

senting 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 of Representatives petitions have been presented for many years by filing with the Clerk (clause 1 of rule XXII). 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.

Prior to the adoption of the provisions of clause 1 of rule XXII, 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It is then, and not till then, in possession of the House, and can not be withdrawn but by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 read to the House by the Speaker as often as any Member desires it for his information. *2 Hats., 82.*

The rules of the House of Representatives (clause 1 of rule XVI) have long since dispensed with the requirement of a second for ordinary motions (V, 5304). Clause 2 of rule XVI provides further that a motion may be withdrawn "before decision or amendment"; and clause 1 of the same rule provides that the motion shall be reduced to writing "on the demand of any Member." In the practice of the House, when a paper on which the House is to vote has been read once, the reading may not be required again unless the House shall order it read (V, 5260).

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.

§ 393. Interruptions of the Member having the floor.

§ 394. Members required to rise to make motions, call for the order of business, etc.

The practice of the House of Representatives has modified the principle that the Member who rises first is to be recognized (clause 2 of rule XIV);

but in other respects the principles of this paragraph of the law of Parliament are in force.

## 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.

§ 395. Orders and resolutions of the House.

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 clause 2 of rule XX) 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.

In the modern practice concurrent resolutions have been developed as a means of expressing fact, principles, opinions, and purposes of the two Houses (II, 1566, 1567). Joint committees are authorized by resolutions of this form (III, 1998, 1999), and they are used in authorizing correction of bills agreed to by both Houses (VII, 1042), amendment of enrolled bills (VII, 1041), amendment of conference reports (VIII, 3308), requests for return of bills sent to the President (VII, 1090, 1091), authorizing the printing of certain enrolled bills by hand in the remaining days of a session (H. Con. Res. 436, Dec. 20, 1982, p. 32875), providing for joint session to receive message from the President (VIII, 3335, 3336), authorizing the printing of congressional documents (H. Con. Res. 66, July 1, 1969, p. 17948); paying a birthday tribute to former President Truman (H. Con. Res. 216, Apr. 24, 1969, p. 10213); calling for the humane treatment of prisoners of war in Vietnam (H. Con. Res. 454, Dec. 15, 1969, p. 39037), and fixing time for final adjournment (VIII, 3365). The Congressional Budget Act of 1974 (P.L. 93-344) provides for the adoption by both Houses of concurrent resolutions on the budget which become binding on both Houses with respect to congressional budget procedures (see § 1007, *infra*). A concurrent resolution is binding on neither House until agreed to by both (IV, 3379), and, since not legislative in nature, is not sent to the President for approval (IV, 3483). A concurrent resolution is not a bill

§ 396. Concurrent resolutions of the two Houses.