. For example, the meeting may be called to order for the purpose of definitely adjourning after putting on record the fact that no quorum appeared; or to take proper steps for assembling a quorum, as above indicated; or to arrange for another meeting in place of that which has failed of its purpose. Such proceedings should, perhaps, be regarded as informal, but they are certainly proper and warranted by custom.

If, while debate is in progress, the number in attendance falls below a quorum, it is customary to allow the debate to continue unless some member raises the question. When, however, it has been formally ascertained that a quorum is not present, the assembly can only adjourn or proceed as above indicated. Not even by unanimous consent can a number less than a quorum proceed with the transaction of ordinary business.

CHAPTER II

OFFICERS AND THEIR DUTIES

12. The Necessary Officers.—The usual and necessary officers are those already mentioned, namely, a presiding officer, usually called the Chairman or President, and a recording officer called the Secretary or Clerk. In the House of Representatives and many other legislative bodies the presiding officer is called the Speaker; in many religious assemblies the usual form of address is Mr. Moderator. In all cases the member presiding should be addressed by title (not by name), with the prefix *Mr.* if the person occupying the chair is a man, — as, “Mr. Chairman”; if a woman is presiding the prefix *Madam* or *Mistress* should be used, — as, “Mistress President.” The latter term is the more logical and distinctive, but the former is largely in use; and “Madam Chairman” is a perfectly proper form of address even when the lady presiding is unmarried. The use of the terms *Miss* or *Mrs.* in this connection is not to be recommended.

13. Election of Officers.—The usual mode of electing these officers at the meeting for organization has already been indicated, (see Sec. 5). Some other mode of election, as by ballot (see Sec. 123), may be ordered by vote of the assembly, and in permanent societies a standing rule determining the mode of procedure is usually adopted. The secretary is sometimes simply appointed by the chairman; but this implies general consent, and such an appointment does not extend beyond the meeting at which it is made.

In all cases of election, an absolute majority of the members voting, a quorum being present, must concur in favor of some one candidate in order to elect, unless the assembly has previously ordered otherwise by vote or standing rule. A mere plurality (i.e., a number less than a majority but greater than the number in favor of any other one candidate) is not sufficient under the general law; for otherwise, since all officers ordinarily are removable at the will of the assembly, an officer so chosen might immediately be removed by the combined vote of those who had voted for other candidates. If, however, the assembly has previously voted that a plurality shall elect, the majority has thereby bound itself to abide by the result — though such action would not preclude removal for proper reasons later. To avoid unnecessary offense, a motion for removal may be made in the following form: "That the assembly proceed to elect a new president (or other officer) in place of the present incumbent." It is quite essential to the satisfactory performance of his duties that the presiding officer possess the confidence of the assembly, which he cannot well be said to do unless he commands the support of a majority.

14. The Presiding Officer. — The ordinary duties of the chairman, or president, are the following:

To open the meeting at the appointed time by taking the chair and calling the members to order.

To announce the business before the assembly in the order in which it is to be acted upon.

To receive all proper messages and similar communications, and announce them to the assembly.

To recognize members who address the chair in a proper manner, and to assign the floor to the person who is, in his judgment, entitled to it (see Sec. 24).

To receive all proper motions and propositions presented by members, and submit them to the

assembly in the usual manner for discussion and action (see Sec. 28).

To put to vote (see Sec. 117) all questions which are regularly moved or necessarily arise in the course of the proceedings, and to announce the result.

To order a division in order to determine with certainty the result of a vote, when this is demanded by any member and in all cases of real doubt.

To restrain the members within the proper limits of debate as prescribed by usage and the rules of decorum (see Chapter XIII), and at all times to maintain order and to enforce the rules, special or general.

To decide by his rulings, subject to appeal to the assembly, all questions of order which arise (see Sec. 78); and to inform the assembly, when necessary or in answer to any reasonable inquiry, on a point of order or practice.

To name (with the consent of the assembly) a member to act temporarily in his place when he is obliged to vacate the chair, and to appoint members to fill other vacancies when necessary, subject to the rules and will of the assembly; but such appointments terminate with the adjournment of the meeting and, unless authorized by a special rule, require general consent.

To name the members who are to serve on a committee, when directed to do so in a particular case or by rule (see Sec. 57).

To authenticate by his signature, when necessary, the acts, orders, and proceedings of the assembly.

And, in general, to represent and stand for the assembly, declaring its will and in all things obeying implicitly its commands.

15. Conduct of the Presiding Officer. — In large assemblies, and those very formally conducted, it is customary for the presiding officer to stand when stating a motion or putting it to vote; in small assemblies, and in committees, he more commonly

remains seated. In any case he may sit while reading a communication or assigning the floor. He should not, ordinarily, participate in debate, for a partizan attitude on the part of the chairman greatly impairs his influence; but if, for exceptional reasons, such participation seems necessary, he should call some other member to the chair for the time and speak from the floor in the usual manner. He may, however, state his reasons in case of an appeal from his decision on a point of order, and may do this without leaving the chair. If, as is usual, he is a member of the assembly, he may vote like any other member, but should not do so, except when the voting is by ballot, unless his vote would change the result. Thus he may decide a question in case of a tie vote, or defeat a motion by creating a tie (see Sec. 118); but it must not be inferred from this that the chairman can in any case vote on a question twice, — by first creating a tie and then giving the casting vote. When, as in the United States Senate, he is not a member of the assembly over which he presides, he possesses no right to vote except such as may be conferred by the assembly itself or by some higher authority.

16. Power of the Chair. — The power of a prudent and competent chairman, whose impartiality and sound judgment command the full respect of the assembly, is undoubtedly very great; and this is necessary for the efficient transaction of business. Although such power may in some cases be abused, its successful exercise depends absolutely upon the good will of the assembly as a whole and the steady support of a majority; and excessive curtailment of it leads to far greater abuses. The chairman should be decisive, discreet, and absolutely impartial; within the limits of what is legitimate, he must implicitly obey the will of the majority and aid in carrying out its purposes. Without the support of a majority he soon finds himself helpless; there

is no magic in his office which enables him persistently to defy the will of the assembly; and this fact is the ultimate and sufficient restraint against serious usurpations of authority.

17. To Deal with Obstructive Procedure. — Occasions sometimes arise when the chairman, acting as the organ of the assembly and giving effect to its manifest will, must impose some restraint upon the abuse of parliamentary privileges by an unreasonable and obstructive minority which is seeking to prevent action by dilatory tactics. Of all the duties of a presiding officer this is probably the most difficult and calls for the greatest exercise of discretion. It is doubtless better to submit to some inconvenience than to interpose prematurely, and without due warrant in the general sentiment of the assembly; but when the case is manifest and notorious, an unscrupulous minority persistently thwarting the will of the majority by sheer abuse of privilege, the chairman should unhesitatingly rule out of order all merely dilatory motions, stating the reason. Ordinarily he should, in the first instance, allow an appeal (see Sec. 79) from this decision; but if he finds himself strongly supported by the assembly, he should thereafter decline to entertain further appeals of a similar nature, as being in themselves merely dilatory and obstructive. In assemblies very strictly conducted and made up of members well versed in their rights, he should wait for the question to be raised from the floor and may then refuse to entertain any appeal; but in assemblies of less experience it is commonly better for the chairman to take the initiative and proceed as above. Formerly parliamentary practice was peculiarly weak in this exigency, leaving the majority almost helpless in the hands of a stubborn minority, — which is a subversion of fundamental principles. At present the general practice concurs with common sense in this matter, and the presiding

officer is fully justified in proceeding as above indicated.

18. Vice-Presidents and Substitutes.— It is a common practice to elect, in addition to the president or chairman, one or more substitute officers, usually called Vice-Presidents, who in large assemblies occupy seats on the platform near the desk; and in the absence of the president, or when he temporarily vacates his place for any reason, one of these (taking precedence in the order of appointment) assumes the chair as a matter of course. If no vice-president has been chosen, the president on leaving the chair may name a member to take his place (see Sec. 14), and such appointment is usually acquiesced in without question,— although the assembly may in any case choose its own presiding officer if it sees fit, and the chairman has no absolute power of appointment unless by a special rule. Such appointments expire with adjournment.

If, at any meeting, neither the president nor any substitute officer is present, the secretary should call the meeting to order and preside until a chairman can be elected; or some member may proceed as indicated in Sec. 5.

19. The Recording Officer and the Minutes.— The chief duty of the secretary consists in taking notes of all the proceedings and in making true entries in his journal of all business transacted in the assembly; he is not, in general, required to take minutes of "particular men's speeches," nor to make entries of things merely proposed but not regularly brought before the assembly. He should record all questions which are formally stated from the chair, and all action thereon, especially the result of every vote, affirmative or negative, on a major or on a minor question; also all formal rulings, orders, or appointments by the chairman, and all reports of committees or officers, and the action taken. In brief, the minutes should record acts,

not the reasons therefor. They should always be such as will enable the chairman, or any member, to determine at any point the precise status of the business before the assembly, and, when duly approved, form a permanent and authoritative record of its proceedings. This, in effect, is the legislative practice, and the principles above stated should be closely adhered to in all assemblies transacting business of serious import.

In some assemblies it is generally expected of the secretary that his record shall be not only a journal, but in some measure also a report of speeches and other matters which do not regularly form part of the minutes. When this is the established custom he must doubtless endeavor to comply, but such a confusion of duties is very burdensome and ought to be avoided. In no case may the secretary include in the minutes any criticism of the assembly or its members, except in so far as this is embodied in the action of the assembly itself. For example, if resolutions of censure are adopted he must record the fact, but may not add comments. He may require that all motions not of the simplest character be submitted in writing; but in many assemblies this demand is not pressed when the motion is such that it can readily be noted down by the secretary himself.

The degree of fulness expected varies somewhat. Ordinarily the secretary need not enter in full upon the minutes long documents, such as reports, unless so directed by the assembly, but may simply file them with proper references. In some societies many minor details of procedure are commonly omitted, and only the final action is put on record. Minutes so kept are apt to prove unserviceable when most needed; but in general, the secretary should make himself familiar with the system used by those who preceded him in office, and should conform thereto unless he finds it very faulty and feels warranted in attempting a radical reform. A

model is given in the Supplement (Sec. 257) which the inexperienced will find helpful.

Ordinarily, while the meeting is in progress, the secretary merely makes notes of the proceedings, which he subsequently develops into minutes in proper form. These should ultimately be entered upon the journal (a suitable book being provided) in ink, with a margin for corrections; but it is better not to make this final entry until the minutes have been read and approved.

When an assembly holds but one meeting, or when it is about to dissolve after a series of meetings, the minutes should be read for approval just before the final adjournment; but when a meeting is to be followed by others, it is customary to defer the reading of the minutes of its proceedings on a given day to the next ensuing meeting. They should then be read and passed upon as soon as the assembly has been called to order and the presence of a quorum ascertained by roll-call or otherwise. They may be amended (see Chapter VIII) by any corrections or omissions ordered by the assembly. A wilful and manifest falsification of the record, by amendment or otherwise, ought not to be tolerated, but the only remedy is in the forbearance of the assembly itself; in the House of Representatives, Speaker Reed decided that the chair could not prevent any change, even though it be to obliterate a fact and change what had actually been done. The most common and justifiable case is when the assembly, after rescinding some ill-considered action, further orders that the record of it be expunged from the journal, — though even this is rarely advisable. Ordinarily the minutes are corrected and approved by general consent, but when serious questions of fact arise they should be determined by vote of the assembly.

20. Other Duties of the Secretary. — The secretary is charged with the custody of all documents belonging to the assembly, subject to its orders, and

is responsible for their safe-keeping. It is his duty to read any portion of these documents when so directed by the chairman in pursuance of the will of the assembly; also to have in readiness a correct list of the members, that he may call the roll and note those who are absent when a call is ordered, or note the answers of those voting when a question is taken by *yeas* and *nays*. He should stand when reading, and in large assemblies when calling the roll. In strictness it is his duty to notify all committees of their appointment and of the business referred to them, with a copy of any instructions given by the assembly; but in small assemblies, when all the persons appointed are present, this notification is often dispensed with. In any case, he must deliver to a committee any documents (or preferably, correct copies) which have been referred to it. Further, it is his duty to authenticate by his signature (alone or with the president, as prescribed by custom or rule) the acts, orders, and proceedings of the assembly.

When but a single secretary has been chosen, his place is filled during his absence by the election of a secretary *pro tempore* to act in his place until his return or until the meeting is adjourned. In assemblies not very formally conducted it is quite common for the chairman simply to appoint in such cases; but this is allowable only by general consent, and no such appointment extends beyond the close of the meeting. If assistant or substitute secretaries have been chosen, these, of course, (taking rank in the order of appointment) perform the duties of the chief secretary in his absence.

21. Other Officers. — When other officers — such as a treasurer, a door-keeper, or the like — are appointed or elected, their powers and duties are simply those with which the assembly, acting within its proper authority, chooses to invest them, and should be defined in the constitution or standing rules, or by express instructions (see Sec. 255).

CHAPTER III

INTRODUCTION OF BUSINESS

22. Right to the Floor. — In general, only members are entitled to address the assembly; if, however, certain officers are not actual members, they may do whatever is necessary to perform their duties as defined in the preceding chapter. Apart from this, no person who is not a member may speak before the assembly except by invitation or permission of the assembly itself, — not even for the purpose of presenting a petition or remonstrance. Indeed, only members have a right to be present when the assembly is in session; and if any others have been allowed to enter, they may at any time be required to withdraw. Special privileges of this character may, however, be conferred by vote, and are sometimes granted as a courtesy.

23. Obtaining the Floor. — In order to address the assembly for any purpose — whether to make a motion, or a report, or an explanation, or to take part in debate — a member must first “obtain the floor.” This he does by rising in his place and addressing the presiding officer by his usual title, as, “Mr. Chairman”; whereupon the chairman “recognizes” the member by speaking his name, as, “Mr. A,” or by saying, “Mr. A has the floor.” The member so recognized may then proceed with his business; to attempt to do so before obtaining recognition from the chair is a breach of order.

24. Rules for Assigning the Floor. — When two or more members rise and address the chair at practically the same moment, it is now largely discre-

tionary with the presiding officer which one of them he shall recognize. According to the older usage he should assign the floor to the member whose voice he first heard, and this rule should still be followed when there are no countervailing considerations of greater importance.

At present the chairman is chiefly influenced by the following considerations:

(1) The floor should, in the first instance, be assigned to the member who moved the question or presented the report or petition which is under discussion, or who in any way signally represents the proposition before the assembly, even though another member has slightly anticipated him in addressing the chair; and this right to preference he holds until he has actually spoken; but if, by excessive delay in claiming recognition, he has allowed another to obtain the floor, he must wait until the floor is again vacant.

(2) If the chairman is acquainted with the views of the members, he should, after one side of a question has been presented, give preference to a speaker representing the contrary opinion; and in general, he should seek to assign the floor in such a manner that all points of view may be fairly represented.

(3) If, in any case, members are allowed to speak more than once to the same question (which is contrary to the general rule), the floor should be given to one who has not yet spoken in preference to one who has already spoken.

(4) A member who rises for certain special purposes (explained hereafter), and makes known his intention, is entitled to recognition in preference to all others. For certain privileged purposes he may even interrupt a member who is speaking. All this will be fully treated in the proper connection.

Although the presiding officer has large discretion in all cases except the last, he must not be arbitrary in its exercise. He should always seek to

serve the will of the assembly and further its legitimate purposes. According to the older usage, if the decision of the chair was not satisfactory any member might call it in question. If such a case arises, the assembly decides by vote which of the competing members shall be given the floor, the question being taken first upon the name of the member announced by the presiding officer, and if this is decided in the negative, then upon the name of the rival claimant. But at present the assignment of the floor by the chairman is rarely, if ever, appealed from; and in most assemblies such a practice would lead to intolerable confusion.

25. Making a Motion. — Ordinarily any matter of business or question for consideration and action is, in the first instance, brought before the assembly by some one of its members, who either himself submits a formal proposition, called a motion, or presents a communication from persons not members, such as a petition.

When a member desires to introduce a proposition of his own, after writing it out in proper form and obtaining the floor, he moves that it be adopted by the assembly. He may say (for example), "I move that a committee of five be appointed by the chair to prepare a draft of a constitution, and that this committee be instructed to report at the next regular meeting." When such a motion has been seconded by some other member and formally stated from the chair, it becomes the question before the assembly for discussion and action; and when it is finally put to vote by the presiding officer it becomes, if a majority concur in its favor, the act, order, or resolution of the assembly.

26. Proper Form of Motions. — Such action is commonly called an *order* when it commands (as in the example given above); but facts, principles, and the sentiments, opinions, or purposes of the assembly itself are most properly expressed in the

form of *resolutions* (see Sec. 257); while the term *vote* may be applied to any decision, affirmative or negative, made by the assembly on a question put by the chair. In whatever form, however, a question is proposed, or by whatever name it is called, the mode of procedure is the same.

In general, any motion by which an original or main question is brought before the assembly must be presented in writing, — otherwise the presiding officer is justified in refusing to receive it. He may, however, entertain it if he is willing to take it down in writing himself, or if the secretary does this; and such procedure is not unusual in ordinary assemblies. The above rule, it should be noted, extends only to major or principal motions, which when adopted become the final act and express the deliberate sense of the assembly. It does not apply to those minor motions (subsidiary and other) which merely enable the assembly to dispose of the main question in the manner it desires, for these are always in the same form and need not be written out by the mover. The case of a motion to amend (which is classed as subsidiary) is exceptional; the proposed amendment, no less than the principal motion to which it applies, must be offered in writing unless of the simplest character.

27. Seconding a Motion. — Unless there is a special rule to the contrary, a motion must also be seconded by some member, — who, in formal assemblies, rises in his place and after obtaining recognition says, "I second the motion." In assemblies less formally conducted a motion is often seconded by one or more members who speak from their seats, using the above words without rising or seeking recognition by the chair. If a motion is not seconded, no notice whatever need be taken of it by the presiding officer; but a fair opportunity for the seconding of a motion should always be given before proceeding to other business, and the

chairman, in ordinary assemblies, often expressly asks, "Is the motion seconded?" The rule requiring a second applies as well to subsidiary as to principal motions; but in practice many motions, especially those involved in the ordinary routine of business, are admitted without being seconded. Indeed, certain routine questions which necessarily arise at certain stages of business (such as approving the minutes) may be stated and put to vote by the chairman without even the formality of a motion; but if any member objects to such procedure the rules should be strictly observed.

The seconding of a motion seems to be required on the ground that the time of the assembly ought not to be taken up by a question which, for anything that appears, has no one in its favor but the mover. There are a few exceptional cases in which one member alone has the right to raise some particular question: for example, a call for the enforcement of the rules or for the execution of the orders of the assembly need not be seconded. These cases will be discussed in the proper connection. Exceptions, also, are sometimes made by a special rule requiring that certain motions be seconded by more than one member; but in ordinary assemblies such a rule is rarely desirable, and the whole matter is commonly left to the discretion of the chair.

28. Stating a Motion. — When a motion has been made and seconded, if under the rules of procedure it is a motion proper to be entertained at that stage of the proceedings, it is then stated by the presiding officer to the assembly and thus becomes a question for its decision; but if, in the opinion of the chair, the motion is not under the rules entitled to consideration at that point, he declares it "out of order" and proceeds exactly as if it had not been made, — unless, in case of manifest error, his ruling is reversed on appeal (see Sec. 79). Until a motion has been thus stated it is not in order to make any

subsidiary motion in relation to it (as, that it be laid on the table, or be referred to a committee), nor to engage in debate upon it; but a motion which has been stated from the chair is then in the possession of the assembly and cannot be withdrawn or modified by the mover without its permission either by general consent or by vote (see Sec. 81).

29. Informal Suggestions and Changes. — The above statements, however, must not be understood to imply that no suggestions may be made nor any steps taken in regard to a motion until it has been stated from the chair. On the contrary, when a motion has been made, or made and seconded, but has not yet been formally stated as a question before the assembly, it is competent for the mover to withdraw or alter it, either on his own initiative or at the suggestion of some other member or of the presiding officer; and such a course is often decidedly advantageous. If the motion is thus materially changed the seconder may, if he chooses, withdraw his second; but the modified motion may be seconded by any other member. The rule merely requires that a motion shall neither be debated as a question before the assembly for decision, nor be made the subject of any action or formal procedure, until it has been regularly stated from the chair. While, therefore, the presiding officer may, at his discretion, permit brief remarks or suggestions in regard to motions not yet formally stated, he should be careful to check any tendency to debate; for it is a general principle of parliamentary law that no debate is allowable unless there is a question actually pending before the assembly. This rule, of course, does not apply to debates on general topics when arranged as part of a literary program, nor to debate on the subject-matter of addresses or lectures, or of papers read before the assembly, when such discussion is invited; it applies only to the transaction of business.

30. Restatement of a Motion. — When a motion is immediately voted upon, one statement of it by the chairman is sufficient; but if there has been intermediate procedure or an interval of debate, it should be clearly restated before it is finally put to vote. In ordinary practice, especially when the interval has been brief, a motion which is of considerable length (as where it consists of a series of resolutions) need not be re-read in full unless such reading is called for and ordered; but in every instance the exact question before the assembly for its decision should be made clear and unmistakable. For example, the chairman may state that the question is now on the resolutions as originally read, or as amended, and that a restatement in full will be dispensed with unless demanded. In general, the presiding officer should clearly state the question before the assembly as often as this is requested by any member, reasonably and in good faith, for information. But discretion should be exercised. It is the duty of a member to be present and to give attention when a motion is regularly stated, and he is not entitled to weary the patience of the assembly by insisting upon needless repetitions; nor should the presiding officer allow the interests of the whole assembly to be subordinated to the carelessness, caprice, or obstructiveness of individual members. The matter is commonly left to the discretion of the chair, but the assembly itself may, on motion to that effect, decide what readings shall be allowed (see Sec. 80). In no case, however, can members be required to vote on a question which has not been properly stated to the assembly.

31. Presenting a Petition. — Of business originating in a communication from persons not members of the assembly, the reception of a petition is the typical instance. A petition, in order to be received, must be expressed in respectful language

and signed by the petitioner or petitioners. It is to be presented, not by the petitioner himself (who may not enter or address the assembly without express permission, and can in no case move any business), but by some member to whom it is intrusted for that purpose. This member should inform himself of its contents, so as to be able to state the substance of it and to give assurance, if the question be raised, that it is expressed in proper language and entitled to consideration; for any member who should allow himself to be made the medium for conveying an insult to the assembly would be amenable to discipline. Being thus prepared, the member, after obtaining the floor, announces that he has a certain petition to present, stating its nature, and asks (or moves) that it be received. In most cases a petition is received by general consent, without a motion; but if objection is made it can only be received by vote of the assembly. The reception of a petition merely brings it before the assembly for consideration, and this must not in any way be confused with approving or granting it. Ordinarily the petition is then read by the secretary (or sometimes by the member who presented it); but whether it shall be read at that time may be made a question to be decided by vote, and the reading may be deferred to another time if the assembly so chooses. When it has been read, the petition is in the possession of the assembly and may be made the subject of any motion properly relating to it — as, that it be granted, or referred to a committee, or postponed, or laid on the table. The proceedings upon it are similar to those upon the report of a committee (see Sec. 104), and require no further explanation here.

CHAPTER IV

MOTIONS AND THEIR RELATIONS TO EACH OTHER

32. A Principal Motion. — Any original and independent proposition, submitted to the assembly for its action when no other formal proposition is before it, and intended to express the will of the assembly in itself, not merely with reference to some other motion or incidental matter, becomes, when properly moved and seconded and stated from the chair, the *main question* or *principal motion*; and it is a general rule that while a principal motion is thus before the assembly, no other principal motion can be introduced.

If, when a motion is thus brought before it, the assembly is willing, after more or less debate, merely to adopt or reject it in the form in which it is offered and without preliminary action, the question is thus disposed of in the simplest manner and the assembly may at once proceed to other business. In such a case most of the complications of parliamentary practice are avoided. But the assembly may prefer a different course. It may wish to modify the proposition by amendments, or to refer it to a committee, or to defer its consideration, or to restrain debate upon it; and for all these purposes there are appropriate motions and modes of procedure. Again, various exigencies may arise which require immediate attention, or questions that must be settled before the main question can be proceeded with — as where the right of a member to vote is challenged; and for these cases also proper motions and rules are provided.

33. Explanation of Terms. — In order to give a clear account of the relations and the effect of these motions, it is necessary to use certain terms in a more or less technical way. The meaning of these will now be explained and should be carefully noted.

A motion is said to be *disposed of* when it is finally decided, affirmatively or negatively; or when it is dismissed, or deferred, or otherwise removed from the present consideration of the assembly by the adoption of a motion to that effect, — as when it is referred to a committee, or laid on the table.

A motion is said to be *pending* as long as it is directly or indirectly before the assembly for present consideration; that is, from the time when it is stated by the chairman until it is disposed of. For example, if an amendment to the main question has been moved, the main question is still pending, for it has not yet been disposed of; though the question *immediately pending* is the amendment, since that is the question directly before the assembly for debate and decision. After the amendment has been voted upon and either adopted or rejected, the question *recurs* upon the main question, which may then be put to vote and decided in the form which it has now assumed, or may be made the subject of further procedure.

A motion is said to take *precedence* of another if it can be moved and acted upon while the other is pending. For example, an amendment takes precedence of the main question, and a motion to lay the question on the table takes precedence of both. The degree of precedence to which a motion is entitled determines its *rank*. Thus an amendment, which ordinarily takes precedence of the main question only, is a motion of low rank; a motion to adjourn, which takes precedence of almost any other question, is a motion of high rank. A motion is said to *yield* to a motion of higher rank which

may be brought before the assembly and acted upon while the first is pending.

A motion is said to be *in order* when it is entitled to be entertained; it is *out of order* if moved when it cannot be entertained,—as when it is not entitled to recognition because a motion of higher rank is pending. For example, a motion to amend the main question, if offered pending a motion to adjourn, is then out of order and would not be received.

A motion is *amenable* to any motion which can be directly applied to it; and a motion is *applied* to another when it is moved with direct reference to the other and to take effect upon it. In some instances a motion of low rank, ordinarily applied to the main question, can also be applied to a motion of higher rank, in which case it necessarily takes precedence of that motion. For example, a motion to amend, as applied to the main question, is of low rank and yields to a motion to commit; but the motion to commit may itself be amended, and a motion to amend when thus applied of course takes precedence. It must, therefore, be carefully borne in mind that, above and beyond all those ordinary relations of rank which can be indicated by a list or tabulation, *any motion which can be applied to other motions necessarily takes precedence of those motions when so applied*; so that its rank is not a fixed relation, but varies with the application.

34. Classification of Motions.—When a principal motion is before the assembly, until it is in some way disposed of, no other motion can be entertained, except—

(1) *A privileged motion*: that is, a motion which on account of its special urgency and importance is permitted to interrupt, and for a time supersede, both the main question and all questions arising from it or dependent upon it,—a notable instance being the motion to adjourn, which is highly privileged.

(2) *An incidental motion*: that is, a motion which, although not directly applying to the main question or any question dependent upon it, arises out of the proceedings and needs to be decided before they are carried further, — an example of which is an appeal from the decision of the chair.

(3) *A subsidiary motion*: that is, a motion which is directly applied to some other (commonly, but not always, the main question) for the purpose of modifying it (as by an amendment) or disposing of it either finally or temporarily (as by postponement, either indefinite or to a certain day).

35. Motions Made Pending Others. — A motion belonging to any of the three classes above defined, or a series of such motions under certain conditions, may be moved and acted upon pending the main question; and in some cases action upon them may dispose of the main question itself, — as when it is indefinitely postponed, or laid on the table. When several such motions are introduced, if each successive motion is of higher rank than those already moved and is made while they are still pending, the whole series will then be pending before any vote is taken. For example, it may be moved to amend the main question, then that the question be referred to a committee, then that the question be laid on the table; and pending all this, before any vote has been taken, it may be moved that the assembly adjourn. In such a case the last motion is first decided. If this, when put to vote, is not adopted, the question recurs on the pending motion to lay the question on the table, which, if adopted, disposes of the whole matter; but if this also is rejected, the question is next put on the motion to refer the subject to a committee; and so of the rest.

Although, while any particular motion is pending, no motion not of higher rank can be moved, the effect of its pendency necessarily ceases when the motion itself is disposed of, as by an adverse vote.

For example, pending the motion to adjourn, it is not in order, of course, to move any question of lower rank; but if the motion to adjourn is rejected, it is then in order to make any motion that takes precedence of the next pending motion, — which, in the series given above, would be the motion to lay the question on the table.

Thus, pending the main question, an indefinite number of these minor motions may be brought before the assembly: and these may either accumulate in a graduated series, so that several are pending together, to be finally put to vote in the order of rank; or each successive motion may be voted upon and disposed of as soon as it is made, — which will happen when no motion of higher rank supersedes it. A clear grasp of these relations is essential to any proper understanding of the rules of procedure.

36. Enumeration and Rank of Privileged Questions. — Privileged motions are defined in Sec. 34 and discussed in full in Chapter IX. Those in common use, given in the order of relative rank, or precedence, generally accorded to them, are the following:

- (1) *To Fix the Time and Place to which the Assembly shall Adjourn*—i.e., the time and place for reassembling (Sec. 71).
- (2) *To Adjourn* (Sec. 72).
- (3) *To Take a Recess* (Sec. 74).
- (4) *Questions of Privilege* (Sec. 75).
- (5) *Orders of the Day* (Sec. 76).

These, as a class, take precedence not only of the main question but also of any subsidiary or incidental motions which may be pending. The above order of precedence may be modified by a special rule adopted by the assembly, and in the same way other motions might be made privileged in any degree.

37. Enumeration of Incidental Questions. — Incidental questions are defined in Sec. 34 and dis-

cussed in full in Chapter X. Those in general use, named in the usual order of presentation, which does not imply rank, are the following:

Questions of Order (Sec. 78).

Appeal from the Decision of the Chair (Sec. 79).

Questions as to Reading Papers (Sec. 80).

Questions as to the Withdrawal of a Motion (Sec. 81).

To Suspend the Rules (Sec. 82).

To Make a Special Order (Sec. 83).

To Determine the Mode of Procedure (Sec. 84).

To Divide the Question (Secs. 85 and 69).

Nominations and Filling Blanks (Secs. 86, 58, 68).

The above are not numbered, since numbers might be misleading as implying a definite order of rank. Any one of these questions takes precedence of the question or proceedings out of which it arises, and this consideration chiefly determines when it is admissible. Incidental questions, therefore, have no such fixed order of precedence as privileged and subsidiary motions; and the order of statement given above, though it expresses a certain natural sequence and relation, must not be understood to imply definite gradations of rank. In general, they yield to privileged motions and take precedence of subsidiary motions; but there are exceptional cases. For example, a question of order may arise out of a question of privilege and supersede it until decided; or, an appeal may be laid on the table, thus yielding to a subsidiary motion (see Sec. 35).

38. Enumeration and Rank of Subsidiary Questions.—Subsidiary motions are defined in Sec. 34, and are discussed in detail in Chapters V, VI, VII, VIII. They form a very definite class and are of the greatest utility. Those which obtain general recognition, in the order of rank now accorded to them, are the following:

(1) *The Question of Consideration* (Sec. 42).

(2) *To Lay on the Table* (Sec. 43).

(3) *To Order the Previous Question* (Chapter VI).

- (4) *To Postpone to a Day Certain* (Sec. 44).
- (5) *To Refer to a Committee* (Chapter VII).
- (6) *To Amend* (Chapter VIII).
- (7) *To Postpone Indefinitely* (Sec. 45).

Of these the last two, the motions to amend and to postpone indefinitely, are now commonly treated as of equal rank, neither taking precedence of the other.

These motions, as a class, yield to privileged and to incidental motions, and only take precedence of the main question and of each other according to rank. In some cases, however, a subsidiary motion may be applied to a question of higher rank, of which it must then take precedence (see Sec. 35).

With respect to the rank of these motions as against each other, parliamentary usage is unfortunately somewhat unsettled in several particulars. Legislative bodies, probably without exception, deviate from the older practice (Sec. 39), but are not in perfect agreement with each other, each adopting a rule of its own to determine the matter. Yet, notwithstanding slight variations in detail, there is now a practical consensus of usage on the most important points. The order given above is believed to express the prevailing American practice today, both in legislative assemblies and elsewhere. In view of its manifest advantages, and in the interest of uniformity, this order should be adopted and followed by ordinary assemblies in all cases.

39. The Older Usage. — According to the older usage (now fast becoming obsolete), the subsidiary motions were divided into four grades with respect to rank, the third grade comprising four motions of equal rank, — that is, no one of the four yielded to or took precedence of any other of that group, the one first moved precluding the others until disposed of. These grades were as follows:

First Grade. — The Question of Consideration.

Second Grade. — To Lay on the Table.

Third Grade. — To Order the Previous Question; to Postpone to a Day Certain; to Postpone Indefinitely; to Refer to a Committee.

Fourth Grade. — To Amend.

This system of grades, though long in use, has been almost entirely superseded and is not to be recommended. It arose at a time when some of the motions involved, notably the Previous Question, had a character and value very different from the present. If, in any assembly, the old ranking is fully established by custom or rule, it should, of course, be followed until deliberately changed; but in any ordinary case, in the absence of a special rule, the chairman is well warranted in assuming the order of precedence given in Sec. 38 and ruling in accordance with it.

40. Supplementary Questions. — In addition to the classes already enumerated, there is an important group of motions designed to bring back for further consideration a question which has been in some manner disposed of, so that it is no longer before the assembly (see Chapter XI). Except reconsideration — which takes rank according to its application — they are not in order when any other question is pending, merely taking precedence of new business. They have no relative order of rank, — hence they are not numbered in the following list:

To Take from the Table (Sec. 88).

To Discharge a Committee (Sec. 89).

To Reconsider (Secs. 90-94).

To Rescind or Repeal (Sec. 95).

CHAPTER V

MOTIONS TO SUPPRESS OR DEFER

41. Subsidiary Motions in General. — Subsidiary motions have been defined (Sec. 34) and enumerated in the order of rank (Sec. 38) in the preceding chapter. They form a well-defined group, the oldest known to parliamentary law — most of them having been in use for several centuries. Ordinarily they apply directly to the main question, although some of them may also be applied to minor questions, as will be explained. They yield, as a class, to privileged and to incidental motions; but they are the motions which, in the natural course of business, are first moved after the principal question is stated, and it is by means of them that business is for the most part transacted. Since a knowledge of these recurrent and necessary motions greatly facilitates a correct understanding of most of the others, they will now be taken up for more detailed discussion. As in the original edition of this work, they have been grouped according to the purposes for which they are used; a logical order of presentation which has many advantages and seems preferable to the more arbitrary order of rank — from which, however, it deviates only in the case of the two motions to postpone, which are considered together at the end of the present chapter. Indeed, the relative rank of these motions is not the same in all assemblies; but the usual ranking according to the best modern practice is in every instance clearly stated.

The discussion of the subject now to be treated is unavoidably somewhat technical, and requires

thoughtful attention; but most of the difficulty will disappear if the reader will bear in mind the fact that *rules and reason stand in close relation*. He should therefore seek to see *why* each rule is as he finds it. One who is gaining his first accurate knowledge of the subject will find the following series of questions very helpful, both as a guide in the study of each motion and as a test of his mastery of it.

- (1) What is the form and purpose of this motion?
- (2) When is it in order?
- (3) What can be done with it (e.g., can it be debated, amended, etc.)?
- (4) Has it any exceptional features (as requiring a two-thirds vote, needing no second, etc.)?
- (5) What is its effect $\left\{ \begin{array}{l} \text{if adopted?} \\ \text{if defeated?} \end{array} \right.$

42. Question of Consideration.—Immediately after the main question has been stated to the assembly, before debate has been begun or any other procedure introduced, it is allowable for any member to “raise the question of consideration,” using these words; or he may “object to the consideration of the question,” which amounts to the same thing. In either case the question is put to vote by the chairman in the form, “Shall the question be considered?” or words to that effect; and if this is decided in the negative the main question is dismissed altogether and ceases to be before the assembly; but if the affirmative vote prevails the main question is proceeded with as if the question of consideration had not been raised against it. This question takes precedence of all other subsidiary motions and yields only to privileged and incidental motions: but it must be raised at once, as soon as the main question is stated; it cannot be raised after progress in business or debate. In view of this limitation, a member who desires to raise this question may, if necessary, interrupt a speaker who

has already obtained the floor; but to secure recognition he must use reasonable promptness, and must state his purpose as soon as he rises, saying, "Mr. Chairman, I raise the question of consideration."

This question does not require to be seconded. It is not debatable, nor amendable, nor can any other subsidiary motion be applied to it. According to general parliamentary law it is decided by a simple majority; but in many societies a special rule, or code, is adopted providing that a two-thirds vote against consideration shall be necessary to dismiss the main question in this summary manner, and such a provision is often advantageous. In ordinary assemblies the question of consideration is rarely raised; but it is sometimes important, especially where the time is limited, that a decided majority be able to dismiss immediately, without debate, a question which it does not wish to consider. (See Code, Secs. 214 and 234.)

This motion must not be confused with an objection to the consideration of a question on the ground that it is out of order, which is an entirely different mode of procedure (see Sec. 78).

43. To Lay on the Table.— This motion is usually resorted to when the assembly desires to lay aside for a time the proposition before it in order to give attention to some other matter, reserving the power to take up the subject thus dismissed whenever it wishes. The same motion is often made use of for the final disposition of the subject, and always has that effect when no motion is afterwards made to take it up. The form of the motion is, "That the question be laid on the table," or, "That the question lie on the table," or, "To lay the question on the table,"— all these forms having precisely the same effect, though the first is slightly preferable. It is not in order to move that the question be laid on the table "until the next meeting," or "for one week," or for any other

definite period; such a motion would be equivalent to a motion to postpone to a day certain, and should be so treated by the chairman.

A motion to lay the question on the table takes precedence of all other subsidiary questions except the Question of Consideration, but yields to privileged and incidental questions. It is not debatable; it cannot be amended or in any way modified, and no other subsidiary motion can be applied to it. When it is decided in the affirmative, the effect is to remove the main question from before the assembly, and with the main question all subsidiary and incidental questions connected with it; and unless it be subsequently "taken from the table" by vote of the assembly, the question lapses altogether; but if it is ultimately revived by the adoption of a motion to take it from the table (a motion entitled to no precedence except as against new business — see Sec. 88), it then comes before the assembly with all the secondary motions which adhere to it, and its consideration is taken up at precisely the stage which had been reached when it was laid on the table. For example, if a resolution with a pending amendment has been laid on the table, the question immediately pending when the resolution is taken from the table is on the amendment, after deciding which the assembly proceeds with the main question.

When a motion to lay the question on the table is decided in the negative, the business before the assembly proceeds as if the motion had not been made. This motion may be renewed after such progress in the consideration of the main question as makes a motion to lay it on the table a materially different proposition from that previously rejected. If, for example, a resolution has been moved and a motion to table the question has been rejected, after which an amendment to the resolution is moved, it is thereupon again in order to move that

the question lie on the table; or if there has been a long interval of debate and other matters of business now urgently claim the attention of the assembly. The chairman, of course, decides whether or not the motion is in order when that question is raised — subject to a possible appeal from his ruling, which is, and should be, very rarely taken (see Sec. 79).

Reconsideration of the vote on a motion to lay the question on the table is commonly superfluous: for if the decision is negative, the motion itself may be renewed after a proper interval; and after an affirmative decision it may presently be moved to “take the question from the table” (see Sec. 88). Yet for *immediate* action in certain emergencies a reconsideration may be convenient and is allowable. The unnecessary rules sometimes laid down on this subject (a very dubious addition to general parliamentary law) simply impose a useless complication upon a matter already sufficiently complex.

Although a motion to lay an amendment on the table (or to table the question pending an amendment) ordinarily has the effect, if decided in the affirmative, of carrying also to the table the main question, yet in the case of an amendment to the minutes this rule does not hold good. So, too, an appeal from the decision of the chair, or a motion to reconsider, may be laid on the table without carrying to the table the main question.

44. To Postpone to a Day Certain. — The purpose of this motion, as its name indicates, is to defer the consideration, or the further consideration, of the main question to a more convenient date. It differs from the motion to lay the question on the table in that it specifies the time when the question shall again be in order; as, “I move that the question be postponed to the twenty-seventh day of February.” A motion to postpone to an absurd or impossible time (as, “to the thirtieth of February”)

should be either ruled out of order or treated simply as a motion to postpone indefinitely; and a motion to postpone without a specified date (as, "I move to postpone the question") should be dealt with in a similar manner.

