# CONTENTS

*Introduction: The Organization Man*  
vi

*Editor's Note*  
xxxiii

1

*Acknowledgments*  
117
INTRODUCTION

Parliamentary Law.

Parliamentary Law refers originally to the customs and rules of conducting business in the English Parliament; and thence to the customs and rules of our own legislative assemblies. In England these customs and usages of Parliament form a part of the unwritten law of the land, and in our own legislative bodies they are of authority in all cases where they do not conflict with existing rules or precedents.

But as a people we have not the respect which the English have for customs and precedents, and are always ready for innovations which we think are improvements, and hence changes have been and are being constantly made in the written rules which our legislative bodies have found best to adopt. As each house adopts its own rules, it results that the two houses of the same legislature do not always agree in their practice; even in Congress the order of precedence of motions is not the same in both houses, and the Previous Question is admitted in the House of Representatives, but not in the Senate. As a consequence of this, the exact method of conducting business in any particular legislative body is to be obtained only from the Legislative Manual of that body.

The vast number of societies, political, literary, scientific, benevolent and religious, formed all over the land, though not legislative, are still deliberative in their character, and must have some system of conducting business, and some rules to govern their proceedings, and are necessarily subject to the common parliamentary law where it does not conflict with their own special rules. But as their knowledge of parliamentary law has been obtained from the usages in this country, rather than from the customs of Parliament, it has resulted that these societies have
followed the customs of our own legislative bodies, and our people have thus been educated under a system of parliamentary law which is peculiar to this country, and yet so well established as to supersede the English parliamentary law as the common law of ordinary deliberative assemblies.

The practice of the National House of Representatives should have the same force in this country as the usages of the House of Commons have in England, in determining the general principles of the common parliamentary law of the land; but it does not follow that in every matter of detail the rules of Congress can be appealed to as the common law governing every deliberative assembly. In these matters of detail, the rules of each House of Congress are adapted to their own peculiar wants, and are of no force whatever in other assemblies.

But upon all great parliamentary questions, such as what motions can be made, what is their order of precedence, which can be debated, what is their effect, etc., the common law of the land is settled by the practice of the U.S. House of Representatives, and not by that of the English Parliament, the U.S. Senate, or any other body.

While in extreme cases there is no difficulty in deciding the question as to whether the practice of Congress determines the common parliamentary law, yet between these extremes there must necessarily be a large number of doubtful cases upon which there would be great difference of opinion, and to avoid the serious difficulties always arising from a lack of definiteness in the law, every deliberative assembly should imitate our legislative bodies in adopting Rules of Order for the conduct of their business.*

*Where the practice of Congress differs from that of Parliament upon a material point, the common law of this country follows the practice of Congress. Thus in every American deliberative assembly having no rules for conducting business, the motion to adjourn would be decided to be undebatable, as in Congress, the English parliamentary law to the contrary notwithstanding; so if the Previous Question were negatived, the debate upon the subject would continue as in Congress, whereas in Parliament the subject would be immediately dismissed; so too the Previous
This Manual is prepared to partially meet this want in deliberative assemblies that are not legislative in their character. It has been made sufficiently complete to answer for the rules of an assembly, until they see fit to adopt special rules conflicting with and superseding any of its rules of detail, such as the Order of Business [§ 44], etc. Even in matters of detail the practice of Congress is followed, wherever it is not manifestly unsuited to ordinary

Question could be moved when there was before the assembly a motion either to amend, to commit, or to postpone definitely or indefinitely, just as in Congress, notwithstanding that, according to English parliamentary law, the Previous Question could not be moved under such circumstances.

When the rules of the two Houses of Congress conflict, the H.R. rules are of greater authority than those of the Senate in determining the parliamentary law of the country, just as the practice of the House of Commons, and not the House of Lords, determines the parliamentary law of England. For instance, though the Senate rules do not allow the motion for the Previous Question, and make the motion to postpone indefinitely take precedence of every other subsidiary motion [§ 7] except to lie on the table, yet the parliamentary law of the land follows the practice of the House of Representatives, in recognizing the Previous Question as a legitimate motion, and assigning to the very lowest rank the motion to postpone indefinitely.

