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SENATE MANUAL

CONTAINING THE

STANDING RULES AND ORDERS

OF

THE UNITED STATES SENATE

THE CONSTITUTION OF THE UNITED STATES, DECLARATION OF INDEPENDENCE, ARTICLES OF CONFEDERATION, THE ORDINANCE OF 1787, JEFFERSON'S MANUAL, ETC.

PREPARED UNDER THE DIRECTION OF THE
SENATE COMMITTEE ON RULES, SIXTY-THIRD CONGRESS

WASHINGTON
GOVERNMENT PRINTING OFFICE
1915

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SUBMITTED BY MR. OVERMAN.

IN THE SENATE OF THE UNITED STATES,
February 5, 1915.

Resolved. That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed four thousand five hundred copies of the same for the use of the committee, of which two hundred and fifty copies shall be bound in full morocco and tagged as to contents.

Attest:

JAMES M. BAKER,
Secretary.

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STANDING RULES FOR CONDUCTING BUSINESS IN THE SENATE OF THE UNITED STATES.

[Rules agreed to Jan. 11, 1884, and took effect Jan. 21, 1884. Date of amendments thereto indicated below each clause.]

RULE I.

APPOINTMENT OF A SENATOR TO THE CHAIR.[1]

1. In the absence of the Vice-President, the Senate shall choose a President *pro tempore*. [Jefferson's Manual, Sec. IX.

2. In the absence of the Vice-President, and pending the election of a President *pro tempore*, the Secretary of the Senate, or in his absence the Chief Clerk, shall perform the duties of the Chair. [Jefferson's Manual, Sec. IX.

3. The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except by unanimous consent.

[Jefferson's Manual, Sec. IX.

4. In event of a[2] vacancy in the office of the Vice-President,[3] or whenever the powers and duties of the President shall devolve

[1] On motion by Mr. Evarts, the Senate resumed the consideration of the resolution relative to the tenure of office of the President *pro tempore;* and having been amended on the motion of Mr. Turpie to read as follows:

Resolved, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice-President until the Senate otherwise order.

After debate, the resolution as amended was agreed to.

[Senate Jour., Mar. 12, 1890

[2] Agreed to, with the words "the death" in lieu of words "a vacancy in the office." Fifty-sixth Congress, first session. Senate Journal, page 254, April 6, 1900.

Amended by striking out in line 1, clause 4, the words "the death of" and inserting "a vacancy in the office of," in line 1. Fifty-eighth Congress, third session. Senate Journal, page 41, December 15, 1904.

[3] At end of line 1, clause 4, amended to read "or whenever the powers and duties of the President shall devolve on the Vice-President." Fifty-seventh Congress, first session. Senate Journal, pages 331, 332, April 18, 1902.

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on the Vice-President, the President *pro tempore* shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence; and the Senator so named shall have the right to name in open session, or in writing, if absent, a Senator to perform the duties of the Chair, but such substitution shall not extend beyond adjournment, except by unanimous consent.[1]

S. Jour. 254, 56–1; S. Jou. 331, 332, 57–1; S. Jour. 41, 58–3.] [Jefferson's Manaul, Sec. IX.

RULE II.

OATHS, ETC.

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties. [See page 37.

RULE III.

COMMENCEMENT OF DAILY SESSIONS.

1. The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of. [Jefferson's Manual, Secs. VI, XLIX.

2. A quorum shall consist of a majority of the Senators duly chosen and sworn. [Jefferson's Manual, Sec. VI.

RULE IV.

JOURNAL.

1. The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in

[1] Mr. Platt, of Connecticut, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That whenever a Senator shall be designated by the President *pro tempore* to perform the duties of the Chair during his temporary absence he shall be empowered to sign, as acting President *pro tempore*, the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States.

[Senate Jour., p. 47, January 4, 1905.

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full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

[Jefferson's Manual, Sec. XLIX.

2. The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book.

[Jefferson's Manual, Sec. XLIX.

RULE V.

QUORUM—ABSENT SENATORS MAY BE SENT FOR.

1. No Senator shall absent himself from the service of the Senate without leave. [Jefferson's Manual, Sec. VIII.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate. [Jefferson's Manual, Sec. VII.

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

[Jefferson's Manual, Secs. VII, VIII.

RULE VI.

PRESENTATION OF CREDENTIALS.

1. The presentation of the credentials of Senators elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the

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Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected and the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.[1]

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[1] FORM OF CERTIFICATE OF ELECTION.

Resolution submitted by Mr. Kern, and agreed to August 20, 1914:

Resolved, That in the opinion of the Senate the following are convenient and sufficient forms of certificate of election of a Senator or the appointment of a Senator, to be signed by the executive of any State in pursuance of the Constitution and the statutes of the United States:

"*To the President of the Senate of the United States:*

"This is to certify that on the — day of ———, 19—, A——— B——— was duly chosen by the qualified electors of the State of ——— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 19—.

"Witness: His excellency our governor ———, and our seal hereto affixed at ——— this — day of ———, in the year of our Lord 19—.

"By the governor:

"C——— D———,
"*Governor.*

"E——— F———,
"*Secretary of State.*"

"*To the President of the Senate of the United States:*

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ———, I, A——— B———, the governor of said State, do hereby appoint C——— D——— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the ——— of E——— F———, is filled by election as provided by law.

"Witness: His excellency our governor ———, and our seal hereto affixed at ——— this — day of ———. in the year of our Lord 19—.

"By the governor:

"G——— H———,
"*Governor.*

"I——— J———,
"*Secretary of State.*"

Resolved, That the Secretary of the Senate shall send copies of these suggested forms and these resolutions to the executive and secretary of each State wherein an election is about to take place or an appointment is to be made in season that they may use such forms if they see fit.

[Senate Jour., 2 sess. 63 Cong. p. 472.

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RULE VII.

MORNING BUSINESS.

1. After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of standing and select committees.

The introduction of bills and joint resolutions.

Concurrent and other resolutions.[1]

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given.

[Jefferson's Manual, Sec. XIV.

2. [2]Senators having petitions, memorials, pension bills, bills for the payment of private claims or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their names and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the Presiding Officer, be entered on the Journal with the names of the Senators presenting them as having been

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[1] On motion by Mr. Hoar,

Ordered, That until otherwise ordered, the chair shall proceed with the call for resolutions to be newly offered before laying before the Senate resolutions which came over from a former day.

[Senate Jour., 49th Cong., 1st sess., Dec. 17, 1885, p. 102.

[2] Agreed to. Fifty-ninth Congress, first session. Senate Journal, page 548, May 31, 1906.

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read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the official reporter of debates for publication in the RECORD.

[1] It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

3. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up. [Jefferson's Manual, Sec. XIV.

4. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions. [Jefferson's Manual, Sec. XIX.

[2] 5. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate. But no petition or memorial or other paper signed by

[1] Agreed to. Fifty-ninth Congress, first session. Senate Journal, page 548, May 31, 1906.

[2] Clause 4 of original Rule 7 amended down to the period and numbered clause 5; clause 2 changed to 3; clause 3 changed to 4. Fiftieth Congress, first session. Senate Journal, pages 427, 428, March 6, 1888.

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citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.[1]

S. Jour. 427–428, 50–1.] [Jefferson's Manual, Sec. XIX.

[2]6. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

S. Jour. 431, 48–1.] [Jefferson's Manual, Sec. XIV.

RULE VIII.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock;[3] and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstand-

[1] *Ordered*, That when petitions and memorials are ordered printed in the Congressional Record the order shall be deemed to apply to the body of the petition only, and the names attached to said petition or memorial shall not be printed unless specially ordered by the Senate.

[Senate Jour., 49th Cong., 2d sess., p. 280.

[2] Agreed to. Forty-eighth Congress, first session. Senate Journal, page 431, March 17, 1884.

[3] Resolution submitted by Mr. Hoar and adopted August 10, 1888, Senate Journal, page 1266:

Resolved, That after to-day, unless otherwise ordered, the morning hour shall terminate at the expiration of two hours after the meeting of the Senate.

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ing an objection, the foregoing provisions touching debate shall not apply. [Jefferson's Manual, Sec. XIV.

[1]All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

S. Jour. 442, 48–1.] [Jefferson's Manual, Sec. XIV.

RULE IX.

ORDER OF BUSINESS (CONTINUED).

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which if carried shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order. [Jefferson's Manual, Secs. XIV, XXXIII.

[1]Agreed to. Forty-eighth Congress, first session. Senate Journal, pages 431, 442, March 17, 19, 1884.

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RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business. [Jefferson's Manual, Secs. XVIII, XXXIII.

2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

[1]And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate. S. Jour. 442, 48–1.] [Jefferson's Manual, Secs. XVIII, XXXIII.

RULE XI.

OBJECTION TO READING A PAPER.

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

[Jefferson's Manual, Sec. XXXII.

RULE XII.

VOTING, ETC.

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unani-

[1]Agreed to. Forty-eighth Congress, first session. Senate Journal, pages 431, 442, March 17, 19, 1884.

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mous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

[Jefferson's Manual, Sec. XLI.

2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

[Jefferson's Manual, Secs. XVII, XLI.

[1]3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

S. Jour. 74, 63-2.]

RULE XIII.

RECONSIDERATION.

1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unani-

[1]Agreed to. Sixty-third Congress, second session. Senate Journal, page 74, January 16, 1914. Congressional Record, pages 1759, 1760.

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mous consent. Every motion to reconsider shall be decided by a majority vote,[1] and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

S. Jour. 945, 49–1.] [Jefferson's Manual, Sec. XLIII.

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

[Jefferson's Manual, Sec. XLIII.

RULE XIV.

BILLS, JOINT RESOLUTIONS, AND RESOLUTIONS.

1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

[Jefferson's Manual, Sec. XXIII.

2. Every bill and joint resolution shall receive three readings previous to its passage, which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third: [2]*Provided*, That the first or second reading of each bill may be by title only, unless the Senate in any case shall otherwise order. [Jefferson's Manual, Sec. XXII.

3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on

[1] In original copy of rules of January 11, 1884, the motion to reconsider was "without debate," words stricken out. Forty-ninth Congress, first session. Senate Journal, page 945, June 21, 1886.

[2] Agreed to. Sixty-third Congress, second session. Senate Journal, page 71, January 14, 1914. Congressional Record, page 1633.

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leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.

[Jefferson's Manual, Sec. XXV.

4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar. [Jefferson's Manual, Sec. XXV.

5. All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

[Jefferson's Manual, Sec. XXV.

RULE XV.

BILLS—COMMITTEE OF THE WHOLE.

1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed. [Jefferson's Manual, Secs. XXVI, XXX.

2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments,

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NOTE.—*Resolved*, That no communications from heads of Departments, Commissioners, Chiefs of Bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President.

[Senate Jour., 1 sess., 60 Cong., p. 122, Jan. 16, 1908.

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unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar, and when again considered by the Senate it shall be as in Committee of the Whole. [Jefferson's Manual, Secs. XXVI, XXX.

3. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883.

RULE XVI.

AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except [1] the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce; [1] the agricultural bill, to the Committee on Agriculture and Forestry; the Army and the Military Academy bills, to the Committee on Military Affairs; the Indian bill, to the Committee on Indian Affairs; the naval bill, to the Committee on Naval Affairs; the pension bill, to the Committee on Pensions; the Post-Office bill, to the Committee on Post-Offices and Post-Roads; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

S. Jour. 86; 55–3] [Jefferson's Manual, Sec. XXXV.

[1] Amendment agreed to. Fifty-fifth Congress, third session. Senate Journal, page 86, January 28, 1899.

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2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce; also amendments to bills establishing post-roads, or proposing new post-roads, shall, before being considered, be referred to the Committee on Post-Offices and Post-Roads. [Jefferson's Manual, Sec. XXXV.

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill. [Jefferson's Manual, Sec. XXXV.

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment. [Jefferson's Manual, Sec. XXXV.

RULE XVII.

AMENDMENT MAY BE LAID ON THE TABLE WITHOUT PREJUDICE TO THE BILL.

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

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RULE XVIII.

AMENDMENTS—DIVISION OF A QUESTION.

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence. [Jefferson's Manual, Secs. XXXV, XXXVI.

RULE XIX.

DEBATE.

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate. [Jefferson's Manual, Secs. XVII, XXXIX.

[1]2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator. [Jefferson's Manual, Sec. XVII.

[1]3. No Senator in debate shall refer offensively to any State of the Union.

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[1]Adopted. Fifty-seventh Congress, first session. Senate Journal, page 301, April 8, 1902.

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4. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. [Jefferson's Manual, Sec. XVII.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

[Jefferson's Manual, Sec. XVII.

[1]6. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

RULE XX.

QUESTIONS OF ORDER.

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. [Jefferson's Manual, Sec. XXXIII.

2. The Presiding Officer may submit any question of order for the decision of the Senate. [Jefferson's Manual, Sec. XXXIII.

[1]Agreed to. Sixty-third Congress, second session. Senate Journal, page 71, January 14, 1914. Congressional Record, page 1633.

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RULE XXI.

MOTIONS.

1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated. [Jefferson's Manual, Sec. XX.

2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave. [Jefferson's Manual, Sec. XX.

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a day certain.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

[Jefferson's Manual, Sec. XXXIII.

RULE XXIII.

PREAMBLES.

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on

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the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

[Jefferson's Manual, Sec. XXVI.

RULE XXIV.

APPOINTMENT OF COMMITTEES.

1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint. [Jefferson's Manual, Sec. XI.

2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.

RULE XXV.[1]

STANDING COMMITTEES.

[Committees appointed every two years. Last change March 15, 1913.]

1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

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[1]As amended by Senate resolution of March 15, 1913, Sixty-third Congress, session specially called. Senate Journal, pages 311–314, Sixty-second Congress, third session.

Previously amended May 26, 1896, Fifty-fourth Congress, first session, Senate Journal, page 351; Sixtieth Congress, first session, Senate Journal, pages 79–81, December 17, 1907; Sixty-first Congress, first session, Senate Journal, pages 14, 15, March 22, 1909; Sixty-second Congress, first session, Senate Journal, pages 41, 42, 44, April 27, 28, 1911.

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A Committee on Additional Accommodations for the Library of Congress, to consist of five Senators.

A Committee on Agriculture and Forestry, to consist of sixteen Senators.

A Committee on Appropriations, to consist of seventeen Senators.

A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of five Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

A Committee on Banking and Currency, to consist of twelve Senators.

A Committee on Canadian Relations, to consist of nine Senators.

A Committee on the Census, to consist of twelve Senators.

A Committee on Civil Service and Retrenchment, to consist of twelve Senators.

A Committee on Claims, to consist of fifteen Senators.

A Committee on Coast and Insular Survey, to consist of nine Senators.

A Committee on Coast Defenses, to consist of eleven Senators.

A Committee on Commerce, to consist of seventeen Senators.

A Committee on Conservation of National Resources, to consist of fifteen Senators.

A Committee on Corporations Organized in the District of Columbia, to consist of five Senators.

A Committee on Cuban Relations, to consist of five Senators.

A Committee on Disposition of Useless Papers in the Executive Departments, to consist of three Senators.

A Committee on the District of Columbia, to consist of fourteen Senators

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A Committee on Education and Labor, to consist of eleven Senators.

A Committee on Engrossed Bills, to consist of three Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.

A Committee on Enrolled Bills, to consist of three Senators, which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

A Committee to Examine the Several Branches of the Civil Service, to consist of seven Senators.

A Committee on Expenditures in the Department of Agriculture, to consist of five Senators.

A Committee on Expenditures in the Department of Commerce,[1] to consist of five Senators.

A Committee on Expenditures in the Interior Department, to consist of five Senators.

A Committee on Expenditures in the Department of Justice, to consist of five Senators.

A Committee on Expenditures in the Department of Labor,[2] to consist of five Senators.

A Committee on Expenditures in the Navy Department, to consist of five Senators.

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[1] Senate Resolution of June 25, 1914. Senate Journal, page 357, Sixty-third Congress, second session.

[2] Provided for by Senate resolution, June 25, 1914, Sixty-third Congress, second session. Senate Journal, page 357.

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A Committee on Expenditures in the Post-Office Department, to consist of five Senators.

A Committee on Expenditures in the Department of State, to consist of five Senators.

A Committee on Expenditures in the Treasury Department, to consist of five Senators.

A Committee on Expenditures in the War Department, to consist of five Senators.

A Committee on Finance, to consist of seventeen Senators.

A Committee on Fisheries, to consist of nine Senators, to which shall be referred all matters relating to fish and fisheries.

A Committee on the Five Civilized Tribes of Indians, to consist of five Senators.

A Committee on Foreign Relations, to consist of seventeen Senators.

A Committee on Forest Reservations and the Protection of Game, to consist of nine Senators.

A Committee on the Geological Survey, to consist of seven Senators.

[1] A Committee on Immigration, to consist of thirteen Senators.

A Committee on Indian Affairs, to consist of fifteen Senators.

[2] A Committee on Indian Depredations, to consist of eleven Senators.

A Committee on Industrial Expositions, to consist of thirteen Senators.

A Committee on Interoceanic Canals, to consist of fourteen Senators.

A Committee on Interstate Commerce, to consist of sixteen Senators.

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[1] Created. Fifty-first Congress, first session. Senate Journal, page 39, December 12, 1889.

[2] Created as select. Fifty-first Congress, first session. Senate Journal, page 39, December 12, 1889.

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A Committee to Investigate Trespassers on Indian Lands, to consist of five Senators.

A Committee on Irrigation and Reclamation of Arid Lands, to consist of thirteen Senators.

A Joint Committee on the Revision of the Laws of the United States, to consist of four Senators.

A Committee on the Judiciary, to consist of eighteen Senators.

A Committee on the Library, to consist of eight Senators, which shall have power to act jointly with the same committee of the House of Representatives.

A Committee on Manufactures, to consist of eleven Senators.

A Committee on Military Affairs, to consist of sixteen Senators.

A Committee on Mines and Mining, to consist of ten Senators.

A Committee on the Mississippi River and its Tributaries, to consist of seven Senators.

A Committee on National Banks,[1] to consist of five Senators.

A Committee on Naval Affairs, to consist of sixteen[2] Senators.

A Committee on Pacific Islands and Porto Rico, to consist of twelve Senators.

A Committee on Pacific Railroads, to consist of ten Senators.

A Committee on Patents, to consist of seven Senators.

A Committee on Pensions, to consist of thirteen Senators.

A Committee on the Philippines, to consist of fourteen Senators.

A Committee on Post-Offices and Post-Roads, to consist of sixteen Senators.

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[1] Provided for by Senate resolution of April 29, 1912, Sixty-second Congress, second session. Senate Journal, page 306.

[2] Amendment agreed to increasing the membership from fifteen to sixteen. Senate Journal, page 149, Sixty-third Congress, second session, March 2, 1914. Congressional Record, page 4134.

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A Committee on Printing, to consist of eight Senators, which shall have power to act jointly with the same committee of the House of Representatives.

A Committee on Private Land Claims, to consist of seven Senators.

A Committee on Privileges and Elections, to consist of fifteen Senators.

A Committee on Public Buildings and Grounds, to consist of sixteen Senators, which shall have power to act jointly with the same committee of the House of Representatives.

A Committee on Public Health and National Quarantine, to consist of eleven Senators.

A Committee on Public Lands, to consist of fifteen Senators.

A Committee on Railroads, to consist of eleven Senators.

A Committee on Revolutionary Claims, to consist of five Senators.

A Committee on Rules, to consist of ten Senators.

A Committee on Standards, Weights, and Measures, to consist of five Senators.

A Committee on Territories, to consist of twelve Senators.

A Committee on Transportation Routes to the Seaboard, to consist of nine Senators.

A Committee on Transportation and Sale of Meat Products, to consist of five Senators.

A Committee on the University of the United States, to consist of eleven Senators.

A Committee on Woman Suffrage, to consist of nine Senators.

2. The Committees to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library, shall continue and have the power to act until their successors are appointed.

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QUORUM OF COMMITTEES.

[1]3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

RULE XXVI.

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE, AND REPORTS OF COMMITTEES TO LIE OVER.

1. When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions. [Jefferson's Manual, Secs. XXVI, XXXIII.

2. All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct. [Jefferson's Manual, Secs. XXVII, XLIII.

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the

[1] Agreed to. Sixty-second Congress, second session. Journal, page 271. Congressional Record, page 4624, April 12, 1912.

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Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

[Jefferson's Manual, Sec. XLVI.

RULE XXVIII.

MESSAGES.

1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while the Journal is being read, or while a question of order or a motion to adjourn is pending. [Jefferson's Manual, Sec. XLVII.

2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate. [Jefferson's Manual, Sec. XLVII.

RULE XXIX.

PRINTING OF PAPERS, ETC.

1. Every motion to print documents, reports, and other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

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2. Motions to print additional numbers shall also be referred to the Committee on Printing; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of five hundred dollars, the concurrence of the House of Representatives shall be necessary for an order to print the same.

3. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

RULE XXX.

WITHDRAWAL OF PAPERS.

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

[Jefferson's Manual, Sec. XVI.

RULE XXXI.

REFERENCE OF CLAIMS ADVERSELY REPORTED.

Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that

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new evidence has been discovered since the report, and setting forth the substance of such new evidence. [1] But when there has been no adverse report it shall be the duty of the Secretary to transmit all such papers to the committee in which such claims are pending.

RULE XXXII.

BUSINESS CONTINUED FROM SESSION TO SESSION.

At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred. [Jefferson's Manual, Sec. LI.

RULE XXXIII.

PRIVILEGE OF THE FLOOR.[2]

No person shall be admitted to the floor of the Senate while in session, except as follows:

The President of the United States and his private secretary.

[3] The President elect and Vice-President elect of the United States.

Ex-Presidents and ex-Vice-Presidents of the United States.

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[1] Agreed to. Fiftieth Congress, first session. Senate Journal, page 67, December 14, 1887.

[2] Amended, adopting a new rule. Fifty-second Congress, first session. Senate Journal, page 30, December 14, 1891. Fifty fourth Congress, first session, Senate Journal, page 351, May 26, 1896.

[3] Agreed to. Fiftieth Congress, second session. Senate Journal, page 113, January 4, 1889.

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Judges of the Supreme Court.

Ex-Senators and Senators elect.

The officers and employees of the Senate in the discharge of their official duties.

[1] Ex-Secretaries and ex-Sergeants-at-Arms of the Senate.

[2] Members of the House of Representatives and Members elect.

[3] Ex-Speakers of the House of Representatives.

The Sergeant-at-Arms of the House and his chief deputy and the Clerk of the House and his deputy.

Heads of the Executive Departments.

[4] Ambassadors and Ministers of the United States.

Governors of States and Territories.

The General Commanding the Army.

The Senior Admiral of the Navy on the active list.

Members of National Legislatures of foreign countries.

Judges of the Court of Claims.

[5] Commissioners of the District of Columbia.

The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

[6] The Architect of the Capitol.

[7] The Secretary of the Smithsonian Institution.

Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

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[1] Agreed to except as to "ex-Sergeant-at-Arms." Fifty-third Congress, third session. Senate Journal, page 75, January 28, 1895.

[2] Construed to mean, "and members elect." Forty-eighth Congress, second session. Senate Journal, page 418, February 28, 1885.

[3] Fiftieth Congress, first session. Senate Journal, page 1173, July 25, 1888.

[4] Amended, adopting a new rule. Fifty-second Congress, first session. Senate Journal, page 30, December 14, 1891. Fifty-fourth Congress, first session. Senate Journal, page 351, May 26, 1896.

[5] Inserted, Forty-eighth Congress, first session. Senate Journal, page 762, June 13, 1884.

[6] Amended by omitting "Extension," Forty-eighth Congress, first session. Senate Journal page 565. April 22, 1884.

[7] Inserted, Forty-eighth Congress, first session. Senate Journal, page 565, April 22, 1884.

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S. Jour. 351, 54–1.]

RULE XXXIV.

REGULATION OF THE SENATE WING OF THE CAPITOL.

1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate;[1] no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.

S. Jour. 163, 63–2.]

2. It shall be the duty of the Committee on Rules to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. They shall, at the opening of each session of Congress, make such regulations respecting the reporters' gallery of the Senate as will confine its occupation to bona fide reporters for daily newspapers, assigning not to exceed one seat to each paper.

RULE XXXV.

SESSION WITH CLOSED DOORS.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

[Jefferson's Manual, Sec. XVIII.

RULE XXXVI.

EXECUTIVE SESSIONS.

1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President

[1]Agreed to. Senate Journal, page 163, Sixty-third Congress, second session, March 9, 1914. Congressional Record, page 4532.

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of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

[1] 2. When acting upon confidential or Executive business,[2] unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

[3] 3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings

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[1] In Executive session, May 2, 1892, Senate Journal, page 225, Ex. Sess.:

Resolved, That until otherwise ordered there shall be admitted to the floor of the Senate during Executive sessions such clerks, not exceeding three in number, as may be assigned by the Secretary of the Senate to Executive duties.

[2] Line 2 of clause 2 agreed to. Fiftieth Congress, first session. Senate Journal, page 428, March 6, 1888.

[3] In Executive session specially called March 21, 1885; S. Jour. 571.

Ordered, That the injunction of secrecy be removed from the following report from the Committee on Rules, viz:

The Committee on Rules, to which was referred a question of order raised by the Senator from Maine (Mr. Frye) as to the operation of clause 3, Rule XXXVI, reported that it extends the injunction of secrecy to each step in the consideration of treaties, including the fact of ratification; that no modification of this clause of the rules ought to be made; that the secrecy as to the fact of ratification of a treaty may be of the utmost importance, and ought not to be removed except by order of the Senate, or until it has been made public by proclamation by the President.

[Senate Jour., p. 571. Appendix.

In Executive session, February 8, 1900:

Ordered, Whenever the injunction of secrecy shall be removed from any part of the proceedings of the Senate in Executive session, or secret legislative session, the order of the Senate removing the same shall be entered by the Secretary in the Legislative Journal as well as in the Executive Journal, and shall be published in the Record.

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thereon shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy,[1] or unless the same shall be considered in open Executive session.

[Jefferson's Manual, Sec. LII.

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

[2]5. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any Department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

RULE XXXVII.

EXECUTIVE SESSION—PROCEEDINGS ON TREATIES.

1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee,[3] to print it in confidence for the use of the Senate,[3] to remove the injunction of secrecy, or to consider it in open Executive session.

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it

[1] Agreed to. Fiftieth Congress, first session. Senate Journal, page 428, March 6, 1888.

[2] Agreed to. Fifty-eighth Congress, second session. Senate Journal, page 320, March 31, 1904.

[3] Agreed to strike out "or," line 3, clause 1, and in line 4, same clause, add "to remove the injunction of secrecy, or to consider it in open Executive session." Fiftieth Congress, first session. Senate Journal, page 428, March 6, 1888.

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may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.[1] At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open Executive session.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall termi-

[1] Agreed to. Fiftieth Congress, first session. Senate Journal, page 428, March 6, 1888.

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nate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

3. All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence, in which case they shall be acted upon with closed doors. [Jefferson's Manual, Sec. LII.

RULE XXXVIII.

EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS.[1]

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

2. All information communicated or remarks made by a Senator when acting upon nominations concerning the

[1] In Executive session, December 16, 1885, Senate Journal, page 1295:

Resolved, All nominations to office shall be prepared for the printer by the Official Reporter, and printed in the Record, after the proceedings of the day in which they are received, also nominations recalled, confirmations, and rejections.

In Executive session, December 17, 1885, Ex. Sess., Journal, page 237:

Ordered, The Secretary shall furnish the Official Reporters with a list of nominations to office after the proceedings of the day on which they are received, and a like list of all confirmations and rejections.

In Executive session, May 2, 1894, Ex. Sess., Senate Journal, page 629:

Resolved, The Secretary shall furnish to the press, and to the public upon request, the names of nominees confirmed or rejected on the day on which a final vote shall be had, except when otherwise ordered by the Senate.

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character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual Executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

5. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

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6. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

RULE XXXIX.

THE PRESIDENT FURNISHED WITH COPIES OF RECORDS OF EXECUTIVE SESSIONS.

The President of the United States shall, from time to time, be furnished with an authenticated transcript of the Executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

RULE XL.

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

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OATHS REQUIRED BY THE CONSTITUTION AND BY LAW TO BE TAKEN UNDER RULE II.

BY SENATORS.

I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States. [June 1, 1789, 1 Stat., 23.

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

[July 11, 1868, 15 Stat., 85.

BY THE SECRETARY.

I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States.

And in addition to the foregoing he will also take the following:

I, A B, Secretary of the Senate of the United States of America, do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities. [June 1, 1789, 1 Stat., 23.

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When the President has been notified of a confirmation, a motion to reconsider must be accompanied by a request to the President to return the notification of confirmation	38	3	38
A motion to reconsider the vote on a nomination may be laid on the table, which shall be final	38	3	38
Upon an adjournment of Congress, or a recess of more than thirty days, all motions to reconsider shall fall, and the nominations stand as confirmed or rejected, as the case may be	38	5	38
Not confirmed or rejected at one session shall not be considered at the next session unless renominated	38	6	39
Upon an adjournment of Congress, or on taking a recess of thirty days, all nominations not finally acted upon shall be returned to the President	38	6	39

O.