This motion may be amended by changing the specified time; and if several such amendments are offered they may all be received before action is taken, as in filling a blank (see Sec. 68), and are then to be put to vote *seriatim*, beginning with the *latest* date proposed and proceeding toward the *earliest*, until a decision is reached, — after which the question is put on the motion to postpone as amended. It is not allowable, however, to amend by simply striking out the date, since this would change the character of the motion, making it in effect a motion to postpone indefinitely, which holds a different rank (see Sec. 45). In the absence of a special rule the motion to postpone to a certain day (with or without amendments) is debatable, but only as to the propriety of the postponement or of the date suggested; debate on the main question, as such, is not in order.

Until its date is reached, a question thus postponed cannot be taken up (unless the vote ordering postponement has been reconsidered) except by a suspension of the rules for this purpose (see Sec. 82). If a motion to postpone is rejected, business proceeds as if it had not been made; and according to ordinary practice it is not renewable on the same day, though a vote upon it may be reconsidered. It might, with some advantage, be made renewable at the discretion of the chair after such an interval as would make it practically a new question; for such a rule would at times subserve the convenience of the assembly (see Code, Sec. 237).

The present rank of this motion is indicated in Sec. 38. It takes precedence of the motions to commit, to amend, and to postpone indefinitely.

It yields to privileged and incidental motions, to the Question of Consideration, to a motion to lay the question on the table, and to a motion to order the Previous Question (see Chapter VI); but the Previous Question, if ordered pending a motion to postpone, applies to that motion only and does not affect the main question. This last, in legislative bodies, is subject to modifications not well suited to ordinary assemblies. A vote to lay the question on the table carries to the table, along with the main question, any pending postponement; but a motion to table a postponement apart from the main question is not allowable.

45. To Postpone Indefinitely.—Although this motion had its origin in a perverse application of the motion to postpone, it is not in fact a question of that character and is no longer treated as having anything in common with postponement to a certain day. Its purpose is to dismiss the main question completely and without recall. It applies to the main question only, and according to the most approved modern practice takes precedence of nothing else. It yields not only to privileged and incidental motions, but to all subsidiary motions except amendments, which are not in order pending indefinite postponement; since it is considered inconsistent to admit amendments to a proposition pending a motion to dismiss the subject altogether. The best usage, therefore, treats amendment and indefinite postponement as of equal rank, and neither can be moved while the other is pending.

The form of this motion is, "That the question be indefinitely postponed." It cannot be amended, nor can it in any way be converted into a motion to postpone to a definite time, though such a motion may supersede it as being of higher rank. It is not only debatable but opens to free debate the merits of the main question. The Previous Question (see Chapter VI) may be ordered to close such

debate and compel an immediate vote, but the effect of this order does not extend to the main question, to close debate upon which the Previous Question must again be moved. It may be laid on the table along with the main question, but such a motion cannot be applied to it separately.

The effect of this motion, if adopted, is to dispose of the main question as effectually as when it is rejected by a direct vote, for it cannot be revived except by a motion to reconsider. If the motion to postpone indefinitely fails, business proceeds as if it had not been made; and it cannot be renewed on the same question at any stage. Its utility has been seriously questioned, and in some assemblies it obtains no recognition; commonly, however, it is retained but relegated to the lowest rank, as stated above. Formerly (see Sec. 39) it ranked on a par with the Previous Question, postponement to a day certain, and commitment, taking precedence of amendments and yielding only to a motion to lay the question on the table; but this ranking, though still given in some manuals, no longer represents current practice. The chief use of the motion is to enable the opponents of a measure to test the temper of the assembly by a vote which may accomplish their purpose, yet will not be decisive if it goes against them; also, to secure a general discussion of the main question on its merits, without interference by amendments.

CHAPTER VI

MOTIONS TO RESTRAIN DEBATE

46. The Previous Question — Name and Purpose. — “The Previous Question” is merely the accepted name, traditional in origin and at present quite misleading, of a motion intended to close debate and secure an immediate vote on the pending question. This motion is important and requires careful attention; but a clear understanding of it is easily gained, if its purpose, as stated above, is kept distinctly in view and no attempt made to infer its nature from its name. It has had a remarkable history, which will be adverted to later, in the course of which its character has been completely changed; but the statement of what the motion *now is*, according to the best American practice, should not be complicated by the intrusion of facts of purely historical interest.

47. The Previous Question as Now Used. — This question is properly moved by securing the floor and saying, “I move the Previous Question,” or, “I move that the Previous Question be ordered”; and it should be seconded in the usual manner. It is stated by the chairman in the words, “Shall the main question be now put?” or, more simply, “Shall the Previous Question be now ordered?” If it is applied to any other than the main question, the form should be, “Shall the question be now put?” Since its purpose is to prevent or close debate by ordering an immediate vote, it may, according to the best present usage, be applied to any debatable question; hence the simplest state-

ment of its rule of precedence is this, that it is in order *pending any debatable motion*. It may, therefore, be applied to a Question of Privilege, or to an appeal or a reconsideration when these motions are debatable; also to motions to commit, or to postpone either indefinitely or to a definite time; and in all these cases its effect is limited to the motion immediately pending when it is made. Its chief use, however, is to close debate on the *main question*; and if it is ordered pending an amendment to the main question, it cuts off all further debate and causes an immediate vote, first on the amendment (or amendments, if more than one be pending) and then on the main question, — the amendment being considered to *cohere* with the main question. It is, nevertheless, allowable to limit the effect of the Previous Question to a pending amendment by moving it expressly “on the amendment only”; but otherwise the motion is always understood to apply both to the amendment and to the question to which the amendment applies.

48. The Previous Question — Rank and Regulations. — The rank now generally assigned to the Previous Question is indicated in Sec. 38. While pending (i.e., when moved but not yet actually ordered by vote of the assembly), it yields to a motion to lay the question on the table, and to the Question of Consideration if this be made at the proper time (see Sec. 42); also to privileged and incidental motions. It may take precedence of any debatable motion. Its former ranking (properly belonging to a time when its purpose and effect were radically different) is given in Sec. 39.

The Previous Question can neither be debated nor amended, and no other subsidiary motion can be directly applied to it; otherwise its purpose might be completely frustrated. The fact that it has been moved on a debatable subsidiary motion in no way hinders its being subsequently moved

on another such motion or on the main question; for this is not to be regarded as a repetition, since the *content* (see Sec. 94) is now changed. When it is decided in the negative, business proceeds in the same manner as if it had not been moved. According to the most desirable practice, it may, if moved on the main question and rejected, be renewed after such an interval of debate that it is in effect a different proposition from that previously decided. This is a legitimate deduction from the form of the question, "Shall the main question be *now* put," since the content of the word *now* varies with the time; and it is an obvious fact that a motion to cut off debate made immediately after the moving of the main question, and a similar motion made after prolonged discussion which has become wearisome and unprofitable, are propositions so materially different that the assembly after rejecting the first may very reasonably desire to adopt the second. Since, however, this procedure is not yet definitively established in general practice, it is well to have a rule covering the case (see Code, Sec. 236). A negative vote on the Previous Question may be reconsidered, and by this method the situation above indicated may be dealt with, though in a somewhat clumsy way. An affirmative vote, also, may be reconsidered, but not after the actual execution of the Previous Question has begun; it is then too late.

49. Execution of the Previous Question. — After the Previous Question has been ordered by a majority vote (for a two-thirds vote is not required unless by special rule), it is *executed* by immediately putting to vote the question — or, if an amendment is pending, the questions — to which the order applies; and until it is fully executed neither debate nor any dilatory procedure is allowable. Its effect is *exhausted* when it has been fully executed, so that it no longer applies to any pending motion. To illustrate:

(1) Suppose that certain resolutions have been moved and that the Previous Question is then ordered. The resolutions are at once put to vote and decided, and the Previous Question is then exhausted.

(2) Suppose that, after resolutions have been moved, an amendment is moved, then an amendment to the amendment. If at this point the Previous Question is ordered, first the amendment to the amendment is put to vote, then the amendment to the main question, and finally the main question itself; and until the last vote is taken the Previous Question is not exhausted, and no debate is in order.

(3) If, however, pending resolutions and an amendment to them, the Previous Question is ordered "on the amendment only," the amendment is at once put to vote and decided, after which the main question is open to debate and amenable to other motions, the Previous Question in such a case being exhausted by the vote on the amendment. If unqualified, it would extend to the main question also, as above.

(4) If, when resolutions are pending, it is moved to refer them to a committee, or to postpone them, and pending this the Previous Question is ordered, a vote must at once be taken on the motion to commit or postpone; the Previous Question is then exhausted, and the main question, if not disposed of by the action taken, lies open to further debate and procedure. If it is then desired to close debate on the main question, the Previous Question may again be moved and will apply to the pending resolutions.

(5) If, pending resolutions and a motion to commit (or to postpone to a certain day), it is moved to amend the latter motion, as by instructing the committee, the Previous Question, if ordered at this point, applies to the motion to commit (or postpone) with the amendment dependent upon it, and is then

exhausted. There is here some diversity of practice with respect to the motion to commit, which is sometimes regarded as cohering with the main question like an amendment; but this results in needless complications. The rule as stated is simpler and represents the better practice. Since a motion to commit, no less than a motion to postpone, is designed to remove the main question from present consideration, it does not cohere with the main question in any such manner as an amendment; and it is wholly illogical for an assembly to order an *immediate vote on the main question*, pending a motion which, if adopted, will frustrate the order by disposing of the question in a different way.

(6) If the Previous Question is ordered pending a Question of Privilege, or an appeal, or a motion to reconsider, it is completely exhausted by a vote on such pending motion; the effect does not extend to the main question, nor to any subsidiary motion dependent upon it.

50. Motions Pending Execution of the Order.—After the Previous Question is ordered, nearly all other motions are precluded until it has been executed; but it is impossible to lay down an absolute rule on this point. A division of the question (see Sec. 69) is still in order, though it cannot be made after the voting on the main question has actually begun. It is also still in order to adjourn; and in case of adjournment pending the execution of the Previous Question, the effect of the order extends to the next meeting and its execution should be proceeded with immediately after the approval of the minutes. In general, an incidental or privileged question of exceptional urgency may be entertained at the discretion of the chair; but such a motion (or any appeal from the decision of the chair) is under these conditions undebatable and should be kept within the strictest limits. A motion to table is sometimes allowed, but this is not sound

practice and is condemned on very high authority, since this motion is inconsistent with the order already adopted. At this stage, the assembly having already declared its will that the question be immediately put to vote, the chairman should be particularly strict in disallowing motions merely dilatory, and should do all in his power to protect the assembly from obstructive procedure (see Sec. 17).

51. Ordered by Majority Vote. — Unless there has been adopted a special rule to the contrary, the Previous Question is ordered by a simple majority vote. It is sometimes stated that this motion requires the concurrence of two-thirds in its favor; but this is not in accord with general practice, nor is such a rule ordinarily desirable. The result of such a requirement is to transfer the balance of power from the majority, where it belongs, to the minority (provided merely that this exceeds one-third of the number present), and to enable it in many cases to thwart the will of the assembly. The right of the whole assembly to *act* on the question before it is fundamental, and far more essential than any assumed right of unlimited debate on the part of particular members; and if any such right of members existed, at all comparable to the right of the whole assembly to act, it ought to receive full recognition and there could be no propriety in allowing it to be set aside even by a two-thirds vote. The privilege of debate within reasonable limits should, of course, be properly guarded, — but not by a rule which subverts fundamental principles and breaks down under the slightest strain. In point of fact, practically all assemblies in which such a motion as the Previous Question is needed at all fully recognize that it is futile unless it may be ordered by a simple majority, and shape their practice accordingly. It is hardly necessary to add that an ordinary assembly will rarely desire to cut off

discussion which is really worth listening to, and that what an assembly does not wish to hear it is not likely to heed.

52. **History of the Previous Question.** — When the motion bearing this rather unfortunate name was first introduced in the English House of Commons, nearly three centuries ago, at a time when a bitter conflict between the king and the representatives of the people was in progress, its character and purpose were radically different from those which now obtain in America. It was then used for the purpose of suppressing subjects of a delicate nature relating to high personages; it bore some resemblance to the Question of Consideration as now employed to dismiss an undesirable topic. At first the form of the motion was, "Shall the main question be put?" and the aim of the mover was to obtain a negative decision, the effect of which was to suppress the main question for the whole session. Somewhat later the motion assumed the form which is still in use, "Shall the main question be *now* put?" The effect of a negative decision was then merely to dismiss the subject for the day, but the purpose of the motion was unchanged, and the question thus removed was rarely recalled. The motion was debatable and cut off all other subsidiary motions; for if it was decided in the affirmative the main question was immediately put to vote. Such, substantially, is the Previous Question as used in the English Parliament even today; and although it may incidentally operate to close debate, it is there essentially a motion to suppress the main question.

In American practice, however, this incidental effect of closing debate gradually became the chief aim of the mover, who now sought by means of an affirmative decision to procure an immediate vote on the measure in support of which he was acting. The motion was for a long time open to the serious

objection that it reduced the assembly to a choice between two alternatives neither of which might be acceptable to the majority, and it was in other ways unsuited to its new use; but by a series of changes extending over the half century preceding the civil war, it was made undebatable, stripped of its power to cut off other pending motions, and finally of its power to remove the main question from present consideration when decided in the negative. These modifications, originating in the House of Representatives, have gradually become current throughout the country, bringing the motion to its present status, already described. Its name, now meaningless, is apt to be confusing to the inexperienced; but the motion itself has become well adapted to the purpose for which it is used, and is often indispensable for the transaction of business. In the United States Senate, however, and in some other important legislative bodies, the Previous Question is disallowed by custom or rule.

53. Other Motions to Regulate Debate. — It is often desirable, without bringing debate to an abrupt close by ordering the Previous Question, to restrain discussion within reasonable limits; and this may be done in various ways. For example, it may be ordered that speeches shall not exceed a certain length, as five minutes each; or that after a certain hour they shall be so limited; or that when a certain hour is reached debate shall cease. It is even possible (at least in an ordinary assembly) to modify the effect of the Previous Question by such an order, provided that it is made before the execution of the Previous Question is begun: as by directing that the mover of the main question shall be permitted to make a closing speech after the Previous Question is ordered; or that one closing speech in favor of the measure, and one against it, shall be allowed. All such orders are motions to *determine the mode of procedure* (see Sec. 84) and are therefore to be classed

as incidental, taking precedence of the questions which give rise to them. They are of course undebatable, but may be amended in any appropriate way. Unless there is a special rule to the contrary they require only a majority vote.

CHAPTER VII

COMMITMENT

54. Committees in General. — It often happens that an assembly is willing to consider the subject-matter of a proposition, but finds that its details require more careful elaboration than can well be given in the assembly itself, or that the facts should be more fully ascertained; or, after the assembly has ordered that something be done, it may be necessary to appoint certain members, to have charge of the matter and execute the will of the assembly. In such a case the proper motion is to refer the matter to a committee, either with instructions as to how it is to proceed or with discretionary powers. The committee is strictly bound by its instructions if any are given, and must submit a report, stating the results of its deliberation or action, at such time as the instructions direct or when called upon by the assembly.

A *standing* committee is one which has been appointed to deal with a certain class of cases; and such a committee does not cease to exist when it has reported on any particular matter that has been referred to it. A *special* or *select* committee is one which is appointed merely to deal with the case in hand, so that it ceases to exist as a committee when it has made a final report on that subject. It may, however, be revived by a motion to recommit — that is, to refer the matter again to the same committee; and the assembly may, if it chooses, refer other subjects to a special committee already appointed. There is also a mode of procedure,

called Committee of the Whole, in which the whole assembly acts as a committee for greater freedom of discussion; but this case is so exceptional that it is best treated as a separate topic (see Sec. 106).

55. The Motion to Commit. — The form of this motion, when unqualified, is "That the question be referred to a committee," or words to that effect. It may, however, be moved with qualifying terms: as, "That the question be referred to a special committee of five, to be appointed by the chair, and that this committee be instructed to ascertain the probable expense of the proposed repairs and report in two weeks." Such a motion may be amended in any appropriate way: for example, by changing the nature or number of the committee, or the detail of the instructions, or by adding other instructions; and these amendments, while pending, may be amended in the usual manner. If the motion to commit was originally unqualified, it may be qualified by amendments, which are themselves subject to amendment while pending. Of course, amendments in the third degree are never allowable (see Sec. 59).

The motion to commit, with or without amendments, is debatable; but according to the best usage it does not open the main question to debate except so far as this is necessarily involved in the question of commitment. When instructions are included, however, these may enter very deeply into the merits of the main question, which thereby becomes open to debate; and in general, a liberal interpretation should be given to the rule.

The motion is commonly applied to the main question, and if adopted carries with it any pending amendments to that question; but it is not commonly applied to an amendment apart from the main question — though the committee may be limited by instructions to the consideration of an amendment or any other particular part of the

question referred. The motion to commit may also be applied to a Question of Privilege (see Sec. 75).

The general rank of this motion is indicated in Sec. 38. According to the best current practice it takes precedence of the motions to amend and to postpone indefinitely; it yields to all subsidiary motions except these, and to privileged and incidental motions. In some legislative bodies it is given a higher rank; but the above rule should be followed in all ordinary assemblies, departures from the generally accepted standard being very undesirable.

According to the most approved practice the Previous Question, if moved pending a motion to commit, applies only to that motion, with its pending amendments, and does not affect the main question. For a discussion of this point see page 53. A motion to commit may be carried to the table or postponed along with the main question; but such motions cannot be applied to it separately unless the motion to commit is itself the main question, as it may be if moved when no other question is pending. For example, it may be moved as an independent proposition to appoint a committee to investigate some specified matter or to perform some specified duty; but such a motion is not subsidiary, and should be treated like any other principal motion.

The vote on a motion to commit may be reconsidered (see Sec. 90), but not after the matter has been definitely consigned to the committee and is in its hands. The committee may, however, be discharged from further consideration of the subject on a motion to that effect (see Sec. 89). If a motion to commit has been rejected, no similar motion on the same question is in order until there has intervened such progress in business or debate as to make it substantially a different question from that previously decided. Although there has

been some confusion on this point, the principle is plain and there is no other sane ruling.

The motion to recommit is practically identical with the motion to commit and is subject to the same regulations. It is not precluded by the fact that the committee has reported in full under the first commitment; and new instructions may be given.

56. Appointment of Committees. — When a motion to commit has been adopted, if the subject has been referred to a committee already existing, as a *standing* committee, or if the committee has been fully constituted by the naming of its members in the motion itself, no further action by the assembly is necessary until the committee is ready to report. If the committee has not as yet been determined, its appointment is next in order and takes precedence of other business. If the number and mode of appointment have been determined in the motion itself, or by a special rule of the assembly, it is only necessary to execute these provisions: for example, if so directed, the chairman names the members who are to constitute the committee, saying, "I appoint as such committee Mr. A, Mr. B, and Mr. C." But in the absence of such provisions, as when the motion to commit is unqualified, the chairman first asks, "What shall be the nature of the committee?" If the assembly decides in favor of a special committee, he then asks, "Of how many shall the committee consist, and how shall it be appointed?"

The procedure in such cases is commonly quite informal; suggestions are made and the matter is settled by general consent, without a vote. If, however, there is difference of opinion, questions as to number and mode of appointment must be put to vote on demand of any member. In each instance it is customary to receive all the suggestions before any are put to vote, so that the assembly in making

its decision has all the alternatives before it. If committees of different kinds are proposed, a motion to refer to a Standing Committee takes precedence of a motion to refer to a Special Committee, and is first put to vote; a motion for consideration in Committee of the Whole (see Sec. 106) takes precedence of both. This is the order generally followed; the assembly may, of course, make its own rule. If, in determining the number of which the committee shall consist, several numbers are proposed (as, that it consist of five — of seven — of three) the question is put on these numbers seriatim, beginning with the *largest* and proceeding towards the *least*, until a decision is reached. The mode of procedure is the same as in filling blanks (see Sec. 68). Other questions (e.g., as to the mode of appointment) should be put to vote in the order in which they are proposed.

Even after the appointment of the committee it is allowable to move instructions, or further instructions; but this is then a principal motion, not an amendment of any instructions already given, and it must contain nothing inconsistent with these. Instructions previously adopted can be recalled for amendment only by a reconsideration (see Sec. 90). If, in giving instructions, question is made as to the date on which the committee shall be directed to report, and different dates are proposed, it is best to proceed as in filling blanks: that is, the dates should be put to vote seriatim, beginning with the *most remote* and proceeding towards the *nearest*, until a decision is reached.

57. Appointment by the Chair. — By far the most common mode of constituting committees, in America at least, is *appointment by the chair*; in which case the chairman simply names the members who are to serve, and no further action by the assembly is called for. It is customary in some assemblies to name as the first member of the com-

mittee (who is expected to act as its chairman) the member of the assembly on whose motion the committee was appointed; but no rule of parliamentary law requires this, and the results of such a practice are not always satisfactory. No person should in any case be allowed to impose himself on a committee, much less to establish himself as its chairman without regard to fitness and the opinion of others, merely by moving the appointment of the committee; nor again, should the person who makes such a motion be regarded as thereby proposing himself for appointment, which he may not desire in the least. In general, those who are most interested, most efficient, and best informed should be chosen, the mover being included only when he is so qualified. If the main purpose of the committee is to discuss a question and present a general report, all parties and points of view should be fairly represented in its membership; but if the chief aim is to perfect the form of a proposition, or to execute some order already adopted, only those favorable to the measure should be appointed. Well chosen committees are of the greatest service to the assembly, both in saving its time and in obviating acrimonious and unprofitable debate.

58. Nomination and Election. — Instead of being appointed by the chair, the committee is sometimes chosen by *nomination and election*; though this is less common and consumes more time. In this case nominations are made in the usual manner (see Sec. 5). All are received before any are put to vote, the chairman stating each as he hears it, — “Mr. A is nominated — Mr. B. is nominated —” etc. There is no fixed limit to the number of nominations allowed, which may considerably exceed the number required for the committee; it is not customary, however, for any one member to name more than one candidate. When the list is complete it should be read by the presiding officer (or

by the secretary if so directed), who says, "Those nominated are Messrs. A, B, C, D," etc. The chairman then puts the names to vote in the order of nomination until the requisite number of members is elected, — saying, for example, "The question is first on the election of Mr. A — Those in favor of Mr. A as a member of the committee will say *aye* — Those opposed will say *no* — The negative voice prevails, and Mr. A is not elected — The question is now on the election of Mr. B — " and so of the rest. If the number nominated is no greater than the number required for the committee, those nominated may be elected together by a single vote, or even declared elected without a formal vote, provided no one objects; but if objection is made, the presiding officer must proceed strictly according to rule.

The above mode of procedure is indicated in nearly all manuals, but is probably more often seen in manuals than in practice. In ordinary assemblies, in the great majority of cases, committees are simply appointed by the chair without question, and all details of procedure are determined by general consent, except when a ballot is prescribed by rule or specially ordered. Where the issue is serious and the difference of opinion pronounced, an election should certainly be conducted by ballot (Sec. 123) or by some equivalent method (Sec. 128). Unless the matter is already determined by a special rule, it is always competent for the assembly to determine the manner of voting (see Sec. 84).

In some cases the chairman is directed to nominate (not appoint) the committee. He then names the proper number of members, and the names are put to vote together if no objection is raised, but must be voted on separately if this is demanded. If any of the nominees fail of election, the chairman makes further nominations; and there is, of course,

no committee until the necessary number is elected. This mode of procedure also is unusual.

As has been already indicated, the names of those who are to constitute the committee may be included in the motion to commit, and the list is then subject to amendment like any other provision.

CHAPTER VIII

AMENDMENTS

59. Amendments in General. — When the assembly desires to take immediate action on a proposition, without the delay involved in referring the matter to a committee, but wishes before deciding the question to modify its form or alter some of its provisions, the appropriate motion is to amend. Amendments are commonly and most properly moved by the friends of the measure to perfect it or to obviate objections which might prevent its adoption: but amendments may also be used to defeat a proposition; as by striking out the enacting clause of a resolution (which has nearly the same effect as rejection, and is therefore closely equivalent to indefinite postponement); or by so changing its purport that its original friends must now oppose it, as by converting censure into approval or the reverse; or by additions which render it so absurd that none will support it. All this is permitted; and mere inconsistency with the main proposition, or with amendments already adopted, does not warrant the chairman in ruling a proposed amendment out of order — though such inconsistency may furnish an excellent reason for its rejection when put to vote. But, notwithstanding this license, all amendments must be *germane*; that is, they must really relate to the question on which they are moved, even though they change or reverse the original intention. It is not allowable, under color of an amendment, to introduce an essentially different subject in place of the ques-

tion before the assembly. Since the numbers prefixed to the several sections or paragraphs of which a proposition is made up are merely marginal indications and no part of the text, these, when necessary, may be corrected or revised by the secretary so as to conform to any alterations resulting from the action of the assembly. No amendment or specific order is needed to authorize this.

An original, or primary, amendment may itself be amended: that is, amendments in the *second degree* are allowed. But amendments in the *third degree* are not tolerated; an amendment to an amendment cannot be amended, but must be decided before any other amendment is moved. There is no limit, however, to the number of amendments (either of the first or of the second degree) which may be proposed and voted upon *in succession* — each being decided before the next is moved.

60. The Motion to Amend. — This motion is ordinarily applied to the main question, and when so used takes precedence of that question only, yielding to all subsidiary motions except indefinite postponement (with which in modern practice it holds equal rank, so that neither can be moved while the other is pending), and to privileged and incidental motions. It may, however, be directly applied to many of these subordinate questions, including some of high privilege, and when so applied of course takes precedence.

The motion to amend admits of a variety of forms which will be considered in subsequent sections. It must in all cases be *specific*, stating in precise terms the proposed changes. These terms may be amended, as already explained, in the case of a primary amendment; but there can be no amendment of an amendment to an amendment, for this would involve such a piling of questions one upon another as would lead to great embarrassment. The end sought may be attained, however, by

inducing the assembly to reject the pending amendment to the amendment, if its form is not satisfactory, and then moving another in the form desired — which may be announced in advance.

All amendments to debatable questions are themselves debatable, but while they are pending, debate on the main question is allowable only so far as it is necessarily involved in the question of amendment; a motion to amend by striking out the enacting clause, or the like, would of course open the whole question to free discussion. When the Previous Question (without qualification) is ordered, all pending amendments and the question to which they relate must immediately be put to vote without debate, and the moving of any further amendments is precluded; but if the Previous Question is ordered "on the amendment only," the effect is merely to compel an immediate vote on the pending amendment, leaving the main question open to further amendment and debate. Amendments to undebatable questions are, of course, undebatable.

When the main question is laid on the table, or postponed, or referred to a committee, all pending amendments go with it; but such motions cannot be applied to an amendment separately (yet see page 45). An amendment may be reconsidered; but if, before such reconsideration is moved, the main question has been put to vote, that vote must be reconsidered before a reconsideration of the amendment is in order.

61. Modes of Amendment. — A proposition may be altered by inserting or adding other words or clauses, or by striking out some part, or by striking out some part and inserting something else in place of it; and for all these purposes there are forms of amendment which have long been in use. Again, it is allowable to amend a proposition, or any complete section of it, by substituting a different proposition or section relating to the same subject. This is essentially a motion to strike out and insert ap-

plied in a larger way, but is frequently treated as another form of amendment. These various modes of amendment will first be made clear by illustration, after which the rules governing their use will be explained.

Suppose that a resolution has been moved in the following terms:

Resolved, That the secretary procure a suitable record book, containing not less than two hundred pages, in which to enter the minutes of the proceedings."

It might be moved to amend by inserting, after the word "procure," the words "at a cost not to exceed two dollars"; and this amendment, while still pending, might be amended by adding, after "dollars," the words "and fifty cents."

After these amendments had been put to vote, the resolution might be further amended by striking out, after "record book," the words "containing not less than two hundred pages."

That having been decided, it might be moved to amend the resolution by striking out the word "suitable," and inserting in place thereof the words "substantial and well bound." This amendment would be treated as a single motion not subject to division; but it might, while pending, be amended — as by striking out the words "and well bound."

After this, or at any point in the above procedure when another amendment was not actually pending, it would be allowable to move a *substitute* for the resolution as a whole. For example, the following might be moved:

To amend the resolution by striking out all after the word "*Resolved*," and inserting in place thereof the following: "That it is the sense of this assembly, since the journal of its proceedings is to be printed as a pamphlet for distribution, that the minutes should be kept on separate sheets in a form suitable for use as printer's copy."

This substitute also might be amended — as by adding at the end the words, “and the secretary is hereby instructed to enter the minutes in that manner”; but since the substitute is itself an amendment to the original resolution, amendments to it are amendments in the *second degree* and are not amendable. The fact that a substitute had been moved would not, under modern practice, preclude further amendments to the original proposition intended to perfect it by altering its terms in any of the usual ways. Such amendments would be entitled to precedence; and the same holds true pending a motion to destroy the original proposition by an amendment striking out the word “*Resolved*,” or the like.

When both the original proposition and the substitute had been amended so far as was deemed desirable, the substitute would first be put to vote, and if carried would take the place of the original proposition; it would then be necessary to put the final question on adopting the resolution, as amended by accepting the substitute. But if the motion to amend by accepting the substitute was *not* carried, the final question would then be put on the original resolution as previously amended in detail.

It will be observed that a substitute may propose something not at all in accord with the original motion; but a subject wholly foreign to the question before the assembly cannot be introduced in this manner.

62. Amending Amendments. — It is a general principle that an amendment must be *within the scope* of the question amended. An amendment to the main question must in some way deal with that question; an amendment to an amendment, the proper purpose of which is to perfect the amendment, must not attempt to deal with anything not involved in that amendment, and must apply to the terms in which it is expressed. Thus a motion

to insert certain words may be amended by altering the words to be inserted, or by adding others coherent with these; and a motion to strike out certain words may be amended so as to apply only to a part of the words, or so as to include others belonging to the same coherence; and a motion to strike out and insert may be amended as to the precise words to be stricken out, or the words to be inserted, or both; but in no case can anything be included in an amendment to an amendment which goes beyond the terms of the primary amendment and what naturally coheres with these. This, however, does not mean that all the terms affected by an amendment must stand in direct sequence; it is enough if they cohere in sense so as to form essentially one proposition — as when a change in one sentence makes necessary a corresponding change in another sentence.

It is not allowable to amend an amendment in such a manner as to change its *mode*, or essential form. For example, a motion to *strike out* cannot be converted into a motion to *strike out and insert*, which is another mode of amendment. Neither can a motion to *strike out and insert* be divided so as to convert it into a motion to *strike out* and a separate motion to *insert*, since that would change its mode.

63. Successive Amendments. — As already stated, there is no fixed limit to the number of amendments which may be moved and put to vote *successively*; though only one motion to amend the main question, and one motion to amend that amendment, can be pending *at the same time*. Nor is it even required that later amendments be strictly consistent with amendments previously adopted; whether an amendment is desirable or not is a question for the assembly to determine, not for the chairman to rule upon. Nevertheless, there are certain restraining rules which the chairman must enforce.

The principle underlying these rules is this: that when the assembly, by its vote on a previous amendment, has decided that certain words shall, or shall not, stand as part of the motion under consideration, *it is not allowable to move a subsequent amendment which involves precisely the same question as that already decided*; only by a reconsideration can a question thus decided be brought again before the assembly.

The natural converse of this principle is that *any amendment involving words affected by a previous amendment is allowable if it presents a question substantially different from that already decided*.

The rules based on these considerations have been elaborated to an extravagant degree of complexity in the older practice, with an effect of great confusion and little profit. In any ordinary assembly it is quite sufficient if the chairman applies the above principles at discretion according to the dictates of common sense. The matter, essentially, is simple enough. To seek a specific rule for every possible combination is merely to invite needless embarrassment; and indeed, a strict observance of the traditional precepts derived from ancient (and commonly English) practice will not in every instance work out to a satisfactory result. But a brief consideration of the cases most likely to arise may be found helpful, and this is given in the ensuing sections.

64. Effect of Motion to Insert. — If it has been moved to add or insert certain words or a paragraph and the motion *prevails*, it cannot afterwards be moved to strike out the same words or a part of them; but it may be moved to strike out the same words with others, or a part of the same words with others, provided the coherence be such as to make these propositions materially different from the first. For instance, after adding certain words to a paragraph, it is still allowable to strike out the entire paragraph including those words.

To illustrate further: if it has been moved to amend the proposition PQ by inserting MN —so as to read, $P(MN)Q$ —and the amendment prevails, it cannot afterwards be moved to strike out MN , nor M , nor N ; but it may be moved to strike out PMN , or MNQ , or PM , or NQ . It is therefore important to perfect any passage which it is proposed to insert before it is voted upon, as the words inserted are not afterwards open to correction or change except as here indicated. If the above rules are strictly enforced, the only way to correct errors after the vote is taken is by reconsideration (see Sec. 90).

In like manner, if it has been moved to amend a proposition by adding or inserting certain words or a paragraph and this amendment has been *rejected*, it cannot afterwards be moved to insert the same words or part of them; but it may be moved to insert the same words with others, or a part of the same words with others, provided the coherence is such as to make these questions materially different from the question already decided.

For example, if a motion to amend PQ by inserting MN has been rejected, it is not in order afterwards to move to insert MN , nor to insert M , nor N ; but it may be moved to insert MNX , or MX , or NX (the character X representing any new words).

65. Effect of Motion to Strike Out.—Here the same principles apply. If an amendment by striking out has been *adopted*, it cannot afterwards be moved to insert the same words which have been stricken out, or a part of them; but it may be moved to insert the same words with others, or part of the same words with others, provided the coherence is such as to make a substantially new proposition.

Thus if it has been voted to amend the proposition $P(ST)Q$ by striking out the words ST , it cannot be moved to insert ST again, nor to insert

S, nor *T*; but it may be moved to insert *S T X*, or *S X*, or *T X* (the symbol *X* standing for any new words).

If, on the contrary, a proposed amendment by striking out has been *rejected*, then, according to the *older usage*, the words included in the rejected amendment could not afterwards be stricken out, as a whole or in part, nor could they be in any way altered; — except, that it might be moved to strike out the same words with others, or part of the same words with others, provided the coherence made a substantially new proposition. But the strict enforcement of this rule was found to lead to a very embarrassing situation which hampered instead of expediting the transaction of business. For if, when a given paragraph was under consideration, any member moved that it be stricken out altogether, and the assembly by rejecting this motion showed that it wished to retain the paragraph in substance, by this action all further amendment of its terms was precluded. Thus the minority, by the mere failure of their effort to defeat the paragraph, might force it upon the assembly in an undesirable form acceptable to no one. The expedient of forestalling such a complication by amending the motion to strike out while that is pending, and then *adopting* it as amended, is wholly inadequate as well as confusing, since the essential form of the motion cannot be changed; for even if it be so modified by amendment as to allow the substance of the paragraph to stand, it must still remain merely a motion to strike out certain words (see Sec. 62). To meet this difficulty most of the older manuals here depart from the strict logic of their rules and make an exception to the effect that the supporters of a paragraph shall be permitted to perfect it by amendment before the question on striking it out is put to vote. But this sometimes led to needlessly involved procedure, for three or four amendments

might thus be pending at once, as in the case of a substitute (see Sec. 67). Hence, in the interest of simplicity and directness, the United States House of Representatives has adopted a rule by which the rejection of a motion to strike out does not have the effect of precluding subsequent amendment of the words which it is thus indirectly voted to retain. This doubtless represents the present trend of practice, and in ordinary assemblies the chairman may safely assume that such an interpretation of the law will be accepted without question.

NOTE:—Most of the above complications have arisen from the former mode of stating the question on a motion to strike out—viz. “Shall the words stand?” The question being put in this affirmative form, it seemed a natural inference that when the assembly voted that the words should stand it accepted them in every detail. This, of course, was false logic; for the assembly was thus forced either to reject the words altogether or to adopt them without change. The above mode of stating the question is practically obsolete in the United States (though still in use in England); and most of this medieval logic might well be dismissed with the terms which gave rise to it. The usual form of statement in the United States is simply, “Shall the words (or paragraph) be stricken out?” Manifestly, when the assembly decides this question in the negative it merely refuses to strike the passage out as a whole and commits itself no further. The rule of the House of Representatives is founded in common sense and should prevail.

66. Effect of Motion to Strike Out and Insert.—This, according to well-established American usage, is stated and put to vote as a single question. It is regarded as one substantive proposition which the mover has the right to present as a coherent whole; it cannot be divided into separate motions to be put in succession—first on striking out, and then on

inserting — though such was the former practice. It may be amended by altering, inserting, or omitting words in either clause, but no amendment is allowable which goes beyond the original scope of the motion and its coherence.

If a motion to strike out and insert is decided in the affirmative, it cannot subsequently be moved to insert the words stricken out or a part of them, nor to strike out the words inserted or a part of them: but it may be moved (1) to insert the same words with others; or (2) to insert part of the same words with others; or (3) to strike out the same words with others; or (4) to strike out part of the same words with others.

If a motion to strike out and insert is decided in the negative, the rejected motion cannot, of course, be renewed: but it may be moved to strike out the same words, and (1) insert nothing, or (2) insert other words, or (3) insert the same words with others, or (4) insert part of the same words with others; or (5) to strike out the same words with others and insert the same, or (6) to strike out part of the same words with others and insert the same, or (7) to strike out other words and insert the same, or (8) to insert the same words without striking out any.

The above enumerations, with all their complexity, are by no means exhaustive, and it is plain that good sense, with a sound understanding of the principles involved, is a safer guide than any formulae. In general, unless an amendment is very clearly out of order, the chairman should not interpose unless question is raised from the floor. The chief value of the special cases here given (from the original edition) is to make the working out of these principles more clear.

67. Amendment by Substitution. — It is allowable, according to present practice, to offer as an amendment a *substitute* for an entire paragraph or for the whole proposition under consideration.

This is essentially a motion to strike out and insert, being equivalent to a motion to strike out the paragraph, or all after the enacting words (*Resolved*, or *Ordered*, or the like), and to insert in place thereof a new paragraph, or series of paragraphs, relating to the same matter; and in strictly conducted assemblies it should be moved in these terms, though the simpler form of moving a substitute as such is sometimes used. The substitute may deviate in any degree from the original intention, even to reversing it; but it is not permissible, in the guise of a substitute, to introduce a wholly new and unrelated proposition. On this point, if the question is raised, the chairman must decide, subject to appeal to the assembly.

When a substitute has been moved it is now customary, before this is put to vote, to allow the friends of the original proposition to perfect it by amendments in the usual manner, since such amendments might otherwise be completely cut off by the summary adoption of the substitute. This results in an exception to the general rule that only an amendment and an amendment to that amendment can be pending at once; for since a substitute may also be offered as an amendment, it may happen in consequence that three amendments are pending at the same time — viz., the amendment by substitution and an ordinary amendment to some part of the main question with an amendment to that. For details of procedure in such a case, see Sec. 61. The purpose is to get both propositions fully and fairly before the assembly before the final decision is made. This usage — which, though prevalent, has not yet attained universal acceptance — might be very simply defined by a rule declaring amendments to the terms of the main question of higher rank than amendments by substitution, and therefore entitled to precedence; and amendments designed to destroy the main question altogether (as

when it is moved to strike out the enacting words) should be put in the same class with substitutes. See Table, Sec. 200.

68. Filling Blanks. — When a motion involves names, numbers, or dates, these details are sometimes left as blanks to be filled by the assembly; and although perfecting the proposition by determining these particulars is essentially a form of amendment, the procedure presents some special features. Indeed, it has most of the characteristics of an incidental question and may very properly be so classed (see Sec. 86). Here, as in the case discussed in the preceding section, the principle is that all the alternatives should be fairly presented to the assembly before a decision is made. Hence, in filling a given blank, it is customary to receive all the suggestions offered before any are put to vote. In the case of names, those proposed are then voted upon in the order of nomination, until the requisite number is chosen, a majority vote being necessary to a choice in each instance. In the case of numbers and dates, the various proposals are not put to vote in the more or less accidental order in which they happen to be presented, but are arranged in a series, beginning with the *largest number* or the *latest date*; so that each successive question will be upon a smaller number or an earlier date. In this order they are put to vote until some one of them is approved by a majority, when the blank is declared to be filled, and all proposals which stand lower in the series lapse as a matter of course. It is allowable to create a blank by striking out words included in the original motion, and this blank may then be filled in the manner here described. For further details of the above procedure, see Secs. 56 and 58.

