

amined and decisively determined in reference to the law of 1851, which directs the method of procedure for the House in its constitutional function of judging the elections of its Members; and it has been determined that this law is not of absolute binding force on the House, but rather a wholesome rule not to be departed from except for cause (I, 597, 713, 726, 833; II, 1122). In modern practice, existing statutory procedures, including provisions of concurrent resolutions, are readopted as Rules of the House at the beginning of each Congress (see, *e.g.*, H. Res. 6, Jan. 4, 1995, p. 462). This practice was codified in clause 1 of rule XXVIII when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 75, see § 1013, *infra*). Where the House amended a standing rule of general applicability during a session and the amended rule did not require prospective application, the rule was interpreted to apply retroactively (Sept. 28, 1993, p. 22719).

As to the participation on occasions of ceremony, the House has entered its orders on its journal; but it rarely attends outside the Capitol building as a body, usually preferring that its Members go individually (V, 7061–7064) or that it be represented by a committee (V, 7053–7056). It has discussed, but not settled, its power to compel a Member to accompany it without the Hall on an occasion of combined business and ceremony (II, 1139). But the House remains in session for the inauguration of the President on the portico of the Capitol (Jan. 20, 1969, pp. 1288–92) and the mace is carried to the ceremony.

SEC. XIX—PETITION

§ 389. Petitions, remonstrances, and memorials.

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

The Rules of the House make no mention of remonstrances, but do mention petitions and memorials (clause 3 of rule XII). Resolutions of State legislatures and of primary assemblies of the people are received as memorials (IV, 3326, 3327), but papers general or descriptive in form may not be presented as memorials (IV, 3325).

§ 390. Signing and presentation of petitions.

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, 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*.

In the House petitions have been presented for many years by filing with the Clerk (clause 3 of rule XII). Members file them, and petitioners do not attend on the House in the sense implied in the parliamentary law. In cases where a petition set forth serious changes, the petitioner was required to have his signature attested by a notary (III, 2030, footnote).

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 silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

§ 391. Parliamentary law for the reception of petitions.

Before the adoption of the provisions of clause 3 of rule XII, petitions were presented from the floor by Members, and questions frequently arose as to the reception thereof (IV, 3350-3356). But under the present practice such procedure does not occur.

SEC. XX—MOTION

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

§ 392. Parliamentary law as to making, withdrawing, and reading of motions.

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