

ITEM 21 | QUESTIONS OF ORDER AND APPEAL

A Question of Order takes precedence of the pending question out of which it arises; is in order when another has the floor, even interrupting a speech or the reading of a report; does not require a second; cannot be amended or have any other subsidiary motion applied to it; yields to privileged motions and the motion to lay on the table; and must be decided by the presiding officer without debate, unless in doubtful cases he submits the question to the assembly for decision, in which case it is debatable whenever an appeal would be. Before rendering his decision he may request the advice of persons of experience, which advice or opinion should usually be given sitting to avoid the appearance of debate. If the chair is still in doubt, he may submit the question to the assembly for its decision in a manner similar to this: "Mr. A raises the point of order that the amendment just offered [state the amendment] is not germane to the resolution. The chair is in doubt, and submits the question to the assembly. The question is, 'Is the amendment germane to the resolution?'" As no appeal can be taken from the decision of the assembly, this question is open to debate whenever an appeal would be, if the chair decided the question and an appeal were made from that decision. Therefore, it is debatable except when it relates to indecorum, or transgression of the rules of speaking, or to the priority of business, or when it is made during a division of the assembly, or while an undebatable question is pending. The question is put thus: "As many as are of opinion that the amendment is germane [or that the point is well taken] say aye; as many as are of a contrary opinion say no. The ayes have it, the amendment is in order, and the question is on its adoption." If the negative vote is the larger it would be announced thus: "The noes have it, the amendment is out of order, and the question is on the adoption of the resolution." Whenever the presiding officer decides a question of order, he has the right, without leaving his chair, to state the reasons for his decision, and any two members have the right to appeal from the decision, one making the appeal and the other seconding it.

It is the duty of the presiding officer to enforce the rules and orders of the assembly, without debate or delay. It is also the right of every member who notices the breach of a rule, to insist upon its enforcement. In such a case he rises from his seat and says. "Mr. Chairman, I rise to a point of order." The speaker immediately takes his seat, and the chairman requests the member to state his point of order, which he does and resumes his seat. The chair decides the point, and then, if no appeal is taken and



the member has not been guilty of any serious breach of decorum, the chair permits him to resume his speech. But, if his remarks are decided to be improper and any one objects, he cannot continue without a vote of the assembly to that effect. [See 43 for a full treatment of this subject of indecorum in debate]. The question of order must be raised at the time the breach of order occurs, so that after a motion has been discussed it is too late to raise the question as to whether it was in order, or for the chair to rule the motion out of order. The only exception is where the motion is in violation of the laws, or the constitution, by-laws, or standing rules of the organization, or of fundamental parliamentary principles, so that if adopted it would be null and void. In such cases it is never too late to raise a point of order against the motion. This is called raising a question, or point, of order, because the member in effect puts to the chair, whose duty it is to enforce order, the question as to whether there is not now a breach of order.

Instead of the method just described, it is usual, when it is simply a case of improper language used in debate, for the chair to call the speaker to order, or for a member to say, "I call the gentleman to order." The chairman decides whether the speaker is in or out of order, and proceeds as before.

Appeal. An appeal may be made from any decision of the chair (except when another appeal is pending), but it can be made only at the time the ruling is made. It is in order while another member has the floor. If any debate or business has intervened it is too late to appeal. An answer to a parliamentary inquiry is not a decision, and therefore cannot be appealed from. While an appeal is pending a question of order may be raised, which the chair decides peremptorily, there being no appeal from this decision. But the question as to the correctness of the ruling can be brought up afterwards when no other business is pending. An appeal yields to privileged motions, and to the motion to lay on the table. The effect of subsidiary motions is as follows: An appeal cannot be amended. If the decision from which an appeal is taken is of such a nature that the reversal of the ruling would not in any way affect the consideration of, or action on, the main question, then the main question does not adhere to the appeal, and its consideration is resumed as soon as the appeal is laid on the table, postponed, etc. But if the ruling affects the consideration of, or action on, the main question, then the main question adheres to the appeal, and when the latter is laid on the table, or postponed, the main question goes with it. Thus, if the appeal is



from the decision that a proposed amendment is out of order and the appeal is laid on the table, it would be absurd to come to final action on the main question and then afterwards reverse the decision of the chair and take up the amendment when there was no question to amend. The vote on an appeal may be reconsidered.

An appeal cannot be debated when it relates simply to indecorum, or to transgression of the rules of speaking, or to the priority of business, or if made during a division of the assembly, or while the immediately pending question is undebatable. When debatable, as it is in all other cases, no member is allowed to speak more than once except the presiding officer, who may at the close of the debate answer the arguments against the decision. Whether debatable or not, the chairman when stating the question on the appeal may, without leaving the chair, state the reasons for his decision.

When a member wishes to appeal from the decision of the chair he rises as soon as the decision is made, even though another has the floor, and without waiting to be recognized by the chair, says, "Mr. Chairman, I appeal from the decision of the chair." If this appeal is seconded, the chair should state clearly the question at issue, and his reasons for the decision if he thinks it necessary, and then state the question thus: "The question is, 'Shall the decision of the chair stand as the judgment of the assembly [or society, or club, etc.]?' " or, "Shall the decision of the chair be sustained?" To put the question he would say, "Those in the affirmative say aye," and after the affirmative vote has been taken he would say, "Those in the negative say no. The ayes have it and the decision of the chair is sustained [or stands as the judgment of the assembly]." Or, "The noes have it and the decision of the chair is reversed." In either case he immediately announces what is before the assembly as the result of the vote. If there is a tie vote the chair is sustained, and if the chair is a member of the assembly he may vote to make it a tie, on the principle that the decision of the chair stands until reversed by a majority, including the chairman if he is a member of the assembly. In stating the question, the word "assembly" should be replaced by "Society," or "club," or "board," etc., as the case may be. The announcement of a vote is not a decision of the chair. If a member doubts the correctness of the announcement he cannot appeal, but should call for a "Division" [25].