NOTE: — The above statement expresses the prevailing American usage, but in the arrangement of *numbers* there is some variation in practice. The United States Senate, for example, puts first the

smallest number and proceeds towards the larger, following the English rule. In the House of Representatives blanks are filled simply by adopting a motion to insert the words desired, and this motion is treated like any other amendment.

Formerly the arrangement of the series was determined in each case by the nature of the question, — the theory being that the voting should begin, not at the extreme which, though not offering all that is desired, is so completely within every one's wish that none can vote against it, but rather at that extreme which will be likely to unite the fewest; and from this point the procedure should advance or recede until a number or a time is reached which will unite a majority. But this rather metaphysical problem is not always easy to decide in the press of business; nor will opinions always coincide in regard to it. In point of fact, members commonly vote against all propositions offering either more or less than they desire until the proposition which they favor is reached, after which, if this is rejected, they vote for the proposition which deviates from it least — which is the next in order. Thus nearly the same result is obtained by proceeding in either direction. In an assembly consisting of members A, B, C, D, E, who favor propositions 1, 2, 3, 4, 5, respectively, the result will almost certainly be a compromise upon 3, whether the voting begins with 1 or 5; for C will vote for his preference (3), and the two whose propositions have been rejected will vote for it also, as nearest their wish of what remains open. The essential thing, therefore, is simply to have a definite order understood by all; and the familiar American rule of beginning with the *largest number* or the *longest time* is as satisfactory as any.

69. Division of the Question. — When the proposition under consideration consists of two or more parts which are so distinct as to admit of division

into a series of independent questions, some of which the assembly may wish to adopt while rejecting others, the proper procedure for those who approve of a part but not of the whole is to move that the question be divided: This motion must specify the manner in which the division is to be made; and since such a motion is essentially a form of amendment, it may itself be amended by changing the mode of division. A motion to divide has, however, many of the characteristics of an incidental motion, and it may be more conveniently classed with these in practice. It is of higher rank than amendments proper, being in order even after the Previous Question has been ordered; and it is not, like ordinary amendments, debatable. Some manuals, therefore, treat it as an incidental question; and this arrangement is adopted in the Code (see Sec. 231, and Table, Sec. 200).

A motion to divide is admissible only when the proposed division separates the question into substantive propositions so distinct and complete that each is capable of standing by itself if adopted without the others; and if a division is moved which does not meet this requirement, it should be ruled out of order (subject, of course, to appeal).

NOTE:— In Congress, and in most legislative bodies, by a rule of long standing, division (when a question is properly divisible) is made on demand of any member as a right, without need of a motion or vote. In such bodies this rule is highly desirable and well approved in its workings; and the principle upon which it is based is eminently sound. Yet practically all manuals of general parliamentary law in America agree in giving the rule for ordinary assemblies as above stated, — that a motion, specifying the mode of division, is necessary. There is reason for this. In assemblies thoroughly organized and conducted by a presiding officer of exceptional ability and training, the legislative

rule works to advantage; but in assemblies of limited experience, often made up of more or less irresponsible members, the easy, unqualified demand for a division of the question might become a source of embarrassment and much annoyance. For a rule which may be adopted when division on demand is desired, see Code, Sec. 231, *Special Rule D*.

CHAPTER IX

PRIVILEGED QUESTIONS

70. Privileged Questions in General. — Privileged motions are those which, on account of special urgency or importance to the assembly, are permitted to interrupt and for a time supersede the consideration of the main question and all questions dependent upon it or arising out of it. As a class, therefore, they take precedence of all other questions. A privileged motion yields only to another privileged motion of higher rank; or, in certain cases, to other motions when these are directly applied to the privileged motion itself, or arise out of it. For example, some privileged motions admit of amendment, and any of them may give rise to a question of order. But although a privileged question, when it is properly moved, may supersede any other business before the assembly, it is not allowable, for the purpose of making such a motion, to interrupt a member who has obtained the floor, — except in certain particular cases which will be explained in subsequent sections.

Any question might be made privileged by a special rule declaring it so and defining in what degree. But the questions which are privileged as a matter of course, under the general rules of parliamentary law, form a definite and well-established group (enumerated in the usual order of rank in Sec. 36 — see also Table, Sec. 200) which will now be treated under the appropriate heads.

71. To Fix the Time to which the Assembly shall Adjourn. — The *form* of this motion is perhaps

unfortunate, sometimes giving rise to confused impressions in the minds of beginners. The motion to fix the time *to which* the assembly shall adjourn does not order an adjournment and has nothing to do with the time *when* the assembly shall adjourn. It is merely a motion to fix the time *for reassembling* after adjournment, and it might better be expressed in terms to that effect. Ordinarily the *place* of reassembling is not specified in the motion, the same place, or the usual place, being understood; but if for any reason the designation of a place is important, it may undoubtedly be included.

This motion is undebatable if moved when any other question is before the assembly. It may be amended by changing the time; and if the place is included, this also is open to amendment. It outranks all other motions and yields only to such as are applied to it or arise out of it. Not only is it in order pending a motion to adjourn, but even after it has been voted to adjourn, provided the chairman has not yet announced the result of that vote. It cannot, however, be used to interrupt a member who has the floor.

This motion is rarely needed in societies which meet at regular intervals determined by a standing rule or by custom. Its chief use in such an organization is occasionally to provide for a special meeting within that interval, or when it is desired to adjourn for a longer period; and it is similarly useful in an assembly which meets daily and may sometimes need to pass over a day, or several days. But in an assembly which has no fixed times or other provision for reassembling, in which an adjournment without day would be equivalent to dissolution, this motion with its exceptional privilege is sometimes necessary to prevent parliamentary suicide; and this, doubtless, is the main reason for the high rank assigned it in American practice.

When the time to which the assembly shall ad-

journal has been determined, it is not in order to make a similar motion appointing a different time; but if a change is found necessary the question may be reconsidered (see Sec. 90).

72. To Adjourn. — The form of this motion is, "That the assembly do now adjourn." It is undebatable and cannot be amended, and no subsidiary motion can be applied to it. It yields only to a motion to fix the time to which the assembly shall adjourn, when this has not previously been determined, taking precedence of all other questions. If a motion to adjourn has been rejected it may be renewed "after any progress in business or debate," — that is, after any other question has been put to vote, or any member has spoken in formal debate. It is not allowable to interrupt a speaker in order to move an adjournment, nor can such a motion be made while the assembly is voting on any question; but after the vote has been taken, pending the announcement of the result, it may be moved to adjourn, and if this prevails the pending announcement cannot be made until the assembly again convenes — thus holding the action in suspense. The high privilege of this motion renders it peculiarly open to abuse, and when it is manifestly and persistently used for obstructive purposes the chairman should proceed as indicated in Sec. 17. The vote on a motion to adjourn can in no case be reconsidered; for an affirmative vote at once ends the meeting, and after a negative vote the motion may presently be renewed.

It has already been noted (Sec. 71) that under certain conditions an adjournment without a day (that is, without any provision for reassembling) is equivalent to dissolution. Such a motion presents a radically different proposition from that involved in ordinary adjournment and should never be treated as subject to the same rules. The difficulty may commonly be obviated by means of a

motion to fix the time for reassembling (Sec. 71); but it is now a generally accepted principle that no motion, the effect of which, if adopted, would be to terminate the existence of the assembly, shall be put to vote without allowing opportunity for debate. Such a motion is not to be regarded as privileged.

73. Effect of Adjournment on Pending Business.

— The effect of an adjournment on business interrupted by it remains to be noted. This varies according to circumstances. When an assembly which meets at regular intervals simply adjourns to meet at the usual time, any business interrupted by adjournment comes up as unfinished business under the proper head when that is reached (see Sec. 130), taking precedence of new business. But when an assembly adjourns to meet on a specified date simply for the purpose of continuing or completing the transaction of the business under consideration, this adjourned (or special) meeting is practically a continuation of the first, and the business interrupted by adjournment is in order immediately after the reading of the minutes. In either case the unfinished business, when its consideration is resumed, is in precisely the same posture as when it was interrupted, and any motions which were then pending are proceeded with as if there had been no interval. Any question, however, which has been made a *Special Order* for the date of the meeting takes precedence of business merely interrupted by adjournment.

When an adjournment terminates the session (see Sec. 129), all unfinished business falls to the ground, and the questions involved can only be brought before the assembly at a subsequent session by means of a new motion made in the usual way. This is the general rule; but it may be modified in some measure by special rule or custom.

74. To Take a Recess.— This is essentially a

modified form of the motion to adjourn, — the chief difference being that in case of a recess the interruption of the session is comparatively short, so that the members (in theory at least) do not leave the immediate vicinity of the place of assembly. It is occasionally used for longer periods to avoid some of the consequences of simple adjournment, but this is merely a parliamentary expedient and puts a strain on the original intent. In the older practice it was not recognized as a privileged motion, or only under limitations which seriously impaired its usefulness. There is still an unfortunate lack of uniformity and certainty in dealing with this question, except in legislative bodies under a special code of rules not always suited to popular use; but its close relation to adjournment practically determines its standing, and the practice in ordinary assemblies is, or should be, as follows:

The motion is in order when a motion to adjourn is in order, yielding only to a motion to adjourn simply, or a motion to fix the time for reassembling. Its usual form is, "That the assembly now take a recess" — for a specified time (as fifteen minutes), or until a specified hour (as two o'clock), or "subject to the call of the chair." This qualified form is very convenient and should be allowed; and when thus qualified the motion is open to amendment. It has been held that the motion when qualified is not privileged; but by such a rule an ordinary assembly is either deprived of its use when most needed or driven to evasions. It is in no case debatable if moved when any other question is pending, — that is, if moved as a privileged question. A motion simply *providing* or *arranging* for a recess, to be taken later, is not privileged.

If the time for reassembling has already been determined, the proper form of the motion is, "That the assembly now take its recess"; and this unqualified motion is neither debatable nor amend-

able. In most legislative bodies the motion is regarded as privileged in this form only; but there is no good reason why such a limitation should be extended to assemblies in which it would be likely to prove troublesome. The unqualified motion is never in order unless the time for reassembling has previously been fixed; for a vote to take an unlimited recess would be equivalent to adjournment, and might amount to dissolution.

Like the motion to adjourn, the motion to take a recess may be renewed after a proper interval. A negative decision may be reconsidered, but such action is commonly needless, for if lost the motion may be repeated; if adopted it takes effect at once. After a recess, business proceeds exactly as if there had been no interruption; for a recess does not terminate a meeting.

75. Questions of Privilege. — It should be observed that Questions of Privilege are merely a particular *class* of privileged questions. None of the privileged questions previously treated in this chapter are called Questions of Privilege, though all Questions of Privilege belong to the larger group of what are termed privileged questions. To beginners this similarity of names, with a partial coincidence of meaning, is sometimes confusing.

Questions of Privilege are those which concern the rights and privileges of the assembly as a whole, or of its individual members: for example, when the proceedings of the assembly are disturbed or interrupted, either by strangers or members; or when a quarrel arises between two members, or the rights or standing of a member are called in question; or when the assembly-room has become too hot or too cold for comfort. Such questions take precedence of all other motions except the privileged motions of higher rank already discussed; but when subsidiary motions are directly applied to them, or incidental questions arise out of them, these of

course are first to be decided. Questions of Privilege which concern the assembly as a whole are entitled to precedence over those which merely relate to individual members.

The usual mode of procedure is as follows: A member rises and addresses the chairman, saying, "I rise to a Question of Privilege"; and this he may do, if the matter is urgent, even when another member holds the floor. The chairman thereupon requests him to state his question, and then makes a ruling as to whether the matter is or is not in order as a proper Question of Privilege. If the question is decided to be out of order the assembly commonly proceeds with the business in hand as if there had been no interruption,—for although an appeal (see Sec. 79) may be made from the decision of the chair, this is rarely desirable. If the chairman rules that the question raised is valid, its consideration supersedes all other business until disposed of.

Such a question, apart from its very high rank, is of the same nature as an ordinary principal question; it is simply a new and independent question which, on account of its superior urgency, is allowed to interrupt other business. It is therefore debatable, and any subsidiary motion may be applied to it; and when a subsidiary motion is so used it affects the Question of Privilege only. For example, a Question of Privilege may be laid on the table, or referred to a committee,—after which the consideration of the business interrupted by it is resumed.

76. A Call for the Orders of the Day.—When the assembly has departed from the regular order of business, or when the hour appointed for some particular matter of business or kind of business has arrived, it is in order to move "That the assembly now proceed to the Orders of the Day" (or to "Call for the Orders of the Day," which is precisely the same thing) for the purpose of dismissing the business then in progress in order to take up the business to

which that time properly belongs. Such a motion may interrupt a member who holds the floor, and it need not be seconded. It yields to the privileged questions of higher rank discussed on the preceding pages, and takes precedence of all other questions; it is not in order, of course, except under the conditions specified above. It can neither be debated nor amended; no subsidiary motion can be applied to it.

If, when a call for the Orders of the Day is put to vote, it is decided in the negative, the consideration of the business then before the assembly is continued until that is disposed of, after which the call for the Orders of the Day may be renewed. When the motion is decided in the affirmative, the business thus interrupted is left in the same posture as business interrupted by an adjournment. A call for some particular part of the Orders of the Day is not a privileged motion: the call must be simply for the Orders of the Day as they stand, and these must come before the assembly in their regular or predetermined sequence; but when the various items of business included in the orders are taken up, any of them may be laid on the table or otherwise summarily disposed of in order to reach some subject of special importance without undue delay.

The chairman need not wait for this motion to be formally made. If there is a predetermined program of any kind, he may simply announce that the time has arrived for the consideration of certain matters, stating them. He then puts to vote any pending questions if the assembly is ready to decide them; if not, they are dismissed for the time, as above explained. If, however, any member objects to this mode of procedure, the question of proceeding to the Orders of the Day must be decided by vote of the assembly.

A call for the Orders of the Day is meaningless and cannot be entertained unless such orders

have previously been established by some act of the assembly; as when some program has been adopted, or a question has been postponed to a certain day or made a Special Order for that day (see Sec. 83). Questions thus postponed are taken up in the order of postponement, and Special Orders in the order in which they were made; but Special Orders take precedence of any questions which have merely been postponed. If any particular subject is not reached on the day appointed for its consideration, the order relating to it "falls to the ground," and the subject cannot afterwards be brought before the assembly by a call for the Orders of the Day. It may, however, be called up as unfinished business, without special privilege, and a new order made if desired.

CHAPTER X

INCIDENTAL QUESTIONS

77. Incidental Questions in General.— Incidental questions are such as arise out of other questions incidentally to their consideration, and are consequently to be decided before the questions which give rise to them. They are, therefore, without fixed order of rank, either among themselves or with reference to other questions. On account of their peculiar importance, *questions of order* are accorded higher privilege than the rest; but in general, an incidental question simply takes precedence of the question giving rise to it, whatever this may be. As a class, incidental questions take precedence of subsidiary questions; but in some cases a subsidiary motion may be applied to an incidental question; as when an appeal is laid on the table. Privileged motions, in general, take precedence of incidental questions; but a privileged question may yield to a question incident to itself, — as when a Question of Privilege gives rise to a question of order. The incidental questions in ordinary use (enumerated in Sec. 37 — see also Table, Sec. 200) will now be discussed in detail.

78. Questions of Order.— It is the duty of the presiding officer to enforce the rules and orders of the assembly without question or delay in all cases in which a breach of order is manifest; and when this duty is not promptly and adequately performed, it is the right of any member who observes a breach of order, an offense against decorum, or any other irregularity in the proceedings, to insist upon a

strict enforcement of the rules. For this purpose he may even interrupt the speech of a member who has obtained the floor, — rising in his place and addressing the presiding officer by his usual title, and immediately adding the words, “I rise to a question of order,” that his right to interrupt may at once be understood, since otherwise he might himself be called to order. He is then recognized by the chairman and requested to state his point of order; after hearing which the chair decides whether or not the point is “well taken,” and if he deems it valid at once enforces the rule which has been violated or calls to order the offending member in a case of indecorum. If the chairman rules that the point raised is “not well taken,” then the matter is ended and business proceeds as if there had been no interruption, unless some member is dissatisfied and appeals from the decision of the chair (see Sec. 79).

When the breach of order is simply the use of unparliamentary language in debate, a less formal mode of procedure is very common, — some member, as soon as the objectionable words are spoken, exclaiming, “I call the gentleman to order”; whereupon the chairman decides the question and proceeds as above. In all cases the member who is called to order, or interrupted by a question of order, should at once take his seat. After the question has been decided, the chairman will again assign him the floor if he is entitled to it. If, however, his remarks have been ruled out of order, he cannot proceed with his speech unless the assembly, by general consent or by vote, permit him to continue, — which is the usual course unless the offense is serious. For cases of discipline, see Chapter XIV.

The chairman may, when in doubt, ask advice from any member; but such advice should be given without rising, that even the appearance of debate may be avoided. Or, if he sees fit, the chairman

may put the question of order at once to the assembly to be decided by vote; but this is not usual.

Questions of order, like other incidental questions, take precedence of the questions giving rise to them; and on account of their exceptional importance they are entitled to precedence over the other questions of this class in the rare cases in which they come into direct competition with these. Questions of order must be raised at once when the occasion arises, and are not in order later; *except*, that in the case of a member who, through disorder in the assembly or other irregularity, failed to obtain recognition, his attempt to raise the question at the proper time secures his right to bring the matter before the assembly later when he can gain the floor.

Similar to the above, except that it does not imply an actual breach of the rules, is what is called "parliamentary inquiry." Here a member simply inquires of the chair whether a certain motion or mode of procedure is in order, or as to its effect. It is in a measure discretionary with the chair whether he will entertain such questions; but when they are in any way pertinent and intended to facilitate business or avoid mistakes, they should be courteously and clearly answered.

79. Appeal from the Decision of the Chair.— Any member who is seriously dissatisfied with the ruling of the chairman upon any question may "appeal from the decision of the chair." The appeal must be made immediately after the decision is rendered, and takes precedence of all except privileged questions. The question is then stated by the chairman in these words, — "Shall the decision of the chair stand as the decision of the assembly?" If a majority of the assembly vote in the affirmative, or if the votes are equally divided, the chairman is sustained in his ruling; if the majority vote in the negative, his decision is overruled.

An appeal is debatable unless it is made pending

the Previous Question or its execution. In any case the chairman may state the reasons for his decision, and does this without vacating the chair. Debate, of course, is strictly limited to the subject of the appeal; and in assemblies which, by special rule, allow a member to speak twice on an ordinary question, it is usual to allow but one speech on appeal. In many assemblies, by special rule or custom, appeals are treated as undebatable when they "relate simply to indecorum, transgression of the rules of speaking, or priority of business"; but this restriction, though sometimes desirable, is no part of general parliamentary law. See also Code, Sec. 225, *Special Rule B*.

An appeal may be laid on the table, and such action sustains the chair. This mode of procedure, which is very common, incidentally cuts off debate; hence it is not usual, though allowable, to move the Previous Question on an appeal. If, however, the Previous Question is ordered, its effect is limited to the appeal. An appeal does not admit of amendment, but is amenable to other subsidiary motions when reasonably applicable.

An appeal cannot be made when another appeal is pending, nor is it permissible when the assembly is engaged in voting. If a question of order is raised at such a time, it is peremptorily decided by the presiding officer, without debate; but as soon as the immediately pending question has been disposed of, any error committed by the chairman may be taken up and corrected. In general, appeal should be made only in cases of serious error or unfairness, and the decisions of the chair should not lightly be set aside by the assembly.

80. The Reading of Papers. — When any document is before the assembly for final action, any member may demand that it be once read at the table before it is put to vote. This does not imply that members who have been absent or inattentive

may insist upon repeated readings; it was their duty to be present and to attend, and they may not take advantage of their own default to waste the time of the assembly.

Except as above stated, no member has an absolute right to have papers formally read at the table. In all other cases it is necessary to obtain the permission of the assembly, either by general consent or by vote. In ordinary assemblies, when a request for the reading of papers is manifestly reasonable, for information and not for obstruction, it is customary to grant this without question, the chairman simply directing that the papers be read. If, however, any member objects, leave must be obtained by vote of the assembly on a motion to that effect. This question can neither be debated nor amended; no subsidiary motion can be applied to it.

In strictness, the same rules apply when a member desires to read certain papers as a part of his argument in debate. This practice is now quite generally allowed (if not carried to unreasonable extremes), but the privilege may be challenged, and the question of granting permission is then to be decided by vote, as above.

81. Withdrawal of a Motion. — A motion, when regularly made, seconded, and stated from the chair, is then in the possession of the assembly, and it cannot be withdrawn or altered by the mover except by general consent or by vote. If any member objects, permission to withdraw or modify a motion, or to substitute a different motion, can be granted only by a formal vote of the assembly on a motion to that effect. Such a motion is undebatable and cannot be amended; no subsidiary motion can be applied to it. In the United States House of Representatives a motion may be withdrawn by the mover at any time before a decision or amendment; but this is in virtue of a special rule, and nearly all authorities

concur in stating the rule of ordinary practice as above.

A motion, however, which has not yet been stated from the chair is still in the possession of the mover and may be withdrawn or modified by him at will. The consent of the member who seconded the motion is not necessary for its withdrawal; to ask this is merely a courtesy. But since, when a motion has been withdrawn, the posture of business is precisely as if it had not been made, any member has the right to make anew and independently the same motion if he wishes to have it considered.

82. Suspension of the Rules. — When some motion or mode of procedure which is exceptionally urgent and desired by a large proportion of the members is forbidden by formal rules, it has become a well-established practice in this country to admit a motion to suspend the rules which would prevent the proposed action. The purpose for which the rules are to be suspended must be precisely stated as part of the motion: for example, in the case of an assembly having rules requiring that resolutions of a certain kind be referred and reported from a committee before final action is taken, it might be moved "To suspend the rules which would prevent an immediate vote on the pending resolutions." An indefinite or general suspension of the rules is not allowable.

A motion to suspend the rules is undebatable and cannot be amended; no subsidiary motion can be applied to it. It cannot be reconsidered; and if decided in the negative, it cannot be renewed for the same purpose on the same day. It has become a general practice in this country, in ordinary assemblies, to permit the suspension of the rules by a *two-thirds vote*; but the rules themselves should contain a provision declaring in what manner they may be suspended, or a code providing for this should be adopted, and in permanent organizations

this is customary. In the absence of such a rule (or a well-established local usage to the same effect) the rules can be suspended only by unanimous consent. The older practice was strict upon this point; but at present, in assemblies of the less formal sort, there is a tendency to assume the existence of a two-thirds rule as a matter of course. This, though sometimes convenient, is legally an error. A definite provision removes all uncertainty. (See Code, Sec. 228, and Table, Sec. 200.)

In any case, the power to suspend the rules is subject to certain limitations. Those fundamental rules which secure the essential rights of members are not subject to suspension. For example, a member may not be expelled without a hearing under a suspension of the rules. If a constitution has been adopted, its provisions may not be suspended (though they may be amended under certain conditions — see Sec. 131). Rules imposed by a higher authority cannot be suspended by the assembly — as where the proceedings of a board of directors are regulated by certain laws, or a debating club is subject to the rules of the school with which it is connected. Again, a rule granting some special right to a single member, or to a specified number or proportion of the members, cannot be suspended unless by unanimous consent. For example, a special rule enabling a single member to demand the division of a question, or a special rule authorizing one-fifth of the members present to demand the *yeas* and *nays* on certain questions, can in no case be suspended by a two-thirds vote; for if this were permitted such rules would be useless. In general, the rules which admit of suspension are those which relate to formalities of procedure, the order of business, and the like.

83. To Make a Special Order. — When it is desired to appoint a particular day or hour for the consideration of a question and to give it the right

of way over all other business when the appointed time is reached, the proper procedure is to move "That the question be a Special Order" for the date desired.

Such a motion is in order when a suspension of the rules (which it implies) would be in order. It is undebatable; it may be amended by changing the date, but apart from this no subsidiary motion can be applied to it. It may be reconsidered, and only a majority is necessary for reconsideration, even when a two-thirds vote is required to make the order or to reaffirm it (see Sec. 90).

This motion was not distinctly recognized in the older practice, but is very convenient and has come into general use. It differs from an ordinary postponement (Sec. 44) in that it makes the business to which it relates highly privileged; and it resembles a suspension of the rules in setting aside the regular or predetermined order of business so far as this would interfere. Hence, according to the prevailing practice (as expressed in most manuals and the rules of legislative bodies), a Special Order requires a *two-thirds vote* as implying a suspension of the rules; but since this requirement can scarcely, as yet, be accounted an established part of general parliamentary law, it should, when desired, be specially provided for by rule or code (see Code, Sec. 229, and Table, Sec. 200). In Congress, only a majority vote is necessary for such an order.

When a question has been made a Special Order for a certain day, without specification, it properly comes up under the head to which it belongs (e.g., Unfinished Business) and takes precedence of all other business under that head; but if the meeting is merely an adjourned meeting appointed for the purpose of considering this question, the Special Order may be called for immediately after the reading of the minutes. If it has been appointed for a particular hour, it is in order as soon as that hour is

reached. If not announced by the chairman at the proper time, it may be brought before the assembly by a call for the Orders of the Day (see Sec. 76).

A Special Order takes precedence of all General Orders (such as are established by postponement to a certain day). If more than one Special Order has been made for the same day, without other specification, that which was first made is entitled to precedence, then the others in succession; later orders cannot interfere with those made earlier, unless by unanimous consent. If Special Orders have been made for particular hours and any of these are not reached at the hour designated, they hold precedence in the order of the hours for which they were appointed. If the subject of a Special Order is not finally disposed of on the day named for its consideration, a new order may be made or any other appropriate action taken. If a Special Order is not reached and taken up on the day appointed, then (unless there is a special rule to the contrary) the order falls to the ground and the subject has no special privilege.

84. To Determine the Mode of Procedure. — Motions of this type are incidental to the questions giving rise to them. They receive little recognition in the earlier treatises, but their utility has brought them into general use; for even in small assemblies the need of them is often felt. They include all special motions (not the Previous Question) for regulating or restricting debate, — as when it is moved that speeches on the pending question be limited to a certain number of minutes each, or that the debate close at a certain hour; also special motions to determine the order of procedure, the manner of voting, or the like. They apply only to the business under consideration and do not establish a general rule. If there is already a rule prescribing a certain mode of procedure (e.g., that certain officers

shall be elected by ballot), no order contravening this can be made unless under a suspension of the rules (see Sec. 82).

Motions of this class are undebatable. They may be amended in any appropriate way, but no other subsidiary motion can be applied to them. They may be reconsidered, but not after having been partly executed. Under general parliamentary law they are decided by a majority vote; but a rule requiring a two-thirds vote, at least in certain cases, seems not unreasonable and sometimes desirable (see Code, Sec. 230, *Special Rule C*).

85. To Divide the Question.— This motion is commonly regarded as a special case of amendment and so classed. It is, however, more of the nature of a motion to determine the method of procedure and properly belongs with the incidental motions (see Code, Sec. 231, and Table, Sec. 200). However it may be classed, the rules relating to it are the same. Unlike amendments, it is not debatable. It is in order even after the Previous Question has been ordered, when an amendment is precluded. It must specify the mode of division desired and may be amended by altering this. It must separate the question into distinct propositions, each of which is independent of the others. For a more complete discussion of this subject, see Sec. 69.

86. Nominations and Filling Blanks.— This procedure also is of the same general character as amendment, but has been so specialized that it is better classed as incidental, differing from ordinary amendment in many particulars. It has already been sufficiently discussed in other connections (see Secs. 58 and 68—also Code, Sec. 232).

CHAPTER XI

SUPPLEMENTARY QUESTIONS

87. Supplementary Motions as a Class. — These motions are sometimes grouped as “Miscellaneous” — which is simply a failure to classify. Their general characteristic is this, — that they are employed after a question has been disposed of (temporarily or by a final vote) to bring it again before the assembly for further action. Except reconsideration, they are but slightly privileged and are in order only when no other question is before the assembly. They have, therefore, many of the attributes of principal motions, but are subject to various special rules and limitations.

88. To Take from the Table. — This motion is in order only when no other question is before the assembly, but takes precedence of new business. It is undebatable; it does not admit of amendment, and no other subsidiary motion can be applied to it. It has no application unless the question has previously been laid on the table, either by vote or as a matter of routine; it cannot be used to bring a new subject before the assembly. If decided in the affirmative, it brings the question again before the assembly in exactly the same posture as when laid on the table, with any motions then adhering to it still pending. For example, if a resolution was tabled while an amendment to it was under discussion, when it is taken from the table the question at once recurs on the amendment, which is again open to debate and amenable to all the usual modes of procedure.

Reconsideration of a vote on this question is rarely needed: for after an affirmative decision the subject recalled may at any time be laid on the table; and when the decision is negative, the motion itself may be renewed after a reasonable interval. Yet in certain cases an *immediate* reconsideration may be convenient, and is allowable. Various rules have been promulgated on this subject, but they are inconsistent with each other and lack authority; the rules of practice should not be cumbered with needless restraints and exceptions. See also Sec. 43, and Table, Sec. 200.

89. To Discharge a Committee.— The purpose of this motion is to bring again before the assembly a question which has been referred to a committee and on which the committee has not as yet made a final report. It may be used when the committee has for any reason failed to report, or when the assembly does not wish to wait for the report; or simply to relieve a committee from further consideration of a subject which the assembly now considers unprofitable.

Its effect, when decided in the affirmative, is to dispense with any further action on the part of the committee and to bring the subject which had been referred to it before the assembly for further action in much the same manner as when a question is taken from the table. The subject thus recalled may then be laid on the table, if the assembly desires to dismiss it; or it may be debated and acted upon in any of the usual ways.

The motion to discharge takes precedence of new business, but is not otherwise privileged. It is debatable in itself, but permits discussion of the subject referred to the committee only so far as this is involved in the pending question — as by showing why it is important that the assembly should act without waiting for the report. It cannot be amended by striking out the subject named and

inserting a new subject, or otherwise; it is amenable to no subsidiary motions except a motion to lay the question on the table, or a call for the Previous Question to close debate, — and if the Previous Question is ordered its effect will not extend beyond the pending motion.

The usual form of this motion is, "That the committee be discharged from further consideration of the subject" — naming it. Only a majority vote is requisite; if the motion fails, the subject of course remains in the hands of the committee. The vote on such a motion may be reconsidered, but not after the assembly has actually proceeded with the consideration of the subject withdrawn from the committee. In such a case the proper motion is to recommit; or the subject may be referred to another committee.

90. Reconsideration in General. — This motion is unknown to English parliamentary law, but is firmly established in American practice. As might be expected in the case of a motion of comparatively recent origin, there is still an unfortunate lack of uniformity of usage in regard to some of the details. The facts will be stated as clearly as possible in the ensuing pages; and *precise rules adapted to ordinary use* will be found in the appended Code (see Secs. 246 and 247). To eliminate uncertainties, these rules or some equivalent should be adopted. The rules of legislative bodies merely determine their own procedure and vary in many particulars.

Observe, however, the following principles, which are of universal application:

Only a *vote*, or its equivalent, can be reconsidered. To move (as beginners sometimes do) to reconsider a motion not yet voted upon, is mere absurdity. But the vote reconsidered may be either affirmative or negative; reconsideration is allowable in either case, and the effect is the same.

The effect of a reconsideration is not to *reverse*

the vote reconsidered, but simply to set it aside as if it had never been taken, bringing the question to which it related again before the assembly to be disposed of in any way which would have been allowable before it was voted upon. The assembly may then reaffirm its former vote, or reverse it, or take some other action. The only exception is the reconsideration of a vote ordering the Previous Question; for this, according to general usage, in itself annuls the order and opens the pending question to debate.

If the question brought back by a vote to reconsider was originally debatable, it is still open to debate after reconsideration. This is true even if the Previous Question had been ordered before the deciding vote was taken, for this order was completely executed and exhausted by that vote. If, however, a member has already spoken on the question when first considered, he is not entitled to speak again when it is recalled by a vote to reconsider, its status being the same as before except that it is divested of the Previous Question (but this does not preclude him from speaking on the motion to reconsider while that is pending).

If, after the main question has been decided, it is desired to reconsider the vote on an amendment to it (whether adopted or rejected does not matter), it is necessary first to reconsider the vote on the main question, after which it may be moved to reconsider the vote on the amendment; and similarly of an amendment to an amendment. No such roundabout procedure is needed, of course, when the vote on an amendment is reconsidered immediately, while the main question is still pending.

The effect of a motion to reconsider *while it is pending* (be the time of its pendency long or short) is to suspend the execution of the vote to which it applies until the reconsideration has been acted upon. For example, if the treasurer has been

ordered to make a certain payment, and before he has done so it is moved to reconsider the vote ordering such payment, he cannot proceed until the reconsideration has been disposed of. If, however, the reconsideration is laid on the table, this removes it and he may proceed. And if, before reconsideration is moved, he has already paid the money, a reconsideration of the vote authorizing him to do so is no longer allowable.

In general, no vote can be reconsidered after it has been, in good faith, executed or partly executed. An assembly may not evade responsibility for its acts by reconsideration.

Further, a vote on a motion to adjourn cannot be reconsidered; nor a vote on a motion to suspend the rules. A reconsideration cannot itself be reconsidered; and no question is open to reconsideration more than once, — except, that when a motion has been materially amended after reconsideration, a vote taken upon it in this altered form may be reconsidered. When an appeal from the ruling of the chair has been disposed of (sustained, rejected, or laid on the table) and the decision acted upon, a reconsideration of the vote on the appeal is not in order. It is not good manners, nor is it customary, to reconsider a vote electing to office one who is present and does not decline; indeed, his acceptance (express or tacit) amounts to an execution of the vote.

91. The Motion to Reconsider. — A motion to reconsider the vote on an undebatable question is itself undebatable. In the case of a debatable question, a motion to reconsider is not only debatable in itself, but also opens to debate the question to which it relates. The Previous Question may be ordered to close debate, but affects only the motion to reconsider (not the question recalled by its adoption). A motion to reconsider may be laid on the table, and when so disposed of does not

suspend the execution of the vote to which it relates; but the reconsideration may subsequently be taken from the table and acted upon in the usual manner, provided the original vote has not meanwhile been executed (see Sec. 90). A much safer and more legitimate method of "locking the door" is simply to vote down the motion to reconsider.

A notable instance of such procedure is the case of the Race Track Law in the New York Assembly in 1908. The question on the adoption of the bill was first decided in the negative, after which a reconsideration was moved and laid on the table. This was intended as a final disposition of the question; but subsequently, under unusual pressure, the motion to reconsider was taken from the table and adopted; and the bill, when again put to vote, prevailed.

Except as above stated, no subsidiary motion can be applied to a motion to reconsider; it cannot be amended, postponed, or referred to a committee,—though the question recalled by it may be amenable to these motions.

92. Special Rules as to Moving a Reconsideration.—According to a widely prevalent usage, a reconsideration may be moved only by a member who *voted with the prevailing side* on the original question, except when the vote was by ballot. That is, ordinarily the mover must have voted with the majority; but in the case of a motion which, although favored by a majority, requires a two-thirds (or similar) vote and has failed in consequence of not obtaining this, the mover of a reconsideration must have voted with the minority,—for here the minority prevails. Since the chairman may not know on which side the member voted, it is allowable to ask the member himself before his motion is entertained.

Whether the above rule is entitled to be considered a part of general parliamentary law in this

country seems doubtful. It is intended to prevent the moving of a reconsideration when (so far as appears) no voter has altered his opinion; but evasion (e.g., by deliberately voting with the side likely to prevail in order to move a reconsideration) is so easy that the rule has proved worse than futile. It is open to the serious objection that it has a tendency to raise issues of veracity between members, — a thing sedulously to be avoided. Therefore when a member is asked on which side he voted, his statement should be accepted as final and no controversy allowed; yet this puts a premium on disingenuousness. Much better is the practice in the United States House of Representatives, where this question is never raised unless the vote was by *yeas* and *nays* and therefore a matter of record. This, in an ordinary assembly, would amount to allowing any one to make the motion without question, — which is the simplest and probably the most legal course, in the absence of a special rule.

According to the practice of the House of Representatives, and of most legislative bodies in this country, a motion to reconsider is in order only on the day of the vote to which it relates or on the day following; and this rule has been very generally followed in ordinary assemblies, in which it commonly amounts to a limitation of the motion to the day of the vote. In the case of a motion so liable to abuse for purposes of obstruction, this restriction seems as desirable as it is prevalent (see Code, Sec. 246).

According to legislative usage (often, but not necessarily, followed in other assemblies) the reconsideration of a vote disposing of a principal motion may be moved at any time within the above limit, except when the assembly is in the act of voting. It may, therefore, interrupt the speech of another member on a wholly different subject, and is in order even pending a motion to adjourn; but this

privilege extends only to making the motion, having it seconded (by any member), and demanding that the fact that the motion was made be entered on the minutes. Such a motion cannot be taken up and acted upon until the business then pending is disposed of; its consideration is in order only when no other question is before the assembly.

Further (if the rules prescribed in certain manuals are to be followed), the motion to reconsider, when thus made and entered on the minutes, can be called up by no one except the mover during the period within which it is allowable to move a reconsideration (i.e., the day of the vote to be reconsidered, or the day following); and during this period, and until it is acted upon, it suspends all action in execution of the vote to which it applies; but after the expiration of this period any member may call up the pending motion to reconsider in order that it may be disposed of; and when thus called up, the question of reconsideration is entitled to precedence over other business. Thus it is made possible for two members (the mover and the seconder) to suspend all action in execution of a vote of the assembly for two days, and thereafter until a meeting is held and the motion to reconsider disposed of. This, in an ordinary assembly (if it happened to include two or three obstinately obstructive members) might amount to paralysis.

The chief value of the above rules is to check hasty action on the part of a mere temporary majority at a meeting not well attended, by enabling two members (if they are shrewd enough and are not forestalled) to compel such delay as will permit them to notify the members generally, in order that the question may be decided by a more representative vote at a later meeting. The intent is good, and the need of some provision to meet this situation is occasionally felt; but this remedy seems, on the whole, more dangerous than the abuse which it

seeks to cure. The method has not been found effective; evasion is too easy, especially if favored by the chair. In legislative bodies it has become a custom, after the passage of an important measure, for its advocate, securing recognition at once, to move a reconsideration and that the reconsideration be laid on the table. He is commonly allowed to make these two motions together, though such a proceeding is irregular. The motion that the reconsideration lie on the table is, of course, first put to vote and promptly agreed to by the majority. The opponents of the measure are thus forestalled; and the general futility of rules giving the minority undue power to thwart the majority is at the same time demonstrated.

That the complicated procedure described in this section is unsuited to ordinary assemblies is manifest. Nor is it any legitimate part of general parliamentary law. Derived from the practice of legislative bodies, without general applicability and lacking the sanction of uniform and well-established use, it is binding only on such assemblies as choose to adopt it. For ordinary societies, at least, the statement in the original edition of this Manual still holds good: *Where there is no special rule on the subject, a motion to reconsider must be considered in the same light as any other motion, and as subject to no other rules.*

Hence, under *general parliamentary law*, a reconsideration of the vote on a main question may be moved by any one at any time during the session (see Sec. 129), provided no steps (actual or presumptive) have as yet been taken in execution of that vote. Further, such a motion is in order only when no other question is before the assembly, though entitled to precedence over new business; and it must be dealt with immediately (subject only to the general regulations explained in Secs. 90 and 91), the mover possessing no exceptional

rights. This, for ordinary societies, is enough, and preferable to any more elaborate system. If any further regulation is desired, a special rule should be adopted. For practical rules adapted to ordinary societies, with definite provisions meeting all ordinary cases, see Code, Secs. 246 and 247.

93. Reconsideration of Subsidiary Questions. — The reconsideration of a vote on a subsidiary question presents special features. Such a motion has some of the characteristics of an incidental motion, but is incidental to the *vote* (not the motion) to which it relates. It takes precedence of the main question while that is pending, and in general may be regarded as being in order when the question to which it relates would be in order; but the reconsideration of a vote which has the effect of removing the main question from before the assembly is not in order while any other question is pending, though it takes precedence of new business. It yields to privileged questions and to questions of order. It may *not* be moved, entered on the minutes, and then held in abeyance by the mover, so as to prevent immediate action, while the main question is pending, — not even where, by special rule, the assembly allows such procedure in the case of the main question itself (see Sec. 92). It is debatable if the question to which it relates is debatable, but not otherwise, and is subject to all the regulations given in Sec. 91. For the mode of procedure in reconsidering the vote on a subsidiary question (as an amendment) after the main question has been decided, see under Sec. 90.