But in matters of detail, the rules of the House of Representatives are adapted to the peculiar wants of that body, and are of no authority in any other assembly. No one for instance would accept the following H.R. rules as common parliamentary law in this country: That the chairman, in case of disorderly conduct, would have the power to order the galleries to be cleared; that the ballot could not be used in electing the officers of an assembly; that any fifteen members would be authorized to compel the attendance of absent members and make them pay the expenses of the messengers sent after them; that all committees not appointed by the Chair would have to be appointed by ballot, and if the required number were not elected by a majority vote, then a second ballot must be taken in which a plurality of votes would prevail; that each member would be limited in debate upon any question, to one hour; that a day’s notice must be given of the introduction of a bill, and that before its passage it must be read three times, and that without the special order of the assembly it cannot be read twice the same day. These examples are sufficient to show the absurdity of the idea that the rules of Congress in all things determine the common parliamentary law.
assemblies, and in such cases, in Part I, there will be found, in a
foot note, the Congressional practice. In the important matters
referred to above, in which the practice of the House of Represen-
tatives settles the common parliamentary law of the country, this
Manual strictly conforms to such practice.*

**Part I** contains a set of Rules of Order systematically arranged,
as shown in the Table of Contents. Each one of the forty-five sec-
tions is complete in itself, so that no one unfamiliar with the work
can be misled in examining any particular subject. Cross refer-
ences are freely used to save repeating from other sections, and by
this means the reader, without using the index, is referred to every-
thing in the Rules of Order that has any bearing upon the subject
he is investigating. The references are by sections, and for conve-
nience the numbers of the sections are placed at the top of each
page. The motions are arranged under the usual classes, in their
order of rank, but in the index under the word motion will be
found an alphabetical list of all the motions generally used. In ref-
ence to each motion there is stated:

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*On account of the party lines being so strictly drawn in Congress, no such thing
as harmony of action is possible, and it has been found best to give a bare majority
in the House of Representatives (but not in the Senate) the power to take final action
upon a question without allowing of any discussion. In ordinary societies more re-
gard should be paid to the rights of the minority, and a two-thirds vote be required,
as in this Manual [§ 39], for sustaining an objection to the introduction of a question,
or for adopting a motion for the Previous Question, or for adopting an order closing
or limiting debate. In this respect the policy of the Pocket Manual is a mean between
those of the House and Senate. But some societies will doubtless find it advanta-
geous to follow the practice of the H.R., and others will prefer that of the Senate. It
requires a majority, according to the Pocket Manual, to order the yeas and nays,
which is doubtless best in the majority of assemblies; but in all bodies in which the
members are responsible to their constituents, a much smaller number should have
this power. In Congress it requires but a one-fifth vote, and in some bodies a single
member can require a vote to be taken by yeas and nays.

Any society adopting this Manual, should make its rules govern them in all cases
to which they are applicable, and in which they are not inconsistent with the By-Laws
and Rules of Order of the society. Their own rules should include all of the cases where
it is desirable to vary from the rules in the Manual, and especially should provide for a
Quorum [§ 43], and an Order of Business [§ 44], as suggested in these rules.
(1) Of what motions it takes precedence (that is, what motions may, be pending, and yet it be in order to make this motion).

(2) To what motions it yields (that is, what motions may be made while this motion is pending).

(3) Whether it is debatable or not.

(4) Whether it can be amended or not.

(5) In case the motion can have no subsidiary motion applied to it, the fact is stated [see Adjourn, § 11, for an example: the meaning is, that the particular motion to adjourn, for example, cannot be laid on the table, postponed, committed or amended].

(6) The effect of the motion if adopted.

(7) The form of stating the question when peculiar, and whatever other information is necessary to enable one to understand the question.

