

Houses together have power of judicature; and the book of the Clerk of the House of Commons is a record, as is affirmed by act of Parl., *6 H. 8, c. 16; 4 Inst., 23, 24*; and every member of the House of Commons hath a judicial place. *4 Inst., 15*. As records they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case. *2 Hats., 261; 3 Hats., 27–30*. Every member has a right to see the journals and to take and publish votes from them. Being a record, every one may see and publish them. *6 Grey, 118, 119*.

The Journal of the House is the official record of the proceedings of the House (IV, 2727), and certified copies are admitted as evidence in the courts of the United States (IV, 2810; 28 U.S.C. 1736). A Senate committee concluded that the Journal entries of a legislative body were conclusive as to all the proceedings had, and might not be contradicted by ex parte evidence (I, 563).

On information of a misentry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House. *2 Hats., 194, 195*.

§ 583. Correction of the Journal through a committee.

#### SEC. L—ADJOURNMENT

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The King has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either

§ 584. Parliamentary law as to adjournment of the Commons and Lords.

House to comply with his requisition, or not, as they see fitting. *2 Hats.*, 232; *1 Blackst.*, 186; *5 Grey*, 122.

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A motion to adjourn, simply cannot be amended, as by adding “to a particular day;” but must be put simply “that this House do now adjourn;” and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, “that at its rising it will adjourn to a particular day,” and then the House is adjourned to that day. *2 Hats.*, 82.

§ 585. Motion to adjourn not to be amended.

The modern practice of the House adheres to this principle (§§ 912, 913, *infra*). Clause 4 of rule XVI admits at the discretion of the Speaker a separate motion of equal privilege that when the House adjourns on that day it stand adjourned to a day and time certain (consistent with article I, section 5, clause 4 of the Constitution, not in excess of three days).

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c., it adjourns during pleasure; *2 Hats.*, 305; or for a quarter of an hour. *4 Grey*, 331.

§ 586. Motion for a recess.

An adjournment during pleasure is effected in the House by a motion for a recess. A recess may not be taken by less than a quorum (IV, 2958–2960), and consequently the motion for it is not in order in the absence of a quorum (IV, 2955–2957). When the hour previously fixed for a recess arrives, the Chair declares the House in recess even in the midst of a division or when a quorum is not present (IV, 664; V, 6665, 6666); but a roll call is not in this way interrupted (V, 6054, 6055). Where a special order requires a recess at a certain hour of a certain day, the recess is not taken if the encroachment of a prior legislative day prevents the existence of said certain day as a legislative day (IV, 3192). And an adjournment at a time before the hour fixed for a recess vacates the recess (IV, 3283). A motion for a recess must, when entertained, be voted on, even though the taking of the vote may have been prevented until after the hour speci-

fied for the conclusion of the proposed recess (V, 6667). A Committee of the Whole takes a recess only by permission of the House (V, 6669–6671; VIII, 3362). The motion for a recess is not privileged (V, 4302, 5301, 6740), in the House or in Committee of the Whole (June 26, 1981, p. 14356) against a demand that business proceed in the regular order (V, 6663; VIII, 3354–3356). However, beginning in the 102d Congress a motion to authorize the Speaker to declare a recess was given a privilege equal to that of the motion to adjourn (clause 4 of rule XVI); and beginning in the 103d Congress the Speaker was authorized to declare a recess “for a short time when no question is pending” (clause 12 of rule I). For the Speaker’s authority to declare an emergency recess when notified of an imminent threat to the safety of the House, see § 639, *infra*.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. *5 Grey, 137*. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

§ 587. Adjournment pronounced by the Speaker.

## SEC. LI—A SESSION

Parliament have three modes of separation, to wit: by adjournment, by prorogation or dissolution by the King, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session; provided some act was passed. In this case all matters depending before them are discontinued, and at their next meeting are to be taken up *de novo*, if taken up at all. *1 Blackst., 186*. Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, of for a fortnight, a month, &c., *ad libitum*. All matters depending remain in *statu quo*, and when they meet again, be the term ever so distant, are resumed, without any fresh commencement, at the point at which they were left. *1 Lev., 165; Lex.*

§ 588. Sessions of Parliament.