94. The Renewal of Motions. — This topic may most conveniently be discussed in the present connection. The general principle is that a question, original or subsidiary, which has been once decided by a vote of the assembly cannot be renewed, except by reconsideration, during the same session (see Sec. 129). But in the case of a subsidiary motion,

the question is not considered to be the same when the *content* of the motion (that to which it relates or applies) is not the same. For example, the failure of a motion to lay the main question on the table in no way precludes a subsequent motion to table an appeal. In general, if subsidiary motions having the same form are made at different stages of procedure, they have a different *content*, and one does not preclude the other. If, for instance, a motion to lay the main question on the table has failed, and after this an amendment is moved, a motion to lay the question on the table would now have a different content, since it would apply to the main question and to the amendment also, and if adopted would carry both to the table.

Further, where the *time* is an essential factor inherent in a motion and largely determining its significance (as when it is moved "That the assembly do now adjourn"), then *the content varies with the time*, and when the time is materially different the motion may be renewed. Thus a motion to adjourn, or to order the Previous Question, when the hour is late and the assembly is weary of a long debate, is a radically different proposition from such a motion made when the subject was first introduced; the *terms* employed are the same, but their *content*, or significance, is changed. In such a case it is needless, and would be inept, to reconsider the original action; the motion is simply to be renewed, or made again, having now a different content. The same principle applies to the motion to table (even when its content is not otherwise altered — see above); also to the motion to postpone to a definite time, and the motion to commit, — though in these latter cases it is quite customary to attain the same result by means of a reconsideration. This is uncalled for and undesirable. The motion to reconsider is greatly overworked in American practice; it should rather be minimized.

A call for the Orders of the Day may, if negatived, be renewed as soon as the question then before the assembly is disposed of. A motion to suspend the rules for a given purpose may, if lost, be renewed on a subsequent day. See also Table of Classified Questions, Sec. 200.

95. To Rescind or Repeal.—When, through lapse of time or for other reasons, a reconsideration is no longer in order, the proper way to annul a vote, or order, or rule, which is no longer considered desirable, is to *rescind* the vote or order, or to *repeal* the rule, — the procedure being the same in either case. Such a motion has no privilege; it is merely a particular kind of principal motion, subject to all the ordinary rules. It is debatable and opens to debate the whole proposition to which it relates. Any appropriate subsidiary motion may be applied to it. The assembly must not, of course, exceed its authority as to rules not of its own making; and it cannot evade its responsibility for its own acts.

Where a constitution and by-laws have been adopted, the repeal of any portion of these is in effect an amendment by striking out; but since it is not dependent on any other question then pending, it is to be treated as a principal motion, open to further amendment in both degrees. In most cases these instruments themselves contain a provision requiring for this purpose a two-thirds vote, and commonly previous notice also (see Sec. 131). In the absence of a special regulation on the subject, any rule or order may be repealed by a majority.

CHAPTER XII

COMMITTEES

96. Nature and Use of Committees. — Although the final decision of every question must be made by the assembly itself, or by its express authority, it is customary to make extensive use of committees in the transaction of business; and the advantages of this mode of procedure are manifold. The assembly is thus enabled to do many things which, from its numbers, it would otherwise be unable to do; also, to accomplish a much greater amount of business, by dividing it among the members, than could possibly be accomplished if the whole body were obliged to devote itself to the details of each particular subject; and finally, to act in the preliminary steps with a greater degree of freedom than is compatible with the strictness and formality of procedure necessary in full assembly.

Committees may be appointed to consider some particular subject — for example, whether a larger membership is desirable — and report the result of their deliberations; or to obtain information with reference to some matter before the assembly, either by personal inquiry and inspection, or by examining witnesses, — as where the acts or rights of a member are in question; or to digest and put in proper form for action by the assembly any resolutions, orders, or other papers which may be referred to them, — as when a committee is instructed to prepare a revision of the standing rules. Such a committee has as its main end the *preparation of a report* and is in its nature *deliberative*.

Further, a committee may be appointed to execute an order of the assembly, — for example, to make a certain purchase, or to conduct to the chair a newly elected presiding officer; or it may be empowered to act for the assembly itself in certain cases (at discretion, but still subject to the instructions and approval of the assembly as a whole), as when a committee is appointed to audit and pay all just accounts in connection with some particular transaction, or in general. The main end of such a committee is to *perform certain acts*, and it is in its nature *executive*. Indeed, the members of a permanent committee of this character are, in effect, officers of the assembly.

Whatever the nature of the committee, its whole authority is derived from the assembly, to which also it is accountable for its acts. It may be discharged of its duties whenever the assembly considers that its usefulness is ended (see Sec. 89). It is strictly bound by the instructions given it. It may receive instructions, not only at the time of its appointment, but at any subsequent time during its continuance; and these later instructions may greatly change the nature of its duties. Even after it has completed its original task and made its final report, although in strictness it has ceased to exist as a committee, it may still be revived by a vote to recommit and may have further duties imposed upon it. Committees have been termed the "eyes and ears of the assembly"; quite as truly, for certain purposes, are they its "head and hands."

97. Kinds of Committees. — Committees are further distinguished as Standing Committees, which continue for a definite period, usually the entire session, and Special Committees (sometimes, less properly, called Select), which are appointed for some special occasion and naturally cease to exist as soon as they have discharged the particular service imposed upon them. Most of the rules

relating to committee procedure apply equally to both these classes; but a motion to refer a given matter to a Standing Committee takes precedence of a competing motion to refer to a Special Committee.

Standing Committees are commonly appointed to deal with all questions of a certain specified character which may from time to time be referred to them: for example, there may be a Standing Committee to investigate applications for membership, or to audit accounts, or to arrange programs. Such committees may be either deliberative or executive in character. They are frequently provided for in the constitution or by-laws of a permanent organization; if not so provided for they may be established at any time by vote of the assembly. The existence of a Standing Committee, however, does not preclude referring a question which ordinarily would go to this committee to a Special Committee in exceptional cases, unless there is a specific rule to the contrary.

Special Committees are ordinarily deliberative, and terminate as a matter of course when their report has been received; but these also may be charged with executive duties in particular cases. They then report what they have done, and terminate when this report is received unless revived by a vote of the assembly.

For the mode of appointment of committees and related matters, see Chapter VII, and especially Secs. 56, 57, 58. For Committee of the Whole, see Sec. 106.

98. Organization of Committees.— If, when a committee is appointed, a certain member is expressly designated as its chairman by order of the assembly or by a special provision of its rules (as when some officer is made *ex officio* chairman), it is not then competent for the committee to remove him and choose another; but in his absence, a quorum being present at a meeting properly called,

the committee may appoint some other member to preside temporarily. If (as is more usual) no presiding officer was designated in the original appointment, the person *first named* on the committee is to act as its chairman so far as relates to the preliminary steps, such as calling the committee together. Ordinarily he continues to preside as a matter of course, and finally presents the committee's report; but this is a matter of courtesy, the committee having a right to elect its own presiding officer and to designate the member who shall present its report, unless its chairman was expressly elected or appointed *as such* in the assembly.

It is the duty of the secretary of the assembly, immediately after the appointment of a committee, to notify its chairman and furnish him with a list of its members and a copy of the instructions, if any have been given; also to deliver to him any papers referred to the committee, or correct copies of them. If the chairman cannot easily be reached, this notification and delivery of papers may be made to any member of the committee; and the member notified must communicate with the chairman as soon as possible. This mode of procedure should be strictly adhered to in large and important assemblies; but in many small societies less formality is usual, and the act of the assembly, or its chairman, in appointing the committee is often considered sufficient notification when all the members so appointed are present.

The committee is then called together by its chairman (or the member first named in its appointment, acting as such), and all its members must be notified. If the chairman neglects to act, any two members may notify the rest and call a meeting. If a committee has been instructed to meet at some particular time or place, or both, and fails to do so for any reason, it cannot afterwards meet and act without further instructions. Otherwise, the time

and place of the first meeting are determined by the chairman (or, in case of default, by the members who act in his place); and when the committee has once assembled it may adjourn to such time and place as it prefers for any subsequent meetings, — and no special notice to the members is necessary in such a case, though it is sometimes expedient to give it. But unless it has received express instructions to that effect, a committee is not at liberty to sit while the assembly is sitting; and if a committee is in session when the assembly comes to order after an adjournment, it is the duty of the chairman to rise instantly, so that all the members may at once take their places in the assembly.

99. Procedure in Committees. — A committee, when called to order by its chairman, is essentially a miniature assembly. It cannot lawfully act as a committee except at a meeting properly convened and conducted — the sole exception being the case of a committee appointed simply to execute a specific order not requiring deliberation. Nothing which is merely agreed to by separate consultation and consent of its members can constitute or enter into a committee's report, — though such methods are sometimes tolerated in loosely regulated organizations. The presence of a quorum is necessary for the transaction of business, and unless a different rule has been imposed by the assembly, a majority of the committee constitutes its quorum. All questions are to be decided by a majority vote, and a vote is no less binding in committee than in the assembly itself. A vote may be reconsidered, but only under the rules of *general parliamentary law* (see Sec. 92 at the end); the special rules of legislative bodies on this subject have no application to committees. It is advisable, however, for the assembly to enact a rule that the reconsideration of a vote in committee shall require a majority of the entire committee (not of a quorum merely).

As soon as the committee convenes, a secretary should be appointed to record its proceedings. In debate, each member may speak as often as he can secure the floor, and the ordering of the Previous Question in committee is not usual; but orders for limiting and regulating debate (see Sec. 84) are certainly admissible, and are sometimes needed. Some relaxation of the formalities of procedure in full assembly is often allowed, and the deliberations of a small committee will sometimes take the form of free consultation rather than formal debate; but the chairman should be careful to hold the members strictly to the question before them, for a tendency to waste time by wandering from the subject in hand is the besetting fault of the average committee. And whatever freedom may be allowed in discussion, when the time for action arrives all the usual rules of procedure should be strictly enforced; undue laxity here may impair the validity of all that is done.

In general, it is competent for a committee to take any legitimate action necessary for carrying out its instructions, and the motions which are allowable are determined by this consideration. Since, ordinarily, the main business of the committee is to prepare a report, the motions chiefly employed are simply to amend and to adopt, and finally to rise and report, which in committee is equivalent to a final adjournment. But any part of the work may be referred to a sub-committee; and most of the ordinary motions for transacting business may be used as occasion for them arises. It is not allowable, however, to dismiss the main question, nor to consider a different proposition from that referred to the committee, nor in any way to deviate from the instructions. And if any member is guilty of disorderly conduct, the committee can only report the facts to the assembly; the committee as such has no power to discipline its members.

100. Preparing a Report.— When a committee has been appointed to ascertain certain facts, its report is merely a statement of the result of its investigations; though in some cases a recommendation may be added. If it has been appointed to execute an order, its report is simply a statement of what has been done. If it has been instructed to consider a course of action, its report should consist of the recommendations agreed upon, and ordinarily should include resolutions by adopting which the assembly may carry out these recommendations.

When a committee has been appointed to prepare resolutions, rules, or the like, or finds it advisable to include such documents in its report, or to make an elaborate statement or explanation, it is usual to appoint one or more members as a sub-committee to prepare a preliminary draft. When this is before the committee it should first be read entirely through by the member presenting it, that its purport as a whole may be fully understood. The chairman should then read it through by paragraphs, pausing after each for any amendments that may be offered and putting these to vote before he proceeds; and after the whole document has been thus read and amended, it is usually advisable (though this is slightly irregular) to give an opportunity for further amendments applying to any part. The entire document, as amended, is then voted upon, and if adopted becomes the report of the committee. This (just as in the assembly) is the regular order of procedure; but in a small committee oppressive strictness in the observance of formalities is needless. The final vote, however, should always be formal. The document being original with the committee, all the amendments adopted should be incorporated in it, not reported separately as amendments.

If a document (such as resolutions or rules) which has already been brought before the assembly is referred to a committee for amendment, the

procedure in committee is substantially as above; but in this case, after the amendments have been agreed upon, no question is put on the adoption of the document as a whole, since it did not originate in the committee. Instead, when the work is complete, some member should move that the committee rise and report the amendments; and these are not to be incorporated in the document received from the assembly, but should be entered on separate sheets of paper and reported, with the original, as the amendments recommended by the committee. If, however, the amendments are numerous and complicated, it is allowable, and often expedient, to report the work of the committee in the form of a *substitute*, in which, of course, the amendments are incorporated. No original document delivered to a committee may be cut, or marked, or in any way defaced; but if, as is now customary in many assemblies, the paper delivered is merely a *copy* of the original, the committee is under no such restriction in making use of it.

101. Minority Reports or Views of the Minority.

—The report of a committee is the statement or conclusion agreed to by a majority of its members; and if, for any reason, such an agreement is not reached, the chairman can only state this fact to the assembly when the report is called for. Nevertheless (although nothing which has not been agreed to by a majority is to be regarded as belonging to the committee's report), when serious difference of opinion arises it has become customary to allow those members of a committee who dissent from the report adopted to present their views to the assembly in a separate paper commonly called a *minority report*; but this name is inaccurate, and in legislative bodies such a statement is more correctly termed "*the views of the minority*." Any two or more members may unite in such a statement, or each one may express his views in a separate document.

A minority report (so called) is not, of course, recognized as the report of the committee or as forming any part of it, and it cannot be acted upon as such. It is merely allowed, by courtesy, to accompany the report of the committee as representing the opinions of the minority, and is commonly received and read immediately after the report proper. To move that a minority report, as such, be adopted would be quite out of order. It can be brought before the assembly for action only by moving, while the report of the committee is under consideration, that this be amended by substituting therefor the report (or views) of the minority.

102. Forms of Reports. — A report should commonly be headed with a title descriptive of its nature and contents: for example, "Report of the Committee of Discipline of the Athletic Association on the case of Mr. X." It need not be dated or addressed. The report of a Standing Committee usually begins with words equivalent to the following: "The Committee on Membership respectfully submit the following report." In the case of a Special Committee the report might begin as follows: "Your committee to whom was referred the question of the advisability of holding a public debate, having considered the same, respectfully report" — or, "The undersigned, a committee appointed to draft a Constitution and By-laws, respectfully submit the following."

A minority report or statement should begin with these, or equivalent, words: "The undersigned, a minority of the committee (designating it) beg leave to submit the following statement of their views." There is nothing absolute or imperative about any of these forms of expression, but the language of a report must always be respectful to the assembly.

A report may conclude with the words, "Respectfully submitted," or "All of which is respectfully

submitted," but this degree of formality is not necessary. The report should be signed by the chairman of the committee (unless he declines to agree to it), and where all concur this is enough; but where there is a serious difference of opinion and some refuse to concur, all those who agree to the report should sign it. A minority statement should always be signed by all the members responsible for it.

103. Presenting a Report.—The report of a committee is usually presented by its chairman (though this duty may, for special reasons, be assigned to some other member) who, obtaining the floor at a proper time, informs the assembly that the said committee is now ready to report. Ordinarily no question is made on receiving the report at the time when it is presented, but if such question is raised it must be decided by vote; and if the assembly declines to receive the report at that time, the committee must hold its report for presentation at a more convenient season. But whenever, by general consent or by vote, the report is received, it is read by the member who presents it, standing in his place, and then delivered at the desk. The report is now before the assembly, and it may be considered at once, or laid on the table, or action on it may be deferred to a specified time. In ordinary assemblies a report is commonly proceeded with at once, but if action is postponed it is not now customary to have the report read until the assembly is ready to consider it; in such a case, therefore, the member presenting the report simply delivers it at the desk, and it lies on the table until called up for consideration. It should be noted that receiving a report merely places it before the assembly and is in no way equivalent to accepting or adopting it.

When the report has been received by the assembly (even if action upon it is deferred) a Special Committee is thereby dissolved and has no further

duty to perform or power to act; and a Standing Committee, though it is not terminated by the reception of its report on any particular subject referred to it, is thereby discharged from further consideration of that subject. This, however, is true only when the report received is presented as the full and final report of the committee; when a committee simply reports "progress," or "no progress," or makes any other partial report, there is no such effect, — though the assembly may at any time, by a direct vote, discharge a committee from the further consideration of any subject (see Sec. 89). The assembly may, of course, revive a Special Committee, or impose further duties on a Standing Committee, by recommitment; and if a question is simply referred back to a committee without instructions, the whole subject is again before the committee, to be considered without regard to its former action.

104. Action on Reports. — When a report has been received and read, and the assembly is ready to proceed with it, the member by whom it was presented, or any other who is interested in the matter, should move that the report be *accepted*, or *adopted*, or *agreed to*, according to its character. All these forms have the same essential meaning and effect, an affirmative vote making the report of the committee the act of the assembly; that is, the assembly by such action accepts the statements, endorses the opinions, and approves the recommendations expressed in the report, and if it presents resolutions, or orders, or amendments, adopts these exactly as if they had been independently moved. If, however, the report consists merely of recommendations, without including any formal proposition (such as resolutions or orders) for carrying these into effect, a vote of acceptance would simply commit the assembly to the sentiments expressed, and further action would be needed to

accomplish the end in view. For example, the acceptance of a report recommending the expulsion of a member would not, in itself, expel him. Such action is often extremely ambiguous; and the proper course (instead of moving acceptance of the report when it is rendered in so loose a form) is to move at once whatever is necessary to carry out the recommendation, — for example, "That Mr. X, for his offensive conduct and persistent neglect of his duties, be expelled from this association, as recommended by the Committee on Discipline." The committee ought, of course, to have presented a definite resolution; but in ordinary assemblies reports are often defective in form. The above procedure disposes of the matter and fully implies acceptance of the report. When resolutions are embodied in a report and their adoption is recommended, a clear and proper form of motion is, "That the resolutions recommended (or reported) by the committee be adopted."

Pending a motion to accept or adopt, a report is open to debate and amenable to all the ordinary motions and forms of procedure. It may be amended in any part and without regard to the intentions of the committee; its original intent may be quite reversed, — as when a report is amended by substituting the views of the minority. The procedure may be extremely simple — as where a vote to accept the report ends the whole matter — or it may become exceedingly involved. Certain special cases of importance are treated in the following section:

105. Special Cases of Reports. — When papers of some length and importance, such as resolutions or rules, have been referred to a committee, the report commonly consists of the original document with a series of amendments. When such a report is read for immediate consideration by the assembly, the member presenting it should read with each

amendment its coherence in the paper amended, and may as far as seems necessary explain the effect, and the purpose and reasons of the committee. The chairman of the assembly (or the secretary if so directed) then reads the entire paper to show its full purport and coherence; but where this appears unnecessary it may be dispensed with by general consent. The chairman next reads the document through by paragraphs, putting to vote first the amendments proposed by the committee, as they are reached, and then any other amendments that may be offered relating to the paragraph under consideration; and so to the end of the paper. These amendments, including those reported by the committee, are themselves open to amendment, and all are debatable; but debate may be limited by an order, or cut short by the Previous Question. Ordering the Previous Question would also cut off any amendments not already pending, — but not, of course, those reported from the committee, since these are already before the assembly. When the whole series of paragraphs or sections has thus been gone through, it is often advisable to give an opportunity for further amendment in any part, though a strict interpretation of the rules of procedure would not allow this and it cannot be claimed as a right. Finally, when all the amendments have been disposed of, the question is put on the adoption of the whole document as amended.

When the report of a committee consists of a draft of resolutions, or the like, originated by the committee itself, the procedure is as above, except that in this case there are no amendments from the committee, since the draft reported represents the final result of their deliberations. If a committee report a document referred to them without offering amendments, the procedure is the same. If a committee report adversely and without amendments on resolutions referred to them, the procedure

is similar, and the question should still be stated affirmatively: for example, "The committee having reported adversely, the question is, shall the resolutions be adopted?"

When a substitute for the document referred is reported, this is merely a wholesale form of amendment. Both papers should first be read entire. The original document is then to be read by sections, and any amendments to it put to vote; but no vote is to be taken on adopting it as a whole while the substitute is still pending. The substitute is next to be considered by sections and is open to amendment. The question is then put on amending the original document by accepting the substitute. If this prevails, the substitute wholly supersedes the original document and is put to vote in place of it on the question of final adoption; but if the substitute is rejected, the question is put on the final adoption of the original paper with the amendments agreed to when it was considered by sections. More or less of the above procedure may be dispensed with by general consent when it seems unnecessary.

In debate, the member who presents a report is entitled to be heard first on all questions relating to it. Other members of the committee are entitled to special courtesy and a certain degree of preference, but not to the extent of being allowed to monopolize the floor against those opposed to their views. In general, the assignment of the floor should be alternated between opposing parties, and this is the established practice in the House of Representatives. It is a breach of parliamentary courtesy to advert in debate to anything said or done in committee which is not embodied in the committee's report, or formally brought before the assembly as "the views of the minority" (Sec. 101).

106. Committee of the Whole.— This is simply the assembly itself acting as a committee. The chief end in view is greater freedom of debate; but

this mode of procedure may also serve to keep certain matters out of the minutes, and further enables an assembly to ascertain the prevailing sentiment on a question by a vote which is not a final decision.

The form of motion for this purpose is, "That the assembly do now resolve itself into a Committee of the Whole for the consideration of" — whatever it is desired to discuss. This is subject to the same rules as any other motion to commit, but is entitled to take precedence of a motion to refer the question to any other kind of committee. The Committee of the Whole may be instructed by the assembly in any manner, and is strictly bound by these instructions and by any rules or orders which the assembly may impose upon it. If the above motion prevails, the chairman of the assembly, after naming some member to act as chairman of the committee, vacates the chair and takes his place in the assembly. The member named thereupon seats himself at the table of the secretary (though in assemblies not very formally conducted he often occupies the desk of the regular chairman) and states the business before the committee.

If the member named by the chairman of the assembly to preside over the committee is not acceptable, the objection should be raised immediately when the appointment is made. The question as to whether the member named shall serve is then decided by vote; or the assembly may at once proceed to nominate and elect a chairman for the committee. It is very seldom that the nomination made by the chair is called in question; but undoubtedly the assembly has a right to determine who shall preside in Committee of the Whole, though the committee itself has no such authority. There has been some difference of opinion on these points, but the matter appears to be practically settled as stated.

Ordinarily the secretary of the assembly (or preferably his assistant, if he has one) makes memoranda of the proceedings in Committee of the Whole. These memoranda are merely for the use of the committee and its chairman, and never should be entered as part of the minutes of the assembly; for, as in the case of other committees, only the *report* can appear on the permanent record. If, by any chance, the committee should find itself without a secretary, its chairman should at once appoint a member to act in that capacity.

When the chairman of the Committee of the Whole has assumed the chair and stated the business in hand, the procedure is in most respects the same as in any other committee. It is not allowable to dismiss the question referred to the committee by the assembly, nor to defer its consideration, nor to substitute a different question, nor in any way to usurp the authority of the assembly or depart from its instructions. It is not permissible in Committee of the Whole to refer the question, or any part of it, to a sub-committee, nor to suspend the rules for any purpose. Neither is it in order to adjourn; but a motion to rise and report has the same privilege in Committee of the Whole as a motion to adjourn in the assembly proper,—that is, it is always in order after any progress in business, and it is not open to debate or amendment. It is not customary to order the *yeas* and *nays* in Committee of the Whole, and this mode of procedure is rarely needed, though not precluded by any principle of general parliamentary law if ordered by a majority.

Since the business of the committee is the consideration of the subject assigned to it and the preparation of a report, the motions chiefly employed are to adopt and to amend; but in general, it may be assumed that the committee has power to entertain any motion necessary for the proper carrying out of its instructions, subject to the limi-

tations stated above. It is not usual in Committee of the Whole to move the Previous Question as such; but a motion "to close debate" at the end of a stated period, which is closely equivalent, is now allowed in the House of Representatives. Though this is a departure from the extreme technicality of the older usage, there is no sound reason why the same simple and direct method should not be admitted in ordinary assemblies; and it naturally follows that it is competent for the committee, without rising, to regulate debate in other ways,—as by ordering that speeches shall be limited to five minutes each. To require the assembly, acting as a committee, to rise to ask instructions from itself, as an assembly, to enable it to regulate debate while in committee, and then to resolve itself into a committee again to resume its session under these instructions, is a mode of procedure too metaphysical for modern times and American practice.

In the absence of any special limitation imposed by the assembly in its instructions or by the committee itself, as above, any member may speak as often as he can get the floor, and the time-limit for particular speeches is the same as in the assembly proper unless special rules provide otherwise. If members become disorderly, the committee has no authority to discipline them; it can only report the matter to the assembly. If disorderly words are used in debate, they should be at once taken down (see Sec. 114) and reported. It is, of course, the right and the duty of the chairman of the committee to call members to order on occasion, and in general to use all ordinary methods (short of penalties) for maintaining order in the proceedings. If the disorder becomes serious and it is plain that it cannot be controlled in the committee, the presiding officer of the assembly should at once resume the chair and restore order; and so long as he holds

the chair the committee is suspended and the assembly in session. Ordinarily he again vacates the chair as soon as order is restored, and the committee thereupon resumes its session; but this is subject to the will of the assembly.

A quorum in Committee of the Whole is the same as in the assembly itself, unless otherwise ordered, — ordinarily, therefore, a majority of the members of the assembly. If at any point it appears that a quorum is not present, the committee must immediately rise and report the matter to the assembly; a count is then made (see Sec. 11), and if a quorum is found to be present the committee may resume its session; but, as above, this is subject to the will of the assembly.

When the Committee of the Whole is ready to render a report (complete or partial), its session is terminated by a motion "That the committee do now rise and report," the content of the report having been previously determined. As soon as this motion has been adopted, the chairman of the committee returns to his usual seat, and the presiding officer of the assembly resumes the chair. Usually the report is received at once; and it is presented by the chairman of the Committee of the Whole unless some other member has been specially designated for this duty, — the propriety of which is doubtful. If the report is not complete, the chairman may simply report "progress," or possibly "no progress," and may request that a time be appointed for the committee to resume its session; or he may, if so directed by the committee, request that the assembly give further instructions. When the report is thus before the assembly, a motion to accept it, or to adopt the resolutions reported, or to take any other appropriate action, is in order, and the procedure is in nearly all respects the same as in the case of other committees (see Secs. 103, 104). See also Code, Sec. 254.

107. Consideration as if in Committee.— It is sometimes convenient for an assembly, without resolving itself into a Committee of the Whole with the consequent change of presiding officer—often productive of much irregularity and disorder—to consider the question (whatever it is) “informally,” or to order “an informal vote” (by which is meant merely a *trial* vote, with no binding force) before proceeding to decisive action. Such procedure has received only occasional recognition in manuals of parliamentary law and is of somewhat doubtful standing; but it is similar to the practice in the United States Senate of considering certain questions “as if the Senate were in Committee of the Whole,” and the advantage of retaining in the chair the regular presiding officer is often considerable. There is no sufficient reason why such preliminary consideration should not be allowed in ordinary societies, though care must be exercised not to allow the proceedings to become disorderly.

The use, however, of the word “informal” in such a sense is inaccurate and misleading, and should be avoided. Indeed, the chief objection to this “informal procedure” (so called) is its tendency to become altogether *too* informal,—with consequent confusion in the minds of members as to the status of the question under consideration and the significance of any action taken. It should rather be termed “procedure as if in committee,” for this at once suggests its true character. Hence the proper form of motion for this purpose is, “That the assembly consider the question as if in committee before taking decisive action.” If this motion is decided in the affirmative, then the question so considered, when it is put to vote under this order, should be stated in a manner that cannot be misunderstood: for example, “The question is, will the assembly, acting as a committee, adopt the resolution?”

A motion to proceed as if in committee holds the same rank and is subject to nearly the same rules as a motion for the Committee of the Whole (see Sec. 106). The only essential difference is that the presiding officer does not call another member to the chair. The memoranda of the informal action do not go upon the minutes, the only thing recorded being the report, or statement of the result, by the presiding officer when the "consideration as if in committee" terminates. The freedom of debate is substantially the same as in Committee of the Whole; no subsidiary motion is admissible except to amend, and the putting to vote of any privileged motion would interrupt and immediately terminate the procedure. The assembly acting as if in committee cannot adjourn (for if such a motion is entertained this implies that the assembly as such is now acting), but the proceedings may at any time be terminated by a vote "to resume the regular order," — a motion to that effect having the same standing as a motion "to rise" in Committee of the Whole. When such a motion has been adopted, the chairman briefly states the result of the preliminary action and entertains any proper motion that may be offered in regard to the pending question, which is now before the assembly as such for authoritative action.

It must always be kept clearly in mind that no question is really decided by a preliminary vote taken as if in committee, or "informally." In order to reach a final decision a second vote must be taken after the assembly has resumed the regular order of procedure, even if it be to precisely the same effect; but the assembly is in no way bound by its own preliminary action and may reverse its decision on the final vote.

CHAPTER XIII

DEBATE

108. Debate in General. — The purpose of debate in a deliberative assembly is to enable its members, by comparison of opinions and the presentation of facts and arguments, to reach a better mutual understanding, and as far as possible to come into agreement, before deciding the question at issue by vote. The use of the privileges of debate for purposes of insult or recrimination is absolutely forbidden. It is not allowable to impute improper motives to other members, nor to express hostile feeling toward them personally. No language in any way disrespectful to the assembly or any of its members is permissible in debate; and this prohibition extends to the use of any language which is offensively rude or vulgar or profane. If a speaker is plainly offending in any of the above ways it is the duty of the presiding officer at once to call him to order; and it is the right of any member to interrupt the speech, saying, "Mr. Chairman, I call the gentleman to order." The speaker must then take his seat until it is decided whether or not he is out of order and whether he shall be allowed to continue his speech (see Secs. 78 and 114).

It is also a strict rule that no member in debate shall refer to another member *by name*, since such a practice tends to give the discussion an undesirably personal tone. Instead of saying (for example) "Mr. Smith," one speaker in referring to another should say, "the gentleman who has preceded me," or "one of the advocates (or opponents) of the

measure," or "the member who presented the report," or "the gentleman from Ohio," or something similar. . This rule, of course, does not preclude the chairman from using names in addressing particular members for any purpose, or in making appointments and the like; nor other members from the use of names in making nominations, proposing a vote of thanks or of censure, or upon any other necessary occasion. An officer should be designated by his official title (never by name). No member may be *directly addressed* by any other than the chairman; except that the chairman himself may be addressed by his usual title: To the novice these rules sometimes appear arbitrary and needless; but they are firmly established by the unvarying practice of all well-conducted assemblies for many centuries, and the restraint which they impose has often been found most salutary.

While a proposition is under consideration, it is not a breach of order to denounce it in plain and vigorous terms as unwise or even as dishonorable, provided the argument is held strictly to the nature and consequences of the proposed action and no aspersions are cast upon its advocates, — and this right is not impaired by the fact that the matter has been favorably reported from a committee; but when a measure has been finally adopted, it is no longer allowable to use disparaging language in referring to it, since such censure would reflect upon the assembly itself. The only exception to this is when it is proposed to *rescind* the objectionable measure (see Sec. 95), in which case a member may express his sentiments freely if he avoids personalities and discourteous language.

While a member is speaking it is the duty of the other members to maintain a respectful silence and to refrain from any demonstrations of impatience or disapproval; even applause (though commonly allowed) is not strictly in order, and should be

restrained by the presiding officer when it becomes excessive. A speaker is entitled to reasonable attention, and to read papers while he is speaking, or to indulge in any other manifestation of gross inattention, is an offense against parliamentary courtesy. No member should pass between the speaker and the chair; and members who have occasion to enter or leave the chamber must do so without making any unnecessary disturbance.

109. Relevancy in Debate.— Debate must be relevant to the pending question (see below). If, under color of debating the question then before the assembly, a speaker enters upon topics which manifestly have no bearing upon that question, it is the duty of the chairman to call him to order; and any member is privileged to interrupt the speech for the purpose of raising this point and demanding a ruling from the chair, proceeding in the manner described in Sec. 108. But a liberal construction should be given to this rule, and unless the irrelevancy of the remarks is very evident the speaker should by no means be interfered with. Matters which at first seem irrelevant may be found extremely pertinent as the speech progresses, and the right of the speaker to present his argument in his own way should be properly protected by the chairman.

It must be borne in mind that the pending question often changes while the main question remains the same. For example, when an amendment has been moved, while it is pending, debate on the main question is admissible only so far as it is necessarily involved in the question of the amendment. If, however, the amendment is of such a nature as to suppress or radically change the main question, the whole subject becomes thereby open to discussion during its pendency; and a motion to postpone indefinitely, to reconsider the main question, or to rescind or repeal, has the same effect.

The use of debate for other ends than its true purpose as defined in Sec. 108 — for example, the assumption of its forms and privileges to obstruct business, or to air private grievances, or to indulge in the love of publicity or in a superfluous display of oratory — is an abuse not sanctioned by any principles of parliamentary law, though to a certain extent tolerated in practice when no objection is raised (see Sec. 17).

110. Times of Speaking. — Under general parliamentary law, in the absence of any special rule or order on the subject, no member may speak in debate more than once on the same question, — except in Committee of the Whole (Sec. 106), where he may speak as often as he can obtain the floor. This, however, does not preclude a member from speaking again on the same or in part the same topic when some motion has been made which changes the pending question, technically considered, without materially changing the real issue before the assembly. Thus a member who has already spoken on the main question may speak again pending a motion to amend, to postpone indefinitely, or to reconsider, — though in the case of an amendment he must not take up matters beyond its proper scope. In regard to the length of speeches, general parliamentary law imposes no limit. Cases have occurred in which a speech was continued for many hours, or even through a succession of days, — the speaker yielding for adjournment and resuming the floor at the next meeting (see Sec. 112).

In ordinary assemblies, however, the above general rules are rarely found convenient, and it is usual to regulate these matters by special rules (sometimes embodied in a code or manual) adopted by each assembly according to its needs. For example, it is quite customary to have a rule allowing any member to speak twice on the same question; for, since debate on a given proposition is in most cases

mainly carried on by a few who are particularly interested or well informed, it is commonly advisable to permit a second speech to give an opportunity to answer objections. But under such a rule no member should be assigned the floor for a second speech in preference to a member who has not yet spoken on the question.

It has been found especially important to set a time-limit for speeches in debate. In the United States House of Representatives the limit is one hour, but for ordinary assemblies this allowance is much too large. A rule that works well in most assemblies is to allow any member to speak twice on the same question, with a time-limit of ten minutes for the first speech and of five minutes for the second (see Code, Sec. 207). Further, the assembly may at any time adopt an order limiting debate on any particular question in any way that may seem desirable; and for such an order only a majority vote is necessary (see Sec. 53).

Brief informal remarks or suggestions, not treated as amounting to debate, are sometimes permitted by the chairman and may facilitate the transaction of business — or they may impede and confuse it. They are not allowable if any member objects. It is also customary to allow a member, even though he has exhausted his right to speak in debate on the pending question, to “clear a matter of fact”; that is, to correct any serious misstatement either as to what he has said or otherwise. But this also appears to rest on general consent.

111. When Debate Closes. — The usual and accepted motion for closing debate is the Previous Question (see Secs. 46 to 52). It is also allowable to adopt an order setting a limit to debate in some other way; as by ordering that all debate upon a given question shall cease at a certain hour (see Sec. 53). The introduction of a motion of higher rank (e.g., a motion to table, while the main question

is under discussion) may suspend and, if adopted, suppress debate; but this effect is merely incident to its action.

If, without the adoption of any motion which directly or indirectly terminates debate, a point is reached where no member any longer demands the floor, the chairman then, as a matter of course, proceeds to put the question to vote. Even at this stage, and after the affirmative vote has actually been taken, provided the negative side of the question has not yet been put to the assembly, it is still permissible for a member to demand the floor for further debate. But as soon as the chairman has uttered the words, "As many as are opposed will say *no*" (or terms to that effect), all right to claim the floor for debate is ended, and the question can be brought back only by a motion to reconsider. If a question is first put to vote by acclamation (Sec. 119) and is then put to vote a second time to determine the result with more certainty (as when a division is called for), the fact that the negative was put to vote in the first instance precludes any renewal of debate while the second vote is in progress. And when the mode of voting is by taking the *yeas* and *nays* or by ballot, since in such procedure both sides of the question are necessarily put to vote together, debate is precluded as soon as any member has answered the roll or cast a ballot. Hence, to sum the matter up, debate cannot interrupt a division, a ballot, or the calling of the *yeas* and *nays*.

112. Yielding the Floor.—A member may, without forfeiting his right to continue his speech, yield the floor for a brief interval in order that a question addressed to himself may be asked by the member to whom he yields. He must yield to a question of order when it is raised against him, but if it is decided in his favor may resume his speech; if otherwise, he can continue speaking only by permission of the assembly, express or implied.

If interrupted by an objection to the consideration of the question, he may resume if it is decided to proceed with the question. When he yields the floor to a privileged motion (e.g., to adjourn) he may resume his speech when the question on which he was speaking recurs. But apart from the above special cases, to yield the floor on any pretext is to resign it altogether, and the assembly may proceed in exactly the same manner as when a speech is concluded in any other way.

In the United States House of Representatives a member who has obtained the floor for debate (and thereby gained control of an hour) may assign his time, or part of it, to other members. In legislative bodies this practice doubtless has its advantages; but in ordinary assemblies, especially where the member is not limited as to time, such procedure would lead to great confusion and is not allowable unless by special rule or general consent. Without a time-limit, it would very nearly amount to a transfer of the power of recognition and the control of business from the chairman to any member who at a given time held the floor.

It has sometimes been supposed that, because a member may correct misstatements (see page 137), he therefore has a right to interrupt another member's speech in order to make a correction or explanation. But this is a mistake; he must wait until the speech is concluded. And if the speaker, on being requested, yields the floor to another for an explanation, he surrenders it completely and cannot resume it in order to finish his argument.

113. Debatability of Motions. — In the discussion of the several motions it has already been stated which are debatable and in what degree; and by reference to the Table of Classified Motions (Sec. 200) the essential facts may be seen at a glance. Yet a brief summary may be found convenient in the present connection.

In general, motions of high rank are undebatable; for otherwise the very purpose of their high privilege might be frustrated, and they might easily be made an intolerable impediment to the transaction of business. If, for example, the motion to adjourn were debatable, an assembly might find itself unable to adjourn. But there are some important exceptions which must be carefully noted.

Of the Privileged Motions, only QUESTIONS OF PRIVILEGE (Sec. 75) are debatable.

Of the Incidental Motions, only APPEALS (Sec. 79) are debatable.

Of the Subsidiary Motions, three are undebatable (viz., Objection to the Consideration of a Question, to Lay on the Table; and the Previous Question), and these also take precedence in rank. The other subsidiaries are all debatable in some degree. Motions to POSTPONE TO A CERTAIN DAY, to COMMIT or to RECOMMIT, to AMEND AN AMENDMENT, and ordinary AMENDMENTS OF THE MAIN QUESTION, are debatable simply in themselves, and do not permit discussion of the Main Question except so far as it is necessarily involved in the pending motion. But AMENDMENTS DISPOSING OF THE MAIN QUESTION and motions to POSTPONE INDEFINITELY are not only debatable in themselves but open to free discussion the whole question to which they relate. An amendment applied to an undebatable question is, of course, undebatable.

Of the Supplementary Motions, two are undebatable (viz., to Take from the Table, and to Reconsider an Undebatable Question). The motion to DISCHARGE A COMMITTEE is debatable in itself, but does not permit discussion of the subject referred to the committee except so far as it is necessarily involved in the motion to discharge. Motions to RECONSIDER A DEBATABLE QUESTION and motions to RESCIND or REPEAL are not

only in themselves debatable but open to free discussion the questions to which they apply.

The fact that a motion is undebatable does not entirely preclude brief informal suggestions or statements not regarded as amounting to debate; but these are subject to the discretion of the chair, and are not allowable if any member objects (see also Sec. 110).

The rules by which the chairman should be guided in assigning the floor are given in Sec. 24.

CHAPTER XIV

MEASURES OF DISCIPLINE

114. Disorderly Words.—The subject of decorum in debate has already been treated, in part, in Sec. 108. It remains to discuss the procedure in the special case of disorderly words.