Oaths of office. The oaths required by the Constitution and prescribed by law shall be taken and subscribed by Senators in open Senate before entering upon their duties.	2	–	6
Forms of			40
Order of business. After the conclusion of the morning business, prescribed	8	–	11
After the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, prescribed	9	–	21

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	Rule.	Clause.	Page.
Order in debate. When a Senator shall be called to order, he shall sit down, and shall not proceed without leave of the Senate, which shall be determined without debate.	19	4	20
No Senator shall speak to or interrupt another without his consent, to obtain which he shall first address the Chair	19	1	19
No Senator shall impute to another Senator any conduct or motive unworthy or unbecoming a Senator	19	2	19
No Senator shall refer offensively to any State of the Union	19	3	19
If a Senator be called to order for words spoken in debate, the exceptionable words, if required, shall be taken down	19	5	20
The Presiding Officer shall name the Senator who is to speak, who shall in all cases be the one who shall first address the Chair	19	1	19
No Senator shall speak more than twice on any one question on the same day without leave of the Senate, to be determined without debate	19	1	19
A motion to take up a subject shall not be open to debate on the merits of the subject proposed to be considered.	7	3	10
Order in the galleries. (See *Galleries.*)			
Order, questions of. A question of order may be raised at any time except, and shall be decided by the Chair without debate	20	1	20
An appeal may be taken from the decision of the Chair on a question of order	20	1	20
The Chair may submit any question of order to the decision of the Senate	20	2	20
When an appeal is taken from the decision of the Chair, any subsequent question of order or appeal shall be decided without debate	20	1	20
An appeal may be laid on the table, which shall be regarded as sustaining the decision of the Chair	20	1	20
P.			
Papers. When the reading of a paper is called for, and objection be made, it shall be submitted to the Senate without debate	11	–	13
No papers, except original treaties, shall, without leave of the Senate, be withdrawn from its files	30	1	30
When an act has passed for the settlement of a private claim, the Secretary may transmit the papers to the accounting officers	30	1	30

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	Rule.	Clause.	Page.
Papers. When a claim has been adversely reported on, and the report be agreed to, the papers shall not be referred from the files without new evidence	31	–	30, 31
Where an adverse report has been made, papers shall not be withdrawn without leaving copies with the Secretary.	30	2	30
Pending measure. Amendment proposed to any, is laid on the table without carrying the measure to the table or prejudicing the same	17	–	18
Petitions, before being presented, must be signed, indorsed with a brief statement of their contents, and referred without debate	7	5	10
Manner of presentation of	7	2	9, 10
Order in which the Chair shall call for, in the morning hour.	7	1	9
Order to print in Record covers body of petition only	7	(Note 1)	11
No petition or other paper signed by citizens or subjects of a foreign power shall be received unless through the President	7	5	10, 11
Every petition shall be referred without putting the question, unless there be objection	7	4	10
Plurality of votes. Select committees and the members of standing committees (except the chairman) shall be elected by a	24	1	22
Postpone indefinitely. When a question is pending, a motion may be made to	22	–	21
Preamble to a resolution. The question shall be first put upon the resolution, and last on the preamble	23	–	21, 22
To a resolution may be withdrawn before an amendment or ordering of the yeas and nays. It may also be laid on the table	23	–	21, 22
To a bill shall be last put to question, and may also be laid on the table	23	–	22
President of the United States. Heads of departments not to send communications except through the			(Note) 16
President pro tempore. (See *Presiding Officer.*)			
Presiding Officer of the Senate. In the absence of the Vice-President, the Senate shall choose a President *pro tempore*	1	1	5
Tenure of office of President *pro tempore*	1	(Note 1)	5
In the absence of the Vice-President and pending the election of a President *pro tempore*, the Secretary, or, in his absence, the Chief Clerk, shall perform the duties of the Chair	1	2	5
He shall have the right to name a Senator to occupy the Chair, who shall not hold beyond an adjournment except	1	3	5

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	Rule.	Clause.	Page.
Presiding Officer of the Senate. In the event of a vacancy in the office of Vice-President the, shall have the right to name a Senator to occupy the Chair	1	4	5, 6
He may at any time lay before the Senate bills or other matter sent to the Senate by the President or House of Representatives	7	6	11
The Presiding Officer shall decide every question of order without debate, subject to an appeal to the Senate	20	1	20
He may submit any question of order without decision to the Senate	20	2	20
Senator designated by President pro tempore to perform duties of the chair may sign enrolled bills	(Note 1)		6
Printing. Every motion to print, except to print bills, reports of committees, resolutions, communications from State legislatures and conventions, and motions to print, made by direction of committees, shall be referred to the Committee on, unless	29	1	29
All reports of committees, unless for the dispatch of business the printing be dispensed with, shall be printed	29	3	30
Motions to print additional numbers shall be referred to the Committee on	29	2	30
When the cost of printing additional numbers shall exceed five hundred dollars, it shall be by concurrent resolution	29	2	30
Every bill, joint resolution, and report of committee shall be printed unless	29	3	30
Private bill. May be referred to Court of Claims	15	3	17
Private claim. No memorial or other papers relating to, shall be withdrawn from the files without leave of the Senate	30	1	30
Where a private act has passed, the Secretary may transmit the papers to the officer charged with the settlement	30	1	30
No private claim, which has been rejected, shall be again referred from the files without new evidence	31	–	30, 31
Where an adverse report has been made on a private claim, the papers shall not be withdrawn without leaving copies	30	2	30
No amendment shall be proposed to any general appropriation bill whose object is to provide for a, unless	16	4	18
Private secretary of Senator shall not be admitted to the floor until borne upon the rolls of the Secretary as such	33	–	32
Privileged motions, save as against a motion to adjourn, to proceed to Executive business, or questions of privilege, and shall be decided without debate	9	–	12
Privileges of the floor	33	–	31, 32

Q.

Question of order shall be decided by the Chair, without debate, subject to an appeal to the Senate. Every	20	1	20.

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	Rule.	Clause.	Page.
Question of order. The Chair may submit any question of order to the decision of the Senate	20	2	20
When an appeal is taken from the decision of the Chair, any subsequent question of order or appeal shall be decided without debate	20	1	20
An appeal from the decision of the Chair may be laid on the table, which shall be held to affirm the decision of the Chair	20	1	20
Question of privilege. A motion to amend or correct the Journal shall be deemed a, and shall be proceeded with until disposed of	3	1	6
When in order	6	1	7, 8
Certain privileged motions may be submitted	9	–	12
Question under debate contains several points, any Senator may call for a division. If the	18	–	19
But a motion to strike out and insert shall not be divided.	18	–	19
But, pending a motion to strike out and insert, each part shall be regarded as a question; and the part to be stricken out shall be first open to amendment	18	–	19
Quorum. The journal of the proceedings of the preceding day shall be read, there being present a	3	1	6
Shall consist of a majority of the Senators duly chosen and sworn	3	2	6
The presence of a quorum being questioned, the Chair shall direct the roll to be called to ascertain the presence of a.	5	2	7
A majority of the Senators present may request or compel the attendance of Senators to make a	5	3	7
Pending the execution of the order requiring the presence of absent Senators, no debate or motion shall be in order but to adjourn	5	3	7
No request for unanimous consent for final vote on a bill, etc., shall be submitted until a roll call shows a, present.	12	3	14
Of committees, composed of more than three Senators to be fixed by the members	25	3	28

R.

Reading of a paper. When the reading of a paper is called for, and it be objected to, it shall be decided by the Senate without debate	11	–	13
Recess. Pending the consideration of a question, a motion, which shall be decided without debate, may be made for a.	22	–	21
Recess of the Senate for more than thirty days. All nominations and motions to reconsider nominations shall fall upon a	38	5	38
Reconsideration. A motion to reconsider may be made by any Senator voting on the side that prevailed	13	1	14

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	Rule.	Clause.	Page.
Reconsideration. A motion to reconsider may be made within the two next days of actual session, and shall be decided by a majority	13	1	14
When a bill or other matter shall have gone out of the possession of the Senate, the motion to reconsider shall be accompanied by a request for the return of the same	13	2	15
Which last motion shall be determined at once and without debate	13	2	15
If the Senate shall refuse to reconsider a vote, or upon consideration shall reaffirm its first decision, it shall not be in order to move to reconsider unless	13	1	14, 15
A motion to reconsider may be laid on the table without prejudice to the main question	13	1	14
And if laid on the table, shall be a final disposition of the motion	13	1	15
A motion to reconsider shall not be withdrawn without leave of the Senate	21	2	21
A motion to reconsider a vote on a nomination may be laid on the table, and shall be final	38	3	38
A motion to reconsider a vote on a nomination returned to the President must be accompanied by a request for its return to the Senate	38	3	38
Motions to reconsider nominations shall fall, upon a recess of thirty days or on final adjournment	38	5	38
Reduced to writing. Before a motion shall be debated, if required, it shall be	21	1	21
Reference to a committee. A motion to refer shall not be open to amendment unless it be to add instructions	26	1	28
A motion to refer to a standing committee shall have precedence of a motion to refer to a select committee	26	1	28
Every bill and joint resolution shall be read twice before	14	3	15
Before the final vote on the passage of a bill or resolution it shall be in order to move its	15	2	17
Relevant to the subject-matter thereof. No amendment shall be proposed to any general appropriation bill which shall not be germane or	16	3	18
Reports of committees. The order in which they shall be called for by the Chair under "morning business"	7	1	9
If objected to, the consideration of the report of a committee shall lie over one day	26	2	28
Reports of committees. All reports of committees shall be printed, unless for the dispatch of business the printing be dispensed with	29	3	30

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Reports of committees of conference shall always be in order, and when made the question of their consideration shall be immediately put and decided without debate..	27	–	28, 29
Resolutions. The order in which they shall be called for by the Chair under "morning business".....	7	1	9
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When accompanied by a preamble, the question shall be first put on the resolution, then on the preamble, which may be withdrawn or laid on the table.....	23	–	21, 22
A resolution may be withdrawn or modified by the mover before an amendment or ordering of the yeas and nays.	21	2	21
A resolution to pay money out of the contingent fund shall be referred to the Committee on Contingent Expenses.	25	1	23
All resolutions shall, if their consideration be objected to, lie over one day	14	5	16
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Any rule may be suspended, modified, or amended without notice by unanimous consent, except Rule XII....	40	–	39
But no motion shall be in order to suspend Rule XII, in respect to voting	40	–	39
	12	1	14

S.

Secrecy. The galleries shall be cleared and the doors closed on the discussion of a question that may require.....	35	–	33
All confidential communications from the President, and all treaties and debates and proceedings thereon, shall be kept secret	36	3	34, 35
All matters touching the character and qualifications of a nomination, and all votes and proceedings thereon, shall be kept secret	38	2	37, 38
Removal of injunction of secrecy from Report of Committee on Rules. (Note 3).....	36	3	34
Removal of injunction of secrecy from any part of the proceedings shall be entered in the Legislative Journal and Executive Journal, and published in the Record (Note 3)	36	3	34
A Senator disclosing the confidential or secret business of the Senate shall be liable to expulsion	36	4	35
An officer of the Senate committing a like offense shall be dismissed and punished for a contempt.....	36	4	35

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	Rule.	Clause.	Page.
Secrecy. All documents or papers communicated to the Senate by the President or the head of any department, relating to any matter secret or confidential under the rules, shall be considered as confidential....	36	5	35
Secretary of Senate. When to perform duties of the Chair..	1	2	5
To keep record of certificates of election of Senators	6	2	8
To transmit papers in relation to claims to committee before whom claim is pending.....	31	–	31
Senate Chamber. Shall not be granted for any other purpose than for the use of the Senate.....	34	1	33
No smoking permitted in the.....	34	1	33
When confusion arises in the, or galleries, Chair on his own motion must enforce order	19	6	20
Senators. Not to absent themselves from the service of the Senate without leave.....	5	1	7
Not to speak but once, and for five minutes only, on bills and resolutions on the Calendar not objected to.....	8	–	11
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Special orders. The unfinished business shall take precedence of the.....	10	1	13
Consideration of the Calendar of Bills and Resolutions at the conclusion of morning business until 2 o'clock takes precedence of	8	–	11
Any subject may be made a special order by a vote of two-thirds.....	10	1	13
Unless there be unfinished business, the Chair shall lay before the Senate the	10	1	13
Special orders for same hour and day shall have precedence according to time at which they were made such.	10	2	13
Special orders shall not lose their character as such unless by a vote of the Senate	10	2	13
Every special order shall, unless there be unfinished business, be called up when the hour assigned shall arrive.	10	1	13
All motions to change to be decided without debate.....	10	2	13
Speak more than twice in any one debate on the same day without leave of the Senate. No Senator shall	19	1	19
Speak. The Presiding Officer shall name who is to speak, but the Senator first rising shall be first recognized.....	19	1	19
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	12	1	14

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T.

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Table. An amendment to a general appropriation bill may be laid on the	16	3	18
A motion to reconsider may be laid on the	13	1	14
And if carried shall be held to be a final disposition of the motion	13	1	14
When an amendment proposed to any pending measure is laid on the, it shall not carry with it nor prejudice such measure	17	–	18
When a question is pending, a motion may be made to lay on the, which shall be decided without debate	22	–	21
Preamble of a bill or resolution may be withdrawn or laid on the, without prejudice to the bill or resolution	23	–	21
An appeal from the decision of the Chair may be laid on the	20	1	20
If laid on the table, it shall be held as affirming the decision of the Chair	20	1	20
All reports of committees, motions to discharge a committee, and subjects from which a committee may be discharged shall lie over one day for consideration, except	26	2	28
Title. May read bills the first and second times by, only, except	14	2	15
Treaties. When a treaty is laid before the Senate, no motion shall be made in reference to it but to refer or to print it, to remove injunction of secrecy, or to consider it in open Executive session	37	1	35
A treaty shall not be considered on the same day that it is reported, if objected to	37	1	35
After being acted upon as in Committee of the Whole it shall be reported to the Senate	37	1	35
When the question will be, if amended, on concurring in the amendments made in Committee of the Whole	37	1	35
Injunction of secrecy may be removed at any stage of proceedings, or treaty may be considered in open Executive session	37	1	35
After which the resolution of ratification may be proposed on a subsequent day	37	1	35
When the question shall be on the resolution of ratification, no amendment shall be in order, except	37	1	35
The question of ratification and a motion to postpone indefinitely shall each require a vote of two-thirds	37	1	35, 36
All amendments and other motions may be decided by a majority	37	1	36

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	Rule.	Clause.	Page.
Treaties shall be resumed at the second or any subsequent session of same Congress, at the stage when last acted upon.	37	2	36
When proceedings shall terminate with a Congress, they shall be resumed *de novo*	37	2	36, 37
Indian treaties shall, unless transmitted by the President in confidence, be acted upon in legislative session.	37	3	37

U.

Unanimous consent. The reading of the Journal may be suspended by	3	1	6
Until the morning business is concluded, or until the hour of 1 o'clock, no motion to proceed to any other subject shall be received, unless by	7	3	10
After a decision is announced, a Senator may change or withdraw his vote by	12	1	13, 14
When the Senate shall refuse to reconsider a vote, or reaffirm its first decision, no motion to reconsider can be received but by	13	1	14, 15
Each bill shall receive three readings before passage on three different days, unless by	14	2	15
A bill may be read twice for reference, but not considered as in Committee of the Whole, nor debated, unless by.	14	3	15, 16
No amendment shall be proposed to a bill on its third reading, unless by	15	2	16, 17
All resolutions shall lie over one day, unless by	14	5	16
All reports of committees, motions to discharge a committee, and subjects from which a committee may be discharged, shall lie over one day, unless by	26	2	28
Any rule of the Senate can be suspended without notice by, except as provided in Rule XII	40 12	– 1	39 14
Treaties shall not be acted upon on the day on which they are reported, unless by	37	1	35
Resolution of ratification shall not be considered on the same day it is proposed, unless by	37	1	36
Nominations shall not be confirmed on the day they are received, or on which reported, unless by	38	1	37
Order of morning business changed only by	7	1	9
No request for, to vote on a bill, etc., shall be submitted until the roll is called to ascertain if a quorum is present.	12	3	14
Unfinished business shall have preference over the special orders	10	1	13
Consideration of the Calendar of Bills and Resolutions at the conclusion of the morning business, until 2 o'clock, takes precedence of	8	–	11

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	Rule.	Clause.	Page.
Unfinished business of a session. The legislative business of the Senate shall be continued from session to session of the same Congress	32	–	31

V.

Vacancies in committees, when filled by the Presiding Officer, shall, unless otherwise ordered, be only to fill up the number on the committee	24	2	22
Vice-President. In the absence of the Vice-President, the Senate shall choose a President *pro tempore*	1	1	5
In the absence of the, and pending the election of a President *pro tempore*, the Secretary, or, in his absence, the Chief Clerk, shall perform the duties of the Chair	1	2	5
Voting. When the yeas and nays are called each Senator shall, unless excused from voting, answer when his name is called, without debate	12	1	13
Proceedings when a Senator shall be called on for reasons for declining to vote shall be without debate	12	2	14
Further proceedings shall not be had until after the result is announced	12	2	14
A Senator shall not be permitted to vote after the result is announced	12	1	13
But he may, for special reasons, by unanimous consent, withdraw or change his vote	12	1	13, 14

W.

Withdrawal of a motion or resolution. A resolution or motion may be withdrawn at any time before amendment or ordering of the yeas and nays	21	2	21
Preamble to a resolution may be withdrawn before amendment or ordering of the yeas and nays	23	–	21, 22
A motion to reconsider shall not be withdrawn without leave of the Senate	21	2	2
Withdrawal of papers. No papers except original treaties shall be withdrawn from the files without leave of the Senate	30	1	30
Where an act has passed for a private claim, the papers may be sent by the Secretary to the accounting officers.	30	1	30
No petition on which an adverse report has been made shall be withdrawn without leaving copies	30	2	30
Claims adversely reported on shall not be again referred without new evidence	31	–	30, 31
Without debate. In ascertaining the presence of a quorum, the proceedings shall be	5	2	7

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	Rule.	Clause.	Page.
Without debate. Sergeant-at-Arms may be directed to request or compel attendance of absent Senators	5	3	7
The reading of a paper, when objected to, shall be decided	11	–	13
A motion to request the House of Representatives to return a bill shall be decided at once, and	13	2	15
All questions of relevancy of amendments under Rule XVI shall be decided	16	3	18
A motion to permit a Senator to proceed in order shall be decided	19	4	20
A motion for leave to speak more than twice in one debate shall be decided	19	1	19
All questions of order shall be decided by the Chair	20	1	20
Subsequent questions of order and appeals shall be decided	20	1	20
Motions to adjourn, for a recess, for executive business, and to lay on the table shall be decided	22	–	21
A motion to proceed to consideration of a conference report shall be decided	27	–	29
Each Senator, when the yeas and nays are called, shall, when his name is called, answer	12	1	13
Reasons for excusing a Senator from voting shall be determined	12	2	14
Words spoken in debate, if required, shall be taken down in writing. Exceptionable	19	5	20

Y.

Yeas and nays. Each Senator shall, when his name is called, answer openly, and without debate	12	1	13
A Senator shall be required to assign reasons for not voting, which shall be without debate	12	2	14
He shall not be called on for reasons for not voting until after the roll call and before the result of the vote is announced	12	2	14
Other proceedings shall be after such announcement	12	2	14
A Senator shall not be permitted to vote after the result is announced	12	1	13
For special reasons, by unanimous consent, he may withdraw or change his vote	12	1	13, 14
Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the	21	2	21

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JEFFERSON'S MANUAL

OF

PARLIAMENTARY PRACTICE,

WITH REFERENCES TO

ANALOGOUS SENATE RULES.

80281°—15——5

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PREFACE TO JEFFERSON'S MANUAL.

The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate has accordingly formed some rules for its own government; but these going only to few cases, it has referred to the decision of its President, without debate and without appeal, all questions of order arising either under its own rules or where it has provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of its approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have here en-

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deavored to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this as well to have them at hand for my own government as to deposit with the Senate the standard by which I judge and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is preeminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

I am aware that authorities can often be produced in opposition to the rules which I lay down as Parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

Yet I am far from the presumption of believing that I may not have mistaken the Parliamentary practice in some cases, and especially in those minor forms, which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe for obtaining information on that part of the subject are not perfect. But I have begun a sketch, which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

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JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE.

IMPORTANCE OF RULES.

SEC. I. IMPORTANCE OF ADHERING TO RULES.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities. *2 Hats., 171, 172.*

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And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body. *2 Hats., 149.*

SEC. II. LEGISLATURE.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. *Constitution of the United States, Art. I, sec. 1.*

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. *Constitution of the United States, Art. I, sec. 6.*

For the powers of Congress, see the following articles and sections of the Constitution of the United States: I, 4, 7, 8, 9; II, 1, 2; III, 3; IV, 1, 3, 5, and all the amendments.

SEC. III. PRIVILEGE.

The privileges of members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never-yielding pace. Claims seem to have been brought forward from time to time, and repeated, till some example of their admission enabled them to build law on that example. We can only, therefore, state the points of progression at which they now are. It is now acknowledged: 1. That they are at all times exempted from question elsewhere, for anything said in their own House; that during the time of privilege. 2. Neither a member himself, his* wife, nor his servants

* Order of the House of Commons, 1663, July 16.

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(familiares sui), for any matter of their own, may be* arrested on mesne process in any civil suit. 3. Nor be detained under execution, though levied before time of privilege. 4. Nor impleaded, cited, or subpœnaed in any court. 5. Nor summoned as a witness or juror. 6. Nor may their lands or goods be distrained. 7. Nor their persons assaulted or characters traduced. And the period of time covered by privilege, before and after the session, with the practice of short prorogations under the connivance of the Crown, amounts in fact to a perpetual protection against the course of justice. In one instance, indeed, it has been relaxed by the 10 G. III, c. 50, which permits judiciary proceedings to go on against them. That these privileges must be continually progressive seems to result from their rejecting all definition of them, the doctrine being that "their dignity and independence are preserved by keeping their privileges indefinite; and that 'the maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws.'" *1 Blackst., 163, 164.*

It was probably from this view of the encroaching character of privilege that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privileged Senators and Representatives themselves from the single act of arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House. *Constitution United States, Art. I, sec. 6.* Under the general authority to make all laws necessary and proper for carrying into execution the powers given them (*Constitution United States, Art. I, sec. 8*), they may provide by law

*Elsynge, 217; 1 Hats., 21; 1 Grey's Deb., 133.

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the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground: 1. The act of arrest is void ab initio.* 2. The member arrested may be discharged on motion (*1 Bl., 166; 2 Stra., 990*), or by habeas corpus, under the Federal or State authority, as the case may be; or by a writ of privilege out of the chancery (*2 Stra., 989*) in those States which have adopted that part of the laws of England. *Orders of the House of Commons, 1550, February 20.* 3. The arrest, being unlawful, is a trespass for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorized arrest. 4. The court before which the process is returnable is bound to act as in other cases of unauthorized proceeding, and liable, also, as in other similar cases, to have their proceedings stayed or corrected by the superior courts.

The time necessary for going to and returning from Congress not being defined, it will, of course, be judged of in every particular case by those who will have to decide the case. While privilege was understood in England to extend, as it does here, only to exemption from arrest, eundo, morando, et redeundo, the House of Commons themselves decided that "a convenient time was to be understood." (1580.) *1 Hats., 99, 100.* Nor is the law so strict in point of time as to require the party to set out immediately on his return, but allows him time to settle his private affairs, and to prepare for his journey; and does not even scan his road very nicely, nor forfeit his protection for a little deviation from that which is most direct; some necessity perhaps constraining him to it. *2 Stra., 986, 987.*

This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person, as a subpœna ad respondendum, or testificandum, or a summons on a jury; and with reason, because a

* 2 Stra., 989.

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member has superior duties to perform in another place. When a Representative is withdrawn from his seat by summons, the 40,000 people whom he represents lose their voice in debate and vote, as they do on his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits of no comparison.

So far there will probably be no difference of opinion as to the privileges of the two Houses of Congress; but in the following cases it is otherwise. In December, 1795, the House of Representatives committed two persons of the name of Randall and Whitney for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House; and the facts being proved Whitney was detained in confinement a fortnight and Randall three weeks, and both were reprimanded by the Speaker. In March, 1796, the House of Representatives voted a challenge given to a member of their House to be a breach of the privileges of the House, but satisfactory apologies and acknowledgments being made no further proceeding was had. The editor of the Aurora having, in his paper of February 19, 1800, inserted some paragraphs defamatory of the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of this order it was insisted, in support of it, that every man, by the law of nature, and every body of men possesses the right of self-defense; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British Parliament exercise the right of punishing contempts; all the State legislatures exercise the same power, and every court does the same; that, if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and, by noise and

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tumult, render proceeding in business impracticable; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered that the Parliament and courts of England have cognizance of contempts by the express provisions of their law; that the State legislatures have equal authority, because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their constitutions have expressly denied them; that the courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws adopted in each State, by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor any powers but such as are given them by the Constitution; that that has given them, directly, exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings; for these no further law is necessary, the Constitution being the law; that, moreover, by that article of the Constitution which authorizes them "to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in them," they may provide by law for an undisturbed exercise of their functions, e. g., for the punishment of contempts, of affrays or tumult in their presence, etc.; but, till the law be made, it does not exist, and does not exist from their own neglect; that, in the meantime, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies ad libitum to aid him (*3 Grey, 59, 147, 255*), is equal to small disturbances; that in requiring a previous law the Constitution

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had regard to the inviolability of the citizen, as well as of the member; as, should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also, as the law being promulgated, the citizen will know how to avoid offense. But if one branch may assume its own privileges without control, if it may do it on the spur of the occasion, conceal the law in its own breast, and, after the fact committed, make its sentence both the law and the judgment on that fact; if the offense is to be kept undefined and to be declared only ex re nata and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail time will decide. Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make and at the same time apply the law is open to question and consideration, as are all new laws. Perhaps Congress, in the meantime, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen and at the same time test the judgments they shall themselves pronounce in their own case.

Privilege from arrest takes place by force of the election; and before a return be made a member elected may be named of a committee, and is to every extent a member except that he can not vote until he is sworn. *Memor., 107, 108; D'Ewes, 642, col. 2, 643, col. 1; Pet. Miscel. Parl., 119; Lex Parl., c. 23; 2 Hats., 22, 62.*

Every man must, at his peril, take notice who are members of either House returned of record. *Lex Parl., 23; 4 Inst., 24.*

On complaint of a breach of privilege, the party may either

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be summoned or sent for in custody of the sergeant. *1 Grey, 88, 95.*

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but can not in effect waive the privilege of the House. *3 Grey, 140, 222.*

For any speech or debate in either House they shall not be questioned in any other place. *Constitution United States, I, 6; S. P. protest of the Commons to James I, 1621; 2 Rapin, No. 54, pp. 211, 212.* But this is restrained to things done in the House in a parliamentary course. *1 Rush., 663.* For he is not to have privilege contra morem parliamentarium to exceed the bounds and limits of his place and duty. *Com. p.*

If an offense be committed by a member in the House, of which the House has cognizance, it is an infringement of their right for any person or court to take notice of it till the House has punished the offender or referred him to a due course. *Lex Parl., 63.*

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts, but not of the House itself. *2 Nalson, 450; 2 Grey, 399.* For whatever is spoken in the House is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the Tower, expelling the House, etc. *Scob., 72; Lex Parl., c. 22.*

It is a breach of order for the Speaker to refuse to put a question which is in order. *1 Hats., 175–6; 5 Grey, 133.*

And even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance, yet in Parliament a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege; otherwise it would be in the power of other branches of the Government, and even of every private man, under pre-

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tenses of treason, etc., to take any man from his service in the House, and so, as many, one after another, as would make the House what he pleaseth. *Dec'l of the Com. on the King's declaring Sir John Hotham a traitor. 4 Rushw., 586.* So, when a member stood indicted for felony, it was adjudged that he ought to remain of the House till conviction; for it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. *23 El., 1580; D'Ewes, 283, col. 1; Lex Parl., 133.*

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper. *2 Hats., 259.* Of which see many examples. *Ib., 256, 257, 258.* But the communication is subsequent to the arrest. *1 Blackst., 167.*

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. *2 Hats., 252; 4 Inst., 15; Seld. Jud., 53.* Thus the King's taking notice of the bill for suppressing soldiers, depending before the House; his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill, were breaches of privilege (*2 Nalson, 743*); and in 1783, December 17, it was declared a breach of fundamental privileges, etc.,

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to report any opinion or pretended opinion of the King on any bill or proceeding depending in either House of Parliament, with a view to influence the votes of the members. 2 *Hats.*, *251*, *6*.

SEC. IV. ELECTIONS.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. *Constitution*, *I*, *4*.

Each House shall be the judge of the elections, returns, and qualifications of its own members. *Constitution*, *I*, *5*.

SEC. V. QUALIFICATIONS.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years, and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the end of the second year; of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies. *Constitution*, *I*, *3*.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhab-

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itant of that State for which he shall be chosen. *Constitution, I, 3.*

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. *Constitution, I, 2.*

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. *Constitution, I, 2.*

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers; [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative. *Constitution, I, 2.*

The provisional apportionments of Representatives made in the Constitution in 1787, and afterwards by Congress, were as shown in table on pages 78 and 79.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. *Constitution, I, 2.*

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created,

* The portion of this clause of the Constitution within brackets has been amended by the 14th amendment, 2d section.

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Provisional apportionments of Representatives made in the Constitution in 1787, and afterwards by Congress.