Part II. While the second part covers the entire ground of the first part, it does so in a much simpler manner, being intended for those who have no acquaintance with the usages of deliberative assemblies. It also explains the method of organizing an assembly or society, and conducting a meeting. The motions are treated on an entirely different plan, being classified according to the objects for which they are used, and those of each class compared together so that the reader may obtain the best motion for the accomplishment of any given object. It omits the complications of parliamentary law, and has but few references to the rules of Congress, or those in this Manual. In order to make it complete in itself, it was necessary to repeat a few pages from the first part.

Definitions.

In addition to the terms defined above (taking precedence of, yielding to and applying to), there are other terms that are liable to be misunderstood, to which attention should be called.

Meeting and Session.—In this Manual the term “meeting” is used to denote an assembling together of the members of a
deliberative assembly for any length of time, during which there
is no separation of the members by adjournment. An adjournment
to meet again at some other time, even the same day, terminates
the meeting, but not the session, which latter includes all the ad-
journed meetings. The next meeting, in this case, would be an
“adjourned meeting” of the same session.

A “meeting” of an assembly is terminated by a temporary ad-
journment; a “session” of an assembly ends with an adjournment
without day, and may consist of many meetings [see Session, § 42].

Previous Question—This term is frequently understood to refer
to the question previously under consideration. As used in this
country it is equivalent to a motion to “Stop debate, and proceed
to voting on all the questions before the assembly,” with certain
exceptions, where it affects only one motion (as to postpone, to
reconsider and an appeal; see § 20 for a full explanation).

Shall the Question be Considered (or discussed)? This question,
which is put as soon as a subject is brought before an assembly, if
any member “objects to its consideration” (or “discussion,” or “in-
troduction”), is not intended to merely cut off debate, but to pre-
vent the question from coming before the assembly for its action.
If decided by a two-thirds vote in the negative, the question is re-
moved from before the assembly immediately [see § 15].

Whenever the word “assembly,” which is used throughout these
rules, occurs in forms of motions (as in Appeals, § 14), it is better
to replace it by the special term used to designate the particular
assembly; as for instance, “Society,” or “Convention,” or “Board.”
The term “Congress,” when used in this Manual, refers to the
House of Representatives of the U.S.
INDEX.

The figures from 1 to 45 refer to sections in Part I; those greater than 45, to sections in Part II. A complete list of motions will be found in the Index, under the title Motions, list of. The arrangement of the work can be most easily seen by examining the Table of Contents [pp. 5–9]; its plan is explained in the Introduction, pp. 13–15.

SECTION.

Adjourn, motion to ...............................................................11, 63b
   when in order ................................................................. 11, 64
   effect upon unfinished business ................................. 11, 69
   motion to “fix the time to which to adjourn” ...................... 10, 63
Amendment, motion to “amend” ........................................... 23, 56a
   by “adding” or “striking out” ....................................... 23, 56a
   by “striking out and inserting” ...................................... 23, 56a
   by “substituting” ........................................................ 23, 56a
   by “dividing the question” .......................................... 4, 23, 56a
   of an amendment ...................................................... 23, 56a
   in committee .............................................................. 28, 53
   in committee of the who .............................................. 32
   of reports or propositions with several paragraphs .......... 44, 48b
   of Rules of Order, By-Laws and Constitutions ................... 45, 73
   motions that cannot be amended ................................. 23, 56a
Announcing the vote. See Forms.

Appeal from the decision of the chair ................................ 14, 61e

Apply, meaning of (Introduction, p. 15).

Assembly, how organized .................................................. 46, 47, 48
   the word to be replaced by Society, Convention, etc., when it occurs in
   forms of questions, p. 16.
   legal rights of, pp. 100–103.
   right to punish members, p. 100.
   right to eject persons from their room, pp. 100–101.
   trial of members, pp. 102–3.

