

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, &c., 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.

§ 309. Relations of the Sovereign to the Parliament and its Members.

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#### SEC. VI—QUORUM

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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.

§ 310. Necessity of a quorum during business, including debate.

In the House the Speaker takes the Chair at the hour to which the House stood adjourned and there is no requirement that the House proceed

immediately to establish a quorum, although the Speaker has the authority under clause 7 of rule XX to recognize for a call of the House at any time. The question of a quorum is not considered unless properly raised (IV, 2733; VI, 624), and it is not in order for the Speaker to recognize for a point of no quorum unless he has put the pending question or proposition to a vote. While it was formerly the rule that a quorum was necessary for debate as well as business (IV, 2935–2949), under the procedure put in effect in the 95th Congress such is not the case. In the 94th Congress the House by rule restricted the Chair's ability to recognize the absence of a quorum (clause 7 of rule XX). Clause 5(c) of rule XX permits the House to operate with a "provisional quorum" where the House is without a quorum due to catastrophic circumstances (see § 1024a, *infra*). Title III of the Legislative Branch Appropriations Act, 2006, amended Federal election law to require States to hold special elections for the House within 49 days after a vacancy is announced by the Speaker in the extraordinary circumstance that vacancies in representation from the States exceed 100 (P.L. 109–55; 2 U.S.C. 8).

## SEC. VII—CALL OF THE HOUSE

On the 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 cannot be necessary.

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

Rule XX of the House provides for a procedure on call of the House. Members of the House do not rise on answering, and quorum calls are normally conducted by electronic device (clause 2(a) of rule XX). Clause 5(c) of rule XX permits the House to operate with a "provisional quorum"