This offense may be committed, not only by language used in debate, but also by words used in making a motion or a report. If a member in addressing the assembly in any way makes use of language personally offensive to another or insulting to the assembly itself, and the member offended or any other sees fit to object and call the offender to account, the manner of proceeding is as follows:

The member using the offensive language is immediately interrupted in his speech, some member (or several) rising and calling him to order. The offending member must at once resume his seat, and the member who has raised the objection is requested by the presiding officer to state the words to which he objects (which he should write down without delay), repeating them exactly as he believes them to have been spoken. The chairman may then direct the secretary to take down the words as stated by the objector, in order that they may become the basis of further action; but if he sees the objection to be trivial or unfounded he will first state that in his opinion there has been no breach of order, — from which ruling an appeal may be taken (Sec. 79), and if the decision of the chair is not sustained, the words as stated must be taken down by the secretary and thereby become a part of the minutes.

The words thus written down are then to be read to the member who is accused of using them. If he denies that those are the words which he used, the assembly must decide by vote whether they are the words or not; and if the words, as written down, appear to be incorrect, they may be amended so as to conform to what the assembly thinks to be the truth. If he does not deny that he spoke the words in question, or when the words used have been determined by vote, the accused member may justify them, explaining the sense in which he used them so as to remove the objection or mitigate the offense; or he may make an apology for them.

If the explanation or apology is considered sufficient, the usual motion is that the member be allowed "to proceed in order"; and if this is adopted he may resume his speech, and the episode is ended. But if the answer or excuse is not satisfactory and any of the members feel that further action ought to be taken, it is in order to move that the offending member be censured by vote of the assembly, or publicly reprimanded by the chairman, or required to make an adequate apology, or otherwise subjected to punishment. When this point is reached, the member guilty of the offense must immediately withdraw from the assembly and remain absent until the question of discipline has been decided. If he does not retire voluntarily he may be required to do so (cf. Sec. 9). In no case, after presenting his explanation or defense, is he permitted to speak or vote or in any way take part in the action of the assembly in dealing with his offense. See also Sec. 78.

According to modern practice disorderly words should be objected to at the time when they are spoken, not afterwards. If the member using them is allowed to continue and complete his speech without interruption, then (and according to all

authorities after any progress in business or debate) it is too late to raise this question.

115. As to Penalties. — The power of an ordinary assembly to impose penalties is strictly limited; in general, it does not extend beyond exclusion from the privileges of membership, or part of them, either permanently or for a time. Expulsion is therefore the utmost penalty which can be imposed. Suspension is simply a modification of this, implying reinstatement after a prescribed period or when certain conditions have been complied with. Most other forms of punishment — such as fines, apologies, reprimands — must in a sense be voluntarily submitted to, on pain of expulsion; for if a member refuses to pay a fine, or to make an apology, or to present himself for a reprimand, he may be expelled for his contumacy but cannot be compelled to submit to the specific penalty.

For serious neglect of duty or other offenses officers of the assembly may be censured, and they may be removed from office. For any misconduct which relates to the assembly, or reflects upon it, a member may be censured and the vote of censure entered upon the minutes; but to give out for *publication* resolutions of censure, charges, reprimands, and the like, might in some cases involve risk of an action at law for libel. Such a step, therefore, should rarely be taken, and only with legal advice; but the mere fact (without charges or reasons) that a member has been suspended or expelled may be made public without risk, and publicity to this extent is sometimes necessary for the protection of the assembly.

A member who has been ordered to withdraw (or any intruder) may in extreme cases, if he refuses to obey, be removed from the assembly by the use of such force as is absolutely necessary; and members detailed by the chairman for this purpose have (so far as relates to the performance of this act)

the same rights and responsibilities as policemen performing a similar service. They are personally responsible for any excessive harshness or needless violence, and should proceed with the greatest caution, — especially as the laws vary somewhat in different States and the temper of juries is uncertain. Apart from cases of this nature, the use of force in maintaining discipline is absolutely forbidden in ordinary assemblies, and the imposition of any kind of physical punishment or physical restraint as a penalty for misconduct is out of the question.

116. Trial of Members. — The mode of procedure in cases of indecorum and offenses committed in the presence of the assembly has been discussed in Sec. 114. Quite apart from such cases, every society or similar organization has the right to insist upon a certain standard of character and conduct in its members, and to determine for itself what, and how rigid, this standard shall be. Thus a club may expel a member for "conduct unbecoming in a member of this fraternity"; a religious association may impose discipline for immorality of life, scandalous levity of behavior, or heretical opinions. Any course of conduct regarded as discreditable to the organization or contrary to its principles may be taken up; and although the proceedings may become regrettably inquisitorial, and may even prove more damaging to the association than the conduct which gives rise to them, the right is unquestioned. The caution against undue publicity given in Sec. 115 is here important, and in delicate cases legal advice may be desirable.

When serious questions of misconduct and discipline arise, it is usual first to refer the matter to a committee for investigation — often to a standing committee on discipline. This committee may personally examine the accused and hear his defense, summon witnesses, and in general act as a trial commission if so instructed. Due notice, in writing,

should always be given, and a written statement of the charges furnished. Legal counsel may be allowed, but ordinarily those who act as counsel must be members of the association in good standing. Of course, if the defendant refuses to appear when summoned, the committee cannot compel his presence, but may report his conduct to the assembly with a recommendation (for example) that he be expelled for contumacy. In any case, the report of the committee should either consist of a statement that they find no cause for action, or that they have been impeded in the discharge of their duty and are unable to reach a satisfactory conclusion, or the like; or it should close with a resolution embodying the action which they think ought to be taken. The assembly may then proceed in the manner described in Sec. 104. In all cases of discipline (unless the conditions are altogether exceptional) the accused must be given an opportunity to reply to the charges, either before the committee, or the assembly, or both.

Instead of proceeding as above, the assembly itself may conduct a more or less formal trial, citing the offender before it and examining witnesses in much the same manner as an investigating committee; but in a large assembly such a mode of procedure is rarely advisable. When it is adopted a special date should be set for the trial and due notice given; and members should commonly be appointed to conduct the case. Although the evidence on which action is based need not conform to the strict rules of the courts of law — evidence which produces moral conviction in the mind of the voter being sufficient — excessive looseness of procedure should not be tolerated, as it may result in great injustice.

It is quite customary to adopt a rule declaring that no member shall be expelled by less than a two-thirds vote; and the rights of accused members

are sometimes safeguarded by other special provisions. The two-thirds rule is in most cases very desirable, and in a permanent society should be included in its constitution; but it is not to be regarded as part of general parliamentary law.

CHAPTER XV

VOTING

117. When a Question Comes to Vote. — When debate is exhausted (Sec. 111), or is precluded by the rules of practice or by an order of the assembly such as the Previous Question, the chairman at once puts to vote the pending question as a matter of course. The question about to be put to vote must always be clearly stated to the assembly (Sec. 30), and this is true no matter how many times it may have been stated previously in preliminary proceedings. It is not necessary, however, to re-read a long document, such as a report or a series of resolutions, unless the reading is demanded, and the demand supported by the sentiment — or, if question is made, by the vote — of the assembly (Sec. 80). Ordinarily it is enough to say, "The question is on the acceptance of the report" (or "on the adoption of the resolutions," or the like), when the matter is perfectly understood by all present. After the statement and before the actual taking of the vote, the chairman, addressing the whole assembly and not particular members, should inquire, "Are you ready?" This should be done even when debate is precluded, to give opportunity for the raising of any legitimate question. For the proper course when members abuse their privileges and become wilfully obstructive, see Sec. 17. It should never be forgotten that the right of the assembly as a whole to take final action when it so desires is paramount.

After the question immediately pending has been

decided, if other questions are still pending, the chairman proceeds with them in a similar manner, — allowing, of course, such debate and other procedure as may be in order.

In matters of ordinary routine, such as the question on receiving a report or accepting it when received, the chairman, to expedite business, may sometimes assume that the necessary motion has been made, and put the question at once to vote; but this is not allowable if any member objects. Or, in the case of a very obvious and necessary motion, he may even assume its adoption without a formal vote, — saying, for example, “If there is no objection, the report will be received”; but such procedure requires unanimous consent and is void if objected to. The objection, however, must be raised immediately, and is not in order after any progress in business or debate. In assemblies not very formally conducted, adjournment is sometimes declared in this manner when the business of the meeting is obviously completed; but a chairman has no power to adjourn an assembly without its consent.

In general, when a question is put to vote, it is the duty of every member who is present to vote upon it; but an ordinary assembly has no power to compel a member to vote and should not attempt it.

“Pairing votes”—that is, an agreement with a member of the opposite party that, for mutual convenience, neither of the members who are thus paired shall vote on certain questions in the absence of the other during a specified time—is a rare, though allowable, arrangement in ordinary assemblies, but is much practiced in legislative bodies.

Voting by proxy is not authorized by general parliamentary law, and should be allowed only when it has the sanction of a special rule, or of well established custom, or of the legal provisions under which the assembly is organized.

118. Majority Vote. — Strictly speaking, according to general parliamentary law and in the absence of a special code or rule, all questions (except where unanimous consent is necessary) are to be decided by a majority vote. It is, however, quite customary to have rules requiring a two-thirds vote in certain cases (see Table of Classified Questions, Sec. 200): as, Suspension of the Rules (Sec. 82), or a Special Order (Sec. 83), or Objection to Consideration (Sec. 42), or for amendment of the Constitution or By-laws (Sec. 131). Or a different fraction may be prescribed by special rule for certain purposes: as where the concurrence of three-fourths is required for amendment of the constitution; or where one-fifth are given power to demand the *yays* and *nays*, as in Congress and legislative bodies generally. But such rules, though sometimes desirable, form no part of general parliamentary law; and they should be imposed only to a very limited extent and for important reasons, since their tendency is to disturb the natural balance of power by a purely artificial interference. The rights of the minority (as of individual members) should be duly protected; but rules giving a minority practical control of the assembly, in cases where essential rights are not in question, is contrary to fundamental principles.

A majority, as the term is used in parliamentary law, is any number of votes greater than half the total vote on any question. A quorum must be in attendance when the vote is taken, but it is not required (unless by a special rule) that a quorum actually participate in the vote (see Sec. 10). For example, in an assembly consisting of twenty members, eleven being present and five voting, three is a majority and sufficient to adopt a motion — though, of course, a division may be demanded (Sec. 120), and when the question is put a second time and a larger number vote, the result may be

reversed. Even a single vote may constitute a majority if no one votes to the contrary, and routine motions of small interest are often adopted in this way. But for the adoption of any motion there must be an actual majority of the total vote as rendered, however small. When the vote is a tie (i.e., equally divided) the pending motion fails, unless the chairman gives the casting vote in its favor (see Sec. 15). In the case of an appeal (Sec. 79) a tie vote is always interpreted as sustaining the chair, on the ground that his decision can be overruled only by a majority; and this is correct, for an appeal, in whatever terms the question may be stated, is in fact a proposition to overrule the chair.

In legislative bodies it is sometimes a provision of their fundamental law that certain propositions shall require the sanction of a majority of the entire membership — not a majority of those voting merely. In ordinary assemblies such a rule might be useful in some cases, but it must be specifically enacted and its application defined.

A plurality is a vote for a given proposition greater than that for any alternative proposition, but not amounting to a majority of the total vote; it can arise only when several propositions are before the assembly at the same time, — as in an election where several candidates are nominated. In parliamentary practice (unlike popular elections) a plurality is without effect; it decides no question and elects no candidate (see Sec. 126). Of course a special rule may be adopted to meet certain cases, and such a rule is sometimes desirable (see Code, Sec. 210, *Rule A*).

119. Voting by Ayes and Noes. — The most common mode of putting a question to vote is by *ayes* and *noes* (sometimes, less accurately but conveniently, called *acclamation*). This method must be carefully distinguished from voting by *yeas* and *nays* (Sec. 122), which is a very different procedure.

In voting by *ayes* and *noes*, the question having been clearly stated (Sec. 117), the chairman puts it to vote in the following or equivalent words: "As many as favor the motion will say *aye*" — and when the affirmative voice has been heard, "As many as are opposed will say *no*"; or more briefly, "Those in favor will say *aye*" — and then, "Those opposed will say *no*." The words used by the chairman may vary a little according to local usage; for example, it is a correct form to say, "As many as are of the opinion that" etc. — and then, "As many as are of a different opinion" (or, "of the contrary opinion") etc. But in all cases the words used to express the vote must be *aye* and *no*; to say (as an inexperienced presiding officer sometimes will), "Those opposed will manifest it by the same sign" (i.e., *aye*), is an unwarranted and objectionable practice, tending to confusion. *Aye* and *no* are perfectly distinctive and cannot be misunderstood.

When the vote has been thus taken, the chairman decides by ear which side has "the more voices"; and this he determines mainly by the volume of sound, but should endeavor to distinguish between the actual preponderance of voices and the mere vociferousness of a few. He then announces that "the *ayes* have it," or that the "*noes* have it" (or that the motion is *carried*, or *lost*), as the case may be. If he is doubtful he may put the question a second time; and if he is still unable to decide, or if his decision is called in question by any member, he must then put the question to vote in such a manner that a count may be had. This procedure is called "a division of the assembly," and is described in the following sections.

. 120. **Division by a Rising Vote.** — The mode of voting called "division of the assembly" (or simply "a division") must not be confounded with a demand or motion for "a division of the question" (Sec. 69), with which it has nothing to do.

When there is any question as to the correctness of the decision of the chair on a vote by *ayes* and *noes*, or when for any reason an accurate count is desired, any member may rise in his place and say, "Mr. Chairman, I doubt the vote," or "I call for a division." On such a demand (sometimes made less formally by cries of "doubted" or "division") the chairman must at once order a division of the assembly on the pending question; he has no option in the matter. (See also minutes on page 246.)

The essential point in a division is that the votes shall be counted; the method to be used is commonly determined by custom or consent, but may be prescribed by a special rule or order. In ordinary assemblies the usual mode of procedure is a rising vote. In this case the chairman first puts the affirmative by saying, "Those in favor (of the pending proposition, whatever it is) will rise and remain standing until counted." Commonly the chairman himself makes the count, but tellers may be appointed, — and in the choice of tellers both sides should be represented. In very large assemblies tellers are sometimes appointed for different sections of the hall. In whatever way the count is made, the number counted should be stated while the members are still standing, in order that any error may be at once detected and corrected. The chairman then directs that those who have voted resume their seats, and takes the negative vote in the same manner; he then announces the result by saying (for example), "Twenty votes having been counted in the affirmative and thirty-four in the negative, the motion is lost."

While a division is in progress debate cannot be resumed; it is not in order to move to adjourn, nor to make any other subsidiary or privileged motion — except that a Question of Privilege may be raised if of a very urgent character, as when an assembly is put in sudden danger by a fire. If questions of

order arise during a division, they must be summarily decided by the chair without debate or appeal; but an erroneous decision may be called up and corrected by the assembly as soon as the division is completed and before the result of the vote is finally declared. A member may, if he so desires, change his vote after the division is finished, provided he does so before the final decision of the question has been announced.

121. Other Modes of Division.— Many other methods of securing an accurate count are more or less in use. Those voting in the affirmative are sometimes directed to proceed to one side of the hall (e.g., to that on the right of the chairman) and those voting in the negative to the opposite side; and when thus separated into groups they are counted by tellers. This, doubtless, was the original mode of "dividing the assembly." Or the voters may go into certain rooms adjoining the assembly chamber, to be counted as they come out. This method is used in the English House of Commons.

In the United States House of Representatives, two tellers, appointed by the chair, stand facing each other in the open space before the desk of the presiding officer. Those voting in the affirmative then proceed in file between the tellers (moving toward the rear of the hall) and are counted as they pass—the number being announced as soon as all have passed; after which the negative vote is counted in the same manner. This method might be used with advantage in almost any large assembly.

Still another mode of voting by which a count may be obtained is by "a show of hands." In this case the chairman first directs all who are in favor of the pending motion to "manifest it by holding up the right hand"; he then counts the hands and states the number. He next calls upon all who are opposed to "manifest it by the same sign" (for here

this expression is proper), and when the count is complete declares the result of the vote. This method is especially convenient in a meeting held out of doors, where a rising vote is impracticable because the voters are already standing; provided that the assembly is not so large as to make a count of hands too difficult.

When a division is made by any of the foregoing methods, or in any similar way, only the number of votes on each side should be entered on the minutes; the names of the voters (according to American practice) should not be recorded, since the sole purpose is to secure a correct count.

122. Voting by Yeas and Nays.— When it is desired, not merely to obtain an exact count of the votes on each side, but also to record the vote of each member, the proper method is to take the vote by calling the *yeas* and *nays*. The name of this procedure has become purely conventional, since the words *yea* and *nay* are no longer used in responding to the roll. The proper responses are *aye* and *no*; sometimes *yes* and *no* are used, but there is no good reason for departing from the usual terms of voting.

In Congress, and in legislative bodies generally, a vote must be taken by *yeas* and *nays* on demand of one-fifth of the members; but in ordinary societies, unless a special rule has been adopted, this method of voting is used only when ordered by a majority on a motion to that effect. Such a motion is incidental, being a motion to determine the mode of procedure (Sec. 84). It is undebatable and not amenable to amendment or other subsidiary motions. A vote upon it may be reconsidered, but not after the calling of the roll has begun. This, of course, has nothing to do with any subsequent motion to reconsider the action to determine which the *yeas* and *nays* were ordered (see Sec. 90).

When the *yeas* and *nays* have been ordered, the

question is put in the following or equivalent terms: "Those in favor of (whatever the pending proposition may be) will, when their names are called, answer *aye*; those opposed will answer *no*." Thus both sides of the question are put to vote at the same time; and after the calling of the roll has begun, it is not in order to resume debate, nor to move an adjournment, nor in any other way to interrupt the call unless on the most urgent occasion (see page 153). A member may, however, change his vote after the calling of the roll is finished and before the final decision of the question is announced. If a member is "paired" with another (Sec. 117), he announces the fact when his name is called and is excused from voting. In the House of Representatives and other legislative bodies, pairs are announced after the call; but in ordinary assemblies it is commonly better to have the fact stated at once, as above.

The roll is called by the secretary, who should have ready an alphabetical list of the members, arranged in column; he may then record each affirmative vote by a mark at the left of the voter's name and each negative vote by a mark on the right. In a large assembly, if this method of voting is often used, it is most convenient to have a printed list followed by two columns, one for *yeas* and the other for *nays*. The first affirmative vote is then noted by writing the figure "1" in the appropriate column opposite the voter's name, the second by writing the figure "2," and so on, so that the last figure written in that column expresses the total of the affirmative vote; and the negative votes are entered in the same way in the negative column. The fact that a member did not vote may be indicated by crossing off his name (or, preferably, in the manner exhibited in Sec. 259). The above method enables the secretary to announce the totals as soon as the calling of the roll is completed, and

where the list is long the saving of time is considerable; a beginner, however, is liable to become confused and make mistakes.

Immediately after the calling of the roll it is usual for the secretary to read the list with the vote of each member as he has taken it down, so that any errors may be corrected; and this is the proper time for a member to change his vote, if he so desires. Such recapitulation of the vote may be dispensed with by unanimous consent, but must be made on demand of any member.

When a vote has been taken by *y*eas and *n*ays, the name of each member voting, with his vote, must be entered on the minutes. In making such a record it is customary to separate the names into groups, giving first a list of those who voted in the affirmative, then of those who voted in the negative, and finally of those who did not vote if these are to be recorded. Each list should be followed by an entry of its total, and the whole should close with a distinct statement of the result of the vote,—as, “The question was therefore decided in the negative.” (See Supplement, page 248.) The list of those not voting is commonly omitted in assemblies in which little importance attaches to it,—as in a society of large membership and limited attendance. Indeed, in such a case the *y*eas and *n*ays would not often be needed, yet might be of use to indicate to absent members the high standing (or otherwise) of the members responsible for the action taken. In general, voting by *y*eas and *n*ays is rarely resorted to, except in legislative bodies and other assemblies made up of members strictly responsible to constituents.

123. Ordering a Ballot.—When it is desired to secure an accurate count, and at the same time to enable each member to keep secret his vote, the proper mode of voting is by ballot. This is also the most appropriate method (even apart from

considerations of secrecy) when several alternative propositions are before the assembly at the same time, and especially for elections. For this last purpose it should always be used when the candidates are numerous or where there is a serious issue; indeed, in many societies a ballot is prescribed for all elections by a special rule. In the absence of such a rule, however, a ballot (if not simply agreed upon by general consent) must be ordered by vote of the assembly. A motion to this effect is incidental (see Sec. 84) and is undebatable; it may be amended by special directions as to how the balloting shall be conducted (or such directions may be moved independently after the ballot is ordered, before the actual balloting is begun), but it is not amenable to any other subsidiary motions. Such an order may be reconsidered, but not after the balloting has begun; and while the balloting is in progress it must not be interrupted by debate, nor by any motions except on Questions of Privilege of a very urgent nature (cf. Sec. 120). If questions of order arise they must be decided by the chair without debate or appeal, though errors may be corrected after the ballot has been taken.

When a ballot is to be taken for the election of officers or the like, nominations are in order (Secs. 5 and 58) unless the assembly has voted to proceed without nominations. There is no fixed limit to the number of nominations which may be offered; but after a proper interval the assembly may vote to close nominations, and a motion to this effect must be decided without debate or amendment. More often the matter is settled by general consent. Nomination, however, is in no way essential; any member who is eligible may be voted for and elected, — for a nomination is merely a suggestion (not a true motion) and for this reason does not require to be seconded.

124. Taking a Ballot. — When a ballot is about

to be taken, two or more tellers are appointed, — usually by the chair, though they may be elected; they should commonly represent different parties or opinions. The tellers (ordinarily) then distribute slips of paper among the members, and the chairman, having stated the question, directs the voters to prepare their ballots. In the case of an election this is done by writing the name of the candidate favored upon the slip, — which should be folded at least once, so that the name may not be visible. If the question is one which may be answered simply by *yes* or *no* (as when some person has been proposed for membership) these terms are used; or white and black balls, or white balls and black cubes, may be provided, the white signifying *yes* and the black *no*. This, of course, is to insure secrecy, since the handwriting of the voter may betray his identity (for which reason, also, ballots should never be left open to general inspection after the count); but when slips of paper are made use of, the same result may be secured by directing that the ballots be marked with a cross for *yes* or a small circle (i.e., the sign zero) for *no*. In all cases the chairman should state in what manner the ballots are to be prepared or used.

The chairman (having first asked, "Are you ready?") then directs the members to cast their ballots, stating the method to be used. For example, the members may proceed in file before the tellers, each delivering his ballot as he passes, the tellers depositing the ballots in the box; or the members may themselves drop their ballots in the box in the presence of the tellers. After a ballot has been deposited it cannot be withdrawn or changed. In small and informally conducted assemblies, the ballot box (often merely a hat) is sometimes carried through the assembly and presented to each member by the tellers, the voters remaining seated; but this is a very loose method.

The tellers, the chairman, and other officers (if they are members of the assembly) are entitled to vote, but must exercise this right before the ballot is closed. When a member offers his ballot his right to vote may be challenged, and the question must be decided by the chair without debate or appeal; but an erroneous decision may be taken up and corrected by the assembly when the balloting is finished, and this may make necessary a repetition of the ballot, the first being made void by the admission of one or more unauthorized votes. It is in no case allowable to demand of a member how he voted. The candidates are entitled to vote with the rest (for otherwise a considerable number of voters might be excluded by nomination); and it is much more fitting that each candidate, if willing to be elected, should vote for himself along with his supporters, than that he should cast an insincere and unrecognized vote of courtesy for some other candidate, — which tends to vitiate the result. This is especially important where parties are strongly marked and closely balanced; for then the question is not merely personal, and the candidate has a duty to his supporters which he should not sacrifice to an empty formality quite likely to be disregarded by others.

It is allowable to fill several positions by a single vote (for example, to elect all the members of a committee at once), each voter writing upon his ballot the names of the candidates of his choice up to the requisite number. Such procedure, however, may result in much confusion, unless there is provision for *election by the highest number of votes when more candidates than the number requisite to fill all the places in question have received each a majority*; for such a contingency is quite possible.

NOTE: — To the inexperienced the above statement may seem surprising, but such a complication is not unlikely. To take a very simple example,

suppose a committee of seven in which it is proposed to elect by one ballot a sub-committee of two. In such a case four votes are a majority. Three candidates, A, B, and C, are nominated, and the ballots cast are as follows: A B, A B, A C, A C, B C, B C, B C, — four votes for A, five for B, and five for C. Each of the three candidates, therefore, has received a majority, though only two can be elected; and with larger numbers the possible complication becomes greater. On the other hand, when the number of candidates is considerably in excess of the number of places to be filled it may happen that *none* will obtain a majority. Both these contingencies are provided for by *Rule A*, appended to Sec. 210 of the Code. (See also page 247.)

125. Counting a Ballot. — When all the authorized voters have been given an opportunity to vote, the chairman declares the ballot closed. The tellers then proceed to “canvass the ballot,” that is, to examine and count the votes. Before this is begun it may be moved (on proper occasion, as when members entitled to vote have just entered) to reopen the ballot; and such a motion must be decided without debate or appeal. In some assemblies, however, by special rule, members who were not present when the question was finally stated are not allowed to vote.

In canvassing the ballot, the tellers should ascertain and report to the chairman, in writing, the following facts — which are always to be entered on the minutes:

- (1) *The total number of votes* (no blanks being counted).
- (2) *The number necessary to elect* (i.e., a majority of the total vote, as above).
- (3) *The number of votes cast for each candidate.*

Blanks are simply cast out; they are not to be regarded as true ballots, and must neither be counted in figuring the total nor reported as part of the vote.

A ballot is to be treated as a blank whenever it does not make plain the choice of the voter or is irrelevant to the question; for example, when it is wholly illegible, or is cast for some person manifestly ineligible, or when more than one name is written upon it (or more names than are requisite to fill the positions in question, if several are voted upon at once). But when the choice of the voter is plain and permissible, the tellers must not be too technical as to correctness of form in a ballot; and when they are in doubt, or divided in opinion, they should report the matter for decision by the chair, subject to correction by the assembly.

126. Result of a Ballot. — When the tellers have delivered to the chairman their report of the result of the ballot, he reads it to the assembly, and if any candidate has received a majority of the total vote declares him elected. But since a mere plurality decides nothing (see Sec. 118), the first ballot often fails to elect; in which case the chairman (or if question is made, the assembly) orders a second ballot, and if this also fails, a third — and so on until a decision is reached. This may even continue through a series of days or weeks, the assembly adjourning from time to time; there is, in fact, no limit to the number of ballots that may be taken under these conditions, if the voters are persistent in adhering to their choice. Such a situation is commonly called a deadlock.

127. Modifications of Balloting. — The state of paralysis described at the end of the last section as the not infrequent result of indecisive balloting is so unfortunate and humiliating that various remedies have been suggested; none, however, has proved very satisfactory, and none has met general acceptance. The rules of general parliamentary law on the subject remain unchanged.

It is sometimes proposed, after a certain number of ballotings, to limit subsequent ballotings to the

two or three candidates who have received the largest number of votes, treating as blanks all ballots cast for others. Such an order is futile; if adopted it cannot be enforced. An assembly exceeds its authority when it attempts to prohibit members from voting for the candidates of their choice, and if they continue to vote for the same or any other candidates who are eligible, the tellers must count their ballots; thus the deadlock remains unbroken.

A more effective remedy — though this also is of doubtful validity — is to adopt a rule that in certain cases a plurality shall be sufficient to elect. This is against the whole trend of parliamentary practice; and an officer thus elected by a minority might find himself quite helpless in the hands of a hostile majority. Yet a prolonged deadlock may prove utterly destructive to an assembly not organized under legal provisions, and perhaps the best solution for an ordinary society would be the adoption beforehand of the following or some similar rule:

“When, in an election by ballot, two ballotings have failed to give a majority to any candidate, on the third (or any subsequent) ballot the candidate receiving the largest number of votes shall be declared elected.” (See Code, Sec. 210, *Rule A.*)

Another case in which the delay incident to regular balloting is sometimes avoided by an expedient of questionable validity, is when there is but one nomination and (the rules requiring a ballot) it is moved, “That the secretary be instructed to cast one ballot for the nominee.” This motion having been adopted by unanimous consent, the secretary complies (writing upon a slip of paper, “For President, Mr. A,” or the like) and reports that “One ballot has been cast for Mr. A, and none for any other candidate.” Mr. A is then declared elected. This procedure, though evasive, is often convenient; it may be allowed *if no one objects*, but not otherwise.

After the election of a candidate, perhaps by a bare majority, it is sometimes moved "To make the vote unanimous." Such a motion is out of order if any member objects, and is defeated by a single negative vote.

128. Another Mode of Election. — Another mode of conducting an election, serving much the same purpose as a ballot, but without secrecy and somewhat resembling the taking of the *yeas* and *nays*, is by what is sometimes called a *viva voce* vote — i.e., a vote *by word of mouth*. In such a case it is ordered by vote of the assembly, "That the assembly do now proceed to the election of (whatever officer is to be chosen); that the roll of members be called by the secretary, and that each member, as his name is called, rise in his place and openly name his choice."

By this method the names of the members voting for each candidate are entered on the minutes. A majority of the total vote is necessary for an election, and the liability to a deadlock is no less than in voting by ballot. In the New York State Assembly in 1863, after twenty days spent in a vain effort to elect a Speaker by this method, an election was finally reached on the ninety-third vote; but in this case the chief difficulty lay in a persistent tie.

CHAPTER XVI

MISCELLANEOUS

129. Sessions and Meetings.—The word “session” is unfortunately somewhat ambiguous. It is often used, rather loosely, to signify the meeting held on a given day—as “Monday’s session,” or “Friday’s session”—especially in bodies that sit daily for long periods. This, though legitimate, is quite different from the more technical use of the term in parliamentary manuals; and the two meanings must not be confused. A session, in the stricter sense, is a series of meetings closely connected with each other by continuity of business and the continuance of the same organization of the assembly, with adjournments from day to day or for longer periods, and finally terminated by an adjournment *sine die* (that is, *without day*). When an assembly is reconstituted and officially reorganized (as when, in a representative body, the term of its members or of some considerable part of them expires and others take their places and elect new officers), a new session begins, though the name and purpose and fundamental law of the assembly remain the same. Strictly speaking, unfinished business cannot pass over from one session to another, although this is sometimes allowed under certain limitations defined by a standing rule. A proposition which has been decided in the negative, or indefinitely postponed, or otherwise finally disposed of (as by striking out the enacting clause), cannot be moved again during the same session; but in a subsequent session a new motion to the

same effect may be made. It must be admitted, however, that this rule is easily evaded in cases of any stress, since by a slight change of form the defeated proposition may become technically a new one. As to officers the practice varies, and legislative bodies have their own rules and distinctions; but in general, the officers of the previous session can only act until the new session is organized. In strictness their duties terminate with the close of the session at which they were chosen; but this may be modified by election for a definite term of office or by other special provisions, and in permanent societies it is often advisable to have a rule that all officers shall continue to act until their successors are elected.

In legislative bodies sessions are strictly defined, and everything relating to them is determined by rule; and in conventions and the like the session is a perfectly definite matter. In ordinary societies the term often has no proper application and no definite meaning. It is an error (though a common one) to say that in such societies each meeting constitutes a separate session; for business almost necessarily continues from meeting to meeting, and at each meeting the minutes of the previous meeting are read, — which is not the case when a meeting begins a new session. The inconvenience of letting all unfinished business fall to the ground and of allowing questions decided at the last meeting to be reopened would be extreme; yet this is implied in such a statement if the words have any meaning. Even when (for example) a board of trustees meets but once a year, committees previously appointed may report, and the business is more or less continuous with that of the previous year. It is much nearer the truth to say that a permanent society, in the absence of special rules, continues its session for an indefinite period; but such a distinction is idle, and the term should not

be used unless there is a rule defining it. In school and college societies it is commonly convenient to have a rule making the sessions coextensive with the terms, and to elect officers at the first meeting of each session.

The following distinctions may be noted:

A session is terminated (properly speaking) by an adjournment without day. The assembly does not convene again pursuant to adjournment, but in pursuance of a call issued by the proper authority or in accordance with its fundamental law. A meeting is terminated by an ordinary adjournment, the time for reassembling having been previously determined by vote or by a standing rule.

When a meeting begins, the minutes of the previous meeting are commonly read for approval. At the last meeting of a session the minutes are read just before adjournment; and at the first meeting of a subsequent session no minutes (ordinarily) are read.

A recess does not terminate a meeting: when the members reassemble, the business in hand is continued as if there had been no interruption, and the minutes are not read; but when an assembly meets again after adjournment it should proceed according to the order of business, general or special, beginning with the minutes. If a meeting is adjourned to a near date simply for the purpose of completing the business then in hand, the proper procedure is to make this business a Special Order for that date before voting to adjourn (see Sec. 83).

130. Order of Business.— In conducting the proceedings of an assembly, the chairman should follow the prescribed order of business where such an order has been adopted. In a permanent society this is usually determined by a standing rule. In the absence of such a rule, the following order may be assumed as in accordance with general usage:

- (1) *Reading the Minutes* (and acting on them).
- (2) *Election or Appointment of Officers* (when necessary).
- (3) *Special Orders* (if any have been made).
- (4) *Reports of Officers, of Standing Committees, and of Special Committees* (in this order).
- (5) *Unfinished Business*.
- (6) *New Business*.

It is absurd to enter "Calling to Order" and "Adjournment" as part of the order of business, — an error often perpetrated by societies and even in manuals. There is no meeting until the assembly is called to order, and an adjournment may be moved at any time. Other heads, of course, may be added when needed and placed according to convenience; for example, Roll Call at the beginning of the list, and Literary Exercises at the end.

When there is occasion to deviate from the regular order of business, the proper procedure is to move "To suspend the rules that would prevent" — whatever it is desired to do (see Sec. 82). For Orders of the Day, see Sec. 76, and for Special Orders, Sec. 83.

131. Constitution and By-laws. — For an assembly merely convened on some special occasion and expected to dissolve after a single meeting or a brief series, it is sufficient to adopt some manual or code (see Sec. 132) to regulate its proceedings, and perhaps a few standing rules; often not even this is necessary. But in a permanent organization (society, association, fraternity, or the like) it is usual, and may be imperative, to adopt a constitution; and frequently a body of by-laws is added. If the organization is to be incorporated, the laws of the State must be complied with in its constitution, and legal advice should be obtained. In any case it is well to study the constitution of some similar organization (or several) and to take this as a model with such modifications as seem desirable. It is usual to appoint a committee to draft and

report a constitution, which is then adopted by the assembly, with or without amendments. For the mode of procedure, see Secs. 99 and 104. To adopt a constitution, and to amend it while it is under consideration, only a majority vote is necessary; but the constitution itself should contain a provision that it shall, after adoption, be subject to amendment only by a two-thirds (or similar) vote, and it is usual also to require that notice of any proposed amendment of the constitution shall be given one week (or a longer period) before it is to be acted upon. The provisions of the constitution should not be *suspended* by a two-thirds vote or otherwise.

A constitution should contain only those organic facts and fundamental rules of an association which constitute it and determine its character, and therefore should not be changed except after the most careful deliberation. Such a document should deal with the following topics:

- (1) The name and purpose of the organization.
- (2) The necessary qualifications for membership and the method of election; also the rights conferred and duties imposed by membership if these need definition.
- (3) The essential provisions in regard to holding meetings, and a statement of what shall constitute a quorum (~~see Sec. 10~~) and what shall be considered a session (~~see Sec. 129~~).
- (4) The necessary officers, their mode of election, their term of office, their powers and duties.
- (5) Any other essential elements of the organization, such as standing committees, their constitution, election, term, and duties.
- (6) A statement of how the constitution may be amended (see above).

~~A model for the constitution of a debating society is given in the Supplement, Sec. 255.~~

Often a constitution on the above lines will be found sufficient; but if it is desired to enter into

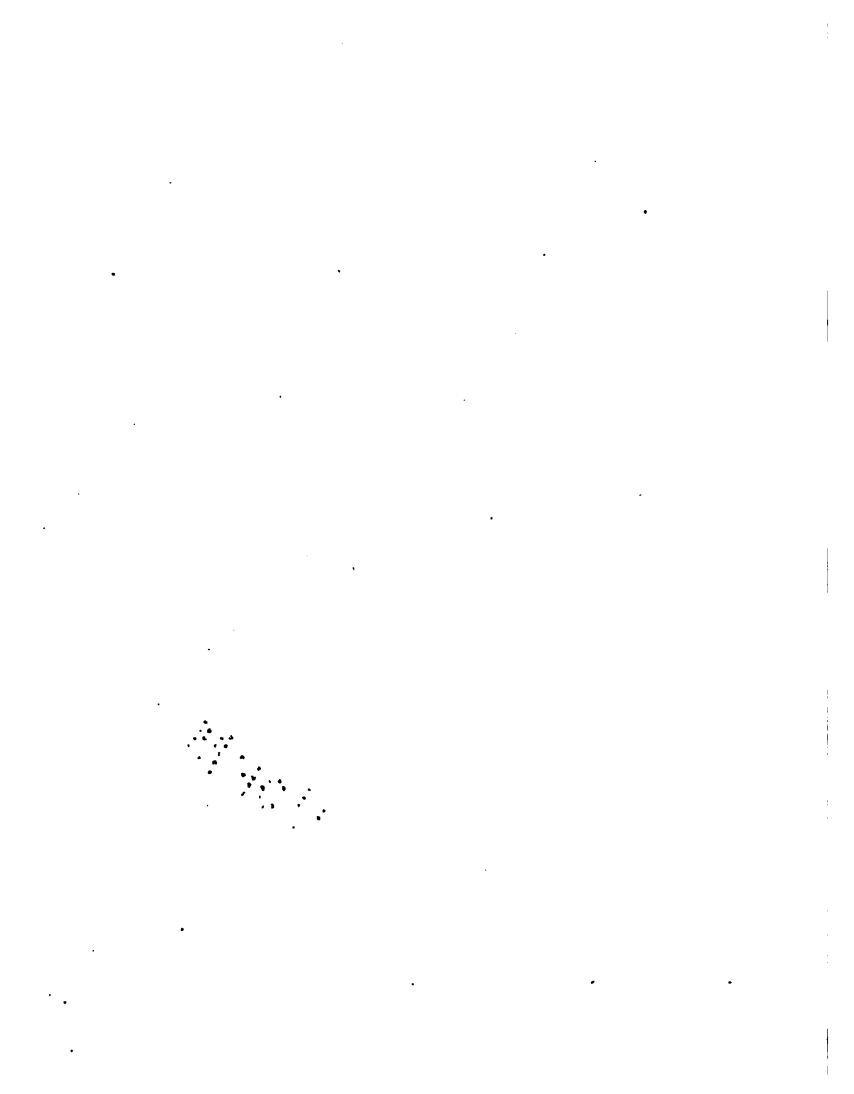
more minute regulations, the proper procedure is to adopt a series of by-laws. These treat of less essential matters: for example, they may include an order of business (~~see Sec. 130~~), directions as to how formal debates shall be conducted, provisions in regard to discipline, fees, and the like. They should always contain a statement of the manner in which they may be amended; and they often provide that any of their rules, or certain of them, may be suspended by a two-thirds vote at any meeting; but unless there is such a provision no by-law can be suspended. By-laws are usually drafted and adopted in the same manner as a constitution (see above), and only a majority vote is necessary in the beginning, whatever the rule prescribed in the by-laws themselves for subsequent amendments or additions. ~~See also Sec. 256.~~

132. Code, or Rules of Order.— Any assembly desiring to deviate from the general rules of parliamentary law in any particular should adopt a special rule on the subject; and according to modern practice such a rule may be suspended. It is quite usual to require a two-thirds vote for this purpose— though only a majority is necessary to enact the rule in the first instance, and general parliamentary law scarcely recognizes such procedure; but at present suspension for a particular case is commonly regarded as a somewhat arbitrary and exceptional measure, allowable on occasion, yet requiring this check (see Sec. 82).

Every society or other assembly of a permanent character desiring to conduct its proceedings with regularity and correctness should further adopt some general code, or body of rules, or manual, to be used as a guide and standard to determine all cases not provided for by special rules of its own. Such a Working Code based on the foregoing manual, carefully adapted to the needs of ordinary societies, will be found on the following pages, with a number

of special rules useful in certain cases, to be adopted if desired; also a Table of Classified Motions, expressing most of the rules of the Code in condensed form, and answering almost at a glance more than two hundred of the most important parliamentary queries.

NOTE:— For convenience of reference, the Table is entered as section 200, and the sections of the Code are numbered in sequence from this point, the numbers between 132 and 200 being discarded. Thus the first section of the Code is numbered as Sec. 201 of the book, the second as 202, and so on, the excess over 200 always indicating the number of the section in the Code as such.