Ayes and Noes. See Yeas and Nays, § 38.
Ballot ................................................................................................................................. 38
Blanks, filling of ................................................................................................................. 25
   in balloting, not to be counted .................................................................................. 38
Boards of Trustees, Managers, etc., their reports in order when reports of standing committees are made ........................................................................................................... 44, 72
   (See Quorum.)
Business, introduction of ............................................................................................. 1–5, 54
   order of ......................................................................................................................... 44, 72
   unfinished, effect of an adjournment upon .............................................................. 11, 69
   [See Priority of Business.]
By-Laws, what they should contain .............................................................................. 49
   adoption of .................................................................................................................... 46a
   amendment of ............................................................................................................... 45, 73
Chairman, duties of ......................................................................................................... 40, 50
   election of .................................................................................................................... 46a
   temporary ..................................................................................................................... 40, 47
   of a committee ............................................................................................................. 28, 53
   of committee of the whole ........................................................................................ 32
Change of Vote allowed before result is announced ..................................................... 38
Classification of Motions according to their object ...................................................... 55
   into Privileged, Incidental, Subsidiary, etc. .............................................................. 6–9
Clerk, duties of ................................................................................................................ 41, 51
   additional duties of when receiving money ............................................................ 52
   election of .................................................................................................................... 46a
Commit, motion to .......................................................................................................... 22, 56b
Committees, appointment of ....................................................................................... 22, 46c
   how they should be composed .................................................................................. 22, 53
   object of ...................................................................................................................... 28, 53
   manner of conducting business in .......................................................................... 28, 53
Reports of, their form .................................................................................................... 29, 53
   their reception .......................................................................................................... 30, 46c
   their adoption ........................................................................................................... 31, 46c
   their place in the order of business ........................................................................ 44, 72
   common errors in acting upon (note) ...................................................................... 30, 46c
Minority Reports of, their form .................................................................................... 29, 53
   to be acted upon must be moved as a substitute for the committee's report ....... 28, 53
   of the whole .............................................................................................................. 32
   as if in committee of the whole ............................................................................. 33
Congress, rules of, the basis of this work, pp. 11–12.
Consideration of a question, objection to .................................................................... 15, 59a
Constitutions, what they should contain ...................................................................... 49
adoption of by a society ................................................................. 48b
amendment of .............................................................................. 45, 73
Convention, manner of organizing and conducting a
meeting of .................................................................................... 47
Credentials of delegates ................................................................ 47

Debate, what precedes .................................................................. 3, 54
no member to speak but twice in same ......................................... 34, 65
no member to speak longer than ten minutes at one time .............. 34, 65
a majority can extend the number and length of speeches allowed ..... 34, 65
number of speeches and time allowed in Congress (note) ............... 34, 65
member introducing measure has right to close ............................. 34
list of undebatable questions ........................................................ 35, 66
motions that open the main question to ........................................ 35
principles regulating the extent of (see note) ................................. 35
decorum in ................................................................................... 36, 65
closing or limiting ........................................................................ 37, 58

Decorum in debate ....................................................................... 36, 65
Definitions of various terms [Introduction, pp. 15–16].

Delegates, organization of a meeting of ........................................ 47
Division of the assembly ................................................................ 38
of questions [see Amendment] ...................................................... 4, 56a


Election of Officers ....................................................................... 46a, 47

Fix the time to which to Adjourn, motion to ................................. 10, 63a

Floor, how to obtain .................................................................... 2, 54

Forms of making motions ............................................................. 46, 54
of stating and putting questions .................................................... 38, 67
of announcing the result of a vote ................................................ 38, 54
of reports of committees ............................................................... 29, 53
of treasurers’ reports .................................................................. 52
of minutes of a meeting ............................................................... 41, 51
of conducting an occasional or mass meeting ............................... 46
of conducting a meeting of delegates .......................................... 47
of conducting a meeting to organize a society .............................. 48
of conducting an ordinary meeting of a society ............................ 48b

Incidental questions ...................................................................... 8
Indefinite postponement ............................................................... 24, 59b
Informal consideration of a question ............................................ 33
Introduction of Business ................................................................ 1–5, 54
Journal, or minutes ........................................................................................................ 41, 51

Legal Rights. See Assembly and Ecclesiastical Tribunals.

Lie on the table, motion to .......................................................................................... 19, 57b, 59c

Main question .............................................................................................................. 6

Majority. See Two-thirds and Quorum.