State.	1787.[1]	1790.[2]	1800.[3]	1810.[4]	1820.[5]	1830.[6]	1840.[7]	1850.[8]	1860.[9]	1870.[10]	1880.[11]	1890.[12]	1900.[13]	1910.[14]
Maine[15]	....	....	....	....	7	8	7	6	5	5	4	4	4	4
New Hampshire	3	4	5	6	6	5	4	3	3	3	2	2	2	2
Massachusetts	8	14	17	20	13	12	10	11	10	11	12	13	14	16
Rhode Island	1	2	2	2	2	2	2	2	2	2	2	2	2	3
Connecticut	5	7	7	7	6	6	4	4	4	4	4	4	5	5
Vermont	....	2	4	6	5	5	4	3	3	3	2	2	2	2
New York	6	10	17	27	34	40	34	33	31	33	34	34	37	43
New Jersey	4	5	6	6	6	6	5	5	5	7	7	8	10	12
Pennsylvania	8	13	18	23	26	28	24	25	24	27	28	30	32	36
Delaware	1	1	1	2	1	1	1	1	1	1	1	1	1	1
Maryland	6	8	9	9	9	8	6	6	5	6	6	6	6	6
Virginia	10	19	22	23	22	21	15	13	11	9	10	10	10	10
North Carolina	5	10	12	13	13	13	9	8	7	8	9	9	10	10
South Carolina	5	6	8	9	9	9	7	6	4	5	7	7	7	7
Georgia	3	2	4	6	7	9	8	8	7	9	10	11	11	12
Kentucky	....	2	6	10	12	13	10	10	9	10	11	11	11	11
Tennessee[16]	....	....	3	6	9	13	11	10	8	10	10	10	10	10
Ohio[17]	....	....	....	6	14	19	21	21	19	20	21	21	21	22
Louisiana[18]	....	....	....	....	3	3	4	4	5	6	6	6	7	8
Indiana[19]	....	....	....	....	3	7	10	11	11	13	13	13	13	13
Mississippi[20]	....	....	....	....	1	2	4	5	5	6	7	7	8	8
Illinois[21]	....	....	....	....	1	3	7	9	14	19	20	22	25	27
Alabama[22]	....	....	....	....	2	5	7	7	6	8	8	9	9	10
Missouri[23]	....	....	....	....	1	2	5	7	9	13	14	15	16	16
Arkansas[24]	....	....	....	....	....	....	1	2	3	4	5	6	7	7
Michigan[25]	....	....	....	....	....	....	3	4	6	9	11	12	12	13
Florida[26]	....	....	....	....	....	....	....	1	1	2	2	2	3	4
Iowa[27]	....	....	....	....	....	....	....	2	6	9	11	11	11	11
Texas[28]	....	....	....	....	....	....	....	2	4	6	11	13	16	18
Wisconsin[29]	....	....	....	....	....	....	....	3	6	8	9	10	11	11
California[30]	....	....	....	....	....	....	....	2	3	4	6	7	8	11
Minnesota[31]	....	....	....	....	....	....	....	....	2	3	5	7	9	10
Oregon[32]	....	....	....	....	....	....	....	....	1	1	1	2	2	3
Kansas[33]	....	....	....	....	....	....	....	....	1	3	7	8	8	8
West Virginia[34]	....	....	....	....	....	....	....	....	3	3	4	4	5	6
Nevada[35]	....	....	....	....	....	....	....	....	1	1	1	1	1	1
Nebraska[36]	....	....	....	....	....	....	....	....	1	1	3	6	6	6
Colorado[37]	....	....	....	....	....	....	....	....	....	1	1	2	3	4
South Dakota[38]	....	....	....	....	....	....	....	....	....	....	....	2	2	3
North Dakota[39]	....	....	....	....	....	....	....	....	....	....	....	1	2	3
Montana[40]	....	....	....	....	....	....	....	....	....	....	....	1	1	2
Washington[41]	....	....	....	....	....	....	....	....	....	....	....	2	3	5
Idaho[42]	....	....	....	....	....	....	....	....	....	....	....	1	1	2
Wyoming[43]	....	....	....	....	....	....	....	....	....	....	....	1	1	1
Utah[44]	....	....	....	....	....	....	....	....	....	....	....	1	1	2
Oklahoma[45]	....	....	....	....	....	....	....	....	....	....	....	....	5	8
New Mexico[46]	....	....	....	....	....	....	....	....	....	....	....	....	....	1
Arizona[47]	....	....	....	....	....	....	....	....	....	....	....	....	....	1
Total	63	105	141	181	212	240	223	234	241	293	325	357	391	435

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[1] As per Constitution.
[2] As per act of April 14, 1792, one Representative for 33,000—First Census.
[3] As per act of January 14, 1802, one Representative for 33,000—Second Census.
[4] As per act of December 21, 1811, one Representative for 35,000—Third Census.
[5] As per act of March 7, 1822, one Representative for 40,000—Fourth Census.
[6] As per act of May 22, 1832, one Representative for 47,700—Fifth Census.
[7] As per act of June 25, 1842, one Representative for 70,680—Sixth Census.
[8] As per acts of May 23, 1850, and July 30, 1852, one Representative for 93,423—Seventh Census.
[9] As per act of March 4, 1862, one Representative for 127,381—Eighth Census.
[10] As per acts of February 2 and May 30, 1872, one Representative for 131,425—Ninth Census.
[11] As per act of February 25, 1882, one Representative for 151,911—Tenth Census.
[12] As per act of February 7, 1891, one Representative for 173,901—Eleventh Census.
[13] As per act of January 16, 1901, one Representative for 194,182—Twelfth Census.
[14] As per act of August 8, 1911, one Representative for 211,877—Thirteenth Census.
[15] Previous to the 3d March, 1820, Maine formed part of Massachusetts, and was called the *District of Maine*, and its Representatives are numbered with those of Massachusetts. By compact between Maine and Massachusetts, Maine became a separate and independent State, and by act of Congress of 3d March, 1820, was admitted into the Union as such—the admission to take place on the 15th of the same month. On the 7th of April, 1820, Maine was declared entitled to seven Representatives, to be taken from those of Massachusetts.
[16] Admitted under act of Congress, June 1, 1796, with one Representative.
[17] Admitted under act of Congress, April 30, 1802, with one Representative.
[18] Admitted under act of Congress, April 8, 1812, with one Representative.
[19] Admitted under act of Congress, December 11, 1816, with one Representative.
[20] Admitted under act of Congress, December 10, 1817, with one Representative.
[21] Admitted under act of Congress, December 3, 1818, with one Representative.
[22] Admitted under act of Congress, December 14, 1819, with one Representative.
[23] Admitted under act of Congress, March 2, 1821, with one Representative.
[24] Admitted under act of Congress, June 15, 1836, with one Representative.
[25] Admitted under act of Congress, January 26, 1837, with one Representative.
[26] Admitted under act of Congress, March 3, 1845, with one Representative.
[27] Admitted under act of Congress, March 3, 1845, with one Representative.
[28] Admitted under act of Congress, December 29, 1845, with two Representatives.
[29] Admitted under act of Congress, May 29, 1848, with two Representatives.
[30] Admitted under act of Congress, September 9, 1850, with two Representatives.
[31] Admitted under act of Congress, May 11, 1858, with two Representatives.
[32] Admitted under act of Congress, February 14, 1859, with one Representative.
[33] Admitted under act of Congress, January 29, 1861, with one Representative.
[34] Admitted under act of Congress, June 20, 1863, with three Representatives.
[35] Admitted under act of Congress, October 31, 1864, with one Representative.
[36] Admitted under act of Congress, March 1, 1867, with one Representative.
[37] Admitted under act of Congress, August 1, 1876, with one Representative.
[38] Admitted under act of Congress, February 22, 1889, with two Representatives.
[39] Admitted under act of Congress, February 22, 1889, with one Representative.
[40] Admitted under act of Congress, February 22, 1889, with one Representative.
[41] Admitted under act of Congress, February 22, 1889, with one Representative.
[42] Admitted under act of Congress, July 3, 1890, with one Representative.
[43] Admitted under act of Congress, July 10, 1890, with one Representative.
[44] Admitted under act of Congress, July 16, 1894, with one Representative.
[45] Admitted under act of Congress, June 16, 1906, with five Representatives.
[46] Admitted under act of Congress, June 20, 1910, with one Representative.
[47] Admitted under act of Congress, June 20, 1910, with one Representative.

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or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office. *Constitution, I, 6.*

SEC. VI. QUORUM.

A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide. *Constitution, I, 5.*

In general the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended. *2 Hats., 125, 126.*

NOTE.—See Senate Rule III.

SEC. VII. CALL OF THE HOUSE.

On a call of the House, each person rises up as he is called, and answereth; the absentees are then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard. *Ord. House of Commons, 92.*

They rise that their persons may be recognized, the voice, in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States the trouble of rising can not be necessary.

Orders for calls on different days may subsist at the same time. *2 Hats., 72.*

NOTE.—See Senate Rule V, clause 2.

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SEC. VIII. ABSENCE.

No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour is arrived to which the Senate stood adjourned.

NOTE.—See Senate Rule V.

SEC. IX. SPEAKER.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. *Constitution, I, 3.*

The Senate shall choose their officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States. *Ib.*

The House of Representatives shall choose their Speaker and other officers. *Constitution, I, 2.*

When but one person is proposed, and no objection made, it has not been usual in Parliament to put any question to the House; but without a question the members proposing him conduct him to the chair. But if there be objection, or another proposed, a question is put by the Clerk. *2 Hats., 158.* As are also questions of adjournment. *6 Grey, 406.* Where the House debated and exchanged messages and answers with the

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King for a week without a Speaker, till they were prorogued. They have done it de die in diem for fourteen days. *1 Chand., 331, 335.*

In the Senate a President pro tempore, in the absence of the Vice-President, is proposed and chosen by ballot. His office is understood to be determined on the Vice-President's appearing and taking the chair, or at the meeting of the Senate after the first recess.

NOTE.—See Senate Rule I.

Where the Speaker has been ill, other Speakers pro tempore have been appointed. Instances of this are *1 H., 4.* Sir John Cheyney and Sir William Sturton, and in *15 H., 6.* Sir John Tyrrel, in 1656, January 27; 1658, March 9; 1659, January 13.

Sir Job Charlton ill, Seymour chosen, 1673, February 18.
Seymour being ill, Sir Robert Sawyer chosen, 1678, April 15.
Sawyer being ill, Seymour chosen.

Not merely pro tempore. *1 Chand., 169, 276, 277.*

Thorpe in execution, a new Speaker chosen, *31 H. VI, 3 Grey, 11;* and March 14, 1694, Sir John Trevor chosen. There have been no later instances. *2 Hats., 161; 4 Inst., 8; L. Parl., 263.*

A Speaker may be removed at the will of the House, and a Speaker pro tempore appointed. *2 Grey, 186; 5 Grey, 134.*

SEC. X. ADDRESS.

The President shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. *Constitution, II, 3.*

A joint address of both Houses of Parliament is read by the

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Speaker of the House of Lords. It may be attended by both Houses in a body, or by a committee from each House, or by the two Speakers only. An address of the House of Commons only may be presented by the whole House, or by the Speaker, *9 Grey, 473; 1 Chandler, 298, 301;* or by such particular members as are of the privy council. *2 Hats., 278.*

SEC. XI. COMMITTEES.

Standing committees, as of Privileges and Elections, etc., are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House. *4 Inst., 11, 12; Scob., 9; 1 Grey, 122.*

NOTE.—See Senate Rules XXIV and XXV.

At these committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise. *D'Ewes, 630, col. 1; 4 Parl. Hist., 440; 2 Hats., 77.*

Their proceedings are not to be published, as they are of no force till confirmed by the House. *Rushw., part. 3, vol. 2, 74; 3 Grey, 401; Scob., 39.* Nor can they receive a petition but through the House. *9 Grey, 412.*

When a committee is charged with an inquiry, if a member prove to be involved, they can not proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him. *9 Grey, 523.*

So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House. *2 Nals., 319.*

It appears that on joint committees of the Lords and Commons, each committee acted integrally in the following

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instances: *7 Grey, 261, 278, 285, 338; 1 Chandler, 357, 462.* In the following instances it does not appear whether they did or not: *6 Grey, 129; 7 Grey, 213, 229, 321.*

SEC. XII. COMMITTEE OF THE WHOLE.

The speech, messages, and other matters of great concernment are usually referred to a Committee of the Whole House (*6 Grey, 311*), where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more select committees, according as the subject divides itself into one or more bills. *Scob., 36, 44.* Propositions for any charge on the people are especially to be first made in a Committee of the Whole. *3 Hats., 127.* The sense of the whole is better taken in committee, because in all committees everyone speaks as often as he pleases. *Scob., 49.* They generally acquiesce in the chairman named by the Speaker; but, as well as all other committees, have a right to elect one, some member, by consent, putting the question. *Scob., 36; 3 Grey, 301.* The form of going from the House into committee, is for the Speaker, on motion, to put the question that the House do now resolve itself into a Committee of the Whole to take into consideration such a matter, naming it. If determined in the affirmative, he leaves the chair and takes a seat elsewhere, as any other member, and the person appointed chairman seats himself at the Clerk's table. *Scob., 36.* Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair, and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee can not. *2 Hats., 125, 126.*

NOTE.—See Senate Rule XXVIII.

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In a Committee of the Whole, the tellers on a division differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon the members retiring to their places, the Speaker told the House "he had taken the chair without an order, to bring the House into order." Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the grand committee, which was done. *3 Grey, 128.*

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House without returning into committee. *3 Grey, 130.*

No previous question can be put in a committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein; but not having had time to go through the same, have directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time the House will again resolve itself into a committee. *Scob., 38.* But if they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman report their proceedings to the House; which being resolved, the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of "Now, now," whereupon he makes the report; but if it be late, the cry is "To-morrow,

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to-morrow," or "Monday," etc., or a motion is made to that effect, and a question put that it be received to-morrow, etc. *Scob., 38.*

In other things the rules of proceeding are to be the same as in the House. *Scob., 39.*

SEC. XIII. EXAMINATION OF WITNESSES.

Common fame is a good ground for the House to proceed by inquiry, and even to accusation. *Resolution House of Commons, 1 Car., 1, 1625; Rush, L. Parl., 115; 1 Grey, 16–22, 92; 8 Grey, 21, 23, 27, 45.*

Witnesses are not to be produced but where the House has previously instituted an inquiry (*2 Hats., 102*), nor then are orders for their attendance given blank. *3 Grey 51.*

When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or chairman, who repeats the question to the person, or says to him, "You hear the question—answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved or put or debated while they are there. *2 Hats., 108.* Sometimes the questions are previously settled in writing before the witness enters. *Ib., 106, 107; 8 Grey, 64.* The questions asked must be entered in the journals. *3 Grey, 81.* But the testimony given in answer before the House is never written down; but before a committee it must be, for the information of the House, who are not present to hear it. *7 Grey, 52, 334.*

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody. *3 Hats., 52.*

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar. *Jour. H. of C., Jan. 22, 1744–45.*

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Either House may request, but not command, the attendance of a member of the other. They are to make the request by message of the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the peers are sitting as a court of criminal judicature they may order attendance, unless where it be a case of impeachment by the Commons. There, it is to be a request. *3 Hats., 17; 9 Grey, 306, 406; 10 Grey, 133.*

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct. *10 Grey, 61.*

SEC. XIV. ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up; but it is left to his own discretion, unless the House on a question decide to take up a particular subject. *Hakew., 136.*

A settled order of business is, however, necessary for the government of the presiding person and to restrain individual members from calling up favorite measures, or matters under their special patronage out of their just turn. It is useful also for directing the discretion of the House, when they are moved to take up a particular matter to the prejudice of others having priority of right to their attention in the general order of business.

In the Senate the bills and other papers which are in possession of the House, and in a state to be acted on, are arranged every morning and brought on in the following order:

1. Bills ready for a second reading are read, that they may be referred to committees, and so be put under way. But if, on

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their being read, no motion is made for commitment, they are then laid on the table in the general file, to be taken up in their just turn.

2. After 12 o'clock, bills ready for it are put on their passage.

3. Reports in possession of the House which offer grounds for a bill are to be taken up, that the bill may be ordered in.

4. Bills or other matters before the House, and unfinished on the preceding day, whether taken up in turn or on special order, are entitled to be resumed and passed on through their present stage.

5. These matters being dispatched, for preparing and expediting business the general file of bills and other papers is then taken up, and each article of it is brought on according to its seniority, reckoned by the date of its first introduction to the House. Reports on bills belong to the dates of their bills.

The arrangement of the business of the Senate is now as follows:*

1. Motions previously submitted.

2. Reports of committees previously made.

3. Bills from the House of Representatives, and those introduced on leave, which have been read the first time, are read the second time; and if not referred to a committee, are considered in Committee of the Whole, and proceeded with as in other cases.

4. After 12 o'clock, engrossed bills of the Senate and bills of the House of Representatives on third reading are put on their passage.

5. If the above are finished before 1 o'clock, the general file of bills, consisting of those reported from committees on the second reading and those reported from committees after having been referred, are taken up in the order in which they were reported to the Senate by the respective committees.

6. At 1 o'clock, if no business be pending or if no motion be made to proceed to other business, the special orders are called,

* This arrangement is changed by Senate Rules VII, VIII, and IX.

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at the head of which stands the unfinished business of the preceding day.

In this way we do not waste our time in debating what shall be taken up. We do one thing at a time; follow up a subject while it is fresh, and till it is done with; clear the House of business gradatim as it is brought on, and prevent, to a certain degree, its immense accumulation toward the close of the session.

Arrangement, however, can only take hold of matters in possession of the House. New matter may be moved at any time when no question is before the House. Such are original motions and reports on bills. Such are bills from the other House, which are received at all times, and receive their first reading as soon as the question then before the House is disposed of; and bills brought in on leave, which are read first whenever presented. So messages from the other House respecting amendments to bills are taken up as soon as the House is clear of a question, unless they require to be printed, for better consideration. Orders of the day may be called for, even when another question is before the House.

SEC. XV. ORDER.

Each House may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member. *Constitution, I, 5.*

In Parliament, "instances make order," per Speaker Onslow. *2 Hats., 141.* "But what is done only by one Parliament, can not be called custom of Parliament," by Prynne. *1 Grey, 52.*

SEC. XVI. ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers be taken from the table or out of his custody. *2 Hats., 193, 194.*

Mr. Prynne, having in Committee of the Whole amended a mistake in a bill without order or knowledge of the committee, was reprimanded. *I Chand., 77.*

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A bill being missing, the House resolved that a protestation should be made and subscribed by the members "before Almighty God, and this honorable House, that neither myself nor any other to my knowledge have taken away, or do at this present conceal a bill entitled," etc. *5 Grey, 202.*

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let anyone have it to look into. *Town., col. 209.*

NOTE.—See Senate Rule XXX.

SEC. XVII. ORDER IN DEBATE.

When the Speaker is seated in his chair, every member is to sit in his place. *Scob., 6; Grey, 403.*

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. *Scob. 6; D'Ewes, 487, col. 1; 2 Hats., 77; 4 Grey, 66; 8 Grey, 108.* But members who are indisposed may be indulged to speak sitting. *2 Hats., 75, 77; 1 Grey, 143.*

NOTE.—See Senate Rule XIX.

When a member stands up to speak, no question is to be put, but he is to be heard unless the House overrule him. *4 Grey, 390; 5 Grey, 6, 143.*

If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, "Which member was first up?"* *2 Hats., 76; Scob., 7; D'Ewes, 434, col. 1, 2.*

In the Senate of the United States the President's decision is without appeal.

No man may speak more than once on the same bill on the same day; or even on another day, if the debate be adjourned.

*See Senate Rule XIX, clause 1, for present practice in the Senate.

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But if it be read more than once in the same day, he may speak once at every reading. *Co., 12, 115; Hakew., 148; Scob., 58; 2 Hats., 75.* Even a change of opinion does not give a right to be heard a second time. *Smyth's Comw. L., 2, c. 3; Arcan. Parl., 17.*

But he may be permitted to speak again to clear a matter of fact (*3 Grey, 357, 416*), or merely to explain himself (*2 Hats., 73*) in some material part of his speech (*Ib., 75*), or to the manner or words of the question, keeping himself to that only, and not traveling into the merits of it (*Memorials in Hakew., 29*), or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself (*Mem. Hakew., 30, 31*).

But if the Speaker rise to speak, the member standing up ought to sit down, that he may be first heard. *Town., col. 205; Hale Parl., 133; Mem. in Hakew., 30, 31.* Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. *3 Grey, 38.*

No one is to speak impertinently or beside the question, superfluously, or tediously. *Scob., 31, 33; 2 Hats., 166, 168; Hale Parl., 133.*

No person is to use indecent language against the proceedings of the House; no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. *2 Hats., 169, 170; Rushw., p. 3, v. 1, fol. 42.* But while a proposition under consideration is still *in fieri*, though it has even been reported by a committee, reflections on it are no reflections on the House. *9 Grey, 508.*

No person, in speaking, is to mention a member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question, etc. (*Mem. in Hakew., 3; Smyth's Comw. L., 2, c. 3*); nor to digress from the

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matter to fall upon the person (*Scob.*, *31*; *Hale Parl.*, *133*; *2 Hats.*, *166*) by speaking, reviling, nipping, or unmannerly words against a particular member. *Smyth's Comw. L.*, *2*, *c. 3*. The consequences of a measure may be reprobated in strong terms, but to arraign the motives of those who propose to advocate it is a personality, and against order. *Qui digreditur a materia ad personam*, Mr. Speaker ought to suppress. *Ord. Com.*, *1604*, *Apr. 19*.

No one is to disturb another in his speech by hissing, coughing, spitting (*6 Grey*, *332*; *Scob.*, *8*; *D'Ewes*, *332*, *col. 1*, *640*, *col. 2*), speaking or whispering to another (*Scob.*, *6*; *D'Ewes*, *487*, *col. 1*), nor stand up to interrupt him (*Town.*, *col. 205*; *Mem. in Hakew.*, *31*); nor to pass between the Speaker and the speaking member, nor to go across the House (*Scob.*, *6*), or to walk up and down it, or to take books or papers from the table, or write there (*2 Hats.*, *171*).

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says anything worth their hearing. *2 Hats.*, *77*, *78*.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity; whereupon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offense committed, and the House considers the degree of punishment they will inflict. *2 Hats.*, *167*, *7*, *8*, *172*.

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see *1 Pet. Misc.*, *82*; *3 Grey*, *128*; *4 Grey*, *328*; *5 Grey*, *382*; *6 Grey*, *254*; *10 Grey*, *8*. Whenever warm words or an assault have passed between members, the House, for the protection of their members,

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requires them to declare in their places not to prosecute any quarrel (*3 Grey, 128, 293; 5 Grey, 280*), or orders them to attend the Speaker, who is to accommodate their differences, and report to the House (*3 Grey, 419*); and they are put under restraint if they refuse, or until they do (*9 Grey, 234, 312*).

Disorderly words are not to be noticed till the member has finished his speech. *5 Grey, 356; 6 Grey, 60.* Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then a part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. *2 Hats., 199; 4 Grey, 170; 6 Grey, 59.* When any member has spoken, or other business intervened, after offensive words spoken, they can not be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day. *2 Hats., 196; Mem. in Hakew., 71; 3 Grey, 48; 9 Grey, 514.*

NOTE.—See Senate Rule XIX, clauses 2 and 3.

Disorderly words spoken in a committee must be written down as in the House, but the committee can only report them to the House for animadversion. *6 Grey, 46.*

In Parliament, to speak irreverently or seditiously against the King, is against order. *Smyth's Comw., L. 2, c. 3; 2 Hats., 170.*

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It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. *8 Grey, 22.*

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House and introduce proceedings and mutual accusations between the two Houses which can hardly be terminated without difficulty and disorder. *3 Hats., 51.*

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. *2 Hats., 219.* The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order or matter arising in the debate, then the charge must be stated (that is, the question must be moved), himself heard, and then to withdraw. *2 Hats., 121, 122.*

Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest

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has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to. *2 Hats., 119, 121; 6 Grey, 368.*

NOTE.—See Senate Rule XII.

No member is to come into the House with his head covered, nor to remove from one place to another with his hat on, nor is to put on his hat in coming in or removing, until he be set down in his place. *Scob., 6.*

A question of order may be adjourned to give time to look into precedents. *2 Hats., 118.*

In Parliament all decisions of the Speaker may be controlled by the House. *3 Grey, 319.*

SEC. XVIII. ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but to be kept by porters, or sergeants-at-arms, assigned for that purpose. *Mod. ten. Parl., 23.*

NOTE.—See Senate Rule XXXV.

The only case where a member has a right to insist on anything is where he calls for the execution of a subsistlng order of the House. Here, there having been already a resolution, any person has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose, or to have the House told when there is not a quorum present. *2 Hats., 87, 129.* How far an order of the House is binding, see *Hakew., 392.*

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put, when it is called for, whether the House will now proceed to that matter. Where orders of the day are on important or interest-

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ing matter, they ought not to be proceeded on till an hour at which the House is usually full.

NOTE.—See Senate Rule X.

Orders of the day may be discharged at any time, and a new one made for a different day. *3 Grey, 48, 313.*

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes comes to a resolution that no new bill be brought in, except it be sent from the other House. *3 Grey, 156.*

All orders of the House determine with the session; and one taken under such an order may, after the session is ended, be discharged on a habeas corpus. *Raym., 120; Jacob's L. D. by Ruffhead; Parliament, 1 Lev., 165, Pitchard's Case.*

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, executive, or judiciary) submitted to them by the Constitution, or in something relating to these, and necessary toward their execution. But orders and resolutions are sometimes entered in the journals having no relation to these, such as acceptances of invitations to attend orations, to take part in processions, etc. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore, perhaps, improperly placed among the records of the House.

SEC. XIX. PETITION.

A petition prays something. A remonstrance has no prayer. *1 Grey, 58.*

Petitions must be subscribed by the petitioners (*Scob., 87; L. Parl., c. 22; 9 Grey, 362*), unless they are attending (*1 Grey, 401*), or unable to sign, and averred by a member (*3 Grey, 418*). But a petition not subscribed, but which the member presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was on the question (March 14,

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1800) received by the Senate. The averment of a member, or of somebody without doors, that they know the handwriting of the petitioners is necessary, if it be questioned. *6 Grey, 36.* It must be presented by a member—not by the petitioners—and must be opened by him, holding it in his hand. *10 Grey, 57.*

NOTE.—See Senate Rule VII, clauses 3, 4.

Regularly, a motion for receiving it must be made and seconded, and a question put, whether it shall be received. But a cry from the House of "received," or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

SEC. XX. MOTIONS.

When a motion has been made, it is not to be put to the question or debated until it is seconded. *Scob., 21.*

It is then, and not till then, in possession of the House, and can not be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information. *2 Hats., 82.*

NOTE.—See Senate Rule XXI.

It might be asked whether a motion for adjournment or for the orders of the day can be made by one member while another is speaking. It can not. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the Chair. Such calls are themselves breaches of order, which, though the member who has risen may respect as an expression of impatience of the House against further debate, yet, if he chooses, he has a right to go on.

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SEC. XXI. RESOLUTIONS.

When the House commands, it is by an "order." But fact, principles, and their own opinions and purposes are expressed in the form of resolutions.

A resolution for an allowance of money to the clerks being moved, it was objected to as not in order, and so ruled by the Chair; but on appeal to the Senate, i. e., a call for their sense by the President, on account of doubt in his mind, according to Rule XX, clause 2, the decision was overruled. *Jour. Senate, June 1, 1796.* I presume the doubt was whether an allowance of money could be made otherwise than by bill.

SEC. XXII. BILLS.

Every bill shall receive three readings previous to its being passed, and the President shall give notice at each whether it be first, second, or third, which readings shall be on three different days, unless the Senate unanimously direct otherwise.

NOTE.—See Senate Rule XIV, clause 2.

SEC. XXIII. BILLS, LEAVE TO BRING IN.

When a member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled, etc. Leave being given on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed of this committee, and one or more in addition. *Hakew., 132; Scob., 40.* It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. *Scob., 41; 1 Grey, 82, 84.*

NOTE.—See Senate Rule XIV, clause 1.

SEC. XXIV. BILLS, FIRST READING.

When a bill is first presented, the Clerk reads it at the table and hands it to the Speaker, who, rising, states to the House

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the title of the bill, that this is the first time of reading it, and the question will be whether it shall be read a second time, then sitting down to give an opening for objections. If none be made, he rises again and puts the question whether it shall be read a second time. *Hakew., 137, 141.* A bill can not be amended on the first reading (*6 Grey, 286*) nor is it usual for it to be opposed then, but it may be done, and rejected. *D'Ewes, 335, col. 1; 3 Hats., 198.*

SEC. XXV. BILLS, SECOND READING.

The second reading must regularly be on another day. *Hakew., 143.* It is done by the Clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill; that this is the second time of reading it; and that the question will be whether it shall be committed, or engrossed and read a third time. But if the bill came from the other House, as it always comes engrossed, he states that the question will be whether it shall be read a third time; and before he has so reported the state of the bill no one is to speak to it. *Hakew., 143, 146.*

NOTE.—See Senate Rule XIV, clause 3.

In the Senate of the United States, the President reports the title of the bill; that this is the second time of reading it; that it is now to be considered as in a Committee of the Whole; and the question will be whether it shall be read a third time, or that it may be referred to a special committee.

NOTE.—See Senate Rule XIV, clauses 3-5.

SEC. XXVI. BILLS, COMMITMENT.

If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to Committee of the Whole House, or to a special committee. If the latter, the Speaker proceeds to name the committee. Any member also may name a single person, and the Clerk is to write him down as of the committee. But the House have a controlling power over the names and number, if a question be moved

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against any one; and may in any case put in and put out whom they please.

NOTE.—See Senate Rule XV, clause 1, and XXVI, clause 1.

Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it (*Hakew., 146; Town., col. 208; D'Ewes, 634, col. 2; Scob., 47*); or, as is said (*5 Grey, 145*), the child is not to be put to a nurse that cares not for it (*6 Grey, 373*). It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. *Scob., 46.*

The Clerk may deliver the bill to any member of the committee (*Town., col. 138*), but it is usual to deliver it to him who is first named.

In some cases the House has ordered a committee to withdraw immediately into the committee chamber, and act on and bring back the bill, sitting the House. *Scob., 48.* A committee meet when and where they please, if the House has not ordered time and place for them (*6 Grey, 370*), but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

A majority of the committee constitutes a quorum for business. *Elsynge's Method of Passing Bills, 11.*

Any member of the House may be present at any select committee, but can not vote, and must give place to all of the committee, and sit below them. *Elsynge, 12; Scob., 49.*

The committee have full power over the bill or other paper committed to them, except that they can not change the title or subject. *8 Grey, 228.*

The paper before a committee, whether select or of the whole,

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may be a bill, resolutions, draft of an address, etc., and it may either originate with them or be referred to them. In every case the whole paper is read, first by the clerk and then by the chairman, by paragraphs (*Scob., 49*), pausing at the end of each paragraph, and putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended or unamended, and no final question on the whole (*3 Hats., 276*), but if they relate to the same subject a question is put on the whole. If it be a bill, draft of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately. This is reserved to the close, when a question is put on the whole, for agreeing to it as amended or unamended. But if it be a paper referred to them they proceed to put questions of amendment, if proposed, but no final question on the whole; because all parts of the paper, having been adopted by the House, stand, of course, unless altered or struck out by a vote. Even if they are opposed to the whole paper, and think it can not be made good by amendments, they can not reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is to begin at the beginning, and proceed through it by paragraphs; and this order is so strictly adhered to in Parliament that, when a latter part has been amended, you can not recur back and make any alteration in a former part. *2 Hats., 90.* In numerous assemblies this restraint is doubtless important, but in the Senate of the United States, though in the main we consider and amend the paragraphs in their natural order, recurrences are indulged; and they seem, on the whole, in that small body, to produce advantages overweighing their inconveniences.

To this natural order of beginning at the beginning there is a single exception found in parliamentary usage. When a bill

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is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill such alterations may therein be made as may also occasion the alteration of the preamble. *Scob., 50; 7 Grey, 431.*

On this head the following case occurred in the Senate, March 6, 1800: A resolution which had no preamble having been already amended by the House so that a few words only of the original remained in it, a motion was made to prefix a preamble, which having an aspect very different from the resolution, the mover intimated that he should afterwards propose a correspondent amendment in the body of the resolution. It was objected that a preamble could not be taken up till the body of the resolution is done with; but the preamble was received, because we are in fact through the body of the resolution; we have amended that as far as amendments have been offered, and, indeed, till little of the original is left. It is the proper time, therefore, to consider a preamble; and whether the one offered be consistent with the resolution is for the House to determine. The mover, indeed, has intimated that he shall offer a subsequent proposition for the body of the resolution; but the House is not in possession of it; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. The practice of the Senate, too, allows recurrences backward and forward for the purpose of amendment, not permitting amendments in a subsequent to preclude those in a prior part, or *e converso.*

NOTE.—See Senate Rule XXIII.

When the committee is through the whole, a member moves that the committee may rise and the chairman report the paper to the House, with or without amendments, as the case may be. *2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50.*

When a vote is once passed in a committee, it can not be altered but by the House, their votes being binding on themselves. *1607, June 4.*

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The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself, set down the amendments, stating the words which are to be inserted or omitted (*Scob.*, *50*), and where, by references to page, line, and word of the bill (*Scob.*, *50*).

SEC. XXVII. REPORT OF COMMITTEE.

The chairman of the committee, standing in his place, informs the House that the committee to whom was referred such a bill have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments (as the case may be), which he is ready to do when the House pleases to receive it. And he or any other may move that it be now received; but the cry of "Now, now," from the House generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the Clerk's table, where the amendments reported are read by the Clerk without the coherence; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report. *Scob.*, *52; Hakew.*, *148*.

NOTE.—See Senate Rule XXVI, clause 2.

The report being made, the committee is dissolved, and can act no more without a new power. *Scob.*, *51*. But it may be revived by a vote, and the same matter recommitted to them. *4 Grey*, *361*.

SEC. XXVIII. BILL, RECOMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted; but in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. *Hakew.*, *151*. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before

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the committee, and a new resolution must be again moved, as if nothing had passed. *3 Hats., 131—note.*

In Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill (*3 Hats., 131*); or so much of a paper to one and so much to another committee.