PART II
WORKING CODE

TABLE OF CLASSIFIED QUESTIONS

WITH PLAIN ANSWERS TO MORE THAN TWO HUNDRED QUERIES

QUESTIONS ON THIS PAGE STAND IN THE ORDER OF RANK

PRIVILEGED QUESTIONS

TAKE PRECEDENCE OF ALL OTHER MOTIONS

To Fix the Time for Reassembling	218
(To Adjourn) = †	219
To Take a Recess =	220
QUESTIONS OF PRIVILEGE # †	221
(Orders of the Day) = * †	222

SUBSIDIARY QUESTIONS

YIELD TO THE ABOVE UNLESS APPLIED TO THEM

(<i>Question of Consideration</i>) * †	234
(To Lay on the Table) =	235
(The Previous Question) =	236
POSTPONE TO A CERTAIN DAY =	237
TO COMMIT, OR RECOMMIT =	238
(AMENDMENT OF AN AMENDMENT)	239
AMENDMENT OF THE MAIN QUESTION	240
AMENDMENT REMOVING MAIN QUESTION	241
(POSTPONE INDEFINITELY)	242

EXPLANATION

- * Need not be seconded.
 - † May interrupt a speaker.
 - ‡ Cannot be reconsidered.
 - = Renewable after a proper interval.
 - () Cannot be amended.
 - # May be laid on the table.
- Figures refer to Sections of the Code.
Italics — a two-thirds vote required.
 SMALL CAPITALS — A QUESTION DEBATABLE IN ITSELF.
 LARGE CAPITALS — OPENS THE WHOLE QUESTION.
 All questions thus PRINTED IN CAPITALS, large or small, are amenable to the Previous Question to close debate.

TABLE OF CLASSIFIED QUESTIONS

(CONTINUED)

QUESTIONS ON THIS PAGE HAVE NO FIXED ORDER OF RANK

INCIDENTAL QUESTIONS

SUPERSEDE QUESTIONS GIVING RISE TO THEM

(Questions of Order — entitled to precedence) * † . 224
 (APPEAL FROM DECISION OF CHAIR) # 225
 (Questions as to Reading Papers) 226
 (Leave to Withdraw a Motion) 227
 (*To Suspend the Rules*) † 228
To Make a Special Order 229
 To Determine Mode of Procedure 230
 To Divide the Question 231
 (Nominations and Filling Blanks) * 232

SUPPLEMENTARY QUESTIONS

EXCEPT RECONSIDER, THESE HAVE NO PRIVILEGE

(To Take from the Table) = 244
 (TO DISCHARGE COMMITTEE) # 245
 (Reconsider an Undebatable Question) † 246
 (RECONSIDER DEBATABLE QUESTION) # † . 246
 TO RESCIND OR REPEAL # 248

EXPLANATION

- * Need not be seconded.
 - † May interrupt a speaker.
 - ‡ Cannot be reconsidered.
 - = Renewable after a proper interval.
 - () Cannot be amended.
 - ## May be laid on the table.
- Figures refer to Sections of the Code.
Italics — a two-thirds vote required.
 SMALL CAPITALS — A QUESTION DEBATABLE IN ITSELF.
 LARGE CAPITALS — OPENS THE WHOLE QUESTION.
 All questions thus PRINTED IN CAPITALS, large or small, are amenable to the Previous Question to close debate.



WORKING CODE

ARTICLE I

GENERAL PROCEDURE

201. Nature and Purpose of Code. — This Code, condensed and adapted from the Revised Manual, is intended to meet the wants of ordinary societies and other organizations which have need of a definite body of rules, in close accord with general practice but free from its uncertainties and variations, to which they may refer for guidance. This Code may be adopted as a whole, by a majority vote, by any assembly desiring to avail of it, and when so adopted it becomes binding in all its provisions, — except that the *Special Rules* (lettered *A, B, etc.*), provided to meet certain contingencies, are not made binding by a vote adopting the Code as a whole, but must be separately moved and acted upon if it is desired to adopt them. Pending adoption, the Code may be amended in any particular by a majority vote; but after adoption it may be amended only by a two-thirds vote; and additions are to be regarded as amendments. Further, when the Code is adopted, with or without amendment, it will be implied in this action that the Revised Manual is to be accepted as a standard for the guidance of the assembly on all questions of procedure not covered by the Code and not provided for by a special rule. The Code may also be used as a briefer and simpler text for beginners.

202. Authority of the Table. — All the questions included in the Table of Classified Questions (Sec. 200) shall have the rank and be subject to the

regulations there indicated, except in cases where the special rules of the assembly provide otherwise.

NOTE:— In such cases it is well to indicate the change in pencil on the Table.

203. Quorum.— A quorum, unless otherwise determined by special rule, shall consist of a majority of those enrolled as active members; and where there is no definite enrolment, as in a mass meeting, those who actually assemble, after due notice has been given, shall constitute a quorum. The lack of a quorum shall not prevent an assembly from coming to order and calling the roll to ascertain and record the number present; and less than a quorum may adjourn, or take a recess, or may deliberate and take any legitimate action for securing the presence of a quorum or for calling another meeting, but may not transact any other business. If during debate the number present becomes less than a quorum, the chairman may allow the debate to continue provided the question of a quorum is not raised; but the question under discussion cannot be put to vote until a quorum is present. See also Manual, Secs. 10–11.

204. Sessions.— Unless otherwise defined by special rule, a session in an assembly in which the chief officers are elected for a definite term shall coincide with that period, a new session always beginning with the meeting at which the regular election of officers is held, except at the time of organization (Manual, Sec. 5), when preliminary meetings preceding the first regular election do not constitute a separate session. Elections merely to fill vacancies do not break the continuity of the session. In an assembly in which the officers, once chosen, act for an indefinite period, the session is terminated by an adjournment without day.

Questions on which final action has been taken (as by adoption, or rejection, or indefinite postponement) cannot be brought up again during the same

session except by a motion to reconsider (Sec. 246) or to rescind (Sec. 248). In general, unfinished business falls to the ground at the end of the session, and if the subject-matter of such business is taken up during a subsequent session it must be moved as a new proposition; but it shall be allowable to postpone any question to the first day of the next session (not later, for one session must not assume to hinder the action of another); and a committee appointed during one session may report at a subsequent session if so instructed. See also Manual, Sec. 129.

205. Officers. — Unless there is a special rule to the contrary, the president (or chairman), the secretary, and other permanent officers shall be elected by ballot (see Sec. 210) if any member demands that mode of election. Nominations shall be allowed and need not be seconded. For procedure when a ballot is not employed, see Manual, Secs. 5 and 58.

The powers and duties of the officers shall be as defined in Chapter II of the Manual, subject to any special rules adopted by the assembly. The president (if a member) may vote whenever his vote will make or break a tie, but not otherwise, except in case of a ballot, when he must cast his vote in the usual manner and must vote before the ballot is closed. He is in no case entitled to a double vote (as a member and as chairman). When the chairman takes part in debate (as he may, though it is rarely advisable) he must, except when the question is on an appeal, call another member to the chair and speak from the floor in the usual manner.

206. Motions. — While a principal motion, or main question (Manual, Sec. 32) is before the assembly, no other principal motion can be entertained. For the classification, rank, and relations of the ordinary minor motions, see Table, Sec. 200, and Chapter IV of the Manual. For the definition of terms, see Manual, Sec. 33. In order to make a

motion the mover must first obtain the floor (Manual, Sec. 23). For the rules which should guide the chairman in assigning the floor, see Manual, Sec. 24.

All motions must be seconded (at least if the point is raised), except an Objection to Consideration (Sec. 234) or a call for the Orders of the Day (Sec. 222); a question of order or of privilege may be raised and ruled upon by the chair without a second, but an appeal or a motion relating to such a question must be seconded. Nominations and suggestions for filling blanks are not regarded as formal motions and do not require seconding. Any principal motion or amendment must be presented in writing if the chairman so directs. A motion is not before the assembly for action or debate until it has been *stated* by the chairman (see Manual, Sec. 28). It may be withdrawn by the mover before it has been stated, but not afterwards except by consent of the assembly, express or implied (see Sec. 227, and Manual, Sec. 81).

In general, a member who has the floor may not be interrupted by another member in order to make a motion or raise a question, — but in case of a question of order or of privilege, or a call for the Orders of the Day, or an Objection to Consideration, this is allowable. When a motion has been rejected by the assembly, precisely the same proposition may not be moved again during the session (Sec. 204); but a privileged or subsidiary motion or an incidental question may be renewed or repeated (although the form of words is the same) whenever its *content* (that to which it applies or relates) is different from its content as previously moved; and if the *time* when it is made is an essential part of its content (as in a motion to adjourn), it may be moved again after a proper interval. See Table, Sec. 200, and especially Manual, Sec. 94.

207. Debate. — When a debatable motion or a report is before the assembly, the mover of the

motion or the member who reported from the committee is entitled to speak first, and shall be assigned the floor in preference to others if he rises and addresses the chair with reasonable promptness. Under this Code, unless otherwise provided by a special rule or order, any member may speak in debate twice on the same question (except in the case of an appeal, when he may speak but once), and the limit of time for the first speech shall be ten minutes, and for the second five minutes; but a member who has not yet spoken on the question shall be assigned the floor in preference to one who has already spoken. Nothing in the above rules shall be so construed as to imply the right of a member to speak after the ordering of the Previous Question (Sec. 236) or when debate is in any other way precluded. The assembly may by a special order limit or extend or otherwise regulate the privileges of debate on any question; but such regulations must apply to all alike, and no unfair discrimination in favor of certain parties or persons is allowable. By general consent (that is, when no one objects) a member may be allowed to speak, or continue speaking, when otherwise out of order.

A member can be interrupted while speaking only by a question of order (Sec. 224), or of privilege (Sec. 221), or a call for the Orders of the Day (Sec. 222), or an Objection to Consideration (Sec. 234); when so interrupted he must take his seat, but may be allowed to resume after the question raised is decided (see Manual, Sec. 78). In such a case, the time consumed by the interruption is not to be considered a part of the time allowed him for speaking. Debate must be relevant to the question under consideration, or the speaker may be called to order; but a liberal interpretation should be given to this rule (see Manual, Sec. 109). A speaker may also be called to order for using unparliamentary language, or exceeding the time-limit, or the like.

For decorum in debate, see Manual, Sec. 108; and for the procedure with respect to disorderly words, see Manual, Sec. 114. For the ordinary questions that are in themselves debatable, and those which also open to debate the question to which they apply, see Table, Sec. 200, and Manual, Sec. 113. All principal motions are debatable. Debate may be closed by ordering the Previous Question (see Sec. 236, also Chapter VI of the Manual). Many other motions (for example, to lay the question on the table, or to adjourn) terminate or suspend debate incidentally to their action.

208. Voting by Ayes and Noes.— When debate is exhausted or precluded by rule and no member any longer claims the floor for any legitimate purpose, or when the Previous Question (Sec. 236) has been ordered, the chairman shall at once state the pending question and put it to vote; and if other questions are then pending, he shall proceed in the same manner with these (allowing, of course, debate or other procedure when in order). The question must be stated when it is finally put to vote, even though it has already been stated several times in the preliminary proceedings; but a long paper (resolutions, a report, or the like) which has previously been read at the same meeting need not be read in full a second time unless such reading is demanded (by a majority, if question is made). See Sec. 226, and Manual, Sec. 117.

In putting a question to vote, the chairman shall use the following or equivalent words: "As many as favor the motion will say *aye*"; and when the affirmative vote has been given, "As many as are opposed will say *no*." Debate may be resumed (if in order otherwise), or the floor may be claimed for any other legitimate purpose, even after the question has been partly put and the affirmative vote taken; but not after the negative side of the question has been put to vote (see Manual, Sec.

111), nor after the Previous Question has been ordered (Sec. 236), nor while a division is in progress, nor during a vote taken by *y*ea*s* and *n*ay*s* or by ballot. When the voting is interrupted the partial vote counts for nothing; the question must be restated and both sides of it put when the final vote is taken. For further details, see Manual, Sec. 119.

When the vote is fully taken, the chairman must announce the result, saying, "The question is decided in the affirmative" (or in the negative), or "The motion is carried" (or lost), or "The amendment is adopted" (or rejected), or something similar according to the nature of the question. If in doubt, he may put the question again in the same manner, or he may order a rising vote, so that the votes may be counted; and if any member doubts the correctness of the first announcement, and demands a division of the assembly, saying, "I call for a division," the chairman must then at once put the question again in such a manner as to obtain a count of the votes (see Sec. 209).

209. Division of the Assembly. — A division is any manner of voting by which a count of the votes is secured; and when a division is called for by any member, the demand must be complied with. The method commonly used is "a rising vote"; but any other convenient method of obtaining a count may be ordered by the assembly or by the chairman with their consent (see Manual, Sec. 121).

When a rising vote is to be taken the chairman puts the question thus: "Those in favor of the motion will rise and stand until counted"; then, having counted the vote and announced the number, "Those opposed will now rise and stand until counted"; and when the negative vote has also been counted and announced, he declares the result. If the assembly is large, tellers may be appointed to count the vote and may be assigned different sections of the hall.

While a division is in progress it is not to be interrupted by adjournment or other motions; only questions of order or of privilege may be raised, and these must be decided by the chairman without debate or appeal; but after the vote is taken, before the final announcement of the result, errors may be called up and corrected by the assembly. At this point a member may change his vote if he so desires. For further details, see Manual, Sec. 120.

210. Voting by Ballot.—This mode of voting is especially useful for elections; and under this Code, where more than one candidate is nominated the voting shall be by ballot on demand of any member. Where only one candidate is nominated, if a special rule of the assembly requires a ballot, a motion directing the secretary "to cast one ballot in favor of the nominee" shall be allowed if no member objects, but not otherwise.

Nominations (which need not be seconded) are in order unless forbidden by rule or vote of the assembly; but nomination is not essential to election; any member in good standing who is eligible may be voted for, and the votes cast in his favor must be counted. After the nominations have been received, two or more tellers are appointed by the chairman to take the vote and count the ballots and report their count to the chairman, who shall announce it to the assembly and declare the result.

In balloting, the name of the candidate favored is written by the voter on a slip of paper and deposited in the ballot box; the paper should be folded at least once to conceal the name. If the question upon which the ballot is taken is to be answered *yes* or *no* (as when the question is upon admitting a person proposed for membership) these words are used in marking the ballots; or small balls are used as ballots, white for *yes* and black for *no*. If any ballot does not relate to the pending question or leaves the intention of the voter in doubt, it is to

be treated as a blank and is not counted as part of the total vote. As the purpose of a ballot is secrecy, it is not allowable to ask a member how he voted, nor to seek to identify his ballot; and after the ballots are counted, they should not be left open to inspection. For further details and regulations in regard to balloting, see Manual, Secs. 123-127.

Under general parliamentary law an absolute majority of all the votes cast is necessary for election, and when there are several candidates there is no limit to the number of ballotings that may be found necessary. When one balloting fails to elect, another is ordered, and so on indefinitely (see Manual, Secs. 126-127). A record of the result of each balloting, with the count as reported by the tellers, must be included in the minutes (see page 246).

To meet the contingency of protracted and futile balloting and the complications which may result from attempting to fill several positions by one vote (see Manual, Sec. 124), the following special rule is recommended (but to be binding it must be separately adopted):

Special Rule A.

When, in an election by ballot, the first ballot has failed to give an absolute majority to any candidate, on the second ballot the candidate receiving the greatest number of votes shall be declared elected; and if, when candidates for several positions are voted upon at the same time, the first ballot fails to elect, either for the above reason or because more than the requisite number have received each a majority, then, on the second ballot, those, up to the required number, obtaining the greatest number of votes shall be declared elected.

211. Voting by Yeas and Nays. — The vote on any question shall be taken by *yeas* and *nays* when the assembly so orders by a majority vote; or a special rule may prescribe this method in certain cases. When a vote is to be taken in this manner,

the chairman shall put the question (after stating it) in the following or equivalent words: "Those who favor (the pending proposition, whatever it is) will, when their names are called, answer *aye*; those opposed will answer *no*. The secretary will now call the roll of the assembly and record the answers." The responses are not *yea* and *nay*, as might be inferred from the name of this procedure (for these rhyming terms are not distinctive enough and have been abandoned), but *aye* and *no*, as in ordinary voting.

While the calling of the roll is in progress it may not be interrupted save by questions of order or of privilege, which are to be decided by the chairman without debate or appeal; but after the vote is taken, before the final announcement by the chairman that "the question is decided in the affirmative" or "in the negative" (as the case may be), errors may be taken up and corrected by the assembly, and any member may change his vote if he so desires. If a member is "paired" with another (see Manual, Sec. 117) and announces the fact, he shall not be required to vote. It is usual for the secretary, after the calling of the roll but before the final decision, to read the names of the members, with the vote of each, for correction; but this recapitulation may be dispensed with unless some member demands it.

Since the main purpose in voting by *yeas* and *nays* is to secure a full record of the vote, the names of the members must be entered upon the minutes, with the vote of each or a record of the fact that he did not vote (see Secs. 257 and 259). For further details, see Manual, Sec. 122. This mode of voting is rarely needed in ordinary assemblies.

212. Consideration by Paragraphs.— When a document consisting of a series of paragraphs (such as a long report, or a series of resolutions, or a draft of rules) is before the assembly for final action, it

shall be taken up by paragraphs on demand of any member. In this mode of procedure the document is first to be read as a whole to show its general purport and coherence; it is then to be read through again, by paragraphs, the chairman pausing after each paragraph for amendments to be moved, and these are to be voted upon before the assembly takes up the next paragraph. If certain amendments have been reported from a committee, these are to be considered first when the paragraph to which they apply is reached. After the document has been thus proceeded through (with or without actual amendment), it shall be in order, before the final vote is taken, to move further amendments in any part (but not to move again amendments which have been rejected); and if a substitute for the whole document is moved as an amendment (see Manual, Sec. 67), it shall be *acted upon* at this point, although it may be *received* at an earlier stage; and this also shall be considered by paragraphs on demand of any member. Finally, when all amendments have been disposed of, the question is put on the adoption of the document as a whole (as amended). If there is a preamble, this is to be considered last. For further details, see Manual, Sec. 105.

213. A Majority.— All questions are to be decided by a majority vote except in certain particular cases defined in the Code or determined by a special rule (see Sec. 214). A majority is a number of votes greater than half the total vote on the question at issue. A quorum must be present when the vote is taken, but the number actually voting may be less than a quorum, and the question is decided by a majority of the actual vote, however small (but of course a division may be demanded— see Sec. 209). A mere plurality (that is, a number of votes not amounting to a majority of the total vote but greater than the vote for any rival candi-

date or alternative proposition) is without effect unless in virtue of a special rule adopted by the assembly (see Sec. 210, and *Special Rule A*). See also Manual, Sec. 118.

214. A Two-thirds Vote. — Since it is a fundamental principle of parliamentary law that the deliberate will and judgment of the majority shall prevail in the decision of such questions as can properly come before the assembly, the requirement of a two-thirds vote is altogether exceptional; and such a vote may not be demanded except in the particular cases in which it is prescribed by the Code or by a special rule of the assembly. The only cases in which such a requirement is sanctioned by general usage are those in which it is proposed to break through the ordinary rules of procedure in a summary manner, so that some unusual precaution is necessary to protect the rights of the minority. By a two-thirds vote is meant at least two-thirds of the total of the actual vote, a quorum being present; it is not necessary that the number actually voting amount to a quorum. Under the Code, a two-thirds vote is requisite for the following purposes:

- (1) *For the Suspension of the Rules* (see Sec. 228).
- (2) *To make a Special Order* (see Sec. 229).
- (3) *To sustain an Objection to Consideration* (see Sec. 234).
- (4) *To amend the Code or Special Rules of Order* (see Sec. 201) *after adoption, or to rescind any part of them.*
- (5) *To amend the Constitution or By-laws* (after they have been adopted); *or to rescind them (as a whole or in part).*

In connection with the last it is usual to require previous notice of the proposed amendment or repeal, and such a provision should be included in the instruments themselves (see Manual, Sec. 131).

If it is desired to require for any purpose a two-thirds vote of the *total membership*, this should be

provided for by a special rule and clearly stated. The assembly may, by adopting a special rule, require a two-thirds vote for any specified purpose; but such rules should not be imposed unless the need of them is strongly felt.

215. Discipline. — If a member, in addressing the assembly, makes use of language discourteous or offensive to any member or to the assembly as a whole, he may be interrupted and called to order (see Sec. 224), and if the offense seems to warrant it, may be subjected to discipline. Any member, whether speaking or not, may be called to order by the chairman for disorderly conduct, and if necessary may be ejected from the place of assembly (but extreme caution should be exercised in employing force — see Manual, Sec. 115). For extreme neglect of duty officers may be admonished or removed. For any serious misconduct, in the presence of the assembly or elsewhere, charges may be brought against the offending member and measures of discipline proposed. Undue publicity (such as *publication* of the charges) must be carefully avoided.

Any member accused of misconduct must be properly notified and given opportunity to make an explanation or defense or apology; after which he must take no part in the proceedings and may be required to withdraw. A resolution imposing some penalty may be moved, or a committee may be appointed to investigate and report, or a formal trial may be conducted (see Manual, Sec. 116).

Penalties which may be imposed are expulsion, suspension from the privileges of membership or part of them, removal from office, a fine, a vote of censure or a reprimand, public apology, and the like. In general, the only means of enforcing the lesser penalties is on pain of a greater, such as expulsion. For a full discussion of this topic, see Manual, Chapter XIV.

216. Order of Business. — The general order of

business shall be that given in Sec. 130 of the Manual, unless a different order is prescribed by a special rule. The assembly may deviate from the established order of business in any particular instance by a suspension of the rules (or a special order) or by general consent. For a more detailed order of business for a debating club, see Sec. 256.

ARTICLE II

PRIVILEGED QUESTIONS

217. Privileged Questions as a Class.— Privileged questions are those which, on account of their special urgency and importance, are permitted to interrupt, and for a time supersede, both the main question (see Manual, Sec. 32) and all questions arising from it or dependent upon it. As a class, therefore, they take precedence (Manual, Sec. 33), not only of the main question (or a supplementary question), but also of any incidental (Sec. 223) or subsidiary question (Sec. 233) which may then be pending; but a privileged question may yield to a motion incidental or subsidiary to *itself*, until this is decided. See also Manual, Sec. 70, and Table, Sec. 200.

The privileged questions in general use are the following — and they shall take precedence of each other in the order here given:

- (1) *To Fix the Time and Place for Reassembling after Adjournment* (Sec. 218).
- (2) *To Adjourn* (Sec. 219).
- (3) *To Take a Recess* (Sec. 220).
- (4) *Questions of Privilege* (Sec. 221).
- (5) *Orders of the Day* (Sec. 222).

In addition to the above, any question may be made privileged by a special rule of the assembly; but such a rule should not be enacted unless the need of it is strongly felt.

218. To Fix the Time and Place for Reassembling.

—The form of this motion shall be, "That when the assembly adjourns it adjourn to meet" at a time specified; and if the place is to be other than the usual place of meeting, this also should be specified. Until this question has been decided by the assembly, it takes precedence of all other motions except such as are applied to it or arise out of it; even after the assembly has voted to adjourn, it shall be in order pending the final announcement of the result of the vote by the chairman; but it is not allowable to interrupt a member who holds the floor in order to make such a motion. It is undebatable if moved as a privileged question, — that is, when any other question is pending. It may be amended by changing the time or place, but is not amendable to any other subsidiary motion. The vote upon it may be reconsidered (see Sec. 246).

219. To Adjourn. — The form of this motion is, "That the assembly do now adjourn." It takes precedence of all other motions, except the motion to fix the time for reassembling and amendments thereto. It is undebatable and not amendable to amendment or any other subsidiary motion; the vote upon it cannot be reconsidered. If decided in the negative, it may be renewed after a proper interval, — that is, after any progress in business or debate (see Manual, Sec. 72).

Despite the high privilege of this motion, a member who holds the floor for another purpose is not to be interrupted for the purpose of making it, unless he consents, — in which case he is entitled to resume the floor when the question thus interrupted recurs. In general, business interrupted by adjournment may be called up at a subsequent meeting under the head of Unfinished Business and is resumed at the precise point where it was broken off; but when an adjournment terminates the session all unfinished business falls to the ground,

except as provided in Sec. 204 or by special rule. See also Manual, Sec. 73.

Whenever an adjournment (in the absence of any provision for reassembling) would terminate the existence of the assembly (see Manual, Sec. 72) a motion to adjourn is really a motion to dissolve; and in such a case, unless immediately modified by a motion to fix the time for reassembling, it is to be treated as a principal motion without special privilege, open to debate and amendment. And if a motion to adjourn is in any way qualified — as when it is moved to “adjourn to meet at ten o'clock tomorrow” — this also is to be treated as a principal motion, not in order when any other question is pending and open to all the usual modes of procedure.

In a committee, a motion “to rise,” or “to rise and report,” has the same privilege as a motion to adjourn in the assembly, and is subject to the same rules.

220. To Take a Recess. — When this motion is unqualified — as when it is moved “that the assembly now take its recess” — it is in order whenever a motion to adjourn (to which, when actually made, it yields) would be in order; and it is subject to the same rules (Sec. 219). But such a motion is never allowable unless it has already been determined at what time the assembly shall convene again after the recess, — and a motion simply *providing* or *arranging* for a recess, to be taken later, is in no way privileged.

When the motion to take a recess is qualified — as when it is moved that the assembly now take a recess for a certain time or until a certain hour — it shall retain its privilege, as above, and shall be subject to the same rules as a motion to adjourn, except that it may be amended. A negative decision may be reconsidered, but such action is needless in ordinary cases, since the motion itself may be

renewed after a proper interval. An affirmative decision, of course, takes effect at once.

A recess is, in fact, simply a modified form of adjournment; but since a recess is not regarded as terminating the meeting, business is to be resumed when the assembly again comes to order precisely as if there had been no interruption. See also Manual, Sec. 74.

221. Questions of Privilege. — This name must not be confused with the broader term, *privileged questions*. Questions of Privilege are simply a certain kind of privileged questions, — those, namely, which concern the rights and privileges of the assembly as a whole or its individual members (those affecting the whole assembly taking precedence of those which affect individuals merely). For further definition and detail, see Manual, Sec. 75.

Questions of Privilege may interrupt a member who is speaking; but when the member raising the question addresses the chair he must state his purpose, saying, "I rise to a question of privilege," and explaining what it is. The chairman then decides (subject to appeal) whether the question is entitled to consideration as a Question of Privilege; and if he admits it, any appropriate action may be taken by the assembly. When the question is disposed of, the business in progress when it was raised recurs; and the member interrupted, if not disqualified, may resume the floor.

A Question of Privilege yields to a motion to fix the time for reassembling after adjournment, or a motion to adjourn or to take a recess; it takes precedence of all other motions except such as arise out of it or apply to it. When before the assembly, a Question of Privilege is debatable and amenable to amendment and all other subsidiary motions; and a vote upon it may be reconsidered. It is, in fact, simply a principal motion to which exceptional privilege is accorded.

222. Orders of the Day.—The usual form of this motion is, "I call for the Orders of the Day." Such a call may interrupt a member who holds the floor, and it need not be seconded; but it is allowable only when the assembly is not proceeding in accordance with the order of business (general or special) prescribed for the day. When allowed it takes precedence of incidental and subsidiary motions, but yields to any other privileged motion. It is undebatable and not amenable to any other motion. Action upon it may be reconsidered, but this is rarely necessary.

The question is stated by the chairman in the words, "Will the assembly now proceed to the Orders of the Day?" If the question is decided in the affirmative, the subject under consideration is interrupted in the same manner as by adjournment, and the subjects prescribed are taken up in their predetermined order (which can be changed only by a suspension of the rules—Sec. 228). It is not allowable to call for some particular part of the orders without the rest.

If the question on proceeding to the Orders of the Day is decided in the negative, the business then before the assembly is continued until it is disposed of, after which the call for the Orders of the Day may be renewed. For further details, see Manual, Sec. 76.

ARTICLE III

INCIDENTAL QUESTIONS

223. Incidental Questions as a Class.—Incidental questions are such as arise out of other questions incidentally to their consideration. Such a question must be decided before the question to which it is incident, and this determines its degree of privilege in each instance. Incidental questions

therefore have no fixed order of rank, either among themselves or with reference to other motions; they simply take precedence of the questions which give rise to them. In general they yield to any privileged question; but when they are incidental to the privileged question itself they must first be decided. Thus a question of order may arise out of any question whatever and supersedes it until decided. Incidental questions as a class take precedence of subsidiary motions; but when, in certain cases, a subsidiary motion is directly applied to an incidental question, the latter yields. See also Manual, Sec. 77, and Table, Sec. 200.

The incidental questions in general use are the following:

Questions of Order (Sec. 224).

Appeal from the Decision of the Chair (Sec. 225).

Questions as to Reading Papers (Sec. 226).

Leave to Withdraw a Motion (Sec. 227).

To Suspend the Rules (Sec. 228).

To Make a Special Order (Sec. 229).

To Determine the Mode of Procedure (Sec. 230).

To Divide the Question (Sec. 231).

Nominations and Filling Blanks (Sec. 232).

NOTE:—The above questions are not numbered because this would seem to imply a definite order of rank, which they do not possess. Questions of order are usually entitled to precedence, but this is merely a result of the principle above stated.

224. Questions of Order.—A question of order may be raised whenever the rules of procedure (including the rules for decorum in debate) are in any way violated; and a member who is speaking may be interrupted for this purpose. The form of the question is, "I rise to a question of order," or "I call the member to order." The member who holds the floor must then be seated, and the member raising the question states it; after which the chairman decides whether the point of order is valid.

If he rules that it is "well taken," the member interrupted cannot proceed except by consent of the assembly; if otherwise, he may resume the floor. For further details of procedure, see Manual, Sec. 78.

Questions of order are not debatable; but the chairman may, at discretion, allow brief statements or suggestions, provided no one objects. Pending the decision of the chair, there is nothing before the assembly to which a subsidiary motion can be applied. After the decision is announced, an appeal may be taken if the chairman is thought to be in error (Sec. 225).

225. Appeal from the Decision of the Chair. — In general, the rulings of the chair should be accepted as decisive — else great confusion results; but a member who seriously dissents from such a ruling may "appeal from the decision of the chair." This appeal, to be entertained, must be seconded by another member. The question is then stated by the chairman in the affirmative form, "Shall the decision of the chair stand as the decision of the assembly," and is decided by a majority vote. The effect of a tie vote is to sustain the decision, which can be reversed only by a majority vote (Sec. 213) in the negative.

When an appeal has been made, the chairman is always entitled to state the reasons on which he bases his decision, and does so without leaving the chair (see Sec. 205). Debate is in order, but no member shall speak more than once on this question; and if the Previous Question is pending when the appeal is made, debate is precluded. To close debate the Previous Question may be ordered, and its effect will be limited to the pending appeal. Any subsidiary motion, except amendment and objection to the consideration of the question, is in order; and the effect of laying an appeal on the table, or postponing its consideration, or referring the question to a committee, is to leave the decision

of the chair in force while the appeal is thus removed from before the assembly. An appeal is not in order while a division or a ballot or a vote by *yeas* and *nays* is in progress, but may be made after the voting is completed before the final announcement of the result. The vote on an appeal may be reconsidered, but not after the decision has been acted upon. While one appeal is pending, a second appeal is not allowed.

The following special rule represents the practice in many societies and may be found convenient (but to be binding it must be separately adopted):

Special Rule B

An appeal which relates merely to transgression of the rules of speaking or to the priority of business shall be undebatable; it may be laid on the table, and the effect of such action shall be to sustain the decision of the chair, but no other subsidiary motion shall be applied to it.

226. Questions as to Reading Papers.— When a resolution, a report, or other document is before the assembly for final action, unless it has previously been read in full on the same day it shall be read through once on demand of any member. Apart from this no member has an absolute right to demand the reading of papers; but when a request that certain papers be read is manifestly reasonable and no objection is raised, the chairman should direct that they be read. If any member objects, the question of granting permission to have papers read must be decided by the assembly by vote; and a motion that such leave be granted is neither debatable nor amenable to any subsidiary motion.

It is quite customary to allow the reading of papers to a certain extent by a member speaking in debate, as a part of his argument; but if this practice is carried to excess the privilege may be challenged, and the question of granting leave must then be decided by vote, as above. See Manual, Sec. 80.

227. Leave to Withdraw a Motion.— A motion may be withdrawn by the mover before it has been stated from the chair (see Manual, Sec. 28), but not afterwards except by leave of the assembly. Such leave is commonly granted by general consent, but if objection is made the question must be decided by vote of the assembly, and a motion for this purpose is neither debatable nor amenable to any subsidiary motion.

The withdrawal of a motion does not preclude another member from making a similar motion. See also Manual, Sec. 81.

228. Suspension of the Rules.— Any part of the standing rules of order and procedure (both those embodied in the Code and special rules enacted by the assembly) may be suspended by a *two-thirds vote*; except such rules as are the guarantee of essential rights and such as confer certain privileges upon individual members or a minority less than one-third— which shall not be subject to suspension (see Manual, Sec. 82). Any rule, however, may be dispensed with by *unanimous consent*, provided no persons other than those present and agreeing are in any way involved or affected. When a question arises as to whether certain rules are amenable to suspension, the chairman shall decide, subject to appeal (see Sec. 225). The provisions of the constitution can in no case be suspended; and no part of the by-laws shall be suspended, except as provided in the instrument itself (see Manual, Sec. 131).

It is never in order to move simply “to suspend the rules”; the particular purpose for which the suspension is intended must always be included in the motion (though the rules themselves need not be specified). The proper form is, “That the rules which would prevent (whatever it is desired to do) be suspended”; and after the adoption of this motion by a *two-thirds vote*, it is in order to move

to do the thing thus authorized (for example, to proceed to a matter of business not otherwise in order), this latter motion requiring only a majority. It shall be allowable, however, to combine these motions, moving (for example) "that the assembly dispense with a ballot in the election of a delegate; and that the rules which would prevent this action be suspended"; or "that the assembly dispense with a ballot, etc., under a suspension of the rules." This composite motion, of course, requires a two-thirds vote for its adoption; and it is indivisible, since, if one part were rejected, the other could not be put to vote (see Sec. 231).

A motion to suspend the rules, in either of the above forms, is undebatable and is not amenable to amendment or any other subsidiary motion. It is in order pending any question or procedure to which it relates, but yields to privileged questions and to questions of order; it may also be made as an independent motion when no question is pending. It shall not be renewed for the same purpose on the same day; but this does not preclude its repeated use when the form is similar but the *content* different (for example, after the motion given above had been defeated, it might still be moved "to dispense with a ballot in electing a *referee*, under a suspension of the rules"). The vote upon a motion to suspend the rules cannot be reconsidered.

229. Special Orders.— When it is desired to assign some subject or matter of business to a particular time, and to set aside the regular or predetermined order of business so far as may be necessary in order to give it preference when that time is reached, the proper procedure is a motion that this subject or business be made a Special Order for a specified day or hour. When the proposition to which the order relates is already before the assembly, the usual form is, "That the consideration (or further consideration) of the

question be a Special Order " for the stated time; but such an order may also be moved as an independent motion when no question is pending.

Since such a motion in its very nature implies a suspension of the ordinary rules of procedure, it shall be in order when a suspension (see Sec. 228) is in order, and shall require a *two-thirds vote*. It is undebatable, and no subsidiary motion other than amendment may be applied to it; but, unlike a suspension, it may be amended (by altering the time) and a vote upon it may be reconsidered (see Sec. 246).

When a Special Order has been adopted, the subject to which it relates cannot be taken up until its date is reached except by reconsideration or unanimous consent; but at the time appointed it is entitled to supersede both the regular order of business and all general orders (such as result from simple postponement by majority vote — see Sec. 237). When only the day is specified, the subject shall come up as a matter of course as soon as the head of Unfinished Business is reached on that day. If a particular hour or stage of procedure has been designated (as, " at ten o'clock," or " directly after the reading and acceptance of the minutes "), when this is reached on the appointed day the subject may at once be brought up by a call for the Orders of the Day (see Sec. 222), which may even interrupt a member who is then speaking on another question. When the subject is before the assembly it may be laid on the table, or dealt with in any appropriate way, if it is not desired to take final action upon it at that time. If it is not reached on the appointed day the Special Order falls to the ground; but another may be made subsequently. If several Special Orders have been assigned for the same day or hour, they must be taken up in the order of their adoption; later orders cannot be made to interfere with those previously

adopted, except after reconsideration (Sec. 246). For further detail, see Manual, Sec. 83.

230. Motions to Determine the Mode of Procedure. — These are also termed “motions to determine the method of consideration,” but the above title is more definite and descriptive. They are in effect Special Orders (of wider application than those treated above) applying only to the question under consideration and supplementary to the general rules of procedure, with which they must not conflict, — for a motion in conflict with any established rule of procedure, special or general, can be entertained only under a suspension of the rules. They include all special motions to limit, extend, or otherwise regulate debate (which is always subject to the will of the assembly); also motions to determine the mode of procedure in voting and the like. See Manual, Sec. 84.

Such a motion is in order pending the question or procedure to which it applies. It is undebatable; it may be amended, but no other subsidiary motion can be applied to it. The vote upon it may be reconsidered, but not after the execution of the order has begun.

Since motions of this class are peculiarly liable to abuse, and it is not always easy for the chairman to determine whether the procedure proposed is admissible without a suspension of the rules, the following special rule may in some societies be found desirable (but to be binding it must be separately adopted):

Special Rule C

All Special Orders for determining the mode of procedure in particular cases, including Special Orders for regulating debate, shall, on demand of any member, require a two-thirds vote for adoption; but this rule shall not be construed as applying in any way to the ordering of the Previous Question, or to any other of the usual subsidiary motions.

231. To Divide the Question.— This motion is in order pending a vote on the question which it is proposed to divide, even after the Previous Question has been ordered. It applies, however, only to motions made up of propositions so distinct and independent that any one of them might stand, if adopted, even though the rest should fail. If any of the proposed parts, standing alone, would manifestly be futile or absurd, the division is not allowable; and an amendment by striking out and inserting (see page 213) is to be regarded as an indivisible proposition.

A motion to divide the question must state the mode of division desired; and the chairman, if the point is raised, must decide, subject to appeal, whether such division is admissible. If the motion is admitted it is decided by a majority vote; it is undebatable, but may be amended by altering the mode of division; no other subsidiary motion can be applied to it. See also Manual, Sec. 69.

The above procedure, though prescribed in all the manuals, is cumbersome and very inconvenient when a vote is pending. The following special rule, based on the practice of the House of Representatives and most legislative bodies, is therefore recommended (but to be binding must be separately adopted):

Special Rule D

Pending the vote on a divisible question, any member may demand that it be divided into its several distinct and independent propositions. The chairman shall then determine, subject to appeal, whether the question admits of division, and if divisible how it may be divided; and he shall put the question to vote in accordance with this decision.

232. Nominations and Filling Blanks.— Nominations and proposals for filling blanks do not require to be seconded. They are in order pending the question to which they relate; and blanks (including

blanks for names) may be filled even after the proposition in which they appear has been adopted. Suggestions for filling blanks are to be put to vote seriatim, beginning with the *largest number* or the *longest time*, and nominations in the order in which they were proposed, until a decision is reached, — unless the mode of voting is by ballot. No subsidiary motion shall be applied to them severally (but see page 210); and debate shall not be allowed if objection is made, unless expressly permitted by vote. Nominations may be closed, after a proper interval, by vote or by order of the chairman with general consent; but in an election by ballot nomination shall not be essential to eligibility. See also Manual Secs. 58 and 68.

ARTICLE IV

SUBSIDIARY QUESTIONS

233. Subsidiary Questions as a Class. — Subsidiary motions are those which are directly applied to other motions, either to modify them or to dispose of them temporarily or finally. Such a motion necessarily takes precedence of the motion to which it applies — which is commonly, but not always, the main question. As a class, subsidiary motions yield to privileged and incidental questions unless *applied* to them (see Sec. 217). They have also a definite order of precedence with respect to each other, so that while certain of them are pending certain others may be moved and are first to be dealt with (see Manual, Sec. 35). See also Table, Sec. 200.