Meeting, distinction between it and session ................................................................ 42, 70

[See also Introduction, pp. 15–16.]

how to conduct. See Forms.

Members not to be present during a debate or vote concerning themselves .......... 36

trial of, pp. 102–3.

Minority Report. See Committees.

Minutes, form and contents of .................................................................................. 41, 51

Moderator. See Chairman.

Modification of a motion by the mover ...................................................................... 5

Motions, list of. [For details, see each motion in the Index.]

Adjourn ...................................................................................................................... 11, 63b

Adjourn, Fix the time to which to ............................................................................ 10, 63a

Amend ....................................................................................................................... 23, 56a

Adopt a report (same as accept or agree to) .......................................................... 31, 46c

Appeal ......................................................................................................................... 14, 61e

Blanks, filling ............................................................................................................ 25

Call to order ............................................................................................................... 14, 61d

Close debate .............................................................................................................. 37, 58

Commit ....................................................................................................................... 22, 56b

Consideration of a question, objection to ............................................................... 15, 59a

Divide the question .................................................................................................. 4, 23, 56a

Extend the limits of debate ...................................................................................... 34, 65

Fix the time to which to adjourn ........................................................................... 10, 63a

Incidental motions or questions ............................................................................... 8

Indefinitely postpone ............................................................................................... 24, 59b

Informal consideration of a question ....................................................................... 33

Leave to continue speech when guilty of indecorum .............................................. 36

Leave to withdraw a motion .................................................................................... 17, 62b

Lie on the table .......................................................................................................... 19, 57b, 59c

Limit Debate ............................................................................................................. 37, 58b

Main motions or questions ...................................................................................... 6

Objection to the consideration of a question ......................................................... 15, 59a

Order, questions of ................................................................................................. 14, 61d

Orders of the day ..................................................................................................... 13, 61a

Orders, special ......................................................................................................... 61b

Postpone to a certain day ....................................................................................... 21, 57a
Postpone indefinitely ................................................................. 24, 59b
Previous question ........................................................................ 20, 58a
Principal motions or questions .................................................. 6
Priority of Business, questions relating to ................................. 35
Privileged motions or questions .................................................. 9
Privilege, questions of ............................................................... 12, 62c
Reading papers ........................................................................ 16, 62
Reception of a report [see Committees] ....................................... 30, 46c
Recommit [same as Commit] ....................................................... 22, 56
Reconsider ................................................................................ 27, 60
Refer [same as Commit] ............................................................ 22, 56b
Renewal of a motion ................................................................. 26, 60
Rise [in committee, equals adjourn] ........................................... 11, 32
Shall the question be considered? [or discussed] ....................... 15, 59a
Special Order, to make a ......................................................... 61b
Strike out [see Amendment] .................................................... 23, 56a
Subsidiary motions or questions ............................................... 7
Substitute (same as Amendment, which see) ............................ 23, 56a
Suspension of the Rules ........................................................... 18, 61c
Take from the table [see Lie on the table] .................................. 19, 57b
Take up a question out of its proper order ................................. 44, 72
Withdrawal of a motion ........................................................... 17, 62

Motions, tabular view of rules relating to, pp. 104–5.
classified according to their object ............................................. 55
classified into Privileged, Incidental, Subsidiary, etc. .................. 6–9
order of precedence of [see each motion, §§ 10–27] .................. 64
how to be made ........................................................................ 1, 2, 46, 54
a second required (with certain exceptions) ............................ 3, 67
to be stated by chairman before being discussed ...................... 3, 54
when to be in writing ................................................................ 4, 54
how to be divided ..................................................................... 4
how to be modified by the mover .............................................. 3, 5, 17
how to be stated and put to the question ................................. 38, 67
that cannot be amended .......................................................... 23, 56a
that cannot be debated ............................................................ 35, 66
that open main question to debate ......................................... 35
that require two-thirds vote for their adoption ......................... 39, 68

Nominations, how treated ....................................................... 25, 46a
Numbers of paragraphs to be corrected by clerk without a vote 23

