

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).

§ 391. Parliamentary law for the reception of petitions.

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 “re-

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

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It is then, and not till then, in possession of the House, and can not be withdrawn but by leave of the House.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

The House has long since dispensed with the requirement of a second for ordinary motions (clause 1 of rule XVI; V, 5304); and the requirement of a second for a motion to suspend the rules was eliminated in the 102d Congress (H. Res. 5, Jan. 3, 1991, p. 39). Clause 2 of rule XVI provides further that a motion may be withdrawn before decision or amendment (see § 904, *infra*); and clause 1 of the same rule provides that the motion shall be reduced to writing on the demand of any Member (see § 902, *infra*). 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

§ 393. Interruptions of the Member having the floor.