The subsidiary motions in general use are the following — and they shall take precedence of each other in the order here given, except that no form of amendment may be moved while a motion to postpone indefinitely is pending:

- (1) *Question of Consideration* (Sec. 234).
- (2) *To Lay on the Table* (Sec. 235).
- (3) *The Previous Question* (Sec. 236).
- (4) *To Postpone to a Certain Day* (Sec. 237).
- (5) *To Commit, or Recommit* (Sec. 238).
- (6) *Amendment of an Amendment* (Sec. 239).
- (7) *Amendment of the Main Question* (Sec. 240).
- (8) *Amendments Removing the Main Question* (Sec. 241).
- (9) *To Postpone Indefinitely* (Sec. 242).

As noted above, subsidiary motions are sometimes applied to motions other than the main question (in certain instances even to each other), but these are special cases each of which is treated in the proper connection.

234. Question of Consideration. — This procedure is exceptional and the question is rarely raised; its proper purpose is to dismiss at once, without debate, a proposition so undesirable that it ought not to be discussed or entertained. The objection must be raised when the proposition objected to is first brought before the assembly; it is not in order after any progress in business or debate. It may interrupt a member who has obtained the floor and is speaking; it need not be seconded. The words used are, "I object to the consideration of the question," or "I raise the Question of Consideration." The question is then stated by the chairman in the affirmative form: "Shall the question be considered?" By a *two-thirds vote in the negative* the question objected to shall be instantly dismissed and shall not be renewed during the session; but if the objection is not thus sustained, the question shall be proceeded with as if no objection had been raised.

The Question of Consideration is undebatable and no subsidiary motion can be applied to it; but the vote upon it may be reconsidered. It takes precedence of all other subsidiary motions while it is

allowed (see above), but may yield to a privileged or incidental question. It can be applied only to the main question. For a discussion of the status of this question under general parliamentary law, see Manual, Sec. 42. The above procedure has nothing to do with objection to the consideration of a question on the ground that it is out of order (see Sec. 224).

235. To Lay on the Table. — The form of this motion is "That the question be laid on the table," or "To lay the question on the table," or "That the question lie on the table." It cannot be qualified in any manner (as by specifying a period of time). It takes precedence of all other subsidiary motions except the Question of Consideration (Sec. 234), but may yield to a privileged or incidental question. Although it takes precedence of the Previous Question (Sec. 236) while that motion is pending, it cannot be moved after the Previous Question is actually ordered. It is undebatable, and no subsidiary motion can be applied to it. An affirmative vote upon it may be reconsidered, and the motion itself may, if defeated, be renewed after a proper interval. It may be repeated, without regard to time, whenever its *content* — that is, the question, or series of questions, to which it applies — is changed. For further discussion of these points, see Manual, Secs. 43 and 94.

The ordinary effect of this motion, if adopted, is to remove from before the assembly, for an uncertain period, both the main question then pending and any subsidiary motions — such as pending amendments — which may adhere to it (see Manual, Sec. 43), so that the assembly is then free to take up other business. But when the motion is applied to a Question of Privilege, or an appeal, or a reconsideration, its effect is limited to removing these questions; and when an amendment to the minutes is laid on the table, the minutes themselves are not removed from consideration.

When it is desired to resume the consideration of a subject which has been laid on the table, the proper procedure is to move "to take the question (specifying it) from the table" (see Sec. 88). If such a motion is adopted, the question is again brought before the assembly at precisely the same stage as when it was laid on the table, with all the motions then adhering to it still pending. If the question is never taken from the table it remains removed from consideration, and the effect is the same as if it had been indefinitely postponed.

236. The Previous Question. — This is simply a motion for closing debate and ordering an immediate vote on the pending question with any amendments which adhere to it; the name is misleading to the inexperienced, and the nature of the motion cannot be inferred from it. The Previous Question is ordinarily ordered on the main question with its pending amendments; but it may be applied to any other debatable question (with its amendments, if any are pending). *It is in order, therefore, pending any debatable question or amendments thereto.*

When applied to the main question, it is moved by saying, "I move that the Previous Question be now ordered," or simply, "I call for the Previous Question"; and such a call must be seconded. The question is then stated by the chairman in the form (established by long usage), "Shall the main question be now put?" Or the chairman may say: "The Previous Question is moved, and applies to the main question (with its amendments if any are pending). The question now before the assembly is on ordering the Previous Question. Those in favor will say *aye*" — etc. A majority vote decides the question (see Manual, Sec. 51).

When the Previous Question has been thus ordered by the assembly (in its unqualified form, as above), it is at once *executed* (see Manual, Sec. 49) by putting to vote, first any amendments which

may be pending, and then the main question itself; if there are no amendments already pending, the main question is put forthwith, for no further amendments are in order. During the execution of the Previous Question neither debate nor any subsidiary motion is admissible; even a motion to lay the question on the table (which is entitled to precedence while a motion to order the Previous Question is pending) is precluded after the order is actually made. Only privileged or incidental questions can interrupt the proceedings during the execution of such an order; and these, at such a time, are undebatable without exception.

When the Previous Question is ordered on any debatable motion other than the main question (with its amendments, as above), its effect shall be limited to the motion directly pending and such amendments as may adhere to it. In such a case the Previous Question may be moved in the usual terms, as given above; but the question must be clearly stated by the chairman in the following or equivalent words: "The Previous Question is moved, and applies to the pending motion (naming it) and its amendments (if any are pending). The question before the assembly is on ordering the Previous Question. Those in favor of so ordering will say *aye*," — etc.

When the Previous Question, thus qualified, has been ordered and fully executed by putting to vote the question, or questions, to which it applies, its effect is exhausted — leaving the main question and any other motions which remain pending open to debate and further procedure. The Previous Question may even have its application limited to an amendment by moving it expressly "on the pending amendment only" — thus leaving the main question free. If it is subsequently desired to close debate on the main question also, the Previous Question may be moved again (the un-

qualified form being used). For further explanation and special cases, see Manual, Sec. 49.

As already stated, the Previous Question is in order *pending any debatable question*; it therefore takes precedence of all subsidiary motions, except the Question of Consideration (Sec. 234) and a motion to table (Sec. 235). It may yield to privileged and incidental motions. It is undebatable, and no subsidiary motion can be applied to it. If a motion to order the Previous Question is decided in the negative, the motion may be renewed after such an interval as makes it substantially a different proposition (see Manual, Sec. 48); and as to what constitutes a proper interval the chair shall decide, subject to appeal. Reconsideration of a negative vote is therefore superfluous; but if, after the Previous Question has been ordered, it is for any reason desired to reopen debate, the order may be reconsidered provided its execution has not yet been begun; and the reconsideration of such an order annuls it without need of further action. For ordering the Previous Question a two-thirds vote is never necessary unless prescribed by a special rule; and such a rule is rarely desirable. For a full discussion of this important motion, see Manual, Chapter VI.

237. To Postpone to a Certain Day.—The form of this motion is, "That the question be postponed to" a specified day. It may be amended by changing the date; it is debatable, but debate is strictly limited to the question of postponement; and the Previous Question may be applied to it, affecting only the motion to postpone with its pending amendments (see Sec. 236). Except the above, no subsidiary motions can be applied to it. It takes precedence of motions to commit, to amend (unless applied to itself), and to postpone indefinitely, yielding to all other subsidiary motions, and to privileged and incidental motions. A vote

upon it may be reconsidered, and the motion itself may be renewed after such an interval as makes it substantially a different proposition.

When a question is thus postponed, it comes up as unfinished business on the day appointed, but gives way to any Special Orders (Sec. 229) made for the same date. If several questions have been postponed to the same day, they are taken up in the order of postponement (see also Sec. 222). Postponement cannot be made to a later date than the first day of the next session (see Sec. 204). A motion to postpone to an impossible day is equivalent to a motion to postpone indefinitely, and should be so treated (see Sec. 242).

238. To Refer to a Committee. — A motion to commit may be unqualified — simply, “To refer the question to a committee” — or it may designate the committee, or its number and even its membership, and may include instructions. In any case it may be amended by adding or altering such provisions; and if any of these matters are left unprovided for in the motion as adopted, they are to be determined (by vote or general consent) after its adoption, and take precedence of other business. Unless the question is referred to a Standing Committee, the committee is usually appointed (and in most cases by the chair) after the motion to commit has been adopted, — for thus waste of time is avoided if the motion is rejected. When different propositions are made, that for a Standing Committee takes precedence of that for a Special Committee, and both yield to a motion for Committee of the Whole (see Sec. 254). For further detail as to the above procedure, see Manual, Secs. 55 and 56.

A motion to commit is debatable; but it opens the main question to debate only so far as is necessarily involved in the question of commitment. The Previous Question may be ordered upon it and shall apply only to the motion to commit (with

its amendments, if any are pending). A motion to commit takes precedence of indefinite postponement and of all amendments relating to the main question (though it may itself be amended). It yields to all subsidiary motions except the above. When unqualified it shall be amenable only to amendment and the Previous Question; but when it is qualified by instructions or the like, any appropriate subsidiary motion may be applied to it; and the same is true of any supplementary procedure — for example, the whole matter of nominations may be referred to a committee. The vote upon a motion to commit may be reconsidered, but this is not allowable after the subject-matter is actually or presumptively in the hands of the committee (by delivery of documents or otherwise). The question referred may, however, be brought back before the assembly by a vote “to discharge the committee from further consideration of the question” (see Sec. 245).

A motion to appoint or instruct a committee for any purpose may also be made as a principal motion when no other question is before the assembly. A motion to recommit — that is, to refer the question back to the committee after a report, with or without further instructions — is subject to the same rules as ordinary commitment so far as these rules have application.

The subject of commitment is more fully discussed in Chapter VII of the Manual, and the procedure of committees in Chapter XII; see also Article VI of the Code.

239. Amendment of an Amendment. — Any *primary* amendment (that is, an amendment *directly applying* to a principal motion or other amendable question) may itself be amended by altering its terms; and such amendments of a pending amendment are called *secondary* amendments, or amendments in the *second degree*. Amendment in the

third degree is not tolerated, — that is, it cannot be moved to amend an amendment to an amendment; but several secondary amendments may be moved and acted upon *in succession*. See also Manual, Secs. 59 and 62.

Secondary amendments of course take precedence of the amendment to which they apply, in all cases; but when applied to an amendment of the main question they yield to all subsidiary motions except primary amendments and a motion to postpone indefinitely; they also yield to privileged or incidental motions if any such arise. They are debatable, but only so far as relates to themselves. The Previous Question, if moved in its unqualified form while such an amendment is pending, is not exhausted until all the pending amendments and the main question itself have been put to vote; but if the order is expressly limited to the pending amendment, its effect goes no further (see Sec. 236). No subsidiary motion other than this can be directly applied to a secondary amendment; but if the main question is laid on the table, or postponed, or referred, all pending amendments go with it. As soon as a secondary amendment is decided the question recurs on the primary amendment, which may then be further amended or at once put to vote.

240. Amendment of the Main Question. — Amendments in the first degree are ordinarily moved on the main question; but the rules here given apply also to all other primary amendments (for example, those applied to a motion to postpone or commit) unless the contrary is indicated. But let it be noted that, while amendments applied to a debatable question are debatable, amendments applied to undebatable questions are themselves undebatable; and that, since an amendment necessarily takes precedence of the question to which it applies, amendments applied to a question having high privilege themselves become highly privileged, —

though an amendment of the main question takes precedence of that question only. An amendment of the main question is of very low rank, yielding to any other subsidiary motion except a motion to postpone indefinitely, — with which it stands on a footing of equality, so that neither can be moved to supersede the other. Amendments of the main question also yield to any privileged or incidental questions which may arise.

Apart from amendments in the second degree (Sec. 239), the only subsidiary motion which can be directly applied to an amendment is the Previous Question — and this, of course, only when the amendment is debatable (see above). If the Previous Question is ordered in its unqualified form (see Sec. 236) its effect is not exhausted until both the pending amendment and the question to be amended are successively put to vote; and the moving of any further amendments is thus precluded. But if the Previous Question is ordered expressly “on the pending amendment only,” it is then completely executed and exhausted by a vote on that amendment, — so that debate and further amendments (applying to the main question) are then in order.

When the main question (or a Question of Privilege — see Sec. 221) is laid on the table, or postponed, or referred to a committee, any pending amendments which relate to it go with it. But do not fail to remark that undebatable questions of high privilege, such as the motion to fix the time for reassembling (Sec. 218), even when amendable are not subject to the above procedure.

There is no limit to the number of amendments which may be moved and decided *successively*; but while one amendment is *pending* no other primary amendment can be moved or entertained (except in the case of a substitute, as provided in Sec. 241). This, of course, does not preclude amendment in the *second degree* (see Sec. 239).

When the assembly, by its vote on a previous amendment, has decided that certain words or clauses shall be stricken out, or inserted, or retained, it is not allowable to move a subsequent amendment which reverses this action or in any way involves practically the same question as that already decided; but an amendment relating to the same words or clauses is allowable if it presents a question substantially different from that already decided. These principles, reasonably interpreted, are a sufficient guide for a chairman in ordinary cases (see Manual, Sec. 63). For the elaborate rules formulated from these principles and observed in very strictly conducted assemblies, see Manual, Secs. 64, 65, 66.

The usual modes of amendment (see Manual, Sec. 61) are the following:

- (1) By adding or inserting words or clauses.
- (2) By striking out words or clauses.
- (3) By striking out certain words or clauses and inserting others in place thereof — which is an indivisible proposition.

When the last named method is applied to the proposition *as a whole* (to strike out all after the enacting words and insert in place thereof a different proposition on the same subject) it becomes practically identical with amendment by moving a *substitute*, — which is a special case, treated in Sec. 241.

It is not necessary that amendments be in harmony with the original purpose of the proposition amended; they may even quite reverse its purport, — as by striking out the word “censure” and inserting in its place the word “commendation.” But amendments must in all cases be *germane*; that is, they must really relate to the original proposition, although they may deal with it in any way, even to destroying it — as when a resolution is amended by striking out the word “resolved” (see Sec. 241). An amendment may not, however, change the

essential form or character of a motion: thus a motion to postpone to a certain day may not be amended by substituting a motion to postpone indefinitely, which has a very different rank; and a motion to strike out and insert may not be amended by cutting asunder its parts, so as to convert it into a motion to strike out and an independent motion to insert — which are modes of amendment unlike the original and unlike each other (see Manual, Sec. 62).

For division of a question, see Sec. 231; for filling blanks, see Sec. 232. For a more detailed discussion of the whole subject of amendment, see Manual, Chapter VIII.

241. Amendments Removing the Main Question.

— Although ordinarily only one primary and one secondary amendment can be pending at once, it has become customary, when a resolution or similar document is under consideration, to allow one *substitute* (that is, a different resolution on the same subject) to be offered as an amendment in addition to these. In such a case two primary amendments may be pending at once. But the substitute, even though first moved, cannot interfere with the amending of the original resolutions in the usual way; and it is only after this mode of amendment is completed that the substitute (which may itself be amended when its turn comes) is put to vote. If the substitute is adopted (first as an amendment and then as the main question so amended, two votes being required), that ends the matter; if the substitute is rejected, the original resolution, as previously amended, is put to vote. For further detail of this somewhat complicated procedure, see Manual, Sec. 67.

Since amendment by substitution is the same thing, in effect, as amendment by striking out everything after the enacting words ("Be it resolved," or the like) and inserting new provisions, the motion

is usually made in that form in strictly conducted assemblies, such as the Houses of Congress; but in ordinary assemblies a substitute is more commonly moved as such.

A motion to amend *by striking out the enacting words* has, when it prevails, the same effect as a rejection by direct vote. It is, therefore, practically equivalent to a motion to postpone indefinitely, and is to be treated simply as another form of that motion (see Sec. 242), for both these modes of abolishing the whole proposition should never be entertained on the same question; and after such a stultifying amendment has been adopted it is a futility, and absurd, to put to vote the main question as amended.

Both the above forms of amendment so involve the main question as to open it to debate as freely as when it is under direct consideration.

242. To Postpone Indefinitely. — This, in effect, is a motion to dismiss the question altogether. It is not a real motion to postpone, although its conventional form is, "That the question be indefinitely postponed"; for a question thus indefinitely postponed is as completely removed as if it had been defeated by a direct vote, and it cannot again be brought before the assembly during the session.

This motion takes precedence of the main question only. It holds equal rank with amendment, and if first moved must be decided before amendments can be entertained; but it yields to all other subsidiary motions and to any privileged or incidental motion. It is debatable, and opens the main question to debate in the same manner as if that question were under direct consideration. If the Previous Question is ordered while a motion to postpone indefinitely is pending, its effect is limited to that motion; to close debate on the main question it must again be moved. No other subsidiary motion can be directly applied to indefinite post-

ponement; but it goes to the table with the main question, if pending when the latter is tabled. A vote upon it may be reconsidered. See also Manual, Sec. 45.

ARTICLE V

SUPPLEMENTARY QUESTIONS

243. Supplementary Questions as a Class.— These arise on motions employed to bring a question again before the assembly after it has been removed from consideration or finally decided by vote. With the exception of reconsideration in certain cases, they are motions of very little privilege and cannot be moved when another question is pending. They have no fixed order of rank; as a class, they yield to privileged and incidental motions, and to subsidiary motions if these are applied to them. See also Manual, Sec. 87, and Table, Sec. 200.

The supplementary motions in general use are the following:

To Take from the Table (Sec. 244).

To Discharge a Committee (Sec. 245).

To Reconsider (Sec. 246).

To Rescind or Repeal (Sec. 248).

NOTE:— The above motions are not numbered because this would seem to imply a definite order of rank, which they do not possess.

244. To Take from the Table.— This motion has no application unless the question has previously been laid on the table (see Sec. 235), and is in order only when no other question is actually before the assembly; but it may be moved as unfinished business, taking precedence of new business. It yields to any privileged or incidental question. It is undebatable, and neither amendment nor any other subsidiary motion can be applied to it.

If decided in the affirmative, it brings the question to which it is applied again before the assembly

(with any questions which adhere to it) at the same stage of procedure as when it was laid on the table (see Sec. 235). The subject may then be dealt with in any of the usual ways.

If decided in the negative, the motion to take from the table may be renewed after a proper interval — to be determined by the chair if the question is raised, subject to appeal; hence a reconsideration of a vote on this question is rarely needed, but may be allowed. For further discussion, see Manual, Sec. 88.

245. To Discharge a Committee. — The usual form of this motion is, "That the committee (naming it) be discharged from further consideration of the subject (stating what it is)." The purpose is to bring again before the assembly a subject which has been referred, on which the committee has not yet made a final report; or to relieve a committee from further consideration of a subject which is now deemed unprofitable.

A motion to discharge a committee takes precedence of new business, but is not otherwise privileged. It is debatable, but the subject which it is proposed to recall from the committee can be discussed only so far as is necessarily involved in discussion of the pending motion. It cannot be amended (so as to apply to any other committee or subject). It may be laid on the table, or the Previous Question may be ordered upon it — and the effect of such an order will extend to no other question; no other subsidiary motions are admissible. A motion to discharge yields to privileged or incidental questions if any such arise. A reconsideration is allowable, but not after actual consideration of the subject recalled has begun.

The effect of an affirmative decision is to dispense with further action on the part of the committee, and to bring the subject committed once more before the assembly in the same manner as if it had been

taken from the table (see Sec. 244); the assembly may then proceed with the matter as it sees fit. A negative decision on a motion to discharge simply leaves the subject in the hands of the committee.

246. Reconsideration. — After a motion has been put to vote and decided, it is in most cases allowable (though in ordinary assemblies not often advisable) to move that the vote be reconsidered. Such a motion is not permitted after the assembly has taken any action consequent upon the vote to be reconsidered, or in execution of it, unless this subsequent action is itself first reconsidered. For example, the vote on an amendment to the main question may be reconsidered immediately, before the main question is acted upon, — but after the main question has been decided, the main question itself must first be brought back by reconsideration before a reconsideration can be moved on the amendment. On the same principle, a vote to commit may not be reconsidered after the subject has been actually consigned to the committee; nor can the vote on an appeal be reconsidered after the decision has been executed or made the basis of subsequent action. Subject to these limitations, a motion to reconsider shall be in order whenever the vote to which it applies would be in order, — but only during the day on which the vote was taken. Thus a motion to reconsider a vote fixing the time for reassembling (see Sec. 218) is very highly privileged, while a motion to reconsider an amendment is of low privilege (see above). The reconsideration of a vote (including a direct decision) which had the effect of removing the main question from before the assembly is not in order while any other question is pending, but takes precedence of any new business.

Reconsideration may be moved by any member — unless the vote reconsidered was decided by *yeas* and *nays*, in which case reconsideration may be

moved only by a member who voted on the prevailing side. After such a motion is made, until it is decided (be the interval long or short) the vote to which it applies is held in abeyance and its execution suspended. A motion to reconsider the vote on an undebatable question is itself undebatable, and in such a case it shall be amenable to no subsidiary motion; but when applied to the vote on a debatable question, a motion to reconsider is not only debatable but opens the whole subject to free discussion. Debate may be closed by ordering the Previous Question, the effect of which is limited to the reconsideration itself, leaving the question recalled by reconsideration open to further debate; and this is true even if the original vote was taken under an order of the Previous Question — for that order has been completely executed and exhausted, so that the question comes back divested of it. But since the question reconsidered is brought back at precisely the stage which it had reached when the vote upon it was taken, a member who has exhausted his privilege in the original debate cannot speak again on the question after it is recalled by reconsideration, — though he may speak on the motion to reconsider while that is pending. A reconsideration, when debatable, may be laid on the table, and such action removes it completely for the time; but it may subsequently be taken from the table — hence this mode of procedure is unsafe and unsatisfactory, though much used (see Manual, Sec. 91). Except as above, no subsidiary motions shall be applied to a motion to reconsider; it may yield to privileged or incidental motions when these arise, but a call for the Orders of the Day shall not interfere with its consideration.

The question of reconsideration is put by the chairman in the form, "Shall the vote (defining it) be reconsidered?" For example, "Shall the vote by which the report of the Finance Committee was

made a Special Order for Thursday of this week be reconsidered?" Such a motion requires *only a majority vote* for its adoption, even when the vote reconsidered requires a two-thirds vote, as above. A negative decision leaves in force the previous action of the assembly, and the motion to reconsider cannot be renewed. A reconsideration cannot itself be reconsidered; and no action of the assembly can be twice reconsidered, — except that when a question has been materially amended after reconsideration, the vote upon it may again be reconsidered. Only a *vote* can be reconsidered (never a pending motion).

When a motion to reconsider is adopted, the vote reconsidered is removed as if it had never been taken, and the question previously decided by it is again pending for decision by the assembly. The question thus reopened is then put to vote a second time, and the former decision may be either reversed or reaffirmed; and if a two-thirds vote was required in the first instance, the requirement is the same when the question is again put after reconsideration.

It must be carefully noted that reconsideration does not in itself *reverse* the former decision; it merely brings back the original question, which must be again put to vote. But the reconsideration of a vote ordering the Previous Question is exceptional in this respect, — for in such a case the vote to reconsider revokes the order without further action. Such an order, however, cannot be reconsidered after its execution has begun.

In general, no act of the assembly can be reconsidered when that act, or the consequence of such action, has passed beyond the control of the assembly so that the situation when the question was pending cannot be recalled; and when an order of the assembly has been faithfully executed, or proper steps taken toward its execution, by members deputed or authorized so to act, their action cannot be

rendered invalid by a subsequent reconsideration. The assembly may not evade responsibility for its acts by an *ex post facto* reconsideration.

Under this Code, reconsideration in a committee shall be allowed, but shall in all cases require the concurrence of the entire committee, not of a quorum merely. See also Manual, Sec. 90.

On the following questions a decision can in no case be reconsidered:

To Adjourn (Sec. 219).

To Suspend the Rules (Sec. 228).

To Reconsider (in all its applications).

247. Special Rule for Reconsideration. — At a meeting thinly attended it may sometimes happen that a merely temporary majority (which is really a minority of the total membership) is completely in the ascendant; and this accidental majority may take action very repugnant to the assembly as a whole. The best remedy, of course, is full attendance; but this is not always possible. To meet such an exigency the following special rule, applicable only in assemblies having a definite roll of members, most of whom are ordinarily in attendance, is recommended (but to be binding it must be separately adopted):

Special Rule E

If, after a vote directly or indirectly making final disposition of a main proposition, it is found, on division, that the majority by which the question was decided is less than a majority of all those enrolled as active members, any member may demand that the vote be reconsidered at a meeting to be held on a different day and after an interval of at least eighteen hours. Pending such reconsideration the effect of the said vote shall be suspended, and no steps shall be taken for its execution, and no acts in pursuance of it shall be valid. Such demand may be made only on the day of the said vote or during the meeting at which it was taken; but

on that day it shall be in order up to the moment of final adjournment, and shall take precedence of all other business until it has been stated and entered on the minutes. Such demand need not be seconded and may interrupt a member who is speaking. The reconsideration shall then come up and be put to vote as a matter of course immediately after the reading and acceptance of the minutes at the next meeting, special or regular, held on a different day; and the decision then made shall be final, even if again made by a majority less than a majority of the total membership.

NOTE: — By the above rule opportunity is given to notify absent members and secure a full attendance. Such procedure can never obstruct the will of a real majority, as other methods often do; and it cannot be evaded in the cases to which it properly applies, as often happens under a different system; also the delay is reduced to a minimum, since those in favor of the action taken will naturally adjourn to meet on the following day or some near date. For the mode of procedure usually followed in legislative bodies (ill suited to ordinary societies), see Manual, Sec. 92.

248. To Rescind or Repeal. — This is the proper motion when it is desired to annul a vote or revoke an order after the time for reconsideration is past. It is practically a principal motion, subject merely to the usual rules of procedure. It is in order only when no other motion is before the assembly, and possesses no special privilege. It is debatable and opens to free discussion the whole subject to which it relates. It is amenable to the Previous Question, amendment, and all other subsidiary motions; it yields to privileged and incidental motions when these arise. Unless a special rule provides otherwise, only a majority vote is required (but see page 177). See also Manual, Sec. 95.

ARTICLE VI

COMMITTEE PROCEDURE

249. Organization. — The motion to commit and the appointment of committees have already been treated in Sec. 238 of the Code, and more fully in Chapter VII of the Manual; and the whole subject of action in committee and on reports is discussed in Chapter XII of the Manual. Only an outline of the usual mode of procedure, with the rules by which it is regulated in ordinary cases, is needed here.

When a committee has been appointed, the member first named is to call the first meeting; and he shall continue to act as chairman unless the committee, when assembled, elect another — which they have power to do, though such procedure is unusual. If, however, the assembly, or its presiding officer when so empowered, has expressly designated a chairman, *as such*, for the committee, no change shall be made by the committee itself. If the chairman fails to act, any two members may call the committee together. All its members must be notified of the time and place of the first meeting. Unless there is a rule of the assembly prescribing otherwise, a quorum for the transaction of business in a committee is a majority. A secretary should be at once elected (or appointed by the chairman with general consent), after which the committee proceeds in much the same manner as the assembly itself, — though often with less formality, especially when the committee is small. In such a case the proceedings may become much of the nature of an informal conference, but should always close with formal action on the report. The committee may hold a series of meetings if necessary, each being terminated by a motion “to rise,” which in com-

mittee has the same effect as a motion to adjourn in the assembly, and shall be subject to the same rules. When the committee have finished the business assigned them, the last meeting is terminated by a motion "to rise and report."

A committee is strictly bound by any instructions received from the assembly and has no power to modify them; it is not allowable to take up other subjects than those assigned. Any form of motion needed for the proper transaction of legitimate business may be used. Even motions to close or limit debate shall be allowed if the need is felt; but the ordering of the Previous Question, as such, is not customary in committee. Reconsideration (Sec. 246) shall be allowed, but only by an absolute majority of the whole committee (not of a quorum merely). A committee, however, has no power to discipline its members; it can only report the misconduct to the assembly.

A committee has a right to strict privacy in its deliberations, and may exclude from its place of meeting all persons not authorized to be present. No reference to anything said or done in committee, except as included in the committee's report or in a "minority report" formally presented, is allowable in the assembly.

250. Preparing a Report. — Ordinarily the chief business of a committee is the preparation of a report. This may consist in a statement of certain facts; or in a recommendation, which should commonly be put in the form of a resolution which may be adopted by the assembly; or in the drafting or amending of some document, — such as a constitution, or a body of rules, or resolutions expressing thanks, or sympathy, or remonstrance, or the like. If a document has been put in the hands of the committee for amendment, this must not (unless simply a copy) be in any way mutilated or defaced; the amendments of the committee should be entered

on a separate paper, with precise references to the original (by the numbering of the sections or the like) to indicate exactly where and how they apply; or the committee may give their report the form of a substitute for the whole document (see Sec. 241). If the report is to consist in a document drafted by the committee itself, it is usual to appoint a sub-committee of one or more to prepare a first draft as a basis for action; this is then amended by the committee and adopted as their report, — and in such a case the amendments should be incorporated in the draft as reported to the assembly. For the usual mode of procedure in going through a long document, see Code, Sec. 212, and Manual, Sec. 100. For the proper form of reports of various kinds, see Manual, Sec. 102.

251. Reporting to the Assembly. — The report of a committee is usually presented by its chairman, though this duty may be assigned to any other member. For details of procedure, see Manual, Sec. 103. The report is ordinarily received by general consent, though if question is made a vote is necessary. The report is commonly acted upon immediately; but if the report is to be taken up for action later, it is not usually read (unless very brief) at the time when it is presented, but is simply delivered to the secretary, — for all reports of any importance should be in writing. If a committee is called upon to report before it has reached a definite conclusion, it may simply report "progress"; or, if it has accomplished nothing, "no progress." It may then be discharged (Sec. 245) or further instructed.

When a Special Committee (see Manual, Sec. 97) has made a final report covering all the matters assigned to it for consideration, it thereby ceases to exist as a committee; but it may be revived by a vote of the assembly to recommit the subject reported on, and its duties may be extended or

altered by new instructions. A partial report shall not terminate the committee without a discharge. A Standing Committee — which is designed to deal with a certain class of subjects as they arise, and often is appointed or elected for a definite period — is not, of course, terminated by any particular report.

252. Acting on a Report. — The usual motion after a report has been received is, "That the report be accepted," or "adopted," or "agreed to" — all of which motions have precisely the same effect, making any orders and sentiments embodied in the report the orders and sentiments of the assembly. Some caution should be exercised at this point, and the precise form and effect of the report should be carefully noted before action is taken (see Manual, Sec. 104). When the above motion is before the assembly, the report may be debated, amended, recommitted, laid on the table, or dealt with by means of any of the usual forms of procedure.

For the proper mode of procedure in acting on a report of length and importance, and in other special cases, see Manual, Sec. 105.

253. Minority Reports or Views. — Nothing that has not been agreed to by a majority can form any part of the report of a committee, properly speaking. When, however, a minority of a committee seriously dissent from the report adopted, or some part of it, they are usually allowed to present their views to the assembly in what is popularly called "a minority report." In legislative bodies this is more correctly termed "the views of the minority." If the committee is large and opinions are divergent, several such documents may be presented, — each of which should be signed by all the members whose views it represents. See also Manual, Sec. 101.

A "minority report" is commonly received immediately after the report (proper) of the com-

mittee. It can be brought before the assembly for action only by moving, after it has been moved to accept the report of the committee, "to substitute the report of the minority" — or more correctly, "the views of the minority." This is simply a motion to amend by substitution (Sec. 241); and if it is adopted, the "minority report" takes the place of the report of the committee. It may then be accepted or rejected or otherwise dealt with as the assembly sees fit (cf. Sec. 252).

254. Committee of the Whole. — In this somewhat artificial mode of procedure the whole assembly, without adjourning or leaving its usual place, converts itself into a committee and holds a meeting as such, subsequently reporting to itself as an assembly. The main purpose is to secure greater freedom of debate. No action taken in Committee of the Whole is binding on the assembly without subsequent ratification by the assembly acting as such. Under the Code, the regulations are simplified by the removal of a few needless restrictions, purely theoretical in origin and now passing out of use (cf. Manual, Sec. 106).

When it is desired to proceed in the above manner the proper motion is, "That the assembly do now resolve itself into a Committee of the Whole for the consideration of" — whatever it is desired to discuss. This is simply a particular form of the motion to commit (see Sec. 238). When this motion is adopted, the presiding officer of the assembly, after appointing some member to act as chairman of the committee, vacates the chair and takes his seat as a member; and the member appointed, assuming the chair, states the business assigned to the committee. In legislative assemblies the chairman of the committee usually sits at the table of the clerk, but in ordinary societies this is needless and often inconvenient. The secretary (or his assistant) makes memoranda of the proceedings; but these

do not become a part of the minutes of the assembly, — which are interrupted at the point where the presiding officer vacates the chair and are resumed when he assumes it again. Only the *report* of the committee as made to the assembly is entered on the minutes.

The proceedings in Committee of the Whole are in most respects the same as in other committees and subject to the same rules; but a sub-committee cannot be appointed. The session of the committee should be terminated by a motion “to rise and report,” which is always in order and subject to the same rules as adjournment in the assembly; the committee cannot adjourn, — nor can it appoint a time for another session, though it may request the assembly to do this. The Previous Question is not in order in Committee of the Whole; but it shall be allowable for the committee, without rising, to make an order for closing or limiting debate in the same manner as in the assembly proper. Apart from such an order, any member may speak in debate as often as he can obtain the floor. To ascertain whether a quorum is present, the chairman may make a count; and if a quorum is lacking the committee must rise and report the fact. In general, the committee may take any action necessary for the performance of the duties assigned it; but its function is limited, its main business ordinarily being the preparation of a report. It must not in any way assume the authority of the assembly or trench upon this; and such a committee, like others, is strictly bound by its instructions, which it may not modify or extend. It may at any time rise and ask for further instructions from the assembly.

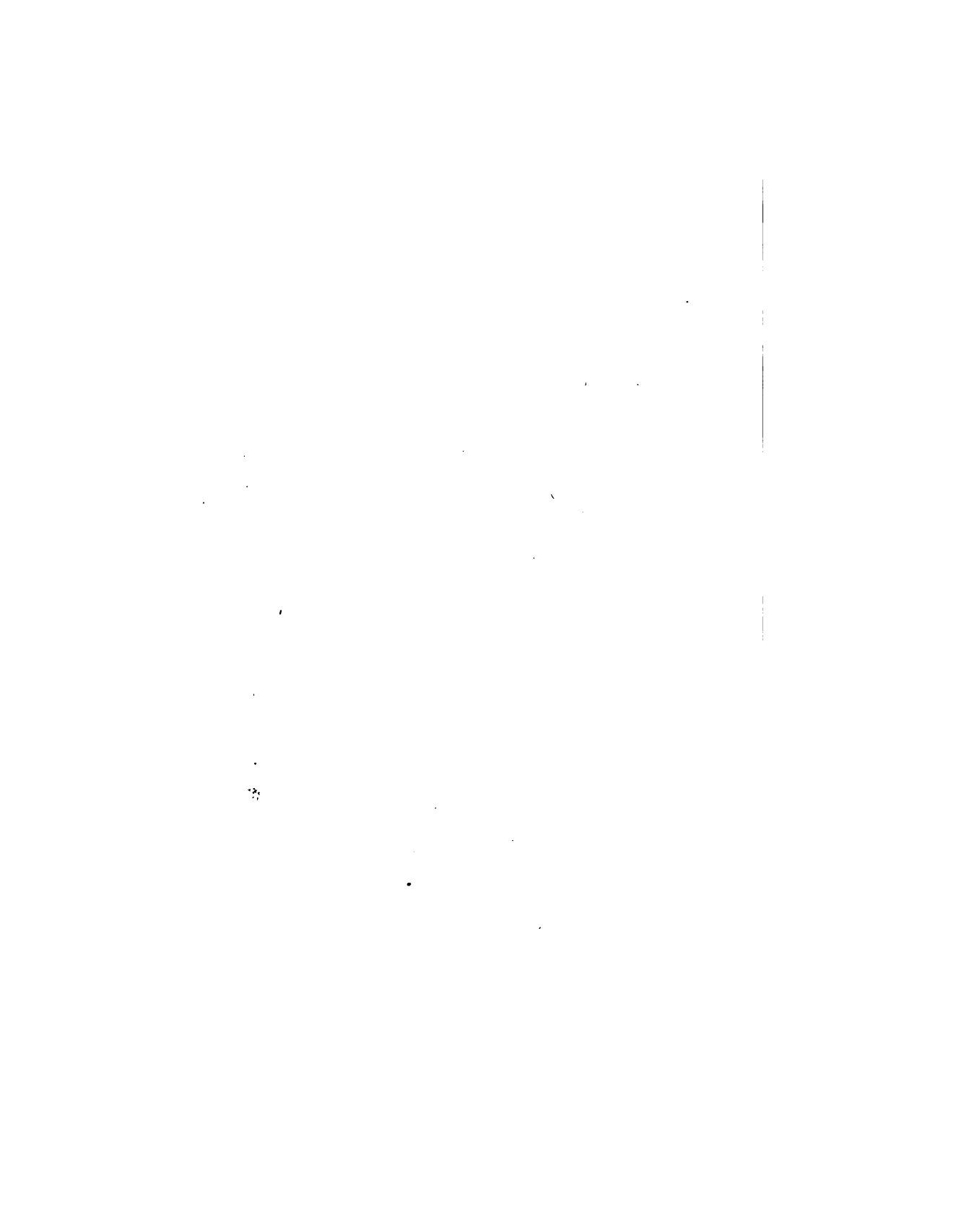
When the session of the committee is terminated by a vote “to rise and report,” the presiding officer of the assembly resumes the chair; and the chairman of the Committee of the Whole, speaking from his usual place in the assembly, presents the report.

This may consist in a document adopted or amended by the committee, or in a request from the committee, or in a simple statement of what the committee has done or failed to do. The report is then to be acted upon by the assembly like that of any other committee (see Sec. 252).

In case of disorderly conduct during a session of the Committee of the Whole, the committee itself has no authority to discipline the offending members, but may report their misconduct to the assembly for suitable action. If extreme disorder arises in the committee, the presiding officer of the assembly may resume the chair and restore order without waiting for the committee to rise. By this act the session of the committee is suspended, but may be resumed by permission of the assembly.

For what is sometimes called "informal action" (procedure similar to that in Committee of the Whole, but without change of chairman) see Manual, Sec. 107.

SUPPLEMENT



SUPPLEMENT

FORMS AND MODELS

255. Constitution for a School Society.— The following constitution for a debating society connected in a semi-official way with the school in which its members, or most of them, are enrolled as students, is based in a measure upon that of an actual organization successfully maintained for many years, but is here much generalized. The mode of procedure which it prescribes will be found not only well adapted to purposes of debate, but also, incidentally to this, well calculated to excite interest in parliamentary practice and to give effective training in it without resorting to the meaningless exercises so often used for that purpose.

The document here given is intended to serve simply as a starting point and suggestion for school societies having aims similar to those of the original association. It may, of course, be modified and adapted in each instance so as to meet the particular wants and circumstances of any sort of society making use of it as a general model. A committee (of three or five) should be appointed to prepare a draft of a constitution, taking this as a basis, but omitting or altering any of its provisions to suit the conditions and purposes of the organization. This draft should be reported at a subsequent meeting, amended in any particulars which are not found satisfactory, and then adopted by the assembly. For the mode of procedure, see Manual, Sec. 131, and Code, Sec. 212.

CONSTITUTION*Preamble*

We, the undersigned, students of the Zealand High School, desiring to improve ourselves in debate by means of systematic practice under competent advice and criticism, in order to perfect our organization for this purpose do hereby adopt and establish the following constitution.

ARTICLE I — NAME

1. This association shall be known as the Philo-erian Debating Club of the Zealand High School.

ARTICLE II — MEMBERSHIP

1. The members of the Club shall be: (1) those persons included in the original summons to meet for organization who did actually so meet and put their names upon the roll; and (2) such other students of the Zealand High School as shall from time to time be elected to membership by a majority vote at a regular meeting; and (3) such other persons, not students of the Zealand High School, as shall be elected by a two-thirds vote at a regular meeting, after nomination at a meeting at least one week previous, and with the approval of the Instructor-in-charge.

2. Those elected in the manner prescribed above shall be required, within a period of one month from the date of election, to perfect their membership by paying the initiation fee as defined in the By-laws and signing this Constitution; and until they have complied with these requirements they shall not be entered upon the roll as active members of the Club; and the election of such as fail to comply within the specified time shall be deemed void.

