

[Document ---]

BY THE HOUSE OF DELEGATES,

JANUARY 6, 1870.

Read and ordered to be printed.

By order,

MILTON Y. KIDD,

Chief Clerk.

RULES AND ORDERS

FOR THE

Regulation and Government

OF THE

HOUSE OF DELEGATES

OF

MARYLAND.

—•—
JANUARY SESSION, 1870.
—•—

ANNAPOLIS:
WILLIAM THOMPSON & R., PRINTER.
1870.

RULES

OF THE

HOUSE OF DELEGATES.

JANUARY SESSION, 1870.

THE DUTIES OF THE SPEAKER.

I.

The Speaker shall take the Chair every day precisely at the hour to which the House stands adjourned; shall immediately call the Members to order, and after Divine Service has been performed, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

II.

He shall preserve decorum and order; may speak to points of order in preference to other Members; shall decide questions of order, subject to an appeal to the House by any two Members; and his decision of any question shall be final, unless the yeas and nays be required; and he may vote on every question, except on an appeal from the decision of the Chair on a question of order.

III.

The Speaker shall examine and correct the Journal before it is read; he shall have a general direction of the Hall; he shall have a right to name, from time to time, any Member to perform the duties of the Chair, but such substitution shall not extend beyond a term of seven days; he shall appoint all Conferees and Committees, unless otherwise directed by the House; and may admit Stenographers, willing to keep down debates, and assign them such