

the more recent practice is that when the House disagrees to a motion to recede and concur in a Senate amendment some further action must be taken to dispose of the amendment (Speaker Bankhead, July 9, 1937, p. 7007; Speaker McCormack, Sept. 19, 1962, p. 19945) and the question may recur on a pending motion to insist or such a motion is then entertained from the floor.

SEC. XXXIX.—THE QUESTION.

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

Clause 5 of rule I of the House of Representatives, provides more fully for putting the question.

§ 490. Effect of putting the question in ending debate. After the Speaker has put the affirmative part of the question, any Member who has not spoken before to the question may rise and speak before the negative be put; because it is no full question till the negative part be put. *Scob.*, 23; *2 Hats.*, 73.

§ 491. Informal putting of the question. But in small matters, and which are of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House where no objection is expressed, and does not give them the trouble of putting the question formally. *Scob.*, 22; *2 Hats.*, 79, 2, 87; *5 Grey*, 129; *9 Grey*, 301.

SEC. XL.—BILLS, THIRD READING.

§ 492. Obsolete requirements as to reading and passage of bills. To prevent bills from being passed by surprise, the House, by a standing order, directs that they shall not be put on their passage before a fixed hour, naming one at which the house is commonly full. *Hakew.*, 153.

The usage of the Senate is not to put bills on their passage till noon.

A bill reported and passed to the third reading, cannot on that day be read the third time and passed; because this would be to pass on two readings in the same day.

At the third reading the Clerk reads the bill and delivers it to the Speaker, who states the title, that it is the third time of reading the bill, and that the question will be whether it shall pass. Formerly the Speaker, or those who prepared a bill, prepared also a breviat or summary statement of its contents, which the Speaker read when he declared the state of the bill, at the several readings. Sometimes, however, he read the bill itself, especially on its passage. *Hakew.*, 136, 137, 153; *Coke*, 22, 115. Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim, only, instead of reading the formal parts, "Be it enacted," &c., he states that "preamble recites so and so—the 1st section enacts that, &c.; the 2d section enacts," &c.

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

None of the restrictions is of effect in the modern practice of the House of Representatives. Clause 1 of rule XXI permits a bill to be read a third

time and passed on the same day, and it is in order to proceed with a bill at any time, unless the absence of a quorum be shown.

In the House of Representatives there is no practice justifying the presentation of a breviated summary; and the procedure on third reading is definitely prescribed by clause 1 of rule XXI.

A bill on the third reading is not to be committed for the matter or body thereof, but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. *Hakew., 156.* Thus, *27 El., 1584*, a bill was committed on the third reading, having been formerly committed on the second, but is declared not usual. *D'Ewes, 337, col. 2; 414, col. 2.*

In the House of Representatives it is in order to commit a bill after the engrossment and third reading where the previous question is not ordered (V, 5562); and by clause 1 of rule XVII and clause 4 of rule XVI the House has preserved this opportunity to commit even after the previous question has been ordered.

When an essential provision has been omitted, rather than erase the bill and render it suspicious, they add a clause on a separate paper, engrossed and called a rider, which is read and put to the question three times. *Elsynge's Memo., 59; 6 Grey, 335; 1 Blackst., 183.* For examples of riders, see *3 Hats., 121, 122, 124, 156.* Every one is at liberty to bring in a rider without asking leave. *10 Grey, 52.*

This practice is never followed in the House of Representatives.

It is laid down, as a general rule, that amendments proposed at the second reading shall be twice read, and those proposed at the third reading thrice

§ 496. Obsolete requirements as to reading of amendments.

read; as also all amendments from the other House. *Town., col. 19, 23, 24, 25, 26, 27, 28.*

In the practice of the House of Representatives, amendments, whether offered in the House or coming from the other House, do not come under the rule requiring different readings.

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

§ 497. Amendments before the third reading.

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

In the House of Representatives bills are amended after the second reading (IV, 3392), and before the engrossment and third reading (V, 5781; VII, 1051, 1052) but not afterwards.

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

§ 498. Debate in relation to the third reading.

The debate on the question whether it should be read a third time, has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes. The former vote has tried the strength of the first opinion, and furnished grounds to estimate the issue; and the question now offered for its passage is the last occasion which is ever to be offered for carrying or rejecting it.

In the House of Representatives it is usual to debate a bill before and not after the engrossment and third reading, probably because of the frequent use of the previous question, which prevents all debate after it is ordered. When the previous question is not ordered, debate may occur pending the vote on the passage.

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

§ 499. Putting the question on the passage of a bill.

In the House of Representatives the bill is usually in the hands of the Clerk. The Speaker states that “The question is on the passage of the bill,” and puts the question in the form prescribed by clause 5 of rule I.

After the bill is passed, there can be no further alteration of it in any point. *Hakew., 159.*

§ 500. Bills not altered after their passage.

This principle controls the practice of the House of Representatives. However, a bill may be changed if the votes on passage, engrossment, and ordering the previous question have been reconsidered. In addition, the Clerk may be authorized to make changes in the engrossed copy by unanimous consent.

SEC. XLI.—DIVISION OF THE HOUSE.

The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied which voice is the greater, or if before any other Member comes into the House, or before any new motion made (for it is too late after that), any Member shall arise and declare himself dissatisfied with the Speaker’s

§ 501. Division of the House after determination by sound.