

ITEM 24 | DIVISION OF A QUESTION, AND CONSIDERATION BY PARAGRAPH OR SERIATIM

Division of a Question.¹ The motion to divide a question can be applied only to main motions and to amendments. It takes precedence of nothing but the motion to postpone indefinitely, and yields to all privileged, incidental, and subsidiary motions except to amend and to postpone indefinitely. It may be amended but can have no other subsidiary motion applied to it. It is undebatable. It may be made at any time when the question to be divided, or the motion to postpone indefinitely, is immediately pending, even after the previous question has been ordered. But it is preferable to divide the question when it is first introduced. When divided each resolution or proposition is considered and voted on separately, the same as if it had been offered alone. The motion to adopt, which was pending when the question was divided, applies to all the parts into which the question has been divided and should not, therefore, be repeated. The formality of a vote on dividing the question is generally dispensed with, as it is usually arranged by general consent. But if this cannot be done, then a formal motion to divide is necessary, specifying the exact method of division.

When a motion relating to a certain subject contains several parts, each of which is capable of standing as a complete proposition if the others are removed, it can be divided into two or more propositions to be considered and voted on as distinct questions, by the assembly's adopting a motion to divide the question in a specified manner. The motion must clearly state how the question is to be divided, and any one else may propose a different division, and these different propositions, or amendments, should be treated as filling blanks; that is, they should be voted on in the order in which they are made, unless they suggest different numbers of questions, when the largest number is voted on first. If a resolution includes several distinct propositions, but is so written that they cannot be separated without its being rewritten, the question cannot be divided. The division must not require the secretary to do more than to mechanically separate the resolution into the required parts, prefixing to each part the words "Resolved, That," or "Ordered, That," and dropping conjunctions when necessary, and replacing pronouns by the nouns for which they stand, wherever the division makes it necessary. When the question is decided, each separate question must be a proper one for the assembly to act upon, if none of the others is adopted. Thus, a motion to "commit with instructions" is indivisible; because, if divided, and the motion to commit should fail, then the other



motion, to instruct the committee, would be absurd, as there would be no committee to instruct. The motion to "strike out certain words and insert others" is strictly one proposition and therefore indivisible.

If a series of independent resolutions relating to different subjects is included in one motion, it must be divided on the request of a single member, which request may be made while another has the floor. But however complicated a single proposition may be, no member has a right to insist upon its division. His remedy is to move that it be divided, if it is capable of division, or, if not, to move to strike out the objectionable parts. A motion to strike out a name in a resolution brings the assembly to a vote on that name just as well as would a division of the question, if it were allowed to go to that extent, which it is not. If a series of resolutions is proposed as a substitute for another series, such a motion is incapable of division; but a motion can be made to strike out any of the resolutions before the vote is taken on the substitution. After they have been substituted it is too late to strike out any of them. When a committee reports a number of amendments to a resolution referred to it, one vote may be taken on adopting, or agreeing to, all the amendments provided no one objects. But if a single member requests separate votes on one or more of the amendments, they must be considered separately. The others may all be voted on together.

Consideration by Paragraph or Seriatim. Where an elaborate proposition is submitted, like a series of resolutions on one subject, or a set of by-laws, the parts being intimately connected, it should not be divided. The division would add greatly to the difficulty of perfecting the different paragraphs or by-laws by amendments. If the paragraphs are adopted separately, and amendments to succeeding paragraphs make it necessary to amend a preceding one, it can be done only by first reconsidering the vote on the preceding paragraph. In the case of by-laws the trouble is increased, because each by-law goes into effect as soon as adopted, and its amendment is controlled by any by-law or rule that may have been adopted on the subject. When the paragraphs are voted on separately no vote should be taken on the whole. But in all such cases the proper course is to consider the proposition by paragraph, or section, or resolution, or, as it is often called, seriatim. The chair should always adopt this course when the question consists of several paragraphs or resolutions, unless he thinks the assembly wishes to act on them immediately as a whole, when he asks if they shall be taken up by paragraph, and the matter



is settled informally. Should the chair neglect to take up the proposition by paragraph, any one may move that the proposition be considered by paragraph, or seriatim.

The method of procedure in acting upon a complicated report, as, a set of by-laws, or a series of resolutions that cannot well be divided, is as follows, the word "paragraph" being used to designate the natural subdivisions, whether they are paragraphs, sections, articles, or resolutions. The member submitting the report, having obtained the floor says that such and such committee submits the following report; or, that the committee recommends the adoption of the following resolutions. In either case he reads the report, or resolutions, and moves their adoption. Should he neglect to move their adoption, the chair should call for such a motion, or he may assume the motion and state the question accordingly. The chairman, or the secretary, or the member who reported it, as the chair decides is for the best interest of the assembly, then reads the first paragraph, which is explained by the reporting member, after which the chair asks, "Are there any amendments to this paragraph?" The paragraph is then open to debate and amendment. When no further amendments are proposed to this paragraph, the chair says, "There being no further amendments to this paragraph the next will be read." In a similar manner each paragraph in succession is read, explained if necessary, debated, and amended, the paragraphs being amended but not adopted. After all the paragraphs have been amended, the chair says the entire by-law, or paper, or resolution is open to amendment, when additional paragraphs may be inserted and any paragraph may be further amended. When the paper is satisfactorily amended, the preamble, if any, is treated the same way, and then a single vote is taken on the adoption of the entire paper, report, or series of resolutions. If the previous question is ordered on a resolution, or series of resolutions, or on a set of by-laws, before the preamble has been considered it does not apply to the preamble, unless expressly so stated, because the preamble cannot be considered until after debate has ceased on the resolutions or by-laws. It is not necessary to amend the numbers of the sections, paragraphs, etc., as it is the duty of the secretary to make all such corrections where changes are rendered necessary by amendments.



Footnotes

¹ Section 6 of H.R. Rule 16 is as follows: "6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain."