SEC. XXIX. BILL, REPORTS TAKEN UP.

When the report of a paper originating with a committee is taken up by the House, they proceed exactly as in committee. Here, as in committee, when the paragraphs have, on distinct questions, been agreed to *seriatim* (*5 Grey 366; 6 Grey, 368; 8 Grey, 47, 104, 360; 1 Torbuck's Deb., 125; 3 Hats., 348*), no question needs be put on the whole report (*5 Grey, 381*).

On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. *Elsynge's Mem., 53.* When through the amendments of the committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill, as he does also if it has been reported without amendments; putting no questions but on amendments proposed; and when through the whole, he puts the question whether the bill shall be read a third time.

SEC. XXX. QUASI-COMMITTEE.

If on motion and question the bill be not committed, or if no proposition for commitment be made, then the proceedings in the Senate of the United States and in Parliament are totally different. The former shall be first stated.

NOTE.—See Senate Rule XV, clauses 1, 2.

The proceeding of the Senate as in a Committee of the Whole, or in quasi-committee, is precisely as in a real Committee of the

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Whole, taking no questions but on amendments. When through the whole, they consider the quasi-committee as risen, the House resumed without any motion, question, or resolution to that effect, and the President reports that "the House, acting as in a Committee of the Whole, have had under their consideration the bill entitled, etc., and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and the questions are regularly to be put again on every amendment; which being gone through, the President pauses to give time to the House to propose amendments to the body of the bill, and, when through, puts the question whether it shall be read a third time.

After progress in amending the bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the several votes that the committee rise, the House resume itself, discharge the Committee of the Whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-committee stands *in statu quo*.

How far does this XVth rule subject the House, when in quasi-committee, to the laws which regulate the proceedings of Committees of the Whole? The particulars in which these differ from proceedings in the House are the following: 1. In a committee every member may speak as often as he pleases. 2. The votes of a committee may be rejected or altered when reported to the House. 3. A committee, even of the whole, can not refer any matter to another committee. 4. In a committee no previous question can be taken; the only means to avoid an improper discussion is to move that the committee rise; and if it be apprehended that the same discussion will be attempted on returning into committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A committee can not punish a breach of order in the House or in the gallery. *9 Grey, 113.*

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It can only rise and report it to the House, who may proceed to punish. The first and second of these peculiarities attach to the quasi-committee of the Senate, as every day's practice proves, and it seems to be the only ones to which the XXVth rule meant to subject them; for it continues to be a House, and, therefore, though it acts in some respects as a committee, in others it preserves its character as a House. Thus (3) it is in the daily habit of referring its business to a special committee. 4. It admits of the previous question. If it did not, it would have no means of preventing an improper discussion; not being able, as a committee is, to avoid it by returning into the House, for the moment it would resume the same subject there the XXVth rule declares it again a quasi-committee. 5. It would doubtless exercise its powers as a House on any breach of order. 6. It takes a question by yea and nay, as the House does. 7. It receives messages from the President and the other House. 8. In the midst of a debate it receives a motion to adjourn, and adjourns as a House, not as a committee.

SEC. XXXI. BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if on the motion and question it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when through the whole, he puts the question whether it shall be read a third time, if it came from the other House; or, if originating with themselves, whether it shall be engrossed and read a third time. The Speaker reads sitting, but rises to put questions. The Clerk stands while he reads.

*But the Senate of the United States is so much in the habit

*Under the present rules of the Senate (Rule XV, clause 2) no measure can be amended after it has been ordered to be read a third time, unless by unanimous consent, but as matter of fact the engrossment is not made until the measure has finally passed.

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of making many and material amendments at the third reading that it has become the practice not to engross a bill till it has passed—an irregular and dangerous practice, because in this way the paper which passes the Senate is not that which goes to the other House, and that which goes to the other House as the act of the Senate, has never been seen in Senate. In reducing numerous, difficult, and illegible amendments into the text, the Secretary may, with the most innocent intentions, commit errors which can never again be corrected.

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed to make their first attack. All attempts at earlier periods are with disjointed efforts, because many who do not expect to be in favor of the bill ultimately are willing to let it go on to its perfect state, to take time to examine it themselves and to hear what can be said for it, knowing that after all they will have sufficient opportunities of giving it their veto. Its two last stages, therefore, are reserved for this—that is to say, on the question whether it shall be engrossed and read a third time; and, lastly, whether it shall pass. The first of these is usually the most interesting contest, because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents, and it behooves everyone to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, whether it shall pass.

When the bill is engrossed, the title is to be indorsed on the back, and not within the bill. *Hakew., 250,*

SEC. XXXII. READING PAPERS.

Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the

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table before he can be compelled to vote on them; but it is a great though common error to suppose that he has a right, *toties quoties*, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to a question must be put. *2 Hats., 117, 118.*

NOTE.—See Senate Rule XI.

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House. *Ib.*

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended. *2 Grey, 227.*

A report of a committee of the Senate on a bill from the House of Representatives being under consideration: On motion that the report of the committee of the House of Representatives on the same bill be read in the Senate, it passed in the negative. *Feb. 28, 1793.*

Formerly, when papers were referred to a committee, they used to be first read, but of late only the titles, unless a member insists they shall be read, and then nobody can oppose it. *2 Hats., 117.*

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SEC. XXXIII. PRIVILEGED QUESTIONS.

It is no possession of a bill unless it be delivered to the Clerk to read, or the Speaker reads the title.—*Lex Parl., 274; Elysynge Mem., 85; Ord. House of Commons, 64.*

It is a general rule that the question first moved and seconded shall be first put. *Scob., 22, 28; 2 Hats., 81.* But this rule gives way to what may be called privileged questions, and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others, for otherwise the House might be kept sitting against its will and indefinitely. Yet this motion can not be received after another question is actually put and while the House is engaged in voting.

NOTE.—See Senate Rules IX and XXII.

Orders of the day take place of all other questions, except for adjournment—that is to say, the question which is the subject of an order is made a privileged one, *pro hac vice.* The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the order of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, "Whether the House will now proceed to the orders of the day?" they must be read and proceeded on in the course in which they stand, *2 Hats., 83;* for priority of order gives priority of right, which can not be taken away but by another special order.

NOTF.—See Senate Rule X.

After these there are other privileged questions, which will require considerable explanation.

It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them. Such are: 1. The previous question. 2. To postpone indefinitely.

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3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing for that time the motion and its discussion. *3 Hats., 188, 189.*

2. But as the previous question gets rid of it only for that day, and the same proposition may recur the next day, if they wish to suppress it for the whole of that session, they postpone it indefinitely. *3 Hats., 183.* This quashes the proposition for that session, as an indefinite adjournment is a dissolution, or the continuance of a suit *sine die* is a discontinuance of it.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing claims the present time, the question or debate is adjourned to such day within the session as will answer the views of the House. *2 Hats., 81.* And those who have spoken before may not speak again when the adjourned debate is resumed. *2 Hats., 73.* Sometimes, however, this has been abusively used by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

4. When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

NOTE.—See Senate Rule XXII.

5. If the proposition will want more amendment and digestion than the formalities of the House will conveniently admit, they refer it to a committee.

6. But if the proposition be well digested, and may need but few and simple amendments, and especially if these be of leading consequence, they then proceed to consider and amend it themselves.

The Senate, in their practice, vary from this regular gradation

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of forms. Their practice comparatively with that of Parliament stands thus:

FOR THE PARLIAMENTARY:	THE SENATE USES:
Postponement indefinite	Postponement to a day beyond the session.
Adjournment	Postponement to a day within the session.
Lying on the table	Postponement indefinite. Lying on the table.

In their VIIIth rule (XXII), therefore, which declares that while a question is before the Senate no motion shall be received, unless it be for the previous question, or to postpone, commit, or amend the main question, the term postponement must be understood according to their broad use of it, and not in its parliamentary sense. Their rule, then, establishes as privileged questions, the previous question, postponement, commitment, and amendment.

But it may be asked, Have these questions any privilege among themselves; or, are they so equal that the common principle of the "first moved first put" takes place among them? This will need explanation. Their competitions may be as follows:

1. Previous question and postpone, commit, amend
2. Postpone and previous question, commit, amend
3. Commit and previous question, postpone, amend
4. Amend and previous question, postpone, commit

In the first, second, and third classes, and the first member of the fourth class, the rule "first moved first put" takes place.

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In the first class, where the previous question is first moved, the effect is peculiar; for it not only prevents the after motion to postpone or commit from being put to question before it, but also from being put after it; for if the previous question be decided affirmatively, to wit, that the main question shall *now* be put, it would of course be against the decision to postpone or commit; and if it be decided negatively, to wit, that the main question shall not now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for nor against the previous question will enable the advocates for postponing or committing to get at their object. Whether it may be amended shall be examined hereafter.

Second class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment, or amendment; but if decided negatively (that it shall not be postponed) the main question may then be suppressed by the previous question, or may be committed or amended.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put; because, in truth, it facili-

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tates and befriends the motion to amend. Scobell is express: "On motion to amend a bill, any one may, notwithstanding, move to commit it, and the question for commitment shall be first put." *Scob., 46.*

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both are moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one, *e. g.:*

Suppose a motion to postpone, commit, or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed; because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way—by deciding against the postponement, commitment, or amendment. *2 Hats., 81, 2, 3, 4.*

Suppose a motion for the previous question, or commitment or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment, or amendment alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of Senate says that, when a main question is before the House, no motion shall be received but to commit, amend, or prequestion the original question, which is the parliamentary doctrine also. Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, cannot be received. 2. This is a piling of questions one on another; which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment, or amendment.

Suppose a commitment moved of a motion for the previous

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question, or to postpone or amend. The first, second, and third reasons, before stated, all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer: The previous question can not be amended. Parliamentary usage, as well as the IXth rule of the Senate, has fixed its form to be, "Shall the main question be now put?"—*i. e.*, at this instant; and as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example and without utility. But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of a indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion—that is, we may amend a postponement of a main question. So, we may amend a commitment of a main question, as by adding, for example, "with instructions to inquire," etc. In like manner, if an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

NOTE.—See Senate Rule XXVI, clause 1.

[In filling a blank with a sum, the largest sum shall be first put to the question, by the XIIIth rule of the Senate,* contrary to the rule of Parliament, which privileges the smallest sum and longest time. *5 Grey, 179; 2 Hats., 8, 83; 3 Hats., 132, 133.*] And this is considered to be not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to

* This rule was dropped in the last revision.

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what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem in any other case; then the question must begin a maximo. Or whether the lesser includes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence, or the terminus a quo in any other case where the question must begin a minimo; the object being not to begin at that extreme which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. *3 Grey, 376, 384, 385.* "The fair question in this case is not that to which, and more, all will agree, but whether there shall be addition to the question." *1 Grey, 365.*

Another exception to the rule of priority is when a motion has been made to strike out, or agree to, a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question of order arising out of any other question must be decided before that question. *2 Hats., 88.*

NOTE.—See Senate Rule XX.

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of. *2 Hats., 88.*

Reading papers relative to the question before the House. This question must be put before the principal one. *2 Hats., 88.*

Leave asked to withdraw a motion. The rule of Parliament being that a motion made and seconded is in the possession of the House, and can not be withdrawn without leave, the very

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terms of the rule imply that leave may be given, and, consequently, may be asked and put to the question.

SEC. XXXIV. THE PREVIOUS QUESTION.

When any question is before the House, any member may move a previous question whether that question (called the main question) shall now be put. If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter. *Memor. in Hakew., 28; 4 Grey, 27.*

The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. *2 Hats., 80.* Sir Henry Vane introduced it. *2 Grey, 113, 114; 3 Grey, 384.* When the question was put in this form, "Shall the main question be put?" a determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only; formerly, indeed, only till the present debate was over (*4 Grey, 43*), but now for that day and no longer (*2 Grey, 113, 114*).

Before the question whether the main question shall now be put, any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all. *Mem. in Hakew., 28.*

The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing

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procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been moved and seconded? *2 Hats., 88.*, says if the previous question has been moved and seconded, and also proposed from the Chair (by which he means stated by the Speaker for debate), it has been doubted whether an amendment can be admitted to the main question. He thinks it may, after the previous question moved and seconded, but not after it has been proposed from the Chair. In this case, he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question by dividing its friends, some of whom may choose it unamended, rather than lose it altogether; while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies of the main question, by this maneuver to the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support this opinion, too, he makes the deciding circumstance, whether an amendment may or may not be made, to be that the previous question has been proposed from the Chair. But, as the rule is that the House is in possession of a question as soon as it is moved and seconded, it can not be more than possessed of it by its being also proposed from the Chair. It may be said, indeed, that the object of the previous question being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend; and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated by moving the amended question, as Mr.

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Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit previous amendments, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it ab inconvenienti, to wit: Which is most inconvenient, to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended, or to put it in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience, inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question; and inasmuch, also, as so great a proportion of the cases in which the previous question is called for are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

SEC. XXXV. AMENDMENTS.

[NOTE.—See Senate Rules XVI and XVII.]

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment. *Scob., 23.*

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserve, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves. *2 Hats., 79; 4, 82, 84.* A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," etc. *1 Grey, 190, 192.*

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If it be proposed to amend by leaving out certain words, it may be moved, as an amendment to this amendment, to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. *2 Hats., 80, 9.* The parliamentary question is, always, whether the words shall stand part of the bill.

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for inserting it. If it be received, it can not be amended afterwards in the same stage, because the House has, on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments before the question is put for striking it out. If on the question it be retained, it can not be amended afterwards, because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend by striking out certain words and inserting others, the manner of stating the question is first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others. *2 Hats., 80, 7.*

A motion is made to amend by striking out certain words and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible, because to strike out and insert A is one proposition. To strike out and insert B is a different proposition. And to strike out and

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insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived; for, as putting the whole motion to the question at once would not have precluded, the putting the half of it can not do it.*

NOTE.—See Senate Rule XVIII.

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition; for then it is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion instead of A and its coherence.

In Senate, January 25, 1798, a motion to postpone until the second Tuesday in February some amendments proposed to the Constitution; the words "until the second Tuesday in February" were struck out by way of amendment. Then it was moved to add, "until the first day of June." Objected that it was not in order, as the question should be first put on the longest time; therefore, after a shorter time decided against, a longer

* In the case of a division of the question, and a decision against striking out, I advance doubtingly the opinion here expressed. I find no authority either way, and I know it may be viewed under a different aspect. It may be thought that, having decided separately not to strike out the passage, the same question for striking out can not be put over again, though with a view to a different insertion. Still, I think it more reasonable and convenient to consider the striking out and insertion as forming one proposition, but should readily yield to any evidence that the contrary is the practice in Parliament.

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can not be put to question. It was answered that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion; and when struck out, a motion may be received to insert any other. In fact, it is not until they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the question successively on the longest. Otherwise it would be in the power of the mover, by inserting originally a short time, to preclude the possibility of a longer; for till the short time is struck out, you can not insert a longer; and if, after it is struck out, you can not do it, then it can not be done at all. Suppose the first motion had been made to amend by striking out "the second Tuesday in February," and inserting instead thereof "the first of June," it would have been regular, then, to divide the question, by proposing first the question to strike out and then that to insert. Now, this is precisely the effect of the present proceeding; only, instead of one motion and two questions, there are two motions and two questions to effect it—the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one and incorporate its matter into another bill by way of amendment. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands, and another for inserting it in the place desired.

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such, and passed. *3 Hats., 83.*

The number prefixed to the section of a bill, being merely a marginal indication and no part of the text of the bill, the Clerk regulates that; the House or committee is only to amend the text.

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SEC. XXXVI. DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. *Mem. in Hakew., 29.* But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not—where it is complicated—into how many propositions it may be divided? The fact is that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House, on a question, unless the House orders it to be divided; as, on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each knight. *2 Hats., 85, 86.* So, wherever there are several names in a question, they may be divided and put one by one. *9 Grey, 444.* So, 1729, April 17, on an objection that a question was complicated, it was separated by amendment. *2 Hats., 79.*

NOTE.—See Senate Rule XVIII.

The soundness of these observations will be evident from the embarrassments produced by the XVIIIth rule of the Senate, which says, "If the question in debate contains several points, any member may have the same divided."

1798, May 30, the alien bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section and the provisos, they can not be divided so as to put the last member to question by itself, for the provisos might thus be left standing alone as exceptions to a rule when the rule is taken away; or the new provisos might be left to a second question, after having been decided on once before at the same reading, which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions

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with the rule, and relieves from inconsistence. A question to be divisible must comprehend points so distinct and entire that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

May 31.—The same bill being before the Senate. There was a proviso that the bill should not extend (1) To any foreign minister; nor (2) to any person to whom the President should give a passport; nor (3) to any alien merchant conforming himself to such regulations as the President shall prescribe; and a division of the question into its simplest elements was called for. It was divided into four parts, the fourth taking in the words "conforming himself," etc. It was objected that the words "any alien merchant," could not be separated from their modifying words, "conforming," etc., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the two first divisions, the words "any alien merchant" may be struck out, and their modifying words will then attach temselves to the preceding description of persons, and become a modification of that description.

When a question is divided, after the question on the first member, the second is open to debate and amendment; because it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put. See *Execut. Jour., June 25, 1795.* The same decision by President Adams.

SEC. XXXVII. COEXISTING QUESTIONS.

It may be asked whether the House can be in possession of two motions or propositions at the same time; so that, one of

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them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (*e. g.*, the previous question, postponement, or commitment) remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being that when a motion has been made and seconded no other can be received except it be a privileged one.

SEC. XXXVIII. EQUIVALENT QUESTIONS.

If, on a question for rejection, a bill be retained, it passes, of course, to its next reading. *Hakew., 141; Scob., 42.* And a question for a second reading determined negatively, is a rejection without further question. *4 Grey, 149.* And see *Elsynge's Memor., 42*, in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. *4 Grey, 157.* Thus the negative of striking out amounts to the affirmative of agreeing; and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a

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vote of disagreement, or must the question on disagreement be expressly voted? The questions respecting amendments from another House are—1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

1st. To agree.
2d. To disagree.
} Either of these concludes the other necessarily, for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed; *e. g.*, if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede.
4th. To insist.
5th. To adhere.
} You may then either insist or adhere.
You may then either recede or adhere.
You may then either recede or insist.
Consequently the negative of these is not equivalent to a positive vote, the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another. vote; for two alternatives still remain, either of which may be adopted by the House.

SEC. XXXIX. THE QUESTION.

The question is to be put first on the affirmative and then on the negative side.

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.*

NOTE.—See Senate Rule XIX.

But in small matters, and which are, of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c.,

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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., 2, 79, 87; 5 Grey, 129; 9 Grey, 301.*

SEC. XL. BILLS, THIRD READING.

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 can not 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 breviate 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," etc., he states that "the preamble recites so and so—the first section enacts that, etc.; the second section enacts," etc.

But in the Senate of the United States both of these formalities are dispensed with; the breviate 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.

A bill on the third reading is not to be committed for the matter or body thereof, but to receive some particular clause or

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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*).

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.* Everyone is at liberty to bring in a rider without asking leave. *10 Grey, 52.*

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

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.*

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

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.*

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.

When the debate is ended, the Speaker, holding the bill in his

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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.*

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

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 rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House. *Scob., 24; 2 Hats., 140.*

When the House of Commons is divided, the one party goes forth and the other remains in the House. This has made it important which go forth and which remain, because the latter gain all the indolent, the indifferent, and inattentive. Their general rule, therefore, is that those who give their vote for the preservation of the orders of the House shall stay in, and those who are for introducing any new matter or alteration, or proceeding contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications (*2 Hats., 134; 1 Rush.,. p 3, fol. 92; Scob., 43, 52; Co., 12, 116; D'Ewes, 505, col. 1; Mem. in Hakew., 25, 29*), as will appear by the following statement of who go forth:

Petition, that it be received*	Ayes.
Read	
Petition, lie on the table	Noes.
Rejected after refusal to lie on table	
Referred to a committee, or further proceeding.	Ayes.

*Noes. 9 Grey, 365.

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Bill, that it be brought in	Ayes.	
Read first or second time		
Engrossed or read third time		
Proceeding on every other stage		
Committed		
To Committee of the Whole	Noes.	
To a select committee	Ayes.	
Report of bill to lie on table	Noes.	
Be *now* read	Ayes.	
Be taken into consideration three months hence	30, P. J.	251.
Amendments to be read a second time	Noes.	
Clause offered on report of bill be read second time	Ayes.	
For receiving a clause		334.
With amendments be engrossed		395.
That a bill be *now* read a third time	Noes.	398.
Receive a rider		260.
Pass	Ayes.	259.
Be printed		
Committees. That A take the chair		
To agree to the whole or any part of report		
That the House do *now* resolve into committee		
Speaker. That he now leave the chair, after order to go into committee	Noes.	291.
That he issue warrant for a new writ		
Member. That none be absent without leave		
Witness. That he be further examined	Ayes.	344.
Previous question	Noes.	
Blanks. That they be filled with the largest sum	Ayes.	
Amendments. That words stand part of		
Lords. That their amendment be read a second time	Noes.	

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Messenger be received	Ayes.
Orders of day to be now read, if before 2 o'clock	Ayes.
If after 2 o'clock	Noes.
Adjournment. Till the next sitting day, if before 4 o'clock	Ayes.
If after 4 o'clock	Noes.
Over a sitting day (unless a previous resolution)	Ayes.
Over the 30th of January	Noes.
For sitting on Sunday, or any other day not being a sitting day	Ayes.

The one party being gone forth, the Speaker names two tellers from the affirmative and two from the negative side, who first count those sitting in the House and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth as they come in, and report the number to the Speaker. *Mem. in Hakew., 26.*

A mistake in the report of the tellers may be rectified after the report made. *2 Hats., 145, note.*

But in both Houses of Congress all these intricacies are avoided. The ayes first rise, and are counted standing in their places by the President or Speaker. Then they sit, and the noes rise and are counted in like manner.

In Senate, if they be equally divided, the Vice-President announces his opinion, which decides.

The Constitution, however, has directed that "the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal." And again: That in all cases of reconsidering a bill disapproved by the President and returned with his objections, "the votes of both Houses shall be determined by yeas and nays, and the names of persons voting for and against the bill shall be entered on the Journals of each House respectively."

When it is proposed to take the vote by yeas and nays, the President or Speaker states that "the question is whether, *e. g.*,

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the bill shall pass—that it is proposed that the yeas and nays shall be entered on the Journal. Those, therefore, who desire it, will rise." If he finds and declares that one-fifth have risen, he then states that "those who are of opinion that the bill shall pass are to answer in the affirmative; those of the contrary opinion in the negative." The Clerk then calls over the names alphabetically, notes the yea or nay of each, and gives the list to the President or Speaker, who declares the result. In the Senate, if there be an equal division, the Secretary calls on the Vice-President and notes his affirmative or negative, which becomes the decision of the House.

NOTE.—See Senate Rule XII, clause 1.

In the House of Commons, every member must give his vote the one way or the other (*Scob., 24*), as it is not permitted to any one to withdraw who is in the House when the question is put, nor is any one to be told in the division who was not in when the question was put (*2 Hats., 140*).

NOTE.—See Senate Rule XII, clause 11.

This last position is always true when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the President at the same time, and the vote of both sides begins and proceeds *pari passu*. It is true also when the question is put in the usual way, if the negative has also been put; but if it has not, the member entering, or any other member may speak, and even propose amendments, by which the debate may be opened again, and the question be greatly deferred. And as some who have answered aye may have been changed by the new arguments, the affirmative must be put over again. If, then, the member entering may, by speaking a few words, occasion a repetition of a question. it would be useless to deny it on his simple call for it.

While the House is telling, no member may speak or move out of his place; for if any mistake be suspected. it must be told again. *Mem. in Hakew., 26; 2 Hats., 143.*

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future

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censure of the House if irregular. He sometimes permits old experienced members to assist him with their advice, which they do sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. *2 Hats., 143.*

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, etc., where not otherwise expressly provided. *Hakew., 93.* But if the House be equally divided, *semper presumatur pro negante;* that is, the former law is not to be changed but by a majority. *Towns., col. 134.*

But in the Senate of the United States the Vice-President decides when the House is divided. *Constitution United States, I, 3.*

When from counting the House on a division it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day. *2 Hats., 126.*

1606, May 1, on a question whether a member having said yea may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in *39 Eliz.*, who in like case changed his opinion. *Mem. in Hakew., 27.*

SEC. XLII. TITLES.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

SEC. XLIII. RECONSIDERATION.

1798, January—a bill on its second reading being amended, and on the question whether it shall be read a third time negatived, was restored by a decision to reconsider that question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if they were expunged from the journals. Consequently the bill is open for amendment just so far as it was the moment

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preceding the question for the third reading; that is to say, all parts of the bill are open for amendment except those on which votes have been already taken in its present stage. So, also, it may be recommitted.

NOTE.—See Senate Rule XIII.

*The rule permitting a reconsideration of a question affixing to it no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it is passed has been parted with, there can be no reconsideration, as if a vote has been for the passage of a bill, and the bill has been sent to the other House. But where the paper remains, as on a bill rejected, when, or under what circumstances, does it cease to be susceptible of reconsideration? This remains to be settled; unless a sense that the right of reconsideration is a right to waste the time of the House in repeated agitations of the same question, so that it shall never know when a question is done with, should induce them to reform this anomalous proceeding.

NOTE.—See Senate Rule XIII.

In Parliament a question once carried can not be questioned again at the same session, but must stand as the judgment of the House. *Towns., col. 67; Mem. in Hakew., 33.* And a bill once rejected, another of the same substance can not be brought in again the same session. *Hakew., 158; 6 Grey, 392.* But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of committees, *e. g.*, report of an address, the same question is before the House, and open for free discussion. *Towns., col. 26; 2 Hats., 98, 100, 101.* So orders of the House, or instructions to committees, may be discharged. So a bill, begun in one House, and sent to the other, and there rejected, may be renewed again in that other, passed and sent

*The rule now fixes a limitation.

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back. *Ib.*, 92; *3 Hats.*, *161*. Or if, instead of being rejected, they read it once and lay it aside or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title. *Hakew.*, *97*, *98*.

NOTE.—See Senate Rule XXVI.

Divers expedients are used to correct the effects of this rule; as, by passing an explanatory act, if anything has been omitted or ill expressed (*3 Hats.*, *278*), or an act to enforce, and make more effectual an act, etc., or to rectify mistakes in an act, etc., or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill of supply. *2 Hats.*, *194*, *6*. Or the session may be closed for one, two, three or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin de novo. *2 Hats.*, *94*, *98*. Or a part of the subject may be taken up by another bill, or taken up in a different way. *6 Grey*, *304*, *316*.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed as to stop indispensable proceedings altogether. *2 Hats.*, *92*, *98*. Thus when the address on the preliminaries of peace in 1782 had been lost by a majority of one, on account of the importance of the question, and smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some Members, was brought on again and carried, as the motives for it were thought to outweigh the objection of form. *2 Hats.*, *99*, *100*.

A second bill may be passed to continue an act of the same session, or to enlarge the time limited for its execution. *2 Hats.*, *95*, *98*. This is not in contradiction to the first act.

SEC. XLIV. BILLS SENT TO THE OTHER HOUSE.

A bill from the other House is sometimes ordered to lie on the table. *2 Hats.*, *97*.

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When bills, passed in one House and sent to the other, are grounded on special facts requiring proof, it is usual, either by message or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated. *3 Hats., 48.*

NOTE.—See Senate Rule XXV.

SEC. XLV. AMENDMENTS BETWEEN THE HOUSES.

When either House, *e. g.*, the House of Commons, sends a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose to keep the question open. But the first adherence by either renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. *10 Grey, 148.* Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. *3 Hats., 268, 270.* The term of insisting, we are told by Sir John Trevor, was then (1679) newly introduced into parliamentary usage, by the Lords. *7 Grey, 94.* It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance (*10 Grey, 146*), but it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences, at least, before an adherence. *10 Grey, 147.*

Either House may recede from its amendment and agree to the bill; or recede from its disagreement to the amendment, and agree to the same absolutely, or with an amendment; for

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here the disagreement and receding destroy one another, and the subject stands as before the disagreement. *Elysnge, 23, 27; 9 Grey, 476.*

But the House can not recede from or insist on its own amendment with an amendment, for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they can not amend their own amendment, because they have, on the question, passed it in that form. *9 Grey, 363; 10 Grey, 240.* In Senate, March 29, 1798. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

In the case of a money bill, the Lords proposed amendments, become, by delay, confessedly necessary. The Commons, however, refused them, as infringing on their privilege as to money bills; but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the Lords' amendments; and urged that it was an expedient warranted by precedent, and not unparliamentary in a case become impracticable and irremediable in any other way. *3 Hats., 256, 266, 270, 271.* But the Lords refused, and the bill was lost. *1 Chand., 288.* A like case, *1 Chand., 311.* So the Commons resolved that it is unparliamentary to strike out, at a conference, anything in a bill which hath been agreed and passed by both Houses. *6 Grey, 274; 1 Chand., 312.*

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the second and not the third degree; for, as to the amending House, the first amendment

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with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the first degree, and the amendment to that again by the amending House is only in the second—to wit, an amendment to an amendment—and so admissible. Just so, when, on a bill from the originating House, the other, at its second reading, makes an amendment. On the third reading this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree.

SEC. XLVI. CONFERENCES.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. *3 Hats., 31; 1 Grey, 425.*

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference; but are not then to be answered. *4 Grey, 144.* The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons. *3 Grey, 183.* They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. *3 Grey, 255.* At free conferences, the managers discuss, viva voce and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports

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in writing to its respective House the substance of what is said on both sides, and it is entered in its Journal. *9 Grey, 220; 3 Hats., 280.* This report can not be amended or altered, as that of a committee may be. *Journal Senate, May 24, 1796.*

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting or adhering.* *3 Hats., 269, 341.* In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain and below the wisdom of Parliament to reason or argue against fixed resolutions, and upon terms of impossibility to persuade." *3 Hats., 226.* So the Commons say, "an adherence is never delivered at a free conference, which implies debate." *10 Grey, 137.* And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering (*3 Hats., 269*), and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing (*3 Hats., 251, 253, 260, 286, 291, 316, 349*); of insisting (*ib., 280, 296, 299, 319, 322, 355*); of adhering (*ib., 269, 270, 283, 300*), and even of a second or final adherence (*3 Hats., 270*). And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them

* Several instances have arisen in the Senate where a conference has been asked immediately upon the passage of a House bill with amendments, and before the House had come to a disagreeing vote upon the Senate amendments. See Senate Journal, second session, Forty-second Congress, pages 851 and 1003; Senate Journal, third session, Forty-fifth Congress, page 433; Senate Journal, first session, Forty-eighth Congress, pages 628 and 643. See also Congressional Record, vol. 15, part 4, pages 3975 and 4100 (first session, Forty-eighth Congress), where the principle involved was discussed.