3. When any member of the Club shall sever his connection with the Zealand High School, or shall be absent from three consecutive regular meetings of the Club, he shall no longer be regarded as an active member. Those thus retired from active membership shall be known as *silent* members, and shall retain the privileges of membership except as herein provided:

They shall not be entitled to vote, and shall not be eligible to any office; none of the ordinary duties of members shall be imposed upon them, and they shall not be required to pay any dues or fees not already incurred; they shall not be considered in determining a quorum. But a silent member may be restored to active membership by a two-thirds vote at any regular meeting, provided he so requests.

4. No active member shall decline any office to which he is elected or appointed, or refuse any duty assigned to him in accordance with the provisions of this Constitution and the appended By-laws, unless excused by the Club (by vote or general consent), or by the President (in the exercise of his plenary authority as Officer of the School), to whom any member may appeal if the duties assigned him appear unreasonable or unjust.

ARTICLE III — QUORUM AND MEETINGS

1. A quorum for the transaction of business shall be a majority of the active members, with the President or such substitute officer as he shall depute to act in his place.

2. The regular meetings of the Club shall be held once each week during the school year, under such regulations and with such exceptions as the By-laws may provide.

3. The sessions of the Club shall be coextensive with the terms of the Zealand High School, the first meeting held after the opening of the term being the first of the session.

ARTICLE IV — OFFICERS

1. The President of the Club shall be the Principal of the Zealand High School, or the Instructor whom he shall depute for this service. He shall perform the usual duties and exercise the usual powers of a presiding officer as defined in the Revised Manual, subject to the provisions of this Constitution and any special rules adopted in accordance with these; but he shall also retain his full authority as an Officer of the Zealand High School, and may at any time, in the exercise of a sound discretion, overrule and set aside any action or procedure which he deems inconsistent with the purposes for which the Club was organized or seriously prejudicial to its usefulness.

2. A Secretary shall be appointed by the President at each regular meeting, and shall perform the usual duties of his office as defined in the Revised Manual and the further duties prescribed in the appended By-laws.

3. A Treasurer shall be elected by ballot at the first meeting of each session, or, in case of failure to elect on that date, as soon thereafter as possible. He shall hold his office until his successor is elected; but if for any reason the office becomes vacant, the vacancy shall immediately be filled by a special election. The Treasurer shall collect all fees and dues, and have custody of all funds belonging to the Club, and make payments as ordered by vote; he shall keep accurate accounts, and shall report to the assembly on any point when so directed; at the end of his term he shall make a full report, and shall deliver to his successor all funds remaining in his hands and all accounts and records pertaining to his office.

4. A Premier shall be elected by ballot at the first meeting of each session, or as soon as possible thereafter. He shall then appoint two other

members to advise and assist him in the performance of his duties; and the Executive Council so constituted shall have charge of all arrangements for debate under the rules prescribed in the By-laws.

5. A Marshal shall be elected at the first regular meeting of each month in the manner prescribed in the By-laws, and shall perform the duties of his office as therein defined until his successor is chosen.

ARTICLE V—STANDING COMMITTEES

1. A Committee of Registration, consisting of two members, shall be appointed by the President at the first regular meeting of each session, to act under the provisions of the By-laws until a new committee is appointed.

2. A Committee of Inspection, consisting of two members, shall be appointed by the President at the first regular meeting in each month, to act under the provisions of the By-laws until a new committee is appointed.

ARTICLE VI—AMENDMENTS AND RULES

1. Any provision of this Constitution may be amended by a two-thirds vote, to be determined by *yees* and *nays*, at a regular meeting, provided the proposed amendment has been submitted in writing and read in full to the Club at a regular meeting held at least two weeks before final action is taken.

2. On all questions of order and procedure not otherwise determined by this Constitution and the appended By-laws, or by a special rule of order adopted by a two-thirds vote, the provisions of the Working Code appended to the Revised Cushing's Manual shall constitute the Standing Rules of Order; and *Special Rules A, B, C, D, E*, shall be included therein and are hereby severally adopted.

256. By-laws Appended to the Constitution.—

The by-laws (if any are required) should contain the detail of procedure needed to supplement and define the more general provisions of the constitution. They should contain a provision whereby they may be amended without excessive delay or difficulty; and it is usual to provide for their suspension in certain cases. They should be drafted by a committee, reported to the assembly, and then discussed, amended, and adopted in the same manner as the constitution (see Sec. 255). See also Manual, Sec. 131, and Code, Sec. 212.

BY-LAWS

Rule 1. The regular meetings of the Club shall be held on Friday evening of each week during the school year, at such hour as may be appointed by standing rule or special vote; and if the Club adjourns without fixing a day, it shall reassemble under this rule; but it may at any time fix a special date for the next meeting.

Rule 2. The regular order of business shall be as follows:

- (1) *Roll-call.*
- (2) *Consideration of Minutes.*
- (3) *Appointments and Elections.*
- (4) *Reports of Officers* (including the Premier).
- (5) *Special Orders.*
- (6) *Reports of Standing Committees.*
- (7) *Reports of Special Committees.*
- (8) *Unfinished Business.*
- (9) *New Business.*
- (10) *Literary Program or Debate* (unless made a Special Order).

The above order or any part of it may be suspended by a two-thirds vote at any meeting.

Rule 3. The Membership Fee shall be *one dollar*, and shall be paid within one month from the date of election and before assuming any of the rights of membership. The Term Dues shall be *twenty-five cents* from each member, and shall be paid within one week after the first meeting of each session; any member failing to comply within this period shall be held under suspension until such payment is made. Any part of the above requirements may, in any particular case, be dispensed with by a two-thirds vote at a regular meeting.

Rule 4. The Secretary shall assume his duties immediately upon his appointment, and shall keep an accurate record of all business transacted, carefully observing the form established by usage (see Sec. 257). He shall not attempt to report the substance of speeches in formal debate, but shall enter the name of each speaker and the side of the question on which he spoke; and he shall not record what is said by the President in his criticism of the speeches in formal debate, but merely the fact that at a certain point so many minutes were "devoted to a criticism of the debate by the President." After the close of the meeting, from memoranda taken down during its progress, he shall within three days prepare a trial draft of minutes, as correct in form and substance as he is able to make it; and this he shall submit to the Instructor-in-charge for criticism and correction, especially in the matter of proper form. The minutes thus corrected shall then be read at the next meeting for corrections as to substance; and within one week after their final approval by the Club they shall be neatly and correctly entered upon the Journal, in ink, by the Secretary whose work they are.

Rule 5. In the election of a Marshal, not more than three nominations shall be entertained, and these shall be put successively, by *ayes* and *noes* or a rising vote, until a majority is obtained or the list

exhausted; and if no election is reached, the President shall then appoint a Marshal for the month. It shall be the duty of the Marshal to attend all calls at the door, to regulate the ventilation of the hall, and to perform such other reasonable service as may be required.

Rule 6. It shall be the duty of the Committee of Inspection carefully to inspect all minutes belonging to the month for which the committee is appointed after the same are entered on the Journal, and to report with respect to the minutes of each date within their period of service whether the same have been entered at the proper time, in good form, and correctly, — submitting memoranda of all serious errors if such are found. The President shall then direct the Secretary to whose work the memoranda apply to make the necessary corrections — which shall also be reported upon by the committee. The committee shall in like manner, once during the month, inspect the files and records of the Committee of Registration, as to whether they are complete and properly kept, and shall report upon the same.

Rule 7. It shall be the duty of the Committee of Registration to receive all “ bills ” (see below) when their registration is ordered, and to assign them a number and enter upon them the date of registration; and when any subsequent order is made they shall endorse it in brief, with the date, upon the bill to which it relates. They shall have custody of all registered bills, and shall be ready to produce and read any one of them when so directed at any meeting; and they shall allow the other members reasonable opportunity to examine or copy any bill in their files, but shall not let any document pass out of their custody.

Rule 8. Formal resolutions designed to elicit debate shall be termed “ bills.” It shall be the duty of every member to introduce at least one bill each session.

The following preliminary procedure is prescribed: A trial draft shall first be submitted to the Instructor-in-charge for correction and advice. The bill, as corrected, shall then be drafted in ink, on an entire sheet of legal-cap paper, according to the usual form (see Sec. 258). The enacting clause shall be expressed in the following words: *Be it resolved as the sentiment of the Philolegian Debating Club.* The bill shall be folded in the customary manner for filing, and shall be endorsed with the name of the introducer and with a brief of the title. It shall then be resubmitted to the Instructor in charge, who shall endorse it with his initials if he finds it satisfactory; and without such endorsement no bill shall be in order for introduction.

Rule 9. The introduction of bills shall be in order under the head of New Business; and bills may be introduced at any other stage of business by unanimous consent. When introduced, the bill shall be read by title merely, unless reading in full is called for and the call seconded. It shall then be immediately and as a matter of course referred to the Executive Council, who shall, before the next regular meeting, determine whether in their opinion the bill offers a suitable and desirable subject for debate and is properly expressed for that purpose.

Rule 10. The Executive Council may recommend that a bill be registered (if they think it well adapted for debate), or that it be not registered (if they find it incurably undesirable); or they may report it with an amendment—which in such a case shall be voted upon first. The bill having been read by title (or in full on demand of any member) the President shall then put the question, "Shall the bill be registered?" and if this is decided in the affirmative, the bill shall be delivered to the Committee of Registration and may at any time be made a Special Order for debate; but if the question is decided in the negative, the bill shall be dismissed

without recall. Pending the question of registration further amendment is in order, and debate is allowable — limited, however, to the question of the fitness of the bill to serve as a profitable subject for a formal program of debate.

Rule 11. It shall be the duty of the Executive Council to make all necessary arrangements for debate, — determining what bill shall be debated on a given date, and who shall be the speakers, and on which side of the question each shall speak. The introducer of the bill shall, however, have the privilege of being the leading speaker in its favor; and in general, the Council should as far as possible consult the convenience and preference of the members, and the members themselves should confer with the Council and volunteer their services for the bill or the date they prefer. All active members are expected to participate in debate at least twice during the session, and all must be accorded a fair opportunity. Ordinarily arrangements for debate should be reported in advance for several meetings. Such arrangements are to be reported by the Premier, or in his absence by some other member of the Council, and should commonly be made a Special Order for the date indicated; but if the report is merely accepted by a majority vote, the debate shall be in order on the specified date under the head of "Literary Program or Debate."

Rule 12. The regular procedure in a formal debate shall be as follows:

The bill shall first be read in full in all cases. There shall be at least four speakers, and the floor shall be assigned to those supporting the bill and those opposing it in alternation, the introducer of the bill (or his substitute) speaking first. The limit of time for each speech shall be ten minutes. The reading of a written speech shall not be allowed, but notes of moderate compass may be used by

the speakers. Brief citations may be read as part of the argument, but must not amount to any considerable fraction of the speech. The Previous Question shall not be in order until all the speakers appointed by the Council have spoken; but after each of them has spoken once, general debate shall be in order, and to close this the Previous Question may be moved. In the special case of a formal debate on a bill, after the ordering of the Previous Question the leading speaker on each side of the question shall be allowed ten minutes for a closing speech. The question on the adoption of the bill shall then be determined by *yeas* and *nays*.

Any of the regulations contained in this rule may be suspended by a two-thirds vote.

Rule 13. After the decision by vote, the President shall deliver a criticism of the debate, strictly with a view to pointing out to the participants the faults which they should seek to avoid and what they should do to make improvement. This criticism may, on occasion, be postponed to the next meeting, and shall then be delivered immediately after the reading and acceptance of the minutes.

The President may require that the notes used by the several speakers in a formal debate be submitted to him for inspection and criticism, either before or after the debate as he may direct. The criticisms made by the President shall in all cases be regarded as a privileged communication to the members, no part of which is to be quoted or in any way commented upon outside the limits of the Club itself.

Rule 14. These By-Laws may be amended in any part by a two-thirds vote at any regular meeting, provided the amendment proposed has been submitted in writing and read at a regular meeting at least one week previous. They may not be suspended except in the particular cases provided for in the rules themselves.

257. Model of Minutes for a School Society.— The forms and methods used in recording minutes have been determined by long usage; they are well adapted to the purpose for which they are intended and far superior to any loose and casual mode of entry. Loosely drafted minutes are very vexatious and confusing; quite frequently they even fail to record essential facts. The model here given is based on congressional and legislative practice, modified somewhat to adapt it to the needs of ordinary societies. The mode of expression may in many cases be varied a little with perfect propriety, and a greater or less degree of fulness of statement may be used according to local custom; but the general method should be carefully noted and faithfully adhered to. The somewhat peculiar use of capital letters and paragraphing was doubtless originally designed to make quick reference easy in a manuscript book, and it still well serves that purpose; but when minutes are to be printed it may be modified somewhat. In general, all terms and titles specifically pertaining to the assembly (as "Journal" when the assembly's own journal is meant) are to be capitalized; and before the final decisive statement of what was actually done in a given case the line is commonly to be broken, as if for a paragraph, even where the grammatical connection is continuous. In the model, the names of members are represented by the letters of the alphabet, and explanations which are no part of the minutes are enclosed in square brackets.

The beginner who experiences difficulty— as beginners quite often do—in gaining a clear understanding of the effect of the pendency and interaction of motions, will find a study of the working out of these matters in the model minutes very helpful: for example, the execution of the Previous Question pending a series of amendments (page 249), or the procedure involved in a reconsideration (page 250).

Friday, March 7, 1911

The Philoleian Debating Club met in its hall pursuant to the Standing Rules [*in case of a special meeting, "pursuant to adjournment," or "pursuant to a call issued by the President"*] and was called to order by the President, Mr. Ampersand, at seven o'clock and thirty minutes p.m.

At roll-call twenty-four members responded, two being absent: viz. Messrs. I and Y.

The minutes of the meeting of February 28 were read by the Secretary, Mr. G, and approved with certain corrections [*commonly needless to specify*].

The postponed minutes of the meeting of February 21 were then read for approval by the Secretary of that date, Mr. Q.

On motion of Mr. A,

The said minutes were amended by striking out the words, "after a silly speech by Mr. Z."

Pending approval of the minutes as amended, it was moved, by Mr. H,

That it be made a Standing Order that no Secretary shall hereafter enter on the minutes of the Club slurring and injurious comments upon its members.

The said motion was ruled out of order by the Chair; and on appeal,

The decision of the Chair was sustained.

The minutes were then approved as amended.

Moved by Mr. H,

That Mr. Q be required to apologize for his insulting reference to Mr. Z.

At this point,

Mr. B objected to the consideration of the question;

Pending which,

Mr. Q asked and obtained unanimous consent to

offer an apology to the Club as a whole and to Mr. Z in particular.

The question of consideration being then put to vote, it was decided in the negative,

So the motion of Mr. H was dismissed.

Under the head of Appointments and Elections —

Mr. J was appointed Secretary.

Nominations for the election of a Marshal being in order,

Messrs. E, F, and G were nominated; and the question being put by the Chair on the names of the nominees in the order of nomination,

Mr. E. failed of a majority.

Mr. F was declared to have a majority; but,

A division being demanded,

Eleven votes were counted in favor of Mr. F, and thirteen to the contrary,

So Mr. F was not elected.

The question was then put on the name of Mr. G, and

Mr. G was elected Marshal for the current month.

At this point, by consent,

A letter was read by Mr. W from the Treasurer, Mr. Y, tendering his resignation on account of ill health.

On motion of Mr. W,

The resignation of Mr. Y was accepted.

On motion of Mr. G,

Voted, That the Club now proceed to the election of a Treasurer to fill the vacancy.

Nominations being in order,

Those nominated were Messrs. H, K, and V.

The Constitution requiring a ballot for the election of a Treasurer,

Messrs. B and C were appointed tellers, and the vote having been taken, the result of the first ballot was announced as follows:

Whole number of votes cast, 24.

Necessary for election, 13.

For Mr. H, 8.
For Mr. K, 7.
For Mr. V, 7.
For Mr. W, 2.

No candidate having received a majority, a second ballot was ordered, and the President announced that the provisions of *Special Rule A*, of the Code, would now apply.

The result of the second ballot was announced as follows:

Whole number of votes cast, 24.
Necessary for election, *a plurality*.
For Mr. W, 9.
For Mr. H, 8.
For Mr. K, 7.

Mr. W, having received a plurality of the votes cast, was therefore declared elected under *Special Rule A*, of the Code.

Mr. Z here rose to a point of order, viz. —

That Mr. W was not one of those nominated.

Ruled by the Chair,

That nomination is not essential to election provided the candidate is otherwise eligible.

Under the head of Reports of Officers —

Mr. X, Premier, from the Executive Council,

Reported a bill introduced by Mr. R, entitled "Resolution declaring the sentiment of the Club in regard to football as now played," recommending that the same be registered for future debate.

The question being put on registration, the same was decided in the negative,

So the bill was dismissed.

The Premier further reported,

That a debate has been arranged for March 15 on Bill 16, Messrs. P and Q to speak in support of the bill and Messrs. R and S in opposition to the same.

On demand of Mr. H, the bill was read in full.

On motion of Mr. A, two-thirds concurring,

Voted, That Bill 16 be a Special Order for March 15, under the arrangements reported by the Premier.

At this point, by unanimous consent,

Mr. S introduced a bill entitled, "Resolution declaring the sentiment of the Club in regard to fortifying the Panama Canal," and the said bill was read by title and referred to the Council.

The hour being eight o'clock and the Orders of the Day being called for,

The Club proceeded to the consideration of Bill 11, introduced by Mr. K and entitled, "Resolution declaring the sentiment of the Club in regard to coeducation," which had been made a Special Order for this day and hour at the meeting of February 28, under arrangements then reported.

The question being on the adoption of the said bill, it was read in full, and the floor was then assigned in turn to the speakers named in the report of the Premier.

Mr. K spoke in favor of the bill.

Mr. M spoke in opposition to the same.

Mr. L spoke in support of the bill.

Mr. N spoke in support of the opposition.

The question being now open to general debate,

Mr. Z spoke in favor of the bill.

On motion of Mr. H,

The Previous Question was ordered.

The President [under *Rule 12* of the By-laws] then assigned the floor to Mr. M for a closing speech against the bill, and to Mr. K for a closing speech in its defense.

The question being on the adoption of the bill, the *yeas* and *nays* were ordered [under *Rule 12* of the By-laws] and the said question was decided in the negative:

Yeas, 10.

Nays, 14.

Those who voted in the affirmative are Messrs. C, D, F, K, L, R, S, T, V, and Z.

Those who voted in the negative are Messrs. A, B, E, G, H, J, M, N, O, P, Q, U, W, and X.

So the bill was rejected.

Fifteen minutes were then devoted to a criticism of the debate by the President.

On motion of Mr. A, two-thirds concurring,
Voted, That the Club proceed at once to the head of New Business.

Moved, by Mr. A,

That a committee of five be appointed by the Chair to arrange for a course of lectures, to be given under the auspices of this Club during the months of April and May of the present year.

Moved, by Mr. B,

To amend by adding the words, "the number of such lectures not to exceed four."

Moved, by Mr. C,

To amend the amendment by striking out the word "four" and inserting in place thereof the word "six."

Pending which,

The Previous Question was moved by Mr. Q;

Pending which, it was moved by Mr. W,

That the question be laid on the table,

And the latter motion being put to vote was defeated.

The question now recurring on the motion to order the Previous Question, the said motion was put to vote, and it was

Ordered, That the main question be now put.

In pursuance of which order,

The question being put on the amendment to the amendment, the same was adopted; and

The question being put on the primary amendment as amended, the same was adopted; and

The question then being put on the original motion as amended,

The said motion was adopted, viz. —

That a committee of five be appointed by the

Chair to arrange for a course of lectures, to be given under the auspices of this Club during the months of April and May of the present year, the number of such lectures not to exceed six.

Moved, by Mr. C,

That the vote just taken be reconsidered, and also that the motion to reconsider be laid on the table.

The question being put on the latter motion, it was decided in the negative.

The question was then put on the motion to reconsider, and it was decided in the affirmative.

The question, therefore, being again on the adoption of the resolution (of Mr. A) as previously amended,

After debate,

It was voted, on motion of Mr. B, to reconsider the vote on the amendment thereto; and

It was further voted, on motion of Mr. B, to reconsider the vote on the amendment to this amendment.

After further debate,

The question being again put on the amendment to the amendment, it was decided in the negative; and

The question being again put on the primary amendment, it was decided in the affirmative; and

The question being again put on the resolution as now amended,

The same was adopted, viz.: —

That a committee of five be appointed by the Chair to arrange a course of lectures, to be given under the auspices of this Club during the months of April and May of the present year, the number of such lectures not to exceed four.

The President then appointed as such committee, Messrs. A, B, C, D, and E.

Moved, by Mr. W,

That a special tax of ten dollars each be laid upon the members of the Club to meet the probable deficit on the proposed lecture course.

After debate,

Moved, by Mr. B,

To amend the said motion by striking out the word "probable" and inserting in place thereof the words, "improbable and wholly uncertain."

Pending which, after further debate, it was moved, by Mr. H,

That the Club do now adjourn;

Pending which, on motion of Mr. Z, it was

Ordered, That when the Club adjourns it adjourn to meet to-morrow at two o'clock p.m.

The question being then put on the pending motion to adjourn,

The Club adjourned at ten o'clock and twenty-five minutes p.m., subject to an order to reassemble at two o'clock p.m. on the following day.

JOHN JAY, *Secretary*.

258. Form of a Resolution for Debate.

Resolution

Recommending the Study of Parliamentary Law in the Public Schools

Whereas, all persons of education living in a civilized community must often participate in parliamentary proceedings of various kinds, and are likely to be sometimes called upon to preside, or to act as secretary or on committees; and

Whereas, the study of Parliamentary Law is not only of great practical utility but also a very effective means of mental training and moral discipline; therefore

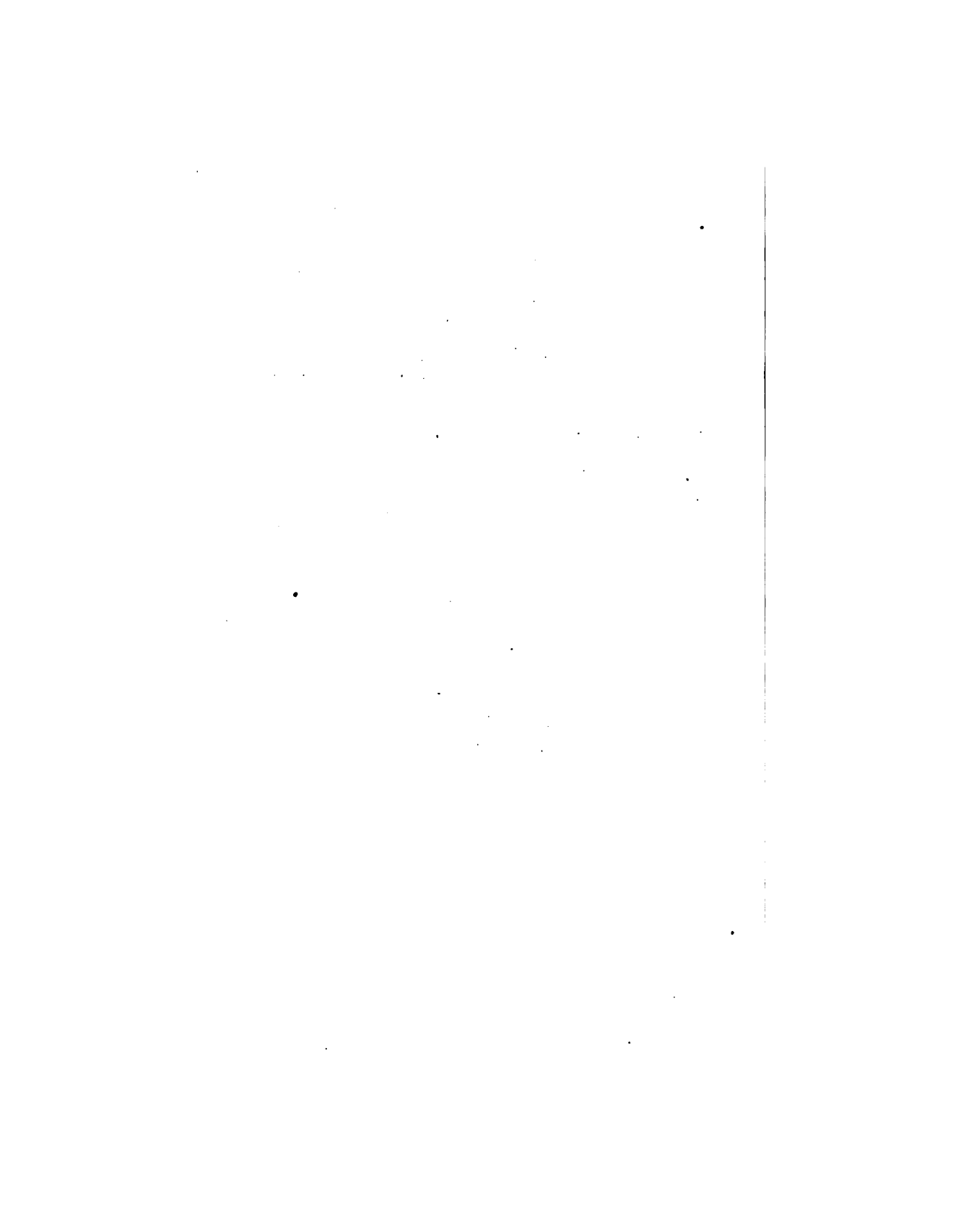
Be it resolved as the sentiment of the Philoleterian Debating Club, That systematic instruction and training in Parliamentary Law, as practised in the United States, ought to be provided for in the Public Schools.

259. Form of Roll for Yeas and Nays.

<i>Roll</i>	<i>Yeas</i>	<i>Nays</i>	<i>Roll</i>	<i>Yeas</i>	<i>Nays</i>
Mr. Alpha	1		Mr. Nu		7
Beta	2		Xi	7	
Gamma	3		Omicron	8	
Delta		1	Pi		8
Epsilon		2	Rho		9
Zeta	4		Sigma		10
Eta		3	Tau		—
Theta		4	Upsilon	9	—
Iota	5		Phi		—
Kappa		5	Chi	10	—
Lambda	6		Psi		—
Mu		6	Omega	11	—
			Totals	11	10

A dash (—) across the dividing line indicates that the member was absent, or if present did not respond. Parallels (≡) indicate that the member was paired, or for some other reason excused from voting. See Manual, Sec. 122, and Code, Sec. 211.

INDEX



INDEX

Note. — *The figures indicate pages: those which follow a colon refer to the Working Code, those which follow a semicolon to the Supplement.*

- Act, right of assembly to, 3, 20, 54**
- Adhere to, explained, 44**
- Adjourn, to fix time to which to, 82: 191**
- Adjournment, 84: 191**
 - effect on pending business, 85, 167: 191
 - may amount to dissolution, 85: 192
 - without a day, 84, 166: 192
- Amenable to, defined, 35**
- Amendments, 66-78: 174, 210, 211, 214; 249**
 - by dividing, 79: 202, 214
 - by inserting, 72: 213
 - by striking out, 73: 213
 - by striking out and inserting, 75: 213
 - by substitution, 76, 120, 126: 214
 - in the first degree, 67: 211
 - in the second degree, 67, 70: 174, 210
 - may change the intent, 66: 213; 251
 - may remove the main question, 77: 174, 214
 - must be germane, 66: 213
 - must be specific, 67, 69
 - must be written, 28
 - must not change the *mode*, 71: 214
 - must not involve issues already decided, 72-76: 213
 - questions not amenable to: 174-175
 - reconsideration of, 68, 104: 218
 - successive, 71: 211, 212
 - to amendments (see in *second degree*, above)
 - to Code: 177
 - to Constitution, 112, 169; 233
- Appeal, 93: 196; 245**
 - when not debatable, 68: 211
- Appointment, of committees, 18, 61, 62: 209**
 - to fill vacancies, 18, 24, 128
- Assembly, how organized, 8**
 - membership, 12
 - officers, 16
 - quorum, 13: 178
 - rights of, 3, 12, 20, 54, 105, 112, 144, 145, 148
- Assigning the floor, 25: 181**
- Authority, of parliamentary law, 4**
 - of assemblies, 3, 12, 105, 112, 144, 145
- Ayes and noes, 151: 182**

[Figures refer to pages]

- Ballot, 157-164:** 184
 occasions for using, 9, 64, 158: 179, 184
 ordering, 157
 procedure in casting the vote, 158: 184
 procedure in counting the vote, 161: 184
 record of the vote, 161: 184; 246
 result of the vote, 162: 185
 right to secrecy in, 160: 185
 special rule for solving a deadlock: 185
 various modifications, 162
 withdrawal or change of vote not permitted, 159
- Blanks, how filled, 62, 78:** 202
 in balloting, 161: 184
- Business, order of, 167:** 189; 238
 how affected by adjournment or recess, 85, 167: 191
 how affected by Orders of the Day, 88: 194
- By-laws, 168;** 238
- Casting vote, 19, 151:** 179
- Chairman, duties and conduct, 17, 18, 20:** 179
 election of, 8-10: 179
 manner of addressing, 16
 power of, 19, 20, 129
 right to debate, 19, 94: 179, 196
 right to vote, 19: 179
 usage as to committees, 115: 223
 usage in Committee of the Whole, 127: 227
- Challenge, right of, 12, 95, 160**
- Changing one's vote, 154, 156:** 184, 186
 not allowed in a vote by ballot, 159
- Charges, grounds for, 145**
 risk of publishing, 144, 145
- Classification of motions, 35:** 174-175
- Code, and rules of order, 170:** 177
- Cohere with, discussed, 50, 53**
 coherence of amendments, 71, 73, 74
- Commit, motion to, 59:** 209
 sometimes a principal motion; 60: 210
- Committee, motion to discharge, 102:** 217
- Committee of the Whole, 126:** 227
 chairman of, 127: 227
 debate in, 128: 228
 disorder in, 129: 229
 memoranda of, 128: 227
 motions allowable, 128: 228
 quorum in, 130: 228
 report of, 130: 228
 without change of chairman, 131
- Committees, 58-65, 113-131:** 223-229
 appointment of, 18, 61, 62: 209
 by chair, 18, 62
 by election, 63
 chairman of, 116: 223
 discipline in, 118, 129: 224, 229
 instructions of, 59, 62, 126: 224, 229

INDEX

257

[Figures refer to pages]

- kinds and duties, 114: 209
- organization of, 115: 223
- permissible procedure in, 117: 224
- preparing a report, 119: 224
- presenting a report, 122: 225
- proper form of report, 121
- report before the assembly, 123: 226
- report, or views, of minority, 120, 124: 226
- right of privacy in committees, 126: 224
- special cases of reports, 124
- termination of a committee, 102, 114, 115: 217, 225
- Congressional rules** (see under *House of Representatives*)
- Consent, general** (see under *unanimous*)
- Consideration, question of**, 42: 204
 - as if in committee, 131
 - by paragraphs, 125: 186
 - in committee, 117, 126: 224, 227
 - informal, 131
 - method of, 99: 201
- Constitution and by-laws**, 168; 233, 238
 - amendment of, 112, 169
 - what should be included in, 169
- Content, explained**, 111: 180, 205
 - of Previous Question, discussed, 51
- Count, by calling the roll**, 14, 24, 156
 - by division, 152, 154: 183
 - by taking a ballot, 161: 184
 - by taking the yeas and nays, 155: 185
 - to determine a quorum, 14: 178
- Credentials**, 11
- Deadlock, and proposed remedies**, 162: 185
- Debatability of motions**, 139: 174-175
- Debate, 133-141: 180**
 - abuse of privilege, 136
 - after reconsideration, 104: 219
 - assigning the floor for, 25: 181
 - decorum in, 133, 142
 - in committee, 117, 129: 224, 228
 - limits as to time, 136: 181
 - motions for restraining, 49-56, 129: 206, 228
 - motions to regulate, 56, 99, 129: 181, 201, 228
 - not allowable when no motion is pending, 30
 - relevancy in, 135
 - when debate closes, 137: 182
 - yielding the floor, 138: 181
- Debating society; 233**
 - a constitution for; 234
 - by-laws for; 238
 - form of resolution for; 251
 - model of minutes for; 244
 - order of business for; 238
- Declining to serve**, 10
- Decorum**, 133, 142
- Defer, motions to**, 41-47: 205, 208, 209

[Figures refer to pages]

- Definition of terms, 34**
Determine mode of procedure, motion to, 99: 201
Dilatory motions, 20
Discharge a committee, motion to, 102: 217
Discipline, 142, 144, 145: 189
 in committee, 118: 224
 in Committee of the Whole, 129: 229
Disorderly words, 142
Disposed of, defined, 34
Dissolution of an assembly, 84: 192
Dividing the question, 79, 100: 202
 on nominations, 11
Division of the assembly, 152, 154, 155: 183; 246

Ejection from assembly-room, 12, 144: 189
Election, 9, 16, 63, 158, 160, 162, 164: 179, 184
 record of; 246
Execution, of Previous Question, 51: 206; 249
 of reconsideration, 103, 104: 220; 250
 " **Executive Council** "; 236, 241, 242

Fix time for reassembling, motion to, 82: 191
Floor, how obtained, 25
 interrupting one who holds, 92, 133, 142: 174, 180
 rules for assigning, 25
 yielding to another member, 138
Force, use of, limited, 12, 144: 189
Forms and models; 233-252

General parliamentary law, 3-7, 109
Germane, amendments must be, 66: 213
Grades of motions, old system of, 39

House of Representatives, as authority, 5
 practice in, 56, 75, 79, 80, 95, 107, 126, 129, 137, 139, 150, 154, 156

Incidental questions, 37, 91: 175, 194
Indecorum, 91, 133, 142
Indefinite postponement, 47: 215
Informal procedure, by assembly as a whole, 131
 by chairman, 29, 149
 in committees, 117
 in making suggestions and changes, 30
 " **Inspection Committee** "; 237, 240
Instructions, 59, 62, 126: 209, 224, 228
Interrupted business, 44, 85, 88, 101, 166: 191, 194
Interrupting a speaker, 42, 87, 88, 92, 133, 142: 174, 180, 181, 195

Journal (see *minutes*)

Lay on the table, motion to, 43: 205
 motions which may be tabled: 174-175
Legislative rules, 6, 15, 80, 107, 155, 164, 166

Main question, 33
Major and minor motions, distinguished, 28

INDEX

259

[Figures refer to pages]

- Majority**, its will to prevail, 3, 20, 54, 148, 150: 187
 - may order Previous Question, 54
 - necessary for election, 17, 162: 185
 - what constitutes, 150: 187
- Manual**, general plan and purpose (see also Preface) 6, 7
- "Marshal"**; 236, 239
- Meetings**, sessions, etc., 165
- Membership**, questions of, 12
 - actual and potential, 13
 - of a debating society; 234
- Method of consideration**, to determine, 99: 201
- Minority reports**, or views, 120: 226
 - how acted upon, 121, 124: 226
- Minutes**, 21, 128, 155, 157, 161, 167: 227; 244
 - amending, 23, 45: 205; 245
 - approving, 23, 167
- Motion**, how made, 27
 - debatability, 139: 174-175
 - informal modification of, 30
 - in writing, if so demanded, 27: 180
 - putting to vote, 148, 152: 182
 - renewal of, 110: 174-175, 180
 - seconding, 28: 174-175, 180
 - statement (and restatement) of, 29, 31: 182
 - withdrawal of, 30, 95: 180, 198
- Motions** (see also under the name of each)
 - classification and definition, 35: 174-175
 - incidental, 37, 91: 175, 194
 - interrelations and rank, 36: 174
 - principal (or *main question*), 33
 - privileged, 37, 82: 174, 190
 - subsidiary, 38, 41: 174, 203
 - supplementary, 40, 101: 175, 216
- Names**, use forbidden in debate, 133
- Nominations**, 8, 63, 100, 158: 179, 180, 184, 202; 246, 247
- Numbering sections**, 67
 - in Code, 171
- Objection**, to consideration, 42: 204
 - to irregular procedure, 29, 95, 149, 163, 164
- Obstructive procedure**, 20
- Officers** (see also under *election*), 16-24
 - declining to serve, 10
 - removal of, 17, 144
 - suggested for a debating society; 236
- Order, Questions of**, 91, 133: 195; 245, 247
- Order of Business**, 168
 - suggested for a debating society; 238
- Orders of the Day**, 88: 194
- Orders, Special**, 97: 199
- Organization**, of assembly, 8
 - of committees, 115: 223
 - permanent, 10
 - preliminary, 8
- Pairing votes**, 149, 156: 186

[Figures refer to pages]

- Papers, reading of**, 94: 197
- Paragraphs, consideration by**, 125: 186
in committee, 119
- Parliamentary inquiry**, 93
- Parliamentary law, authority**, 4
origin and history, 5, 55
purpose and principles, 3, 6
sources of change, 5, 6
- Penalties**, 144: 189
- Pending, and *immediately pending***, defined, 34, 36
- Petitions**, 31
- Plurality**, 151, 160, 163: 187
not sufficient for election, 17, 162
special rule for election by: 185
- Postponement, indefinite**, 47: 215
to a day certain, 45: 208
- "Premier"**; 236, 241, 242
- Precedence of motions**, 34, 36, 37, 38: 174, 190, 204
- Presiding officer** (see *chairman*)
- Previous notice**, 112, 169
- Previous Question**, 49-56: 206
as now used, 49
history, 55
how executed, 51: 206; 249
motions pending execution, 53: 207
ordered by majority vote, 54: 208
rank and regulations, 50: 206
reconsideration of, 104: 208, 220
renewal of, 51, 111: 208
- Primary amendments**, 67: 210, 211
- Principal motion, or *main question***, 33
- Privilege; Questions of**, 87: 193
- Privileged questions**, 37, 82: 174, 190
- Procedure, to determine mode of**, 99: 201
in Committee of the Whole, 126: 227
in other committees, 117: 223
- Proxies**, 149
- Punishment of members**, 144: 189
grounds for, 145
- Putting a question to vote**, 148, 152: 182
- Question of Consideration**, 42: 204
- Question of Order**, 91: 195
- Question of Privilege**, 87: 193
- Questions** (see under *motions* and separate titles)
Table of Classified: 174-175
- Quorum**, 13: 178
absence of, 14: 178
actual presence sufficient for, 14
- Rank, high and low, defined**, 34
of incidental questions, 37, 91: 194
of privileged questions, 37: 82: 190
of subsidiary questions, 38, 41: 203
of supplementary questions, 40, 101: 216
tabulation, 174-175
the older usage, 39

INDEX

261

[Figures refer to pages]

- Reading of papers, 94: 197
 - of reports, 122, 124: 225
- Reassembling, to fix time for, 82: 191
- Recess, motion to take, 85: 192
 - effect on pending business, 167: 193
- Recognition by the chair, 25
- Reconsideration, 103-110: 218
 - applied *only to a vote*, 103: 220
 - as applied to an amendment, 104: 218
 - as applied to Previous Question, 104: 208, 220
 - as applied to subsidiary questions, 110: 218
 - by committees, 117: 221, 224
 - debate under, 104, 105, 110: 219
 - effect of pendency, 104: 219
 - effect of tabling, 105, 109: 219
 - execution of, 103, 104: 220; 250
 - general rules governing, 103, 105
 - legislative practice, 106
 - special rule for: 221
 - under general parliamentary law, 109
 - when not allowable, 105: 174-175, 220, 221
 - who may move, 106, 109: 218
- Recording officer (see *secretary*)
- Reference table of motions: 174-175
- "Registration Committee": 237, 240
- Relevancy, in debate, 135
 - of amendments, 66: 213
- Removal, from office, 17, 144
 - from the assembly-room, 12, 144
- Renewal of motions, 110: 174-175, 180
- Reports, 119-126: 224-227
 - forms of, 121
 - must be written, 119: 225
 - preparation of, 119: 224
 - presentation of, 122: 225
 - taking action on, 123: 226
 - various special cases, 124
 - views of the minority, 120: 226
 - when made from Committee of the Whole, 130: 228
- Rescind or Repeal, 112: 222
- Resolution, defined, 28
 - examples of, 69
 - form for a debating society; 251
- Responsibility, of an assembly, 13, 144
 - of members and officers, 144
 - not to be evaded by reconsideration, 105, 112: 221
- Restatement of motions, 31, 148: 182
- Restrain debate, motions to, 49-56, 129: 206, 228
- Rise, in committee, 118, 130: 192, 224, 228
- Rising vote, division by, 152: 183
- Roll of the assembly, 14, 24, 156: 186: 252
- Rules of order, 170: 177
 - special: 185, 197, 201, 202, 221
 - suspension of, 96, 170: 198

