

ITEM 29 | THE PREVIOUS QUESTION¹

The Previous Question¹ takes precedence of all subsidiary [12] motions except to lay on the table, and yields to privileged [14] and incidental [13] motions, and to the motion to lay on the table. It is undebatable, and cannot be amended or have any other subsidiary motion applied to it. The effect of an amendment may be obtained by calling for, or moving, the previous question on a different set of the pending questions (which must be consecutive and include the immediately pending question), in which case the vote is taken first on the motion which orders the previous question on the largest number of questions. It may be applied to any debatable or amendable motion or motions, and if unqualified it applies only to the immediately pending motion. It may be qualified so as to apply to a series of pending questions, or to a consecutive part of a series beginning with the immediately pending question. It requires a two-thirds vote for its adoption. After the previous question has been ordered, up to the time of taking the last vote under it, the questions that have not been voted on may be laid on the table, but can have no other subsidiary motions applied to them. An appeal made after the previous question has been demanded or ordered and before its exhaustion, is undebatable. The previous question, before any vote has been taken under it, may be reconsidered, but not after its partial execution. As no one would vote to reconsider the vote ordering the previous question who was not opposed to the previous question, it follows that if the motion to reconsider prevails, it will be impossible to secure a two-thirds vote for the previous question, and, therefore, if it is voted to reconsider the previous question it is considered as rejecting that question and placing the business as it was before the previous question was moved. If a vote taken under the previous question is reconsidered before the previous question is exhausted, there can be no debate or amendment of the proposition; but if the reconsideration is after the previous question is exhausted, then the motion to reconsider, as well as the question to be reconsidered, is divested of the previous question and is debatable. If lost, the previous question may be renewed after sufficient progress in debate to make it a new question.

The Form of this motion is, "I move [or demand, or call for] the previous question on [here specify the motions on which it is desired to be ordered]." As it cannot be debated or amended, it must be voted on immediately. The form of putting the question² is, "The previous question is moved [or demanded, or called for]



on [specify the motions on which the previous question is demanded].

As many as are in favor of ordering the previous question on [repeat the motions] will rise." When they are seated he continues, "Those opposed will rise. There being two-thirds in favor of the motion, the affirmative has it and the previous question is ordered on [repeat the motions upon which it is ordered]. The question is [or recurs] on [state the immediately pending question]. As many as are in favor," etc. If the previous question is ordered the chair immediately proceeds to put to vote the questions on which it was ordered until all the votes are taken, or there is an affirmative vote on postponing definitely or indefinitely, or committing, either of which exhausts the previous question. If there can be the slightest doubt as to the vote the chair should take it again immediately, counting each side. If less than two-thirds vote in the affirmative, the chair announces the vote thus: "There not being two-thirds in favor of the motion, the negative has it and the motion is lost. The question is on," etc., the chair stating the question on the immediately pending question, which is again open to debate and amendment, the same as if the previous question had not been demanded.

The question may be put in a form similar to this: "The previous question has been moved on the motion to commit and its amendment. As many as are in favor of now putting the question on the motion to commit and its amendment will rise; those opposed will rise. There being two-thirds in favor of the motion, the debate is closed on the motion to commit and its amendment, and the question is on the amendment," etc. While this form is allowable, yet it is better to conform to the regular parliamentary form as given above.

The Object of the previous question is to bring the assembly at once to a vote on the immediately pending question and on such other pending questions as may be specified in the demand. It is the proper motion to use for this purpose, whether the object is to adopt or to kill the proposition on which it is ordered, without further debate or motions to amend.

The Effect³ of ordering the previous question is to close debate immediately, to prevent the moving of amendments or any other subsidiary motions except to lay on the table, and to bring the assembly at once to a vote on the immediately pending question, and such other pending questions as were specified in the demand, or motion. If the previous question is ordered on more than one question, then its effect extends to those questions and is not

exhausted until they are voted on, or they are disposed of as shown below under exhaustion of the previous question. If the previous question is voted down, the discussion continues as if this motion had not been made. The effect of the previous question does not extend beyond the session in which it was adopted. Should any of the questions upon which it was ordered come before the assembly at a future session they are divested of the previous question and are open to debate and amendment.

The previous question is Exhausted during the session as follows:

- (1) When the previous question is unqualified, its effect terminates as soon as the vote is taken on the immediately pending question.
- (2) If the previous question is ordered on more than one of the pending questions its effect is not exhausted until all of the questions upon which it has been ordered have been voted on, or else the effect of those that have been voted on has been to commit the main question, or to postpone it definitely or indefinitely.

If, before the exhaustion of the previous question, the questions on which it has been ordered that have not been voted on are laid on the table, the previous question is not exhausted thereby, so that when they are taken from the table during the same session, they are still under the previous question and cannot be debated or amended or have any other subsidiary motion applied to them.

NOTE ON THE PREVIOUS QUESTION.

Much of the confusion heretofore existing in regard to the Previous Question has arisen from the great changes which this motion has undergone. As originally designed, and at present used in the English Parliament, the previous question was not intended to suppress debate, but to suppress the main question, and therefore, in England, it is always moved by the enemies of the measure, who then vote in the negative. It was first used in 1604, and was intended to be applied only to delicate questions; it was put in this form, "Shall the main question be put?" and being negatived, the main question was dismissed for that session. Its form was afterwards changed to this, which is used at present, "Shall the main question be now put?" and if negatived the question was dismissed, at first only until after the ensuing debate was over, but now, for that day. The motion for the previous

question could be debated; when once put to vote, whether decided affirmatively or negatively, it prevented any discussion of the main question, for, if decided affirmatively, the main question was immediately put, and if decided negatively (that is, that the main question be not now put), it was dismissed for the day.

Our Congress has gradually changed the English Previous Question into an entirely different motion, so that, while in England, the mover of the previous question votes against it, in this country he votes for it. At first the previous question was debatable; if adopted it cut off all motions except the main question, which was immediately put to vote, and if rejected the main question was dismissed for that day as in England. Congress, in 1805, made it undebatable. In 1840 the rule was changed so as not to cut off amendments but to bring the House to a vote first upon pending amendments, and then upon the main question. In 1848 its effect was changed again so as to bring the House to a vote upon the motion to commit if it had been made, then upon amendments reported by a committee, if any, then upon pending amendments, and finally upon the main question. In 1860 Congress decided that the only effect of the previous question, if the motion to postpone were pending, should be to bring the House to a direct vote on the postponement-- thus preventing the previous question from cutting off any pending motion. In 1860 the rule was modified also so as to allow it to be applied if so specified to an amendment or to an amendment of an amendment, without affecting anything else, and so that if the previous question were lost the debate would be resumed. In 1880 the rule was further changed so as to allow it to be applied to single motions, or to a series of motions, the motions to which it is to apply being specified in the demand; and 30 minutes' debate, equally divided between the friends and the enemies of the proposition, was allowed after the previous question had been ordered, if there had been no debate previously. In 1890 the 30 minutes' debate was changed to 40 minutes. The previous question now is simply a motion to close debate and proceed to voting on the immediately pending question and such other pending questions as it has been ordered upon.



Footnotes

1. The previous question is the only motion used in the House of Representatives for closing debate. It may be ordered by a majority vote. If there has been no previous debate on the subject, forty minutes of debate, to be equally divided between those opposed to and those in favor of the proposition, is allowed after the previous question has been ordered. The motion is not allowed in the Senate. House Rule 17 is as follows:

"1. There shall be a motion for the previous question, which, being ordered by a majority of members voting, if a quorum be present shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

"2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

"3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate."

2. The Congressional form of putting this question is "The gentleman from ... demands the previous question. As many as are in favor of ordering the previous question will say Aye; as many as are opposed will say No."

3. The former practice of allowing the member reporting a bill from a committee to close the debate with a speech after the previous question has been ordered, has been abandoned by Congress.