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they were left on the table in the conference chamber. *Ib.*, *271, 317, 323, 354; 10 Grey, 146.*

After a free conference, the usage is to proceed with free conferences, and not to return again to a conference. *3 Hats., 270; 9 Grey, 229.*

After a conference is denied, a free conference may be asked. *1 Grey, 45.*

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. *Ord. H. Com., 89; 1 Grey, 425; 7 Grey, 31.* They are sometimes asked to inquire concerning an offense or default of a member of the other House. *6 Grey, 181; 1 Chand., 304.* Or the failure of the other House to present to the King a bill passed by both Houses. *8 Grey, 302.* Or on information received, and relating to the safety of the nation. *10 Grey, 171.* Or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. *10 Grey, 148.* So when an unparliamentary message has been sent, instead of answering it they ask a conference. *3 Grey, 155.* Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference. *6 Grey, 128, 300, 387; 7 Grey, 80; 8 Grey, 210, 255; 1 Torbuck's Deb., 278; 10 Grey, 293; 1 Chan., 49, 287.* But this is not the modern practice. 8 *Grey, 255.*

A conference has been asked after the first reading of a bill. *1 Grey, 194.* This is a singular instance.

NOTE.—See Senate Rule XXVII.

SEC. XLVII. MESSAGES.

Messages between the Houses are to be sent only while both Houses are sitting. *3 Hats., 15.* They are received during a debate without adjourning the debate. *3 Hats., 22.*

In the Senate the messengers are introduced in any state of business, except (1) while a question is being put; (2) while the

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yeas and nays are being called; (3) while the ballots are being counted. The first case is short; the second and third are cases where any interruption might occasion errors difficult to be corrected. So arranged June 15, 1798.

NOTE.—See Senate Rule XXVIII.

In the House of Representatives, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption. *4 Grey, 226.*

Messengers are not saluted by the members, but by the Speaker for the House. *2 Grey, 253, 274.*

If messengers commit an error in delivering their message, they may be admitted or called in to correct their message. *4 Grey, 41.* Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which, being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on de novo.

As soon as the messenger who has brought bills from the other House has retired, the Speaker holds the bills in his hand and acquaints the House that "the other House have by their messenger sent certain bills," and then reads their titles and delivers them to the Clerk, to be safely kept till they shall be called for to be read. *Hakew., 178.*

It is not the usage for one House to inform the other by what numbers a bill is passed. *10 Grey, 150.* Yet they have sometimes recommended a bill, as of great importance, to the consideration of the House to which it is sent. *3 Hats., 25.* Nor when they have rejected a bill from the other House do they give notice of it; but it passes sub silentio, to prevent unbecoming altercations. *1 Blackst., 183.*

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But in Congress the rejection is notified by message to the House in which the bill originated.

A question is never asked by the one House of the other by way of message, but only at a conference; for this is an interrogatory, not a message. *3 Grey, 151, 181.*

When a bill is sent by one House to the other and is neglected, they may send a message to remind them of it. *3 Hats., 25; 5 Grey, 154.* But if it be mere inattention it is better to have it done informally by communications between the Speakers or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration, being original, could not possibly be sent to both Houses at the same time. *2 Hats., 260, 261, 262.*

The King having sent original letters to the Commons, afterwards desires they may be returned, that he may communicate them to the Lords. *1 Chan., 303.*

SEC. XLVIII. ASSENT.

The House which has received a bill and passed it may present it for the King's assent, and ought to do it, though they have not by message notified to the other their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses from motives of respect and good understanding. *2 Hats., 242.* Were the bill to be withheld from being presented to the King, it would be an infringement of the rules of Parliament. *Ib.*

When a bill has passed both Houses of Congress, the House last acting on it notifies its passage to the other, and delivers

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the bill to the Joint Committee of Enrollment, who see that it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery. *9 Grey, 143.* It is then put into the hands of the Clerk of the House of Representatives to have it signed by the Speaker. The Clerk then brings it by way of message to the Senate to be signed by their President. The Secretary of the Senate returns it to the Committee of Enrollment, who present it to the President of the United States. If he approve, he signs, and deposits it among the rolls in the office of the Secretary of State, and notifies by message the House in which it originated that he has approved and signed it; of which that House informs the other by message. If the President disapproves, he is to return it, with his objections, to that House in which it shall have originated; who are to enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the President's objections to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. *Constitution, I, 7.*

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. *Constitution, I, 7.*

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SEC. XLIX. JOURNALS.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy. *Constitution, I, 5.*

NOTE.—See Senate Rule IV.

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second. *2 Hats., 83.*

So, also, when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals, because it makes part of the vote of postponement, adjournment, or laying it on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense, as there may be many questions proposed which it may be improper to publish to the world in the form in which they are made. *2 Hats., 85.*

In both Houses of Congress all questions whereon the yeas and nays are desired by one-fifth of the members present, whether decided affirmatively or negatively, must be entered in the journals. *Constitution, I, 5.*

The first order for printing the votes of the House of Commons was October 30, 1685. *1 Chandler, 387.*

Some judges have been of opinion that the journals of the House of Commons are no records, but only remembrances. But this is not law. *Hob., 110, 111; Lex Parl., 114, 115; Jour. H. C., Mar. 17, 1592; Hale, Parl., 105.* For the Lords, in their House, have power of judicature, the Commons, in their House, have power of judicature, and both Houses together have

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power of judicature; and the book of the clerk of the House of Commons is a record, as is affirmed by act of Parliament (*6 H. 8, c. 16; 4 Inst., 23, 24*), and every member of the House of Commons hath a judicial place. *4 Inst., 15.* As records they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other and report what has been done by the other in any particular case. *2 Hats., 261; 3 Hats., 27–30.* Every member has a right to see the journals and to take and publish votes from them. Being a record, everyone may see and publish them. *6 Grey, 118, 119.*

On information of a mis-entry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House. *2 Hats., 194, 195.*

NOTE.—See Senate Rule III.

SEC. L. ADJOURNMENT.

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The King has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fitting. *2 Hats., 232; 1 Blackst., 186; 5 Grey, 122.*

By the Constitution of the United States, a smaller number than a majority may adjourn from day to day. *Constitution, I, 5.* But "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting." *Constitution, I, 5.* And in case of disagreement between them, with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper. *Constitution, II, 3.*

A motion to adjourn simply can not be amended, as by adding "to a particular day;" but must be put simply "that this House do now adjourn;" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a pre-

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vious resolution "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day. *2 Hats., 82.*

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, etc., it adjourns during pleasure; *2 Hats., 305;* or for a quarter of an hour. *5 Grey., 331.*

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. *5 Grey., 137.* And from courtesy and respect, no member leaves his place till the Speaker has passed on.

SEC. LI. A SESSION.

Parliament have three modes of separation, to wit, by adjournment, by prorogation or dissolution by the King, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session, provided some act was passed. In this case all matters depending before them are discontinued, and at their next meeting are to be taken up de novo, if taken up at all. *1 Blackst., 186.* Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, etc., ad libitum. All matters depending remain in statu quo, and when they meet again, be the term ever so distant, are resumed, without any fresh commencement, at the point at which they were left. *1 Lev., 165; L. Parl., c. 2; 1 Ro. Rep., 29; 4 Inst., 7, 27, 28; Hutt., 61; 1 Mod., 252; Ruffh. Jac., L. Dict. Parliament; 1 Blackst., 186.* Their whole session is considered in law but as one day, and has relation to the first day thereof. *Bro. Abr. Parliament, 86.*

NOTE.—See Senate Rule XXXII.

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. *5 Grey, 374; 9 Grey, 350; 1 Chand., 50.* Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other two branches. When done, it

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is by a bill constituting them commissioners for the particular purpose.

Congress separate in two ways only, to wit, by adjournment, or dissolution by the efflux of their time. What, then, constitutes a session with them? A dissolution certainly closes one session, and the meeting of the new Congress begins another.

The Constitution authorizes the President "on extraordinary occasions, to convene both Houses, or either of them." *Constitution, I, 3.* If convened by the President's proclamation, this must begin a new session, and of course determine the preceding one to have been a session. So if it meets under the clause of the Constitution, which says, "the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day" *Constitution (I, 4)*, this must begin a new session; for even if the last adjournment was to this day, the act of adjournment is merged in the higher authority of the Constitution, and the meeting will be under that, and not under their adjournment. So far we have fixed landmarks for determining sessions. In other cases it is declared by the joint vote authorizing the President of the Senate and the Speaker to close the session on a fixed day, which is usually in the following form: "Resolved by the Senate and House of Representatives, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the —— day of ——."

When it was said above that all matters depending before Parliament were discontinued by the determination of the session, it was not meant for judiciary cases depending before the House of Lords, such as impeachments, appeals, and writs of error. These stand continued, of course, to the next session. *Raym., 120, 381; Ruffh. Jac., L. D. Parliament.*

Impeachments stand, in like manner, continued before the Senate of the United States.

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SEC. LII. TREATIES.

The President of the United States has power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. *Constitution, II, 2.*

NOTE.—See Senate Rule XXXVI, clause 3; Rule XXXVII, clause 3.

Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power; and there, also, if they touch the laws of the land, they must be approved by Parliament. Ware *v.* Hylton, *3 Dallas's Rep., 223.* It is acknowledged, for instance, that the King of Great Britain can not by a treaty make a citizen of an alien. *Vattel, b. 1, c. 19, sec. 214.* An act of Parliament was necessary to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht, in 1712, the commercial articles required the concurrence of Parliament; but a bill brought in for that purpose was rejected. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty. *4 Russel's Hist. Mod. Europe, 457; 2 Smollet, 242, 246.*

By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. 1. It is admitted that it must concern the foreign-nation party to the contract, or it would be a mere nullity, *res inter alias acta.* 2. By the general power to make treaties, the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and can not be otherwise regulated. 3. It must have meant to except out of these the rights reserved to the States, for surely

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the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way. 4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate. But the ground of this exception is denied as unfounded. For examine, *e. g.*, the treaty of commerce with France, and it will be found that, out of thirty-one articles, there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions.

Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France in 1798.

It has been the usage for the Executive, when it communicates a treaty to the Senate for their ratification, to communicate also the correspondence of the negotiators. This having been omitted in the case of the Prussian treaty, was asked by a vote of the House of February 12, 1800, and was obtained. And in December, 1800, the convention of that year between the United States and France, with the report of the negotiations by the envoys, but not their instructions, being laid before the Senate, the instructions were asked for and communicated by the President.

The mode of voting on questions of ratification is by nominal call.

NOTE—See Senate Rule XXXVII.

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SEC. LIII. IMPEACHMENT.

The House of Representatives shall have the sole power of impeachment. *Constitution, I, 3.*

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law. *Constitution, I, 3.*

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. *Constitution, II, 4.*

The trial of crimes, except in cases of impeachment, shall be by jury. *Constitution, III, 2.*

These are the provisions of the Constitution of the United States on the subject of impeachments. The following is a sketch of some of the principles and practices of England on the same subject:

Jurisdiction. The Lords can not impeach any to themselves, nor join in the accusation, because they are the judges. *Seld. Judic. in Parl., 12, 63.* Nor can they proceed against a commoner but on complaint of the Commons. *Ib., 84.* The Lords may not, by the law, try a commoner for a capital offense, on the information of the King or a private person, because the accused is entitled to a trial by his peers generally; but on accusation by the House of Commons, they may proceed against the delinquent, of whatsoever degree, and whatsoever be the nature of the offense; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and

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the judgment is given on their demand, which is instead of a verdict. So the Lords do only judge, but not try the delinquent. *Ib., 6, 7.* But Wooddeson denies that a commoner can now be charged capitally before the Lords, even by the Commons; and cites Fitzharris's case, 1681, impeached of high treason, where the Lords remitted the prosecution to the inferior court. *8 Grey's Deb., 325–7; 2 Wooddeson, 576, 601; 3 Seld., 1604, 1610, 1618, 1619, 1641; 4 Blackst., 25; 9 Seld., 1656; 73 Seld., 1604–18.*

Accusation. The Commons, as the grand inquest of the nation, become suitors for penal justice. *2 Wood., 597; 6 Grey, 356.* The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation, at the bar of the House of Lords, in the name of the Commons. The person signifies that the articles will be exhibited, and desires that the delinquent may be sequestered from his seat, or be committed, or that the peers will take order for his appearance. *Sachev. Trial, 325; 2 Wood., 602, 605; Lords' Journ., 3 June, 1701; 1 Wms., 616; 6 Grey, 324.*

Process. If the party do not appear, proclamations are to be issued giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues, giving a short day. If he appear not, his goods may be arrested, and they may proceed. *Seld. Jud., 98, 99.*

Articles. The accusation (articles) of the Commons is substituted in place of an indictment. Thus, by the usage of Parliament, in impeachment for writing or speaking, the particular words need not be specified. *Sach. Tr., 325; 2 Wood., 602, 605; Lords' Journ., 3 June, 1701; 1 Wms., 616.*

Appearance. If he appear, and the case be capital, he answers in custody; though not if the accusation be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers, a lord in his place, a commoner at the bar, and not in custody, unless, on the answer, the Lords find cause to commit him till he finds sureties to attend and

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lest he should fly. *Seld. Jud., 98, 99.* A copy of the articles is given him and a day fixed for his answer. *T. Ray.; 1 Rushw., 268; Fost., 232; 1 Clar. Hist. of the Reb., 379.* On a misdemeanor his appearance may be in person or he may answer in writing, or by attorney. *Seld. Jud., 100.* The general rule on accusation for a misdemeanor is that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer. *Ib., 101.* If previously committed by the Commons he answers as a prisoner. But this may be called in some sort *judicium parium suorum. Ib.* In misdemeanors the party has a right to counsel by the common law, but not in capital cases. *Seld. Jud., 102,105.*

Answer. The answer need not observe great strictness of form. He may plead guilty as to part and defend as to the residue; or, saving all exceptions, deny the whole, or give a particular answer to each article separately. *1 Rush., 274; 2 Rush., 1374; 12 Parl. Hist., 442; 3 Lords' Journ., 13 Nov., 1643; 2 Wood., 607.* But he can not plead a pardon in bar to the impeachment. *2 Wood., 615; 2 St. Tr., 735.*

Replication, rejoinder, etc. There may be a replication, rejoinder, etc. *Seld. Jud., 114; 8 Grey's Deb., 233; Sach. Tr., 15; Journ. House of Commons, 6 March, 1640–41.*

Witnesses. The practice is to swear the witnesses in open House, and then examine them there; or a committee may be named who shall examine them in committee, either on interrogatories agreed on in the House or such as the committee in their discretion shall demand. *Seld. Jud., 120, 123.*

Jury. In the case of Alice Pierce (*1 R., 2*), a jury was impaneled for her trial before a committee. *Seld. Jud., 123.* But this was on a complaint, not on impeachment by the Commons. *Seld. Jud., 163.* It must also have been for a misdemeanor only, as the Lords spiritual sat in the case, which they do on misdemeanors, but not in capital cases. *Id., 148.* The judgment was a forfeiture of all her lands and goods. *Id., 188.* This, Selden says, is the only jury he finds recorded in Parliament for

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misdemeanors; but he makes no doubt, if the delinquent doth put himself on the trial of his country, a jury ought to be impaneled, and he adds that it is not so on impeachment by the Commons; for they are in loco proprio, and there no jury ought to be impaneled. *Id., 124.* The Ld. Berkeley (*6 E., 3*) was arraigned for the murder of L. 2, on an information on the part of the King, and not on impeachment of the Commons; for then they had been *patria sua.* He waived his peerage, and was tried by a jury of Gloucestershire and Warwickshire. *Id., 126.* In *1 H. 7*, the Commons protest that they are not to be considered as parties to any judgment given, or hereafter to be given, in Parliament. *Id., 133.* They have been generally and more justly considered, as is before stated, as the grand jury; for the conceit of Selden is certainly not accurate, that they are the *patria sua* of the accused, and that the Lords do only judge, but not try. It is undeniable that they do try; for they examine witnesses as to the facts, and acquit or condemn, according to their own belief of them. And Lord Hale says, "the peers are judges of law as well as of fact" (*2 Hale, P. C., 275*) consequently of fact as well as of law.

Presence of Commons. The Commons are to be present at the examination of witnesses. *Seld. Jud., 124.* Indeed, they are to attend throughout, either as a committee of the whole House, or otherwise, at discretion, appoint managers to conduct the proofs. *Rushw. Tr. of Straff., 37; Com. Journ., 4 Feb., 1709–10; 2 Wood., 614.* And judgment is not to be given till they demand it. *Seld. Jud., 124.* But they are not to be present on impeachment when the Lords consider of the answer or proofs and determine of their judgment. Their presence, however, is necessary at the answer and judgment in cases capital (*Id. 58, 158*) as well as not capital, *162.* The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty; and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. *Seld. Jud., 167; 2 Wood., 612.*

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Judgment. Judgments in Parliament, for death, have been strictly guided *per legem terræ*, which they can not alter; and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be *secundum, non ultra legem. Seld. Jud., 168, 171.* This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments, prevailed; for impeachments are not framed to alter the law, but to carry it into more effectual execution against too powerful delinquents. The judgment, therefore, is to be such as is warranted by legal principles or precedents. *6 Sta. Tr., 14; 2 Wood., 611.* The Chancellor gives judgment in misdemeanors; the Lord High Steward formerly in cases of life and death. *Seld. Jud., 180.* But now the Steward is deemed not necessary. *Fost., 144; 2 Wood., 613.* In misdemeanors the greatest corporal punishment hath been imprisonment. *Seld. Jud., 184.* The King's assent is necessary in capital judgments (but *2 Wood., 614, contra*), but not in misdemeanors. *Seld. Jud., 136.*

Continuance. An impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament. *T. Ray., 383; 4 Com. Journ., 23 Dec., 1790; Lords' Journ., May 15, 1791; 2 Wood., 618.*

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RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS.*

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against ——— ———;" after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

*See also Jefferson's Manual, Sec. LIII.

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III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the oath hereinafter provided to the members of the Senate then present and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States or the Vice-President of the United States, upon whom the powers and duties of the office of President shall have devolved, shall be impeached, the Chief Justice of the Supreme Court of the United States shall preside; and in a case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment, as aforesaid, with a request to attend; and the said Chief Justice shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

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VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant-at-Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may at his option, in the first instance, submit any such question to a vote of the members of the Senate. Upon all such questions the vote shall be without a division, unless the yeas and nays be demanded by one-fifth of the members present, when the same shall be taken.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the accused, reciting said articles, and notifying him to appear before the Senate upon a day and

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at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused, or if that can not conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the accused to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12.30 o'clock afternoon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz: "I, ——— ———, do solemnly swear that the return made by me upon the process issued on the —— day of ———, by the Senate of the United

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States, against ——— ———, is truly made, and that I have performed such service as therein described: So help me God." Which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, the same shall be recorded.

XI. At 12.30 o'clock afternoon of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of ——— ———, in the Senate Chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

XII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m.; and when the hour for such thing shall arrive, the Presiding Officer of the Senate shall so announce; and thereupon the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIII. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative pro-

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ceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XIV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XV. All motions made by the parties or their counsel shall be addressed to the Presiding Officer, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

XVI. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

XVII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

XVIII. If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer.

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions.

XX. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour on each side, unless the Senate shall, by order, extend the time.

XXI. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXII. On the final question whether the impeachment is

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sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present, the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

XXIV. Witnesses shall be sworn in the following form, viz: "You, ——— ———, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and ——— ———, shall be the truth, the whole truth, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person.

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Form of a subpœna to be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel.

To ——— ———, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the —— day of ———, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached ——— ———.

Fail not.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

Form of direction for the service of said subpœna.

The Senate of the United States to ——— ———, greeting:

You are hereby commanded to serve and return the within subpœna according to law.

Dated at Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Secretary of the Senate.

Form of oath to be administered to the members of the Senate sitting in the trial of impeachments.

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——— ———, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

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Form of summons to be issued and served upon the person impeached.

THE UNITED STATES OF AMERICA, *ss:*

The Senate of the United States to ——— ———, greeting:

Whereas the House of Representatives of the United States of America did, on the —— day of ———, exhibit to the Senate articles of impeachment against you, the said ——— ———, in the words following:

[Here insert the articles.]

And demand that you, the said ——— ———, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice;

You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the —— day of ———, at 12.30 o'clock afternoon, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ——— ———, and Presiding Officer of the said Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the independence of the United States the ———.

——— ———,

Presiding Officer of the Senate.

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Form of precept to be indorsed on said writ of summons.

THE UNITED STATES OF AMERICA, *ss:*

The Senate of the United States to ——— ———, greeting:

You are hereby commanded to deliver to and leave with ——— ———, if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least —— days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

———— ————,
Presiding Officer of the Senate.

All process shall be served by the Sergeant-at-Arms of the Senate, unless otherwise ordered by the court.

XXV. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

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THE CONSTITUTION OF THE UNITED STATES OF AMERICA.*

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Decisions of the Supreme Court of the United States relating to the preamble are:

Chisholm *v.* Georgia, 2 Dall., 419; McCulloch *v.* State of Maryland et al., 4 Wh., 316; Brown et al. *v.* Maryland, 12 Wh., 419, Barron *v.* The Mayor and City Council of Baltimore, 7 Pet., 243; Dred Scott *v.* Sandford, 19 Howard, 393; Lane County *v.* Oregon, 7 Wall., 71; Texas *v.* White et al., 7 Wall., 700; Claflin *v.* Houseman, assignee, 93 U. S., 130; Williams *v.* Bruffy, 96 U. S., 176; Tennessee *v.* Davis, 100 U. S., 257; Langford *v.* United States, 101 U. S., 341; United States *v.* Jones, 109 U. S., 513; Fort Leavenworth Railroad Co. *v.* Lowe, 114 U. S., 525; The Chinese Exclusion Case, 130 U. S., 581; Geofroy *v.* Riggs, 133 U. S., 258; In re Neagle, 135 U. S., 1; In re Ross, 140 U. S., 453; Logan *v.* United States, 144 U. S., 263; Lascelles *v.* Georgia, 148 U. S., 537; In re Tyler, 149 U. S., 164; Fong Yue Ting *v.* United States, 149 U. S., 698; United States *v.* E. C. Knight Co., 156 U. S., 1; Mattox *v.* United States, 156 U. S., 237, In re Quarles and Butler, 158 U. S., 532; In re Debs, Petitioner, 158 U. S., 564; Ward *v.* Race Horse, 163 U. S., 504; De Lima *v.* Bidwell, 182 U. S., 1; Prout *v.* Starr, 188 U. S., 537; Jacobson *v.* Massachusetts, 197 U. S., 11; South Carolina *v.* United States, 199 U. S., 437; Ellis *v.* U. S., 206 U. S., 246; Dick *v.* U. S., 208 U. S., 340; Muller *v.* Oregon, 208 U. S., 412.

* In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the

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ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Hayburn's Case (notes), 2 Dall., 409; Field *v.* Clark, 143 U. S., 649; Union Bridge Co. *v.* United States, 204 U. S., 364; United States *v.* Heinszen, 206 U. S., 370; St. Louis & Iron Mountain Railway *v.* Taylor, 210 U. S., 281; Monongahela Bridge Co. *v.* United States, 216 U. S., 177; United States *v.* Grimaud, 216 U. S., 614; Muskrat *v.* United States, 219 U. S., 346; Johannessen *v.* United States, 225 U. S., 227.

SECTION 2. [1]The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Ex parte Yarbrough, 110 U. S., 651; in re Green, 134 U. S., 377; Wiley *v.* Sinkler, 179 U. S., 58.

[2]No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3]*[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]

Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act,

*The part included in brackets is amended by the fourteenth amendment, second section, p. 242.

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The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

The last apportionment, under the act of 1911, was made on the basis of one Representative for 211,877 of population, and one for each major fraction thereof.

Dred Scott *v.* Sandford, 19 Howard, 393; Veazie Bank *v.* Fenno, 8 Wall., 533; Scholey *v.* Rew, 23 Wall., 331; De Treville *v.* Smalls, 98 U. S., 517; Gibbons *v.* District of Columbia, 116 U. S., 404; Pollock *v.* Farmers' Loan & Trust Co. (Income Tax case), 157 U. S., 429; Pollock *v.* Farmers' Loan & Trust Co. (Rehearing), 158 U. S., 601; Thomas *v.* United States, 192 U. S., 363.

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relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the

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[4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. [1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.]*

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments * [until the next Meeting of the Legislature, which shall then fill such Vacancies].

Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the

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*The parts included in brackets is amended by the seventeenth amendment, page 244.

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[3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5] The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

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proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1789. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

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[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Ex parte Siebold, 100 U. S., 371; Ex parte Clarke, 100 U. S., 399; Ex parte Yarbrough, 110 U. S., 651; United States *v.* Waddell et al., 112 U. S., 76; In re Coy, 127 U. S., 731.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [1] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

In re Loney, 134 U. S., 372, United States *v.* Ballin, 144 U. S., 1

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Anderson *v.* Dunn, 6 Wh., 204; Kilbourn *v.* Thompson, 103 U. S., 168; U. S. *v.* Ballin, 144 U. S., 1; In re Chapman, 166 U. S., 661.

[3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays

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of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Coxe *v.* McClenachan, 3 Dall., 478; Kilbourn *v.* Thompson, 103 U. S., 168; Williamson *v.* U. S., 207 U. S., 425.

[2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Field *v.* Clark, 143 U. S., 649; Twin City Bank *v.* Nebeker, 167 U. S., 196; Millard *v.* Roberts, 202 U. S., 429; Flint *v.* Stone Tracy Co., 220 U. S., 107; Rainey *v.* United States, 232 U. S., 310.

[2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objec-

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tions to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Field *v.* Clark, 143 U. S., 649; United States *v.* Ballin, 144 U. S., 1; Fourteen Diamond Rings *v.* United States, 183 U. S., 176.

SECTION 8. The Congress shall have Power [1] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Hylton *v.* United States, 3 Dall., 171; McCulloch *v.* State of Maryland, 4 Wh., 316; Loughborough *v.* Blake, 5 Wh., 317; Osborn

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v. Bank of the United States, 9 Wh., 738; Weston et al. *v.* City Council of Charleston, 2 Pet., 449; Dobbins *v.* The Commissioners of Erie County, 16 Pet., 435; License Cases, 5 How., 504; Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; McGuire *v.* The Commonwealth, 3 Wall., 387; Van Allen *v.* The Assessors, 3 Wall., 573; Bradley *v.* The People, 4 Wall., 459; License Tax Cases, 5 Wall., 462; Pervear *v.* The Commonwealth, 5 Wall., 475; Woodruff *v.* Parham, 8 Wall., 123; Hinson *v.* Lott, 8 Wall., 148; Veazie Bank *v.* Fenno, 8 Wall., 533; The Collector *v.* Day, 11 Wall., 113; United States *v.* Singer, 15 Wall., 111; State Tax on Foreign-held Bonds, 15 Wall., 300; United States *v.* Railroad Company, 17 Wall., 322; Railroad Company *v.* Peniston, 18 Wall., 5; Scholey *v.* Rew, 23 Wall., 331; Springer *v.* United States, 102 U. S., 586; Legal Tender Case, 110 U. S., 421; California *v.* Central Pacific Railroad Co., 127 U. S., 1; Ratterman *v.* Western Union Telegraph Co., 127 U. S., 411; Leloup *v.* Port of Mobile, 127 U. S., 640; Field *v.* Clark, 143 U. S., 649; Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; United States *v.* Realty Co., 163 U. S., 427; Nicol *v.* Ames, 173 U. S., 509; Knowlton *v.* Moore, 178 U. S., 41; De Lima *v.* Bidwell, 182 U. S., 1; Dooley *v.* United States, 182 U. S., 222; Downes *v.* Bidwell, 182 U. S., 244; Fourteen Diamond Rings *v.* United States, 183 U. S., 176; Felsenheld *v.* United States, 186 U. S., 126; Thomas *v.* United States, 192 U. S., 363; Spreckels Sugar Refining Co. *v.* McClain, 192 U. S., 397; Binns *v.* United States, 194 U. S., 486; South Carolina *v.* United States, 199 U. S., 437; Kansas *v.* Colorado, 206 U. S., 46; Flaherty *v.* Hanson, 215 U. S., 515; Hooe *v.* U. S., 218 U. S., 322; Flint *v.* Stone Tracy Co., 220 U. S., 107; Billings *v.* United States, 232 U. S., 261; United States *v.* Goelet, 232 U. S., 293; United States *v.* Bennett, 232 U. S., 299; Rainey *v.* United States, 232 U. S., 310.

[2] To borrow money on the credit of the United States;

McCulloch *v.* The State of Maryland, 4 Wh., 316; Weston et al. *v.* The City Council of Charleston, 2 Pet., 449; Bank of Commerce *v.* New York City, 2 Black, 620; Bank Tax Cases, 2 Wall., 200; The Banks *v.* The Mayor, 7 Wall., 16; Bank *v.* Supervisors, 7 Wall., 26; Hepburn *v.* Griswold, 8 Wall., 603; National Bank *v.* Commonwealth, 9 Wall., 353; Parker *v.* Davis, 12 Wall., 457; Legal Tender Case, 110 U. S., 421; Home Insurance Company *v.* New York, 134 U. S., 594; Home Savings Bank *v.* Des Moines, 205 U. S., 503.