Objection to the consideration (discussion or introduction of a question) 15, 59a
Officers of an assembly. See Chairman, Clerk, Treasurer and Vice-Presidents.
Order, questions of and a call to ................................................................. 14, 61d
of business ........................................................................................................ 44, 72
of the day ............................................................................................................. 13, 61a
distinction between, and rules of the assembly (note) .............................. 61a
special ..................................................................................................................... 61b
of precedence of motions. See Precedence.
Organization of an occasional or mass meeting .................................. 46a
of a convention or assembly of delegates .................................................... 47
of a permanent society ...................................................................................... 48

Papers and documents, reading of ............................................................. 16, 62
in custody of clerk ............................................................................................ 41, 51
Parliamentary Law, its origin, etc., (Introduction. p. 11.)
of Part II, Organization and Conduct of Business, (Introduction, p. 15.)
Postpone to a certain time ............................................................................. 21, 57a
indefinitely ........................................................................................................... 24, 59b
Preamble, considered after the rest of a paper ........................................ 44
Precedence of motions [see each motion, §§ 10–27] ................................... 64
meaning of, (Introduction, p. 15.)
Presiding Officer. See Chairman.
Previous Question ........................................................................................... 20, 58a
Principal (or main) question .......................................................................... 6
Priority of Business, questions relating to are undebatable ...................... 35
Privilege, questions of ....................................................................................... 12, 62c
Privileged questions ......................................................................................... 9
Putting the question, form of .......................................................................... 38, 67

Questions. See Forms, Motions, Privilege and Order.
Quorum, when there is no rule, consists of a majority ................................. 43
committees and boards cannot decide upon .................................................. 43

Reading of Papers ............................................................................................. 16, 62
Reception of a report. See Committees.
Re-commit (same as Commit) ................................................................. 22, 56b
Reconsider ........................................................................................................ 27, 60
Record, or minutes ...............................................................
Recording officer. See Clerk.
Refer [same as Commit]................................................................................. 22, 56b
Renewal of a motion ......................................................................................... 26, 60
Reports of committees. See Committees.
Rights of assemblies. See Assembly.
of ecclesiastical tribunals, p. 101.
Rise, motion to, in committee, equals adjourn .......................................................... 11, 32

Rules of debate. See Debate.
  of Order, amendment of ................................................................. 45, 73
  of Order, what they should contain ............................................. 49
  standing, what they should contain .......................................... 49
  suspension of .................................................................................. 18, 61c
  relating to motions, tabular view of pp. 104–5.

Seconding, motions that do not require .................................................. 3, 67

Secretary. See Clerk.

Session [See also Meeting] ................................................................. 42, 70

Shall the question be considered (or discussed) ...................................... 15, 59a

Speaking, rules of, See Debate.

Special Order .................................................................................. 61b

Standing Rules .................................................................................. 49

Stating a question, form of .................................................................. 38, 67

Strike out (see Amendment) ................................................................. 23, 56a

Subsidiary motions or questions .......................................................... 7

Substitute (see Amendment) ................................................................. 23, 56a

Sum, largest, first put ........................................................................ 25

Suspension of the rules ...................................................................... 18, 61c

Table of Rules relating to motions, pp. 104–5.

Take from the table, motion to .............................................................. 19, 57b

Time, longest, first put ........................................................................ 25

Treasurer, duties of ............................................................................ 52

Trial of Members, pp. 102–3.

Two-thirds vote, motions requiring ...................................................... 39, 68

Undebatable Questions ........................................................................ 35, 66

Unfinished business, effect of adjournment upon ..................................... 11, 69

  its place in the order of business...................................................... 44, 72

Vice-Presidents .................................................................................. 46d

Vote, form of announcing [see also Forms] ............................................ 38, 54

  motions requiring more than a majority ....................................... 39, 68

  change of, permitted before result is announced ............................. 38

Voting, various methods of .................................................................. 38

Withdrawal of a motion ...................................................................... 17, 62

Yeas and Nays, voting by ..................................................................... 38

Yields, meaning of, (Introduction, p. 15.)