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where the House is without a quorum due to catastrophic circumstances (see § 1024a, *infra*).

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## SEC. IX—SPEAKER

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**§ 312. Election of Speaker.**

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 Gray, 406.* Where the House debated and exchanged messages and answers with the 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.*

On October 23, 2000, the House of Commons, pursuant to a Standing Order, elected a new Speaker after rejection of twelve other nominees offered one at a time as amendments to the question. The amendments were offered after refusal of the "Father of the House of Commons" to entertain a motion to change the Standing Order to require a preliminary secret ballot. On March 22, 2001, and on October 29, 2002, the House of Commons adopted Standing Order 1B, requiring that the election of a new Speaker be by secret ballot (*Standing Orders of the House of Commons—Public Business 2003*).

For a discussion of the election of the Speaker of the House of Representatives, see § 27, *supra.*

**§ 313. Election of President pro tempore of the Senate.**

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.

In the later practice the President pro tempore has usually been chosen by resolution. In 1876 the Senate determined that the tenure of the Office of a President pro tempore elected at one session does not expire at the meeting of Congress after the first recess, the Vice President not having appeared to take the chair; that the death of the Vice President does not have the effect of vacating the Office of President pro tempore; and that the President pro tempore holds office at the pleasure of the Senate (II, 1417). In the 107th Congress the Senate elected two Presidents of the Senate pro tempore for different periods when the majority of the Senate shifted after inauguration of the Vice President (S. Res. 3, Jan. 3, 2001, p. 7).

**§ 314. Parliamentary law as to choice of Speaker pro tempore.**

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.

} Not merely pro tem. 1 *Chand., 169, 276, 277.*

Sawyer being ill, Seymour chosen.

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.*

The House, by clause 8 of rule I, has provided for appointment and election of Speakers pro tempore. Relying on the Act of June 1, 1789 (2 U.S.C. 25), the Clerk recognized for nominations for Speaker, at the convening of a new Congress, as being of higher constitutional privilege than a resolution to postpone the election of a Speaker and instead provide for the elec-

tion of a Speaker pro tempore pending the disposition of certain ethics charges against the nominee of the majority party (Jan. 7, 1997, p. 115).

**§ 315. Removal of the Speaker.**

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

A resolution declaring the Office of Speaker vacant presents a question of constitutional privilege (VI, 35), though the House has never removed a Speaker. It has on several occasions removed or suspended other officers, such as Clerk and Doorkeeper (I, 287–290, 292; II, 1417). A resolution for the removal of an officer is presented as a matter of privilege (I, 284–286; VI, 35). The Speaker may remove the Clerk, Sergeant-at-Arms, and Chief Administrative Officer under clause 1 of rule II.

## SEC. X—ADDRESS

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**§ 316. Addresses to the President.**

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

In the first years of Congress the President annually delivered an address to the two Houses in joint session, and the House then prepared an address, which the Speaker, attended by the House, carried to the President. A joint rule of 1789 also provided for the presentation of joint addresses of the two Houses to the President (V, 6630). In 1876 the joint rules of the House were abrogated, including the joint rule providing for presentation of the joint addresses of the two Houses to the President (V, 6782–6787). In 1801 President Jefferson transmitted a message in writing and discontinued the practice of making addresses in person. From 1801 to 1913 all messages were sent in writing (V, 6629), but President Wilson resumed the custom of making addresses in person on April 8, 1913, and, with the exception of President Hoover (VIII, 3333), the custom has been followed generally by subsequent Presidents.