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Gibbons *v.* Ogden, 9 Wh., 1; Brown et als. *v.* State of Maryland, 12 Wh., 419; Wilson et al. *v.* Black Bird Creek Marsh Company, 2 Pet., 245; Worcester *v.* The State of Georgia, 6 Pet., 515; City of New York *v.* Miln, 11 Pet., 102; United States *v.* Coombs, 12 Pet., 72; Holmes *v.* Jennison et al., 14 Pet., 540; License Cases, 5 How., 504; Passenger Cases, 7 How., 283; Nathan *v.* Louisiana, 8 How., 73; Mager *v.* Grima et al., 8 How., 490; United States *v.* Marigold, 9 How., 560; Cowley *v.* Board of Wardens of Port of Philadelphia, 12 How. 299; The Propeller Genesee Chief et al. *v.* Fitz-

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hugh et al., 12 How., 443; State of Pennsylvania *v.* The Wheeling Bridge Co., 13 How., 518; Veazie et al. *v.* Moore, 14 How., 568; Smith *v.* State of Maryland, 18 How., 71; State of Pennsylvania *v.* The Wheeling and Belmont Bridge Co. et al., 18 How., 421; Sinnitt *v.* Davenport, 22 How., 227; Foster et al. *v.* Davenport et al., 22 How., 244; Conway et al. *v.* Taylor's Ex., 1 Black, 603; United States *v.* Holliday, 3 Wall., 407; Gilman *v.* Philadelphia, 3 Wall., 713; The Passaic Bridges, 3 Wall., 782; Steamship Company *v.* Port Wardens, 6 Wall., 31; Crandall *v.* State of Nevada, 6 Wall., 35; White's Bank *v.* Smith, 7 Wall., 646; Waring *v.* The Mayor, 8 Wall., 110; Paul *v.* Virginia, 8 Wall., 168; Thomson *v.* Pacific Railroad, 9 Wall., 579; Downham et al. *v.* Alexandria Council, 10 Wall., 173; The Clinton Bridge, 10 Wall., 454; The Daniel Ball, 10 Wall., 557; Liverpool Insurance Company *v.* Massachusetts, 10 Wall., 566; The Montello, 11 Wall., 411; Ex parte McNiel, 13 Wall., 236; State Freight Tax, 15 Wall., 232; State Tax on Railway Gross Receipts, 15 Wall., 284; Osborn *v.* Mobile, 16 Wall., 479; Railroad Company *v.* Fuller, 17 Wall., 560; Bartemeyer *v.* Iowa, 18 Wall., 129; The Delaware Railroad Tax, 18 Wall., 206; Peete *v.* Morgan, 19 Wall., 581; Railroad Company *v.* Richmond, 19 Wall., 584; B. and O. R. R. Co. *v.* Maryland, 21 Wall., 456; The Lottawanna, 21 Wall., 558; Henderson et al. *v.* The Mayor of the City of New York, 92 U. S., 259; Chy Lung *v.* Freeman et al., 92 U. S., 275; South Carolina *v.* Georgia et al., 93 U. S., 4; Sherlock et al. *v.* Alling, adm., 93 U. S., 99; United States *v.* Forty-three Gallons of Whisky, etc., 93 U. S., 188; Foster *v.* Master and Wardens of the Port of New Orleans, 94 U. S., 246; Railroad Co. *v.* Husen, 95 U. S., 465; Pensacola Tel. Co. *v.* W. U. Tel. Co., 96 U. S., 1; Beer Co. *v.* Massachusetts, 97 U. S., 25; Cook *v.* Pennsylvania, 97 U. S., 566; Packet Co. *v.* St. Louis, 100 U. S., 423; Wilson *v.* McNamee, 102 U. S., 572; Moran *v.* New Orleans, 112 U. S., 69; Head Money Cases, 112 U. S., 580; Cooper Mfg. Co. *v.* Ferguson, 113 U. S., 727; Gloucester Ferry Co. *v.* Pennsylvania, 114 U. S., 196; Brown *v.* Houston, 114 U. S., 622; Walling *v.* Michigan, 116 U. S., 446; Pickard *v.* Pullman Southern Car Co., 117 U. S., 34; Tennessee *v.* Pullman Southern Car Co., 117 U. S., 51; Spraigue *v.* Thompson, 118 U. S., 90; Morgan *v.* Louisiana, 118 U. S., 455; Wabash, St. Louis and Pacific Ry. *v.* Illinois, 118 U. S., 557; Huse *v.* Glover, 119 U. S., 543; Robbins *v.* Shelby Co. Taxing Dist., 120 U. S., 489; Corson *v.* Maryland, 120 U. S., 502; Barron *v.* Burnside, 121 U. S., 186; Fargo *v.* Michigan, 121 U. S., 230; Ouachita Packet Co. *v.* Aiken, 121 U. S., 444; Phila. and Southern S. S. Co. *v.* Penna., 122 U. S., 326; W. U. Tel. Co. *v.* Pendleton, 122 U. S., 347; Sands *v.* Manistee River Imp. Co., 123 U. S., 288; Smith *v.* Alabama, 124 U. S., 465; Willamette Iron Bridge Co. *v.* Hatch, 125 U. S., 1; Pembina Mine Co. *v.* Penna., 125 U. S., 181; Bowman *v.* Chicago Northwestern Rwy. Co., 125 U. S., 465; Western Union Tel. Co. *v.* Mass., 125 U. S., 530; California *v.* Central Pacific R. R. Co., 127 U. S., 1; Leloup *v.* Port of Mobile, 127 U. S., 640; Kidd *v.* Pearson, 128 U. S., 1; Asher *v.* Texas, 128 U. S., 129; Stoutenberg *v.* Hennick, 129 U. S., 141; Western Union Tel. Co. *v.* Alabama, 132 U. S., 472; Fritts *v.* Palmer, 132 U. S., 282; Louisville, N. O., &c., Railway *v.* Mississippi, 133 U. S., 587; Leisy *v.* Hardin, 135 U. S., 100; Lyng *v.* Michigan, 135 U. S., 161; Cherokee Nation *v.* Kansas Railway Co., 135 U. S., 641; McCall *v.* California, 136 U. S. 104; Norfolk & Western R. Rd. *v.* Pennsylvania,

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[4] To establish an uniform Rule of Naturalization,[1] and uniform Laws on the subject of Bankruptcies throughout the United States;[2]

[2] Sturges *v.* Crowninshield, 4 Wh., 122; [2] McMillan *v.* McNeil, Wh., 209; [2] Farmers and Mechanics' Bank, Pennsylvania, *v.* Smith, 6 Wh., 131; [2] Ogden *v.* Saunders, 12 Wh., 213; [2] Boyle *v.* Zacharie and Turner, 6 Pet., 348; [1] Gassies *v.* Ballon, 6 Pet., 761; [2] Beers et al. *v.* Haughton, 9 Pet., 329; [2] Suydam et al. *v.* Broadnax, 14 Pet.,

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67; [2]Cook *v.* Moffat et al., 5 How., 295; [1]Dred Scott *v.* Sandford, 19 How., 393; [1]Nishimura Ekiu *v.* U. S., 142 U. S., 651; [2]Hanover Bank *v.* Moyses, 186 U. S., 181; [1]Holmgren *v.* U. S., 217 U. S., 509; Johannessen *v.* U. S., 225 U. S. 227; Luria *v.* United States, 231 U. S., 9.

[5]To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Briscoe *v.* The Bank of the Commonwealth of Kentucky, 11 Pet., 257; Fox *v.* The State of Ohio, 5 How., 410; United States *v.* Marigold, 9 How., 560; Ling Su Pan *v.* U. S., 218 U. S., 302.

[6]To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Fox *v.* Ohio, 5 How., 410; U. S. *v.* Marigold, 9 How., 560.

[7]To establish Post Offices and post Roads;

State of Pennsylvania *v.* The Wheeling and Belmont Bridge Company, 18 How., 421; Pensacola Telegraph Co. *v.* W. U. Tel. Co., 96 U. S., 1; Ex Parte Jackson, 96 U. S., 727; In re Rapier, 143 U. S., 110; Horner *v.* U. S., 143 U. S., 207; In re Debs, Petitioner, 158 U. S., 564; Illinois Central Railroad Co. *v.* Illinois, 163 U. S., 142; Gladson *v.* Minnesota, 166 U. S., 427; Public Clearing House *v.* Coyne, 194 U. S., 497; W. U. Tel. Co. *v.* P. R. R. Co., 185 U. S., 540; Martin *v.* Pittsburg & Lake Erie R. R. Co., 203 U. S., 284; Mississippi R. R. Commission *v.* Ills. C. R. R. Co., 203 U. S., 335; Rearick *v.* Penn., 203 U. S., 507; N. Y. ex rel. Hatch *v.* Reardon, 204 U. S., 152; Delamater *v.* So. Dak., 205 U. S., 93; Iroquois Co. *v.* De Laney Co., 205 U. S., 354; Adams Ex. Co. *v.* Ky., 206 U. S., 129–139; Battle *v.* U. S., 209 U. S., 36.

[8]To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Grant et al. *v.* Raymond, 6 Pet., 218; Wheaton et al. *v.* Peters et al., 8 Pet., 591; Trade-mark Cases, 100 U. S., 82; Burrow Giles Lithographic Co. *v.* Sarony, 111 U. S., 53; United States *v.* Duell, 172 U. S., 576; Allen *v.* Riley, 203 U. S., 347; Martin *v.* Pittsburg & Lake Erie R. R. Co., 203 U. S., 284; Bobbs-Merrill Co. *v.* Straus, 210 U. S., 339; Continental Paper Bag Co. *v.* Easton Paper Bag Co., 210 U. S., 405; Hills & Co., Ltd. *v.* Hoover, 220 U. S., 329; Ubeda *v.* Zialcita, 226 U. S., 452.

[9]To constitute Tribunals inferior to the supreme Court;

[10]To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

U. S. *v.* Palmer, 3 Wh., 610; U. S. *v.* Wiltberger, 5 Wh., 76; U. S. *v.* Smith, 5 Wh., 153; U. S. *v.* Pirates, 5 Wh., 184; U. S. *v.* Arizona, 120 U. S., 479.

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[11] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Brown *v.* United States, 8 Cr., 110; American Insurance Company et al. *v.* Canter (356 bales cotton), 1 Pet., 511; Mrs. Alexander's Cotton, 2 Wall., 404; Miller *v.* United States, 11 Wall., 268; Tyler *v.* Defrees, 11 Wall., 331; Stewart *v.* Kahn, 11 Wall., 493; Hamilton *v.* Dillon, 21 Wall., 73; Lamar, ex., *v.* Browne et al., 92 U. S., 187; Mayfield *v.* Richards, 115 U. S., 137; The Chinese Exclusion Cases, 130 U. S., 581; Mormon Church *v.* United States, 136 U. S., 1; Nishimura Ekiu *v.* The United States, 142 U. S., 651.

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Crandall *v.* State of Nevada, 6 Wall., 35; Nishimura Ekiu *v.* The United States, 142 U. S., 651.

[13] To provide and maintain a Navy;

United States *v.* Bevans, 3 Wh., 336; Dynes *v.* Hoover, 20 How., 65.

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1; Crandall *v.* State of Nevada, 6 Wall., 35; Texas *v.* White, 7 Wall., 700.

[16] To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1; Presser *v.* Illinois, 116 U. S., 252.

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress,

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become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

Hepburn et al. *v.* Ellzey, 2 Cr., 444; Loughborough *v.* Blake, 5 Wh., 317; Cohens *v.* Virginia, 6 Wh., 264; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Kendall, Postmaster-General, *v.* The United States, 12 Pet., 524; United States *v.* Dewitt, 9 Wall., 41; Dunphy *v.* Kleinsmith et al., 11 Wall., 610; Willard *v.* Presbury, 14 Wall., 676; Kohl et al. *v.* United States, 91 U. S., 367; Phillips *v.* Payne, 92 U. S., 130; United States *v.* Fox, 94 U. S., 315; National Bank *v.* Yankton County, 101 U. S., 129; Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 525; Gibbons *v.* District of Columbia, 116 U. S., 404; Van Brocklin *v.* State of Tennessee, 117 U. S., 151; Stoutenburgh *v.* Hennick, 129 U. S., 141; Geofroy *v.* Riggs, 133 U. S., 258; Benson *v.* United States, 146 U. S., 325; Shoemaker *v.* United States, 147 U. S., 282; Chappell *v.* United States, 160 U. S., 499; Ohio *v.* Thomas, 173 U. S., 276; Wight *v.* Davidson, 181 U. S., 371; Battle *v.* United States, 209 U. S., 36; Western Union Telegraph Co. *v.* Chiles, 214 U. S., 274; El Paso & Northeastern Ry. Co. *v.* Gutierrez, 215 U. S., 87.

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

McCulloch *v.* The State of Maryland, 4 Wh., 316; Wayman *v.* Southard, 10 Wh., 1; Bank of United States *v.* Halstead, 10 Wh., 51; Hepburn *v.* Griswold, 8 Wall., 603; National Bank *v.* Commonwealth, 9 Wall., 353; Thomson *v.* Pacific Railroad, 9 Wall., 579; Parker *v.* Davis, 12 Wall., 457; Railroad Company *v.* Johnson, 15 Wall., 195; Railroad Company *v.* Peniston, 18 Wall., 5; United States *v.* Fox, 95 U. S., 670; United States *v.* Hall, 98 U. S., 343; Tennessee *v.* Davis, 100 U. S., 257; Ex parte Curtis, 106 U. S., 371; Legal Tender Case, 110 U. S., 421; In re Coy, 127 U. S., 731; Stoutenburgh *v.* Hennick, 129 U. S., 141; Chinese Ex. Case, 130 U. S., 581; Crenshaw *v.* United States, 134 U. S., 99; In re Neagle, 135 U. S., 1; Cherokee Nation *v.* Southern Kansas R. R., 135 U. S., 641; St. Paul, Minneapolis & Manitoba Ry. Co. *v.* Phelphs, 137 U. S., 528; Nishimura Ekiu *v.* The United States, 142 U. S., 651; Homer *v.* United States, 143 U. S., 570; Field *v.* Clark, 143 U. S., 649; Logan *v.* United States, 144 U. S., 263; Fong-Yue Ting *v.* United States, 149 U. S., 698; Lees *v.* United States, 150 U. S., 476; Luxton *v.* North River Bridge Co., 153 U. S., 529; Erie R. Rd. *v.* Penna., 153 U. S., 628; Postal Tel. Cable Co. *v.* Charleston, 153 U. S., 692; Interstate Com. Com. *v.* Brimson, 154 U. S., 447; Clune *v.* United

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SECTION 9. [1]The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Dred Scott *v.* Sanford, 19 How., 393; Oceanic Navigation Co. *v.* Stranahan, 214 U. S., 320.

[2]The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

United States *v.* Hamilton, 3 Dall., 17; Hepburn et al. *v.* Ellzey, 2 Cr., 445; Ex parte Bollman and Swartwout, 4 Cr., 75; Ex parte Kearney, 7 Wh., 38; Ex parte Tobias Watkins, 3 Pet., 192; Ex parte Milburn, 9 Pet., 704; Holmes *v.* Jennison et al., 14 Pet., 540; Ex parte Dorr, 3 How., 103; Luther *v.* Borden, 7 How., 1; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Ex parte Vallandigham, 1 Wall., 243; Ex parte Mulligan, 4 Wall., 2; Ex parte McCardle, 7 Wall., 506; Ex parte Yerger, 8 Wall., 85; Tarble's Case, 13 Wall., 397; Ex parte Lange, 18 Wall., 163; Ex parte Parks, 93 U. S., 18; Ex parte Karstendick, 93 U. S., 396; Ex parte Virginia, 100 U. S., 339; In re Neagle, 135 U. S., 1; In re Duncan, 139 U. S., 449; In re Frederick, 149 U. S., 70; United States *v.* Sing Tuck, 194 U. S., 161; United States *v.* Ju Toy. 198 U. S., 253; Carfer *v.* Caldwell, 200 U. S., 293; Fisher *v.* Baker, 203 U. S., 174; McNichols *v.* Pease, 207 U. S., 100; Armour Packing Co. *v.* United States, 209 U. S., 56; Henry *v.* Henkel, 235 U. S., 219.

[3]No Bill of Attainder or ex post facto Law shall be passed.

Fletcher *v.* Peck, 6 Cr., 87; Ogden *v.* Saunders, 12 Wh., 213; Watson et al. *v.* Mercer, 8 Pet., 88; Carpenter et al. *v.* Commonwealth of Pennsylvania, 17 How., 456; Locke *v.* New Orleans, 4 Wall., 172; Cummings *v.* The State of Missouri, 4 Wall., 277; Ex parte Garland, 4 Wall., 333; Drehman *v.* Stifle, 8 Wall., 595; Klinger *v.* State of Missouri, 13 Wall., 257; Pierce *v.* Carskadon, 16 Wall., 234; Hopt *v.* Utah, 110 U. S., 547; Holden *v.* Minnesota, 137 U. S., 483; Cook *v.* United States, 138 U. S., 157; Neely *v.* Henkel (No. 1), 180 U. S., 109; Southwestern Coal Co. *v.* McBride, 185 U. S., 499; Delamater *v.* South Dakota, 205 U. S., 93; Johannessen *v.* U. S., 225 U. S., 227; Bugajewitz *v.* Adams, 228 U. S., 585; Luria *v.* United States, 231 U. S., 9.

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*[4] No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

License Tax Cases, 5 Wall., 462; Springer *v.* United States, 102 U. S., 586; Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; Nicol *v.* Ames, 173 U. S., 509; Thomas *v.* United States, 192 U. S., 363; Spreckles Sugar Refining Co. *v.* McClain, 192 U. S., 397; South Carolina *v.* United States, 199 U. S., 437; Rainey *v.* United States, 232 U. S., 310.

[5] No Tax or Duty shall be laid on Articles exported from any State.

Cooley *v.* Board of Wardens of Port of Philadelphia, 12 How., 299; Pace *v.* Burgess, collector, 92 U. S., 372; Turpin *v.* Burgess, 117 U. S., 504; Pittsburg & Southern Coal Co. *v.* Bates, 156 U. S., 577; Nichols *v.* Ames, 173 U. S., 509; Williams *v.* Fears, 179 U. S., 270; De Lima *v.* Bidwell, 182 U. S., 1; Dooley *v.* United States, 183 U. S., 151; Fourteen Diamond Rings *v.* United States, 183 U. S., 176; Cornell *v.* Coyne, 192 U. S., 418; South Carolina *v.* United States, 199 U. S., 437; Armour Packing Co. *v.* United States, 209 U. S., 56; United States *v.* Hvoslef, 237 U. S., 1; Thames & Mersey Ins. Co. *v.* United States, 237 U. S., 19.

[6] No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; State of Pennsylvania *v.* Wheeling and Belmont Bridge Company et al., 18 How., 421; Munn *v.* Illinois, 94 U. S., 113; Packet Co. *v.* St. Louis, 100 U. S., 423; Packet Co. *v.* Catlettsburg, 105 U. S., 559; Spraigue *v.* Thompson, 118 U. S., 90; Morgan *v.* Louisiana, 118 U. S., 455; Johnson *v.* Chicago & Pacific Elevator Co., 119 U. S., 388; South Carolina *v.* United States, 199 U. S, 437; Armour Packing Co. *v.* United States, 209 U. S., 56.

[7] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of

*See also the sixteenth amendment, page 56.

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any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. [1]No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit;[1] make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,[3] or Law impairing the Obligation of Contracts,[4] or grant any Title of Nobility.

[2]Calder and Wife *v.* Bull and Wife, 3 Dall., 386; [3]Fletcher *v.* Peck, 6 Cr., 87; [3]State of New Jersey *v.* Wilson, 7 Cr., 164; [3]Sturgis *v.* Crowninshield, 4 Wh., 122; [3]McMillan *v.* McNeil, 4 Wh., 209; [3]Dartmouth College *v.* Woodward, 4 Wh., 518; [3]Owings *v.* Speed, 5 Wh., 420; [3]Farmers and Mechanics' Bank *v.* Smith, 6 Wh., 131; [3]Green et al. *v.* Biddle, 8 Wh., 1; [3]Ogden *v.* Saunders, 12 Wh., 213; [3]Mason *v.* Haile, 12 Wh., 370; [3]Satterlee *v.* Matthewson, 2 Pet., 380; [3]Hart *v.* Lamphire, 3 Pet., 280; [1]Craig et al. *v.* State of Missouri, 4 Pet., 410; [3]Providence Bank *v.* Billings and Pitman, 4 Pet., 514; [1]Byrne *v.* State of Missouri, 8 Pet., 40; [2]Watson *v.* Mercer, 8 Pet., 88; [3]Mumma *v.* Potomac Company, 8 Pet., 281; [3]Beers *v.* Haughton, 9 Pet., 329; [1]Briscoe et al. *v.* The Bank of the Commonwealth of Kentucky, 11 Pet., 257; [3]The Proprietors of Charles River Bridge *v.* The Proprietors of Warren Bridge, 11 Pet., 420; [3]Armstrong *v.* The Treasurer of Athens Company, 16 Pet., 281; [3]Bronson *v.* Kinzie et al., 1 How., 311; [3]McCracken *v.* Hayward, 2 How., 608; [3]Gordon *v.* Appeal Tax Court, 3 How., 133; [3]State of Maryland *v.* Baltimore and Ohio R. R. Co., 3 How., 534; [3]Neil, Moore & Co. *v.* State of Ohio, 3 How., 720; [3]Cook *v.* Moffatt, 5 How., 295; [3]Planters' Bank *v.* Sharp et al., 6 How., 301; [3]West River Bridge Company *v.* Dix et al., 6 How., 507; [3]Crawford et al. *v.* Branch Bank of Mobile, 7 How., 279; [3]Woodruff *v.* Trapnall, 10 How., 190; [3]Paup et al. *v.* Drew, 10 How., 218; [2,3]Baltimore and Susquehanna R. R. Co. *v.* Nesbitt et al., 10 How., 395; [3]Butler et al. *v.* Pennsylvania, 10 How., 402; [1]Darrington et al. *v.* The Bank of Alabama, 13 How., 12; [3]Richmond, etc., R. R. Co. *v.* The Louise R. R. Co., 13 How., 71; [3]Trustees for Vincennes University *v.* State of Indiana, 14 How., 268; [3]Curran *v.* State of Arkansas et al., 15 How., 304; [3]State Bank of Ohio *v.* Knoop, 16 How., 369; [2]Carpenter et al. *v.* Commonwealth of Pennsylvania, 17 How., 456; [3]Dodge *v.* Woolsey, 18 How., 331; [3]Beers *v.* State of Arkansas, 20 How., 527; [3]Aspinwall et al. *v.* Commissioners of County of Daviess, 22 How., 364; [3]Rector of Christ Church, Philadelphia, *v.* County of Philadelphia, 24 How., 300; [3]Howard *v.* Bugbee, 24 How., 461; [3]Jefferson Branch Bank *v.* Skelley, 1 Black, 436; [3]Franklin Branch Bank *v.* State of Ohio, 1 Black, 474; [3]Trustees of the Wabash and Erie Canal Company *v.* Beers, 2 Black, 448; [3]Gilman *v.* City of Sheboygan, 2 Black, 510; [3]Bridge Proprietors *v.* Hoboken Company, 1 Wall., 116; [3]Hawthorne *v.* Calef, 2 Wall., 10; [3]The Binghamton Bridge, 3 Wall., 51; [3]The Turnpike Company *v.* The State, 3 Wall., 210; [2]Locke *v.* City of New Orleans,

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Payers *v.* Sewerage Board, 237 U. S., 33; Malloy *v.* South Carolina, 237 U. S., 180; Frank *v.* Mangum, 237 U. S., 309.

[2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

McCulloch *v.* Md., 4 Wh., 316; Gibbons *v.* Ogden, 9 Wh., 1; Brown *v.* Md., 12 Wh., 419; Mager *v.* Grima et al., 8 How., 490; Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; Almy *v.* Cal., 24 How., 169; License Tax Cases, 5 Wall., 462; Crandall *v.* State of Nevada, 6 Wall., 35; Waring *v.* The Mayor, 8 Wall., 110; Woodruff *v.* Perham, 8 Wall., 123; Hinson *v.* Lott, 8 Wall., 148; State Tonnage Tax Cases, 12 Wall., 204; State Tax on Railway Gross Receipts, 15 Wall., 284; Inman S. S. Co. *v.* Tinker, 94 U. S., 238; Cook *v.* Pa., 97 U. S., 566; Packet Co. *v.* Keokuk, 95 U. S., 80; Turner *v.* Md., 107 U. S., 38; People *v.* Compagnie Générale Transatlantique, 107 U. S., 59; Brown *v.* Houston, 114 U. S., 622; Coe *v.* Errol, 116 U. S., 517; Turpin *v.* Burgess, 117 U. S., 504; Pittsburgh & So. Coal Co. *v.* Bates, 156 U. S., 577; Pittsburgh & So. Coal Co. *v.* La., 156 U. S., 590; Scott *v.* Donald, 165 U. S., 58; Patapsco Guano Co. *v.* N. C., 171 U. S., 345; May & Co. *v.* New Orleans, 178 U. S., 496; Dooley *v.* U. S., 183 U. S., 151; Cornell *v.* Coyne, 192 U. S., 418; Am. Steel & Wire Co. *v.* Speed, 192 U. S., 500; D., L. & W. R. R. Co. *v.* Pa., 198 U. S., 341; New Mexico ex rel. McLean *v.* Denver & R. G. R. R. Co., 203 U. S., 38; N. Y. ex rel. Burke *v.* Wells, 208 U. S., 14; Selliger *v.* Ky., 213 U. S., 200; Farmers Bank *v.* Minnesota, 232 U. S., 516; Mutual Film Corp. *v.* Kansas, 236 U. S., 248.

[3] No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Green *v.* Biddle, 8 Wh., 1; Poole et al. *v.* The Lessee of Fleeger et al., 11 Pet., 185; Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; Peete *v.* Morgan, 19 Wall., 581; Cannon *v.* New Orleans, 20 Wall., 577; Inman S. S. Co. *v.* Tinker, 94 U. S., 238; Packet Co. *v.* Keokuk, 95 U. S., 80; Transportation Co. *v.* Wheeling, 99 U. S., 273; Packet Co. *v.* St. Louis, 100 U. S., 423; Vicksburg *v.* Tobin, 100 U. S., 430; Packet Co. *v.* Catlettsburg, 105 U. S., 559; Wiggins Ferry Co. *v.* East St. Louis, 107, U. S., 365; Transportation Co. *v.* Parkersburg, 107 U. S., 691; Presser *v.*

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Illinois, 116 U. S., 252; Morgan *v.* La., 118 U. S., 455; Huse *v.* Glover, 119 U. S., 543; Ouachita Packet Co. *v.* Aiken, 121 U. S., 444; Indiana *v.* Ky., 136 U. S., 479; Harmon *v.* Chicago, 147 U. S., 396; Va. *v.* Tenn., 148 U. S., 503; Wharton *v.* Wise, 153 U. S., 155; St. L., &c., Ry. Co. *v.* James, 161 U. S., 545; North Carolina *v.* Tennessee, 235 U. S., 1.

ARTICLE II.

SECTION 1. [1]The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

[2]Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Leitensdorfer et al. *v.* Webb, 20 How., 176; Ex parte Siebold, 100 U. S., 271; In re Green, 134 U. S., 377; McPherson *v.* Blacker, 146 U. S., 1.

*[The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be

*This paragraph has been superseded by the twelfth amendment, pages 233, 234.

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more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.]

[3]The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[4]No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

English *v.* The Trustees of the Sailors' Snug Harbor, 3 Pet., 99.

[5]In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

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[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429.

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

In re Neagle, 135 U. S., 1.

SECTION 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

United States *v.* Wilson, 7 Pet., 150; Ex parte William Wells, 18 How., 307; Ex parte Garland, 4 Wall., 333; Armstrong's Foundry, 6 Wall., 766; The Grape Shot, 9 Wall., 129; United States *v.* Padelford, 9 Wall., 542; United States *v.* Klein, 13 Wall., 128; Armstrong *v.* The United States, 13 Wall., 152; Pargoud *v.* The United States, 13 Wall., 156; Hamilton *v.* Dillin, 21 Wall., 73; Mechanics and Traders' Bank *v.* Union Bank, 22 Wall., 276; Lamar, ex., *v.* Browne et al., 92 U. S., 187; Wallach et al. *v.* Van Riswick, 92 U. S., 202; Eustis *v.* Bolles, 150 U. S., 361.

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint

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Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Ware *v.* Hylton et al., 3 Dall., 199; Marbury *v.* Madison, 1 Cr., 137; United States *v.* Kirkpatrick, 9 Wh., 720; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Foster and Elam *v.* Neilson, 2 Pet., 253; Cherokee Nation *v.* State of Georgia, 5 Pet., 1; Patterson *v.* Gwinn et al., 5 Pet., 233; Worcester *v.* State of Georgia, 6 Pet., 515; City of New Orleans *v.* De Armas et al., 9 Pet., 224; Holden *v.* Joy, 17 Wall., 211; United States *v.* Germaine, 99 U. S., 508; United States *v.* Corson, 114 U. S., 619; United States *v.* Perkins, 116 U. S., 483; United States *v.* Rauscher, 119 U. S., 407; Geofroy *v.* Riggs, 133 U. S., 258; Mormon Church *v.* United States, 136 U. S., 1; Horner *v.* United States, 143 U. S., 570; Field *v.* Clark, 143 U. S., 649; Shoemaker *v.* United Sates, 147 U. S., 282; Parsons *v.* United States, 167 U. S., 324; Rice *v.* Ames, 180 U. S., 371; De Lima *v.* Bidwell, 182 U. S., 1; Dooley *v.* United States, 182 U. S., 222. Downes *v.* Bidwell, 182 U. S., 244; Fourteen Diamond Rings *v.* United States, 183 U. S., 176; Dorr *v.* United States, 195 U. S., 138; Dick *v.* United States, 208 U. S., 340.

[3]The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

The United States *v.* Kirkpatrick et al., 9 Wh., 720.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Minis-

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ters; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Marbury *v.* Madison, 1 Cr., 137; Kendall, Postmaster-General; *v.* The United States, 12 Pet., 524; Luther *v.* Borden, 7 How., 1; The State of Mississippi *v.* Johnson, President, 4 Wall., 475; Stewart *v.* Kahn, 11 Wall., 493; In re Neagle, 135 U. S., 1.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Langford *v.* United States, 101 U. S., 341.

ARTICLE III.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Stuart *v.* Laird, 1 Cr., 299; United States *v.* Peters, 5 Cr., 115; Cohens *v.* Virginia, 6 Cr., 264; Martin *v.* Hunter's Lessee, 1 Wh., 304; Osborn *v.* United States Bank, 9 Wh., 738; Benner et al. *v.* Porter, 9 How., 235; The United States *v.* Ritchie, 17 How., 525; Murray's Lessee et al. *v.* Hoboken Land and Improvement Company, 18 How., 272; Ex parte Vallandigham, 1 Wall., 243; Pennoyer, *v.* Neff, 95 U. S., 714; United States *v.* Union Pacific Railroad Co., 98 U. S., 569; Mitchell *v.* Clark, 110 U. S., 633; Ames *v.* Kansas, 111 U. S., 449; In re Loney, 134 U. S., 373; In re Green, 134 U. S., 377; In re Ross, 140 U. S., 453; McAllister *v.* United States, 141 U. S., 174; Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; Robertson *v.* Baldwin, 165 U. S., 275; Downes *v.* Bidwell, 182 U. S., 244; Hanover National Bank *v.* Moyses, 186 U. S., 181; Turner *v.* Williams, 194 U. S., 279; Ex parte Wisner, 203 U. S., 449; Kansas *v.* Colorado, 206 U. S., 46.

SECTION 2. [1]The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be

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made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Hayburn's Case (note), 2 Dall., 410; Chisholm, ex., *v.* Georgia, 2 Dall., 419; Glass et al. *v.* Sloop Betsey, 3 Dall., 6; United States *v.* La Vengeance, 3 Dall., 297; Hollingsworth et al. *v.* Virginia, 3 Dall., 378; Mossman, ex., *v.* Higginson, 4 Dall., 12; Marbury *v.* Madison, 1 Cr., 137; Hepburn et al. *v.* Ellzey, 2 Cr., 444; United States *v.* Moore, 3 Cr., 159; Strawbridge et al. *v.* Curtiss et al., 3 Cr., 267; Ex parte Bollman and Swartwout, 4 Cr., 75; Rose *v.* Himely, 4 Cr., 241; Chappedelaine et al. *v.* Dechenaux, 4 Cr., 305; Hope Insurance Company *v.* Boardman et al., 5 Cr., 57; Bank of United States *v.* Devaux et al., 5 Cr., 61; Hodgson et al. *v.* Bowerbank et als., 5 Cr., 303; Owings *v.* Norwood's Lessee, 5 Cr., 344; Durousseau *v.* The United States, 6 Cr., 307; United States *v.* Hudson and Goodwin, 7 Cr., 32; Martin *v.* Hunter, 1 Wh., 304; Colson et al. *v.* Lewis, 2 Wh., 377; United States *v.* Bevans, 3 Wh., 336; Cohens *v.* Virginia, 6 Wh., 264; Ex parte Kearney, 7 Wh., 38; Matthews *v.* Zane, 7 Wh., 164; Osborn *v.* United States Bank, 9 Wh., 738; United States *v.* Ortega, 11 Wh., 467; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Jackson *v.* Twentyman, 2 Pet., 136; Cherokee Nation *v.* State of Georgia, 5 Pet., 1; State of New Jersey *v.* State of New York, 5 Pet., 283; Davis *v.* Packard et al., 6 Pet., 41; United States *v.* Arredondo et al., 6 Pet., 691; Davis *v.* Packard et al., 7 Pet., 276; Breedlove et al. *v.* Nickolet et al., 7 Pet., 413; Brown *v.* Keene, 8 Pet., 112; Davis *v.* Packard et al., 8 Pet., 312; City of New Orleans *v.* De Armas et al., 9 Pet., 224; The State of Rhode Island *v.* The Commonwealth of Massachusetts, 12 Pet., 657; The Bank of Augusta *v.* Earle, 13 Pet., 519; The Commercial and Railroad Bank of Vicksburg *v.* Slocomb et al., 14 Pet., 60; Suydam et al. *v.* Broadnax, 14 Pet., 67; Prigg *v.* The Commonwealth of Pennsylvania, 16 Pet., 530; Louisville, Cincinnati and Charleston Railway Company *v.* Letson, 2 How., 497; Cary et al. *v.* Curtis, 3 How., 235; Warring *v.* Clark, 5 How., 441; Luther *v.* Borden, 7 How., 1; Sheldon et al. *v.* Sill, 8 How., 441; The Propeller Genesee Chief *v.* Fitzhugh et al., 12 How., 443; Fretz et al. *v.* Ball et al., 12 How., 466; Neves et al. *v.* Scott et al., 13 How., 268; State of Pennsylvania *v.* The Wheeling, etc., Bridge Company et al., 13 How., 518; Marshall *v.* The Baltimore and Ohio R. R. Co., 16 How., 314; The United States *v.* Guthrie, 17 How., 284; Smith *v.* State of Maryland, 18 How., 71; Jones et al. *v.* League, 18 How.,

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185 U. S., 125; Swafford *v.* Templeton, 185 U. S., 487; Mobile Transportation Co. *v.* Mobile, 187 U. S., 479; Andrews *v.* Andrews, 188 U. S., 14; Hooker *v.* Los Angeles, 188 U. S., 314; Cummings *v.* Chicago, 188 U. S., 410; United States *v.* Lynah, 188 U. S., 445; Schaefer *v.* Werling, 188 U. S., 516; Northern Pacific Ry. Co. *v.* Soderberg, 188 U. S., 526; Hennessy *v.* Richardson Drug Co., 189 U. S., 25; The Roanoke, 189 U. S., 185; Detroit, &c., Ry, *v.* Osborn, 189 U. S., 383; Giles *v.* Harris, 189 U. S., 475; Patterson *v.* Bark Eudora, 190 U. S., 169; Continental National Bank *v.* Buford, 191 U. S., 119; Howard *v.* Fleming, 191 U. S., 126; Defiance Water Co. *v.* Defiance, 191 U. S., 184; Arbuckle *v.* Blackburn, 191 U. S., 405; Deposit Bank *v.* Frankfort, 191 U. S., 499; Spencer *v.* Duplan Silk Co., 191 U. S., 526; Wabash R. R. Co. *v.* Pearce, 192 U. S., 179; Rogers *v.* Alabama, 192 U. S., 226; South Dakota *v.* North Carolina, 192 U. S., 286; Bankers' Casualty Co. *v.* Minn , St. P., &c., Ry., 192 U. S., 371; Spreckels Sugar Refining Co. *v.* McClain, 192 U. S., 397; Underground Railroad *v.* City of New York, 193 U. S., 416; Minnesota *v.* Northern Securities Co., 194 U. S., 48; Pacific Electric Ry. Co. *v.* Los Angeles, 194 U. S., 112; Hooker *v.* Burr, 194 U. S., 415; Cleveland *v.* Cleveland City Ry. Co., 194 U. S., 517; Stevenson *v.* Fain, 195 U. S., 165; Madisonville Traction Co. *v.* St. Bernard Mining Co., 196 U. S., 239; Jacobson *v.* Massachusetts, 197 U. S., 11; Dawson *v.* Columbia Trust Co., 197 U. S., 178; Leonard *v.* Vicksburg, &c., R. R. Co., 198 U. S., 416; Farrell *v.* O'Brien, 199 U. S., 89; South Carolina *v.* United States, 199 U. S., 437; Water Co. *v.* Knoxville, 200 U. S., 22; Carfer *v.* Caldwell, 200 U. S., 293; Security Mutual Life Ins. Co. *v.* Prewitt, 202 U. S., 246; Ex parte Wisner, 203 U. S., 449; Kansas *v.* United States, 204 U. S., 331; The Winnebago, 205 U. S., 354; Sauer *v.* New York, 206 U. S., 536; Lee *v.* New Jersey, 207 U. S., 67; Old Dominion S. S. Co. *v.* Gilmore, 207 U. S., 398; In re Moore, 209 U. S., 490; St. L.,I. M. & S. R. R. Co. *v.* Taylor, 210 U. S., 281; Berea College *v.* Kentucky, 211 U. S., 45; North American Cold Storage Co. *v.* Chicago, 211 U. S., 306; Wilcox *v.* Consolidated Gas Co., 212 U. S., 19; Bonner *v.* Gorman, 212 U. S., 86; Waters-Pierce Oil Co. *v.* Texas, 212 U. S., 112; American Express Co. *v.* Mullins, 212 U. S., 311; Atchison, Topeka & Santa Fe Ry. *v.* Sowers, 213 U. S., 55; Smithsonian Institution *v.* St. John, 214 U. S., 19; Goodrich *v.* Ferris, 214 U. S., 71; Adams Express Co. *v.* Kentucky, 214 U. S., 218; Western Union Telegraph Co. *v.* Chiles, 214 U. S., 274; Oceanic Steam Navigation Co. *v.* Stranahan, 214 U. S., 320; El Paso & Northeastern Ry. Co. *v.* Gutierrez, 215 U. S., 87; Weems *v.* United States, 217 U. S., 349; Muskrat *v.* U. S., 219 U. S., 346; Rainey *v.* U. S., 232 U. S., 310; Harrison *v.* St. Louis & San Francisco R. R. Co., 232 U. S., 318.

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such

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Exceptions, and under such Regulations as the Congress shall make.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Wiscart et al. *v.* Dauchy, 3 Dall., 321; Marbury *v.* Madison, 1 Cr., 137; Durousseau et al. *v.* United States, 6 Cr., 307; Martin *v.* Hunter's Lessee, 1 Wh., 304; Cohens *v.* Virginia, 6 Wh., 234; Ex parte Kearney, 7 Wh., 38; Wayman *v.* Southard, 10 Wh., 1; Bank of the United States *v.* Halstead, 10 Wh., 51; United States *v.* Ortega, 11 Wh., 467; The Cherokee Nation *v.* The State of Georgia, 5 Pet., 1; Ex parte Crane et al., 5 Pet., 189; The State of New Jersey *v.* The State of New York, 5 Pet., 283; Ex parte Sibbald *v.* United States, 12 Pet., 488; The State of Rhode Island *v.* The State of Massachusetts, 12 Pet., 657; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company, 13 How., 518; In re Kaine, 14 How., 103; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Freeborn *v.* Smith, 2 Wall., 160; Ex parte McCardle, 6 Wall., 318; Ex parte McCardle, 7 Wall., 506; Ex parte Yerger, 8 Wall., 85; The Lucy, 8 Wall., 307; The Justices *v.* Murray, 9 Wall., 274; Pennsylvania *v.* Quicksilver Company, 10 Wall., 553; Murdock *v.* City of Memphis, 20 Wall., 590; The "Francis Wright," 105 U. S., 381; Börs *v.* Preston, 111 U. S., 252; Ames *v.* Kansas, 111 U. S., 449; Craig *v.* Leitensdorfer, 127 U. S., 764; Wisconsin *v.* Pelican Ins. Co., 127 U. S., 265; Clough *v.* Curtis, 134 U. S., 361; In re Neagle, 135 U. S., 1; U. S. *v.* Texas, 143 U. S., 621; Mobile & Ohio R. Rd. *v.* Tenn., 153 U. S., 486; Woodruff *v.* Miss., 162 U. S., 291; McCullough *v.* Va., 172 U. S., 102; Louisiana *v.* Texas, 176 U. S., 1; Missouri *v.* Illinois & Chicago Dist., 180 U. S., 208; W. W. Cargill Co. *v.* Minnesota, 180 U. S., 452; Wilkes County *v.* Coler, 180 U. S., 506; Mallett *v.* North Carolina, 181 U. S., 589; Kansas *v.* Colorado, 185 U. S., 125; Minnesota *v.* Hitchcock, 185 U. S., 373; U. S. *v.* Bitty, 208 U. S., 393; U. S. *v.* Barber, 219 U. S., 72; Fore River Shipbuilding Co. *v* Hagg, 219 U. S., 175; Virginia *v.* West Virginia, 220 U. S., 1; Oklahoma *v.* A., T. & S. F., 220 U. S., 277; Oklahoma *v.* Gulf, Col. & Santa Fe, 220 U. S., 290.

[3]The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Ex parte Milligan, 4 Wall., 2; Barton *v.* Barbour, 104 U. S., 126, Ex parte Wall., 107 U. S., 265; Callan *v.* Wilson, 127 U. S., 540; Nashville, Chattanooga, etc., Railway *v.* Alabama, 128 U. S., 96; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Jones *v.* U. S., 137 U. S., 202; Cook *v.* U. S., 138 U. S., 157; In re Ross, 140 U. S., 453; Fong Yu Ting *v.* U. S., 149 U. S., 698; In re Debs, petitioner, 158 U. S., 564; Thompson *v.* Utah, 170 U. S., 343; Schick *v.* U. S., 195 U. S., 65; Dorr *v.* U. S., 195 U. S., 138; Matter of Strauss, 197 U. S., 324; Marvin *v.* Trout, 199 U. S., 212; Martin *v.* Texas, 200 U. S., 316; Tinsley *v.* Treat, 205 U. S., 20; Armour

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Packing Co. *v.* U. S., 209 U. S., 56; Haas *v.* Henkel, 216 U. S., 462; Shapiro *v.* United States, 235 U. S., 412; Meeker & Co. *v.* Lehigh Valley R. R., 236 U. S., 412; Frank *v.* Mangum, 237 U. S., 309.

SECTION 3. [1] Treason against the United States, shall consist only in levying War against them, or, in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

United States *v.* The Insurgents, 2 Dall., 335; United States *v.* Mitchell, 2 Dall., 348; Ex parte Bollman and Swartwout, 4 Cr., 75; United States *v.* Aaron Burr, 4 Cr., 469.

[2] The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Bigelow *v.* Forest, 9 Wall., 339; Day *v.* Micou, 18 Wall., 156; Ex parte Lange, 18 Wall., 163; Wallach et al. *v.* Van Riswick, 92 U. S., 202.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Mills *v.* Duryee, 7 Cr., 481; Hampton *v.* McConnel, 3 Wh., 234; Mayhew *v.* Thatcher, 6 Wh., 129; Darby's Lessee *v.* Mayer, 10 Wh., 465; U. S. *v.* Amedy, 11 Wh., 392; Caldwell et al. *v.* Carrington's Heirs, 9 Pet., 86; M'Elmoyle *v.* Cohen, 13 Pet., 312; Bank of Augusta *v.* Earle, 13 Pet., 519; Bank of Ala. *v.* Dalton, 9 How., 522; D'Arcy *v.* Ketchum, 11 How., 165; Christmas *v.* Russell, 5 Wall., 290; Green *v.* Van Buskirk, 7 Wall., 139; Paul *v.* Va., 8 Wall., 168; Board of Public Works *v.* Columbia College, 17 Wall., 521; Thompson *v.* Whitman, 18 Wall., 457; Pennoyer *v.* Nebb, 95 U. S., 714; Bonaparte *v.* Tax Court, 104 U. S., 592; Robertson *v.* Pickrell, 109 U. S., 608; Brown et al. *v.* Houston, collector, et al., 114 U. S., 622; Hanley *v.* Donoghue, 116 U. S., 1; Renaud *v.* Abbott, 116 U. S., 277; Borer *v.* Chapman, 119 U. S., 587; C. & A. R. R. *v.* Wiggins Ferry Co., 119 U. S., 615; Cole *v.* Cunningham, 133 U. S., 107; Blount *v.* Walker, 134 U. S., 607; T. & P. Ry. Co. *v.* S. P. Co., 137 U. S., 48; Simmons *v.* Saul, 138 U. S., 439; Reynolds *v.* Stockton, 140 U. S., 254; Carpenter *v.* Strange, 141 U. S., 87; Huntington *v.* Attrill, 146 U. S., 657; Glenn *v.* Garth, 147 U. S., 360; Laing *v.* Rigney, 160 U. S., 531; Chicago, &c., Ry. Co. *v.* Sturm, 174 U. S.,

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710; Thormann *v.* Frame, 176 U. S., 350; Hancock Ntl. Bank *v.* Farnum, 176 U. S., 640; Clarke *v.* Clarke, 178 U. S., 186; Cargill Co. *v.* Minnesota, 180 U. S., 452; Wilkes County *v.* Coler, 180 U. S., 506; Johnson *v.* N. Y. Life Ins. Co., 187 U. S., 491; Andrews *v.* Andrews, 188 U. S., 14; Blackstone *v.* Miller, 188 U. S., 189; Commercial Pub. Co. *v.* Beckwith, 188 U. S., 567; Finney *v.* Guy, 189 U. S., 335; Anglo-Am. Prov. Co. *v.* Davis Prov. Co., 191 U. S., 373; Wabash R. R. Co. *v.* Flannigan, 192 U. S., 29; German Savings Society *v.* Dormitzer, 192 U. S., 125; Wedding *v.* Meyler, 192 U. S., 573; National Mutual B. & L. Assn. *v.* Brahan, 193 U. S., 635; Minnesota *v.* No. Securities Co., 194 U. S., 48; National Exc. Bank *v.* Wiley, 195 U. S., 257; Jaster *v.* Currie, 198 U. S., 144; Harris *v.* Balk, 198 U. S., 215; Harding *v.* Harding, 198 U. S., 317; L. & N. R. R. *v.* Deer, 200 U. S., 176; Haddock *v.* Haddock, 201 U. S., 562; Northern Assurance Co. *v.* Grand View Bldg. Assn., 203 U. S., 106; Old Wayne Mut. Assn. *v.* McDonough, 204 U. S., 8; Wetmore *v.* Karrick, 205 U. S., 141; Tilt *v.* Kelsey, 207 U. S., 43; Leathe *v.* Thomas, 207 U. S., 93; Brown *v.* Fletcher's Estate, 210 U. S., 82; Fauntleroy *v.* Lum, 210 U. S., 230; Bagley *v.* General Fire Extinguisher Co., 212 U. S., 477; A., T. & S. F. Ry. Co. *v.* Sowers, 213 U. S., 55; Smithsonian Institution *v.* St. John, 214 U. S., 19; Fall *v.* Eastin, 215 U. S., 1; Everett *v.* Everett, 215 U. S., 203; Olmsted *v.* Olmsted, 216 U. S., 386; Sistare *v.* Sistare, 218 U. S., 1; Hunter *v.* Mutual Reserve Life Ins. Co., 218 U. S., 573; West Side R. R. Co. *v.* Pittsburgh Construction Co , 219 U. S., 92; T. & N. O. R. R. Co. *v.* Miller, 221 U. S., 408; T. & N. O. R. R. Co. *v.* Gross, 221 U. S., 417; Ætna Life Ins. Co. *v.* Tremblay, 223 U. S., 185; Converse *v.* Hamilton, 224 U. S., 243; Bigelow *v.* Old Dominion Copper Co., 225 U. S., 111; Thompson *v.* Thompson, 226 U. S., 551; Michigan Trust Co. *v.* Ferry, 228 U. S., 346; Chicago, I. & L. Ry. Co. *v.* Hackett, 228 U. S., 559; Chicago, B. & Q. Ry. Co. *v.* Hall, 229 U. S., 511; Burbank *v.* Ernst, 232 U. S., 162; Priest *v.* Las Vegas, 232 U. S., 604; Tennessee Coal, I. & R. R. Co. *v.* Georgia, 233 U. S., 354; New York Life Ins. *v.* Head, 234 U. S., 149, 166; Roller *v.* Murray, 234 U. S., 738; Western Indemnity Co. *v.* Rupp, 235 U. S., 261; Riverside Mills *v.* Menefee, 237 U. S., 189; Parker *v.* McLain, 237 U. S., 469; Spokane & Inland Empire R. R. *v.* Whitley, 237 U. S., 487; Royal Arcanum *v.* Green, 237 U. S., 531; Hood *v.* McGhee, 237 U. S., 611; Hartford Life Ins Co. *v.* Ibs, 237 U. S., 662.

SECTION 2. [1]The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Bank of United States *v.* Devereux, 5 Cr., 61; Gassies *v.* Ballou, 6 Pet., 761; Rhode Island *v.* Mass., 12 Pet., 657; Bank of Augusta *v.* Earle, 13 Pet., 519; Moore *v.* Illinois, 14 How., 13; Conner et al. *v.* Elliot et al., 18 How., 591; Dred Scott *v.* Sandford, 19 How., 393; Crandall *v.* Nevada, 6 Wall., 35; Woodruff *v.* Parham, 8 Wall., 123; Paul *v.* Virginia, 8 Wall., 168; Downham *v.* Alexandria Council, 10 Wall., 173; Liverpool Insurance Company *v.* Mass., 10 Wall., 566; Ward *v.* Md., 12 Wall., 418; Slaughterhouse Cases, 16 Wall., 36; Bradwell *v.* The State, 16 Wall., 130; Chemung Bank *v.* Lowery, 93 U. S., 72; McCready *v.* Virginia, 94 U. S., 391; Brown *v.* Houston, 114 U. S., 622; Philadelphia Fire Assn. *v.* N. Y., 119 U. S., 110; Pembina Mining Co. *v.* Penna., 125 U. S., 181; Kimmish *v.* Ball, 129 U. S., 217; Cole *v.* Cunningham, 133 U. S., 107;

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Leisy *v.* Hardin, 135 U. S., 100; Minnesota *v.* Barber, 136 U. S., 313; Manchester *v.* Mass., 139 U. S., 240; McKane *v.* Durston, 153 U. S., 684; Pittsburgh & So. Coal Co. *v.* Bates, 156 U. S., 577; Vance *v.* W. A. Vandercook, No. 1, 170 U. S., 438; Blake *v.* McClung, 172 U. S., 239; Blake *v.* McClung, 176 U. S., 59; Sully *v.* Am. Ntl. Bank, 178 U. S., 289; Williams *v.* Fears, 179 U. S., 270; Reymann Brewing Co. *v.* Brister, 179 U. S., 445; Travellers Ins. Co. *v.* Connecticut, 185 U. S., 364; Reid *v.* Colorado, 187 U. S., 137; Chadwick *v.* Kelley, 187 U. S., 540; Diamond Glue Co. *v.* U. S. Glue Co., 187 U. S., 611; Blackstone *v.* Miller, 188 U. S., 189; Anglo American Provision Co. *v.* Davis Provision Co., 191 U. S., 373; Chambers *v.* B. & O. R. R. Co., 207 U. S., 142; Hudson Water Co. *v.* McCarter, 209 U. S., 349; Hoke *v.* United States, 227 U. S., 308; Athanasaw *v.* United States, 227 U. S., 326; Bennett *v.* United States, 227 U. S., 333; Harris *v.* United States, 227 U. S., 340.

[2]A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

Holmes *v.* Jennison et al., 14 Pet., 540; Commonwealth of Kentucky *v.* Dennison, governor, 24 How., 66; Taylor *v.* Tainter, 16 Wall., 366; Carroll County *v.* Smith, 111 U. S., 556; Ex parte Reggel, 114 U. S., 642; Mahon *v.* Justice, 127 U. S., 700; Lascelles *v.* Georgia, 148 U. S., 537; Pearce *v.* Texas, 155 U. S., 311; Utter *v.* Franklin, 172 U. S., 416; Munsey *v.* Clough, 196 U. S., 364; Matter of Strauss, 197 U. S., 324; Pettibone *v.* Nichols, 203 U. S., 192; Appleyard *v.* Mass., 203 U. S., 222; McNichols *v.* Pease, 207 U. S., 100; Bassing *v.* Cady, 208 U. S., 386; Pierce *v.* Creesey, 210 U. S., 387; Marbles *v.* Creesey, 215 U. S., 63; Drew *v.* Thaw, 235 U. S., 432.

[3]No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Prigg *v.* The Commonwealth of Pennsylvania, 16 Pet., 539; Jones *v.* Van Zandt, 5 How., 215; Strader et al. *v.* Graham, 10 How., 82; Moore *v.* The People of the State of Illinois, 14 How., 13; Dred Scott *v.* Sanford, 19 How., 393; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Callan *v.* Wilson, 127 U. S., 540; Nashville, Chattanooga, etc., Rwy. *v.* Alabama, 128 U. S., 96.

SECTION 3. [1]New States may be admitted by the Congress into this Union; but no new State shall be formed or erected

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within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

American Insurance Company et al. *v.* Canter (356 bales cotton), 1 Pet., 511; Pollard's Lessee *v.* Hagan, 3 How., 212; Cross et al. *v.* Harrison, 16 How., 164; Benson *v.* United States, 146 U. S., 325; Ward *v.* Race Horse, 163 U. S., 504; Bolln *v.* Nebraska, 176 U. S., 83; Louisiana *v.* Mississippi, 202 U. S., 1; Light *v.* U. S., 220 U. S., 523; Coyle *v.* Oklahoma, 221 U. S., 559.

[2]The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

McCulloch *v.* State of Maryland, 4 Wh., 316; American Insurance Company *v.* Canter, 1 Pet., 511; United States *v.* Gratiot et al., 14 Pet., 526; United States *v.* Rogers, 4 How., 567; Cross et al. *v.* Harrison, 16 How., 164; Muckey et al. *v.* Coxe, 18 How., 100; Dred Scott *v.* Sandford, 19 How., 393; Gibson *v.* Chouteau, 13 Wall., 92; Clinton *v.* Englebert, 13 Wall., 434; Beall *v.* New Mexico, 16 Wall., 535; National Bank *v.* Yankton County, 101 U. S., 129; United States *v.* Waddell, 112 U. S., 76; Van Brocklin *v.* State of Tennessee, 117 U. S., 151; Clayton *v.* Utah Territory, 132 U. S., 632; Geofroy *v.* Riggs, 133 U. S., 258; Davis *v.* Beason, 133 U. S., 333; Wisconsin Central R. Rd. Co. *v.* Price County, 133 U. S., 496; Cope *v.* Cope, 137 U. S., 682; Mormon Church *v.* U. S., 136 U. S., 1; Jones *v.* United States, 137 U. S., 202; St. Paul, Minneapolis, etc., Railway Co. *v.* Phelps, 137 U. S., 528; Talton *v.* Mayes, 163 U. S., 376; American Publishing Co. *v.* Fisher, 166 U. S., 464; Camfield *v.* United States, 167 U. S., 518; Thompson *v.* Utah, 170 U. S., 343; Green Bay & Mississippi Canal Co. *v.* Patten Paper Co., 173 U. S., 179; Neely *v.* Henkel (No. 1), 180 U. S., 109; De Lima *v.* Bidwell, 182 U. S., 1; Dooley *v.* United States, 182 U. S., 222; Downes *v.* Bidwell, 182 U. S., 244; Dooley *v.* United States, 183 U. S., 151; Fourteen Diamond Rings *v.* United States, 183 U. S., 176; Hawaii *v.* Mankichi, 190 U. S., 197; Binns *v.* United States, 194 U. S., 486; Dorr *v.* United States, 195 U. S., 138; Rassmussen *v.* United States, 197 U. S., 516; Louisiana *v.* Mississippi, 202 U. S., 1; Kansas *v.* Colorado, 206 U. S., 46; Grafton *v.* United States, 206 U. S., 333; United States *v.* Heinsgen, 206 U. S., 370; Ponce *v.* Roman Catholic Church, 210 U. S., 297; Atchison, Topeka & Santa Fe Ry. Co. *v.* Sowers, 213 U. S., 55; El Paso & Northeastern Ry. Co. *v.* Gutierrez, 215 U. S., 87; Weems *v.* United States, 217 U. S., 349.

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SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Luther *v.* Borden, 7 How., 1; Texas *v.* White, 7 Wall., 700; In re Duncan, 139 U. S., 449; Taylor et al. *v.* Beckham (No. 1), 178 U. S., 548; South Carolina *v.* United States, 199 U. S., 437; Elder *v.* Colorado ex rel. Badgley, 204 U. S., 85; Pacific States Telephone Co. *v.* Oregon, 223 U. S., 118; Kiernan *v.* Portland, 223 U. S., 151; Marshall *v.* Dye, 231 U. S., 250.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate

Hollingsworth et al. v. Virginia, 3 Dallas, 378.

ARTICLE VI.

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Hayburn's Case, 2 Dall., 409; Ware *v.* Hylton, 3 Dall., 199; Calder and Wife *v.* Bull and Wife, 3 Dall., 386; Marbury *v.* Madison, 1 Cr., 137; Chirac *v.* Chirac, 2 Wh., 259; McCulloch *v.* The State of Maryland, 4 Wh., 316; Society *v.* New Haven, 8 Wh., 464; Gibbons *v.* Ogden, 9 Wh., 1; Foster and Elam *v.* Neilson, 2 Pet., 253; Buckner *v.* Finley, 2 Pet., 586; Worcester *v.* State of Georgia, 6 Pet., 515; Kennett et al. *v.* Chambers, 14 How., 38; Dodge *v.* Woolsey, 18 How., 331; State of New York *v.* Dibble, 21 How., 366; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Sinnot *v.* Davenport, 22 How., 227; Foster *v.* Davenport, 22 How., 244; Haver *v.* Yaker, 9 Wall., 32; Clafflin *v.* Houseman, assignee, 93 U. S., 130; United States *v.* 43 Gallons of Whisky, 93 U. S., 188; Hauenstein *v.* Lynham, 100 U. S., 483; Neal *v.* Delaware, 103 U. S., 370; Ex parte Crow Dog, 109 U. S., 556; Carroll County *v.* Smith, 111 U. S., 556; Head Money Cases, 112 U. S., 580; Van Brocklin *v.* State of Tennessee, 117 U. S., 151; United States *v.* Rauscher, 119 U. S., 407; Kerr *v.* Illinois, 119 U. S., 436; Whitney *v.* Robertson, 124 U. S., 190; the Chinese Exclusion Cases, 130 U. S., 581; Geofroy *v.* Riggs, 133 U. S., 258; In re Neagle, 135 U. S., 1; Cherokee Nation *v.* Kansas Ry. Co., 135 U. S., 641; Cook Co. *v.* Calumet & Chicago Canal Co., 138 U. S., 635; Horner *v.* United States, 143 U. S., 570; Fong Yue Ting *v.* United States, 149 U. S., 698; Gulf, Colorado & Santa Fe Railway Co. *v.* Hefley, 158 U. S., 98; In re Quarles *v.* Butler, 158 U. S., 532; Ward *v.* Race Horse, 163 U. S., 504; McClellan *v.* Chipman, 164 U. S., 347; Smyth *v.* Ames, 169 U. S., 466; M., K. & T. Ry. Co. *v.* Haber, 169 U. S., 613; Ohio *v.* Thomas, 173 U. S., 276; De Lima *v.* Bidwell, 182 U. S., 1; Dooley *v.* U. S., 182 U. S., 222; Downes *v.* Bidwell, 182 U. S., 244; Fourteen Diamond Rings *v.* U. S., 183 U. S., 176; Lone Wolf *v.* Hitchcock, 187 U. S., 553; South Carolina *v.* U. S., 199 U. S., 437; Berea College *v.* Kentucky, 211 U. S., 45; Paddell *v.* City of New York, 211 U. S., 446; McLean *v.* Arkansas, 211 U. S., 539; A., T. & S. F. Ry. Co. *v.* Sowers, 213 U. S., 55; Sanchez *v.* U. S., 216 U. S., 167; House *v.* Mayes, 219 U. S., 270; Flint *v.* Stone Tracey Co., 220 U. S., 107.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to sup-

Territories
Etc.
Index Senators

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port this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Ex parte Garland, 4 Wall., 333; Davis *v.* Beason, 133 U. S., 333; Mormon Church *v.* United States, 136 U. S., 1.

ARTICLE VII.

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution, between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

Gº WASHINGTON
Presidt and deputy from Virginia

New Hampshire.

John Langdon — Nicholas Gilman

Massachusetts.

Nathaniel Gorham — Rufus King

Connecticut.

Wm Saml Johnson — Roger Sherman

New York.

Alexander Hamilton

New Jersey.

Wil: Livingston — Wm Patterson
David Brearley. — Jona: Dayton

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Pennsylvania.

B. Franklin	Thomas Mifflin
Robt. Morris	Geo. Clymer
Thos. Fitzsimons	Jared Ingersoll
James Wilson	Gouv Morris

Delaware.

Geo: Read	Gunning Bedford jun
John Dickinson	Richard Bassett
Jaco: Broom	

Maryland.

James McHenry	Dan: of St Thos Jenifer
Danl. Carroll	

Virginia.

John Blair—	James Madison Jr.

North Carolina.

Wm Blount	Richd Dobbs Spaight,
Hu Williamson	

South Carolina.

J. Rutledge	Charles Cotesworth Pinckney
Charles Pinckney	Pierce Butler.

Georgia.

William Few	Abr Baldwin

Attest: WILLIAM JACKSON, *Secretary.*

80281°—15——15

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ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Terret et al. *v.* Taylor et al., 9 Cr., 43; Vidal et al. *v.* Girard et al., 2 How., 127; Ex parte Garland, 4 Wall., 333; United States *v.* Cruikshank et al., 92 U. S., 542; Reynolds *v.* United States, 98 U. S., 145; Spies *v.* Illinois, 123 U. S., 131; Davis *v.* Beason, 133 U. S., 333; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Mormon Church *v.* United States, 136 U. S., 1; In re Rapier, 143 U. S., 110; Horner *v.* United States, 143 U. S., 207; Bradfield *v.* Roberts, 175 U. S., 291; Turner *v.* Williams, 194 U. S., 279; Jack *v.* Kansas, 199 U. S., 372; Quick Bear *v.* Leupp, 210 U. S., 50; Twining *v.* New Jersey, 211 U. S., 78; Gompers *v.* Bucks Stove & Range Co., 221 U. S., 418; Lewis Publishing Co. *v.* Morgan, 229 U. S., 288; Mutual Film Corp. *v.* Ohio Indus'l Comm., 236 U. S., 230; Mutual Film Corp. *v.* Kansas, 236 U. S., 248.

AMENDMENT II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Presser *v.* Illinois, 116 U. S., 252; Spies *v.* Illinois, 123 U. S., 131; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Jack *v.* Kansas, 199 U. S., 372; Twining *v.* New Jersey, 211 U. S., 78.

AMENDMENT III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Spies *v.* Illinois, 123 U. S., 131; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Jack *v.* Kansas, 199 U. S., 372; Twining *v.* New Jersey, 211 U. S., 78.

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AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Smith *v.* Maryland, 18 How., 71; Murray's Lessee et al. *v.* Hoboken Land & Improvement Co., 18 How., 272; Ex parte Milligan, 4 Wall., 2; Boyd *v.* U. S., 116 U. S., 616; Spies *v.* Illinois, 123 U. S., 131; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Fong Yue Ting *v.* U. S., 149 U. S., 698; Interstate Com. Comm. *v.* Brimson, 154 U. S., 447; In re Chapman, 166 U. S., 661; Adams *v.* New York, 192 U. S., 585; Morris *v.* Hitchcock, 194 U. S., 384; Public Clearing House *v.* Coyne, 194 U. S., 497; Interstate Com. Comm. *v.* Baird, 194 U. S., 25; Jack *v.* Kansas, 199 U. S., 372; Hale *v.* Henkel, 201 U. S., 43; American Tobacco Co. *v.* Werckmeister, 207 U. S., 284; Consolidating Rendering Co. *v.* Vermont, 207 U. S., 541; Twining *v.* New Jersey, 211 U. S., 78; Hammond Packing Co. *v.* Arkansas, 212 U. S., 322; Bagley *v.* General Fire Extinguishing Co., 212 U. S., 477; Smithsonian Institution *v.* St. John, 214 U. S., 19; Rhodus *v.* Manning, 217 U. S., 597; Flint *v.* Stone Tracy Co., 220 U. S., 107; American Lithographic Co. *v.* Werckmeister, 221 U. S., 603; B. & O. R. R. Co. *v.* Interstate Com. Comm., 221 U. S., 612; U. S. *v.* Morgan, 222 U. S., 274; Wheeler *v.* United States, 226 U. S., 478; Grant *v.* United States, 227 U. S., 74; National Safe Deposit Co. *v.* Illinois, 232 U. S., 58; Weeks *v.* United States, 232 U. S., 383; Henry *v.* Henkel, 235 U. S., 219; United States *v.* Louisville & Nashville R. R. Co,, 236 U. S., 318.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U. S. *v.* Perez, 9 Wh., 579; Barron *v.* Baltimore, 7 Pet., 243; Fox *v.* Ohio, 5 How., 410; West River Bridge Co. *v.* Dix et al., 6 How., 507; Mitchell *v.* Harmony, 13 How., 115; Moore, ex., *v.* Illinois, 14 How., 13; Murray's Lessee et al. *v.* Hoboken Land and Improve-

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ment Co., 18 How., 272; Dynes *v.* Hoover, 20 How., 65; Withers *v.* Buckley et al., 20 How., 84; Gilman *v.* The City of Sheboygan, 2 Black, 510; Ex parte Milligan, 4 Wall., 2; Twitchell *v.* The Commonwealth, 7 Wall., 321; Hepburn *v.* Griswold, 8 Wall., 603; Miller *v.* U. S., 11 Wall., 268; Legal Tender Cases, 12 Wall., 457; Pumpelly *v.* Green Bay Co., 13 Wall., 166; Osborn *v.* Nicholson, 13 Wall., 654; Ex parte Lange, 18 Wall., 163; Kohl et al. *v.* U. S., 91 U. S., 367; Sinking Fund Cases, 99 U. S., 700; Cole *v.* La Grange, 113 U. S., 1; Ex parte Wilson, 114 U. S., 417; Brown *v.* Grant, 116 U S., 207; Boyd *v.* U. S., 116 U. S., 616; Makin *v.* U. S., 117 U. S., 348; Ex parte Bain, 121 U. S., 1; Parkinson *v.* U. S., 121 U. S., 281; Spies *v.* Illinois, 123 U. S., 131; Sands *v.* Manistee River Improvement Co., 123 U. S., 288; Mugler *v.* Kansas, 123 U. S., 623; Great Falls Mfg. Co. *v.* The Attorney-General, 124 U. S., 581; U. S. *v.* De Walt, 128 U. S., 393; Huling *v.* Kaw Valley Ry. and Improvement Co., 130 U. S., 559; Freeland *v.* Williams, 131 U. S., 405; Cross *v.* North Carolina, 132 U. S., 131; Manning *v.* French, 133 U. S., 186; Searle *v.* School Dist. No. 2, 133 U. S., 553; Palmer *v.* McMahon, 133 U. S., 660; Ellenbecker *v.* Plymouth County, 134 U. S., 31; C., M. & St. P. Ry. Co. *v.* Minnesota, 134 U. S., 418; Wheeler *v.* Jackson, 137 U. S., 245; Holden *v.* Minnesota, 137 U. S., 245; Caldwell *v.* Texas, 137 U. S., 692; Cherokee Nation *v.* Kansas Ry. Co., 135 U. S., 641; Kaukauna Water Power Co. *v.* Miss. Canal Co., 142 U. S., 254; New Orleans *v.* N. O. Water W'ks, 142 U. S., 79; Counselman *v.* Hitchcock, 142 U. S., 547; Simmonds *v.* U. S., 142 U. S., 148; Horn Silver Mining Co. *v.* N. Y., 143 U. S., 305; Hallinger *v.* Davis, 146 U. S., 314; Shoemaker *v.* U. S., 147 U. S., 282; Thorington *v.* Montgomery, 147 U. S., 490; Yesler *v.* Wash'n Harbor Line Coms'rs, 146 U. S., 646; Monongahela Nav. Co. *v.* U. S., 148 U. S., 312; Fong Yuen Ting *v.* U. S., 149 U. S., 698; In re Lennon, 150 U. S., 393; Pitts., C., C. & St. L. *v.* Backus, 154 U. S., 421; Interstate Com. Comsn. *v.* Brimson, 154 U. S., 447; Pearce *v.* Texas, 155 U. S., 311; Linford *v.* Ellison, 155 U. S., 503; Andrews *v.* Swartz, 156 U. S., 272; Pittsburgh & Southern Coal Co. *v.* La., 156 U. S., 590; St. L. & S. F. Rwy. Co. *v.* Gill, 156 U. S., 649; Johnson *v.* Sayre, 158 U. S., 109; Sweet *v.* Rechel, 159 U. S., 380; Brown *v.* Walker, 161 U. S., 591; Wong Wing *v.* U. S., 163 U. S., 228; Talton *v.* Mayes, 163 U. S., 376; In re Chapman, 166 U. S., 661; Bauman *v.* Ross, 167 U. S., 548; Wilson *v.* Lambert, 168 U. S., 611; Green Bay &c. Canal Co. *v.* Patten Paper Co., 172 U. S., 58; Henderson Bridge Co. *v.* Henderson City, 173 U. S., 592; Scranton *v.* Wheeler, 179 U. S., 141; Wight *v.* Davidson, 181 U. S., 371; Capitol City Dairy Co. *v.* Ohio, 183 U. S., 238; Hanover Ntl. Bank *v.* Moyses, 186 U. S., 181; Dreyer *v.* Illinois, 187 U. S., 71; Lone Wolf *v.* Hitchcock, 187 U. S., 553; U. S. *v.* Lynah, 188 U. S., 445; The Japanese Immigrant Case, 189 U. S., 86; Hawaii *v.* Mankichi, 190 U. S., 197; Bedford *v.* U. S., 192 U. S., 217; Buttfield *v.* Stranahan, 192 U. S., 470; Interstate Com. Comm. *v.* Baird, 194 U. S., 25; Beavers *v.* Henkel, 194 U. S., 73; Turner *v.* Williams, 194 U. S., 279; Public Clearing House *v.* Coyne, 194 U. S., 497; McCray *v.* U. S., 195 U. S., 27; Schick *v.* U. S., 195 U. S., 65; Kepner *v.* U. S., 195 U. S., 100; Rassmussen *v.* U. S., 197 U. S., 516; U. S. *v.* Ju Toy, 198 U. S., 253; Reduction Co. *v.* Sanitary Works, 199 U. S., 306; Gardner *v.* Michigan, 199 U. S., 325; Jack *v.* Kansas, 199 U. S., 372; South Carolina *v.* U. S. 199 U. S., 437; Manigault *v.* Springs, 199 U. S., 473; Trono *v.* U. S., 199 U. S., 521; Howard *v.* Ky., 200 U. S., 164; S. P. R. R. Co. *v.* U. S., 200 U. S., 341;

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AMENDMENT VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

U. S., *v.* Cooledge, 1 Wh., 415; Ex parte Kearney, 7 Wh., 38; U. S. *v.* Mills, 7 Pet., 142; Baron *v.* Baltimore, 7 Pet., 243; Fox *v.* Ohio, 5 How., 410; Withers *v.* Buckley et al., 20 How., 84; Ex parte Milligan, 4 Wall., 2; Twitchell *v.* Commonwealth, 7 Wall., 321; Miller *v.* U. S., 11 Wall., 268; U. S. *v.* Cook, 17 Wall., 168; U. S. *v.* Cruikshank et al., 92 U. S., 542; Reynolds *v.* U. S., 98 U. S., 145; Spies *v.* Illinois, 123 U. S., 131; Brooks *v.* Mo., 124 U. S., 394; Callan *v.* Wilson, 127 U. S., 540; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Jones *v.* U. S., 137 U. S., 202; Cook *v.* U. S., 138 U. S., 157; In re Shubuya Jugiro, 140 U. S., 291; In re Ross, 140 U. S., 453; Hallinger *v.* Davis, 146 U. S., 314; Fong Yue Ting *v.* U. S., 149 U. S., 698; Mattox *v.* U. S., 156 U. S. 237; Rosen *v.* U. S., 161 U. S., 29; U. S., *v.* Zucker, 161 U. S., 475; Wong Wing *v.* U. S., 163 U. S., 228; Creamer *v.* Washington, 168 U. S., 124; Thompson *v.* Utah, 170 U. S., 343; Maxwell *v.* Dow, 176 U. S., 581; Motes *v.* U. S., 178 U. S., 458; Fidelity and Deposit Co. *v.* U. S., 187 U. S., 315; Hawaii *v.* Mankichi, 190 U. S., 197; West *v.* La., 194 U. S., 258; Turner *v.* Williams, 194 U. S., 279; Lloyd *v.* Dollison, 194 U. S., 445; Schirk *v.* U. S., 195 U. S., 65; Dorr *v.* U. S., 195 U. S., 138; Rassmussen *v.* U. S., 197 U. S., 516; Beavers *v.* Haubert, 198 U. S., 77; Marvin *v.* Trout, 199 U. S., 212; Jack *v.* Kansas, 199 U. S., 372; Howard *v.* Ky., 200 U. S., 164; Martin *v.* Texas, 200 U. S., 316; Sawyer *v.* U. S., 202 U. S., 150; Burton *v.* U. S., 202 U. S., 344; Serra *v.* Mortiga, 204 U. S., 470; Tinsley *v.* Treat, 205 U. S., 20; Ughbanks *v.* Armstrong, 208 U. S., 481; Armour Packing Co. *v.* U. S., 209 U. S., 56; Twining *v.* N. J., 211 U. S., 78; Knoxville *v.* Knoxville Water Co., 212 U. S., 1; Goon Shung *v.* U. S., 212 U. S., 566; U. S. *v.* Stevenson, 215 U. S., 190; Haas *v.* Henkel, 216 U. S., 462; Dowdell *v.* U. S., 221 U. S., 325; Wilson *v.* U. S., 221 U. S., 361; Diaz *v.* U. S., 223 U. S., 442; Hyde *v.* U. S., 225 U. S., 347; Brown *v.* Elliott, 225 U. S., 392; Zakonaite *v.* Wolf, 226 U. S., 272; Bartell *v.* U. S., 227 U. S., 427; Shapiro *v.* United States, 235 U. S., 412; Meeker & Co. *v.* Lehigh Valley R. R., 236 U. S., 412; Collins *v.* Johnston, 237 U. S., 502.

AMENDMENT VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be pre-

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served, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

U. S. *v.* LaVengeance, 3 Dall., 297; Bank of Columbia *v.* Oakley, 4 Wh., 235; Parsons *v.* Bedford et al., 3 Pet., 433; Lessee of Livingston *v.* Moore et al., 7 Pet., 469; Webster *v.* Reid, 11 How., 437; Pa. *v.* Wheeling, &c., Bridge Co. et al., 13 How., 518; The Justices *v.* Murray, 9 Wall., 274; Edwards *v.* Elliott et al., 21 Wall., 532; Pearson *v.* Yewdall, 95 U. S., 294; McElrath *v.* U. S., 102 U. S., 426; Spies *v.* Illinois, 123 U. S., 131; Callan *v.* Wilson, 127 U. S., 540; Arkansas Valley Land & Cattle Co. *v.* Mann, 130 U. S., 69; Eilenbecker *v.* Plymouth County, 134 U. S., 31; Whitehead *v.* Shattuck, 138 U. S., 146; Scott *v.* Neely, 140 U. S., 106; Cates *v.* Allen, 149 U. S., 451; Fong Yue Ting *v.* U. S., 149 U. S., 698; Coughran *v.* Bigelow, 164 U. S., 301; Walker *v.* N. M. & S. P. R. R., 165 U. S., 593; C., B. & Q. *v.* Chicago, 166 U. S., 226; American Pub. Co. *v.* Fisher, 166 U. S., 464; Guthrie Ntl. Bank *v.* Guthrie, 173 U. S., 528; Fidelity & Deposit Co. *v.* U. S., 187 U. S., 315; Rassmussen *v.* U. S., 197 U. S., 516; Marvin *v.* Trout, 199 U. S., 212; Jack *v.* Kansas, 199 U. S., 372; Fidelity Mutual Life Ins. Co. *v.* Clark, 203 U. S., 64; Bien *v.* Robinson, 208 U. S., 423; In re Wood, 210 U. S., 246; Twining *v.* N. J., 211 U. S., 78; Slocum *v.* New York Life Ins. Co., 228 U. S., 364; Luria *v.* U. S., 231 U. S., 9; Young *v.* Central Railroad of New Jersey, 232 U. S., 602.

AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Pervear *v.* Commonwealth, 5 Wall., 475; Spies *v.* Illinois, 123 U. S., 131; Manning *v.* French, 133 U. S., 186; Eilenbecker *v.* Plymouth County, 134 U. S., 31; In re Kemmler, 136 U. S., 436; McElvaine *v.* Brush, 142 U. S., 155; O'Neill *v.* Vt., 144 U. S., 323; McDonald *v.* Mass., 180 U. S., 311; Howard *v.* Fleming, 191 U. S., 126; Jack *v.* Kansas, 199 U. S., 372; Ughbanks *v.* Armstrong, 208 U. S., 481; Twining *v.* N. J., 211 U. S., 78; Weems *v.* U. S., 217 U. S., 349; Shevlin-Carpenter Co. *v.* Minnesota, 218 U. S., 57; Standard Oil Co. *v.* Mo., 224 U. S., 270; Graham *v.* W. Va., 224 U. S., 616; Shapiro *v.* United States, 235 U. S., 412; Collins *v.* Johnston, 237 U. S., 502.

AMENDMENT IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Lessee of Livingston *v.* Moore et al., 7 Pet., 469; Spies *v.* Illinois, 123 U. S., 131; Jack *v.* Kansas, 199 U. S., 372; Hoke *v.* United States, 227 U. S., 308; Athanasaw *v.* United States, 227 U. S., 326; Bennett *v.* United States, 227 U. S., 333; Harris *v.* United States, 227 U. S., 340.

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AMENDMENT X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Hollingsworth et al. *v.* Va., 3 Dall., 378; Martin *v.* Hunter's Lessee, 1 Wh., 304; McCulloch *v.* Md., 4 Wh., 316; Anderson *v.* Dunn, 6 Wh., 204; Cohen *v.* Va., 6 Wh., 264; Osborn *v.* U. S. Bank, 9 Wh., 738; Buchler *v.* Finley, 2 Pet., 586; Ableman *v.* Booth, 21 How., 506; The Collector *v.* Day, 11 Wall., 113; Claflin *v.* Houseman, assignee, 93 U. S., 130; Inman Steamship Company *v.* Tinker, 94 U. S., 238; United States *v.* Fox, 94 U. S., 315; Tennessee *v.* Davis, 100 U. S., 257; Church *v.* Kelsey, 121 U. S., 282; Ouachita Packet Co. *v.* Aiken, 121 U. S., 444; W. U. Tel. Co. *v.* Pendleton, 122 U. S., 347; Spies *v.* Illinois, 123 U. S., 131; Bowman *v.* C. & N. W. Ry. Co., 125 U. S., 465; Mahon *v.* Justice, 127 U. S., 700; Leisy *v.* Hardin, 135 U. S., 100; Manchester *v.* Mass., 139, U. S., 240; Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; Forsyth *v.* Hammond, 166 U. S., 506; St. Anthony Falls Water Power Co. *v.* St. Paul Water Commissioners, 168 U. S., 349; M., K. & T. Rwy. Co. *v.* Haber, 169 U. S., 613; Hancock Mutual Life Ins. Co. *v.* Warren, 181 U. S., 73; Kansas *v.* Colorado, 185 U. S. 125; Andrews *v.* Andrews, 188 U. S., 14; Northern Securities Co. *v.* United States, 193 U. S., 197; Turner *v.* Williams, 194 U. S., 279; McCray *v.* United States, 195 U. S., 27; Schick *v.* United States, 195 U. S., 65; Central of Georgia Ry. Co. *v.* Murphey, 196 U. S., 194; Matter of Heff (Indian), 197 U. S., 488; Jack *v.* Kansas, 199 U. S., 372; South Carolina *v.* United States, 199 U. S., 437; Hodges *v.* United States, 203 U. S., 1; Kansas *v.* Colorado, 206 U. S., 46; Prentis *v.* Atlantic Coast Line, 211 U. S., 210; Keller *v.* United States, 213 U. S., 138; Adams Express Co. *v.* Ky., 214 U. S., 218; W. U. Telegraph Co. *v.* Chiles, 214 U. S., 274; Holmgren *v.* U. S., 217 U. S., 509; Engle *v.* O'Malley, 219 U. S., 128; House *v.* Mayes, 219 U. S., 270; Curtin *v.* Benson, 222 U. S., 78; Interstate Com. Comm. *v.* Goodrich Transit Co., 224 U. S., 194; Hoke *v.* United States, 227 U. S., 308; Athanasaw *v.* United States, 227 U. S., 326; Bennett *v.* United States, 227 U. S., 333; Harris *v.* United States, 227 U. S., 340; Lewis Publishing Co. *v.* Morgan, 229 U. S., 288; Intermountain Rate Cases, 234 U. S., 476; United States *v.* Union Pacific R. R. Co., 234 U. S., 495; St. Benedict Order *v.* Steinhauser, 234 U. S., 640.

AMENDMENT XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

State of Georgia *v.* Brailsford et al., 2 Dall., 402; Chisholm, ex., *v.* State of Georgia, 2 Dall., 419; Hollingsworth et al. *v.* Virginia, 3 Dall., 378; Cohen *v.* Virginia, 6 Wh., 264; Osborn *v.*

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United States Bank, 9 Wh., 738; United States *v.* The Planters' Bank, 9 Wh., 904; The Governor of Georgia *v.* Juan Madrazo, 1 Pet., 110; Cherokee Nation *v.* State of Georgia, 5 Pet., 1; Briscoe *v.* The Bank of the Commonwealth of Kentucky, 11 Pet., 257; Curran *v.* State of Arkansas et al., 15 How., 304; Louisiana *v.* Jumel, 107 U. S., 711; New Hampshire *v.* Louisiana, 108 U. S., 76; Clark *v.* Barnard, 108 U. S., 436; Cunningham *v.* Macon & Brunswick Railroad, 109 U. S., 446; Poindexter *v.* Greenhow, 114 U. S., 270; Allen, auditor, et al. *v.* Baltimore & Ohio R. R. Co., 119 U. S., 311; Hagood *v.* Southern, 117 U. S., 52; Ralston *v.* Missouri Fund Commissioners, 120 U. S., 390; In re Ayers, 123 U. S., 443; Christian *v.* Atlantic & North Carolina R. R. Co., 133 U. S., 233; Lincoln County *v.* Luning, 133 U. S., 529; Hans *v.* Louisiana, 134 U. S., 1; North Carolina *v.* Temple, 134 U. S., 22; New York Guaranty Co. *v.* Steele, 134 U. S., 230; Coupon Cases, 135 U. S., 662; Pennoyer *v.* McConnaughy, 140 U. S., 1; United States *v.* Texas, 143 U. S., 621; In re Tyler, 149 U. S., 164; Reagan *v.* Farmers' Loan & Trust Co., 154 U. S., 362; Reagan *v.* Mercantile Trust Co., 154 U. S., 413; Scott *v.* Donald, 165 U. S., 58; Scott *v.* Donald, 165 U. S., 107; Tindal *v.* Wesley, 167 U. S., 204; Smyth *v.* Ames, 169 U. S., 466; Fitts *v.* McGhee, 172 U. S., 516; Louisiana *v.* Texas, 176 U. S., 1; Smith *v.* Reeves, 178 U. S., 436; Scranton *v.* Wheeler, 179 U. S., 141; Illinois Central R. R. Co. *v.* Adams, 180 U. S., 28; Prout *v.* Starr, 188 U. S., 537; South Dakota *v.* North Carolina, 192 U. S., 286; Chandler *v.* Dix, 194 U. S., 590; Jacobson *v.* Mass., 197 U. S., 11; Graham *v.* Folsom, 200 U. S., 248; Gunter *v.* Atlantic Coast Line, 200 U. S., 273; McNeill *v.* Southern Railway Co., 202 U. S., 543; Mississippi R. R. Commission *v.* Illinois Central R. R., 203 U. S., 335; Virginia *v.* W. Va., 209 U. S., 290; Ex parte Young, 209 U. S., 123; General Oil Co. *v.* Crain, 209 U. S., 211; Scully *v.* Bird, 209 U. S., 481; Murray *v.* Wilson Distilling Co., 213 U. S., 151; Ludwig *v.* W. U. Telegraph Co., 216 U. S., 146; W. U. Telegraph Co. *v.* Andrews, 216 U. S., 165; Herndon *v.* C., R. I. & P. Ry. Co., 218 U. S., 135; Roach *v.* A., T. & S. F. Ry. Co., 218 U. S., 159; Hopkins *v.* Clemson College, 221 U. S., 636; Harrison *v.* St. Louis & San Francisco R. R. Co., 232 U. S., 318; Lankford *v.* Platte Iron Works, 235 U. S., 461; American Water Co. *v.* Lankford, 235 U. S., 496; Farish *v.* State Banking Board, 235 U. S., 498.

AMENDMENT XII.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign

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and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been

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duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

Dred Scott *v.* Sandford, 19 How., 393; White *v.* Hart, 13 Wall., 646; Osborn *v.* Nicholson, 13 Wall., 654; Slaughterhouse Cases, 16 Wall., 36; Ex parte Virginia, 100 U. S., 339; Civil Rights Case, 109 U. S., 3; Plessy *v.* Ferguson, 163 U. S., 537; Robertson *v.* Baldwin, 165 U. S., 275; Clyatt *v.* U. S., 197 U. S., 207; Patterson *v.* Bark *Eudora*, 190 U. S., 169; Clyatt *v.* U. S., 197 U. S., 207; Hodges *v.* U. S., 203 U. S., 1; Bailey *v.* Ala., 211 U. S., 452; Bailey *v.* Ala., 219 U. S., 219; United States *v.* Reynolds, 235 U. S., 133.

AMENDMENT XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Strauder *v.* West Virginia, 100 U. S., 303; Virginia *v.* Rivers, 100 U. S., 313; Ex parte Virginia, 100 U. S., 339; Missouri *v.* Lewis, 101 U. S., 22; Civil Rights Cases, 109 U. S., 3; Louisiana *v.* New Orleans, 109 U. S., 285; Hurtado *v.* California, 110 U. S., 516; Hagar *v.* Reclamation Dist., 111 U. S., 701; Elk *v.* Wilkins, 112 U. S., 94; Head *v.* Amoskeag Mfg. Co., 113 U. S., 9; Barbier *v.* Connolly, 113 U. S., 27; Provident Institution *v.* Jersey City, 113 U. S., 506; Soon Hing *v.* Crowley, 113 U. S., 703; Wurts *v.* Hoagland, 114 U. S., 606; Ky. R. Rd. Tax Cases, 115 U. S., 321; Campbell *v.* Holt, 115 U. S., 620; Presser *v.* Illinois, 116 U. S., 252; Stone *v.* Farmers' Loan and Trust Co., 116 U. S., 307; Arrowsmith *v.* Harmoning, 118 U. S., 194; Yick Wo *v.* Hopkins, 118 U. S., 356; Santa Clara Co. *v.* S. Pacific R. Rd., 118 U. S., 394; Phila. Fire Assn. *v.* N. Y., 119 U. S., 110; Schmidt *v.* Cobb, 119 U. S., 286; Baldwin *v.* Frank, 119 U. S., 678; Hayes *v.* Missouri, 120 U. S., 68; Church *v.* Kelsey, 121 U. S., 282; Pembina Mining Co. *v.* Penna., 125 U. S., 181; Spencer *v.* Merchant, 125 U. S., 345; Dow *v.* Beidelman, 125 U. S., 680; Bank of Redemption *v.* Boston, 125 U. S., 60; Ro Bards *v.* Lamb, 127 U. S., 58; Mo. Pac. Rwy. Co. *v.* Mackey, 127 U. S., 205; Minneapolis and St. Louis Rwy. *v.* Herrick, 127 U. S., 210; Powell *v.* Penna., 127 U. S., 678; Kidd *v.* Pearson, 128 U. S., 1; Nashville, Chattanooga, &c., Rwy. *v.* Alabama, 128 U. S., 96; Walston *v.* Navin, 128 U. S., 578; Minneapolis and St. Louis Rwy. *v.* Beckwith, 129 U. S., 26; Dent *v.* West Va., 129 U. S., 114; Huling *v.* Kaw Valley Rwy. and Improvement

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SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the

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whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

McPherson *v.* Blacker, 146 U. S., 1.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

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SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Crandall *v.* The State of Nevada, 6 Wall., 35; Paul *v.* Virginia 8 Wall., 168; Ward *v.* Maryland, 12 Wall., 418; Slaughterhouse Cases, 16 Wall., 36; Bradwell *v.* The State, 16 Wall., 130; Bartemeyer *v.* Iowa, 18 Wall., 129; Minor *v.* Happersett, 21 Wall., 162; Walker *v.* Sauvinet, 92 U. S., 90; Kennard *v.* Louisiana, ex rel. Morgan, 92 U. S., 480; United States *v.* Cruikshank, 92 U. S., 542; Munn *v.* Illinois, 94 U. S., 113.

AMENDMENT XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

Twining *v.* New Jersey, 211 U. S., 78; New York, ex rel. Silz *v.* Hesterberg, 211 U. S., 31.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

United States *v.* Reese et al., 92 U. S., 214; United States *v.* Cruikshank et al., 92 U. S., 542; Neal *v.* Delaware, 103 U. S., 370; Ex parte Yarborough, 110 U. S., 651; Waddell et al., 112 U. S., 76; McPherson *v.* Blacker, 146 U. S., 1; James *v.* Bowman, 190 U. S., 127; Hodges *v.* United States, 203 U. S., 1.

AMENDMENT XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in

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each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

[2] When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

[3] This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

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RATIFICATIONS OF THE CONSTITUTION.

The Constitution was adopted by a convention of the States September 17, 1787, and was subsequently ratified by the several States, in the following order, viz:

Delaware, December 7, 1787, yeas, 30 (unanimous).

Pennsylvania, December 12, 1787, yeas, 43; nays, 23.

New Jersey, December 18, 1787, yeas, 38 (unanimous).

Georgia, January 2, 1788, yeas, 26 (unanimous).

Connecticut, January 9, 1788, yeas, 128; nays, 40.

Massachusetts, February 6, 1788, yeas, 187; nays, 168.

Maryland, April 28, 1788, yeas, 63; nays, 11.

South Carolina, May 23, 1788, yeas, 149; nays, 73.

New Hampshire, June 21, 1788, yeas, 57; nays, 46.

Virginia, June 26, 1788, yeas, 89; nays, 79.

New York, July 26, 1788, yeas, 30; nays, 27.

North Carolina, November 21, 1789, yeas, 194; nays, 77.

Rhode Island, May 29, 1790, yeas, 34; nays, 32.

The State of Vermont, by convention, ratified the Constitution on the 10th of January, 1791, and was, by an act of Congress of the 18th of February, 1791, "received and admitted into this Union as a new and entire member of the United States of America."

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RATIFICATIONS OF THE AMENDMENTS TO THE CONSTITUTION.

The first ten of the preceding articles of amendment (with two others which were not ratified by the requisite number of States) were submitted to the several State legislatures by a resolution of Congress which passed on the 25th of September, 1789, at the first session of the First Congress, and were ratified by the legislatures of the following States:

New Jersey, November 20, 1789.
Maryland, December 19, 1789.
North Carolina, December 22, 1789.
South Carolina, January 19, 1790.
New Hampshire, January 25, 1790.
Delaware, January 28, 1790.
Pennsylvania, March 10, 1790.
New York, March 27, 1790.
Rhode Island, June 15, 1790.
Vermont, November 3, 1791.
Virginia, December 15, 1791.

The acts of the legislatures of the States ratifying these amendments were transmitted by the governors to the President, and by him communicated to Congress. The legislatures of Massachusetts, Connecticut, and Georgia do not appear by the record to have ratified them.

The **eleventh** amendment was submitted to the legislatures of the several States, there being at that time sixteen States

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in the Union, by a resolution of Congress passed on the 5th of March, 1794, at the first session of the Third Congress; and on the 8th of January, 1798, at the second session of the Fifth Congress, it was declared by the President, in a message to the two Houses of Congress, to have been adopted by the legislatures of three-fourths of the States.

The **twelfth** amendment was submitted to the legislatures of the several States, there being then seventeen States, by a resolution of Congress passed on the 12th of December, 1803, at the first session of the Eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated the 25th of September, 1804.

The **thirteenth** amendment was submitted to the legislatures of the several States, there being then thirty-six States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865, by the legislatures of the following States:

Illinois, February 1, 1865.
Rhode Island, February 2, 1865.
Michigan, February 2, 1865.
Maryland, February 3, 1865.
New York, February 3, 1865.
West Virginia, February 3, 1865.
Maine, February 7, 1865.
Kansas, February 7, 1865.
Massachusetts, February 8, 1865.
Pennsylvania, February 8, 1865.
Virginia, February 9, 1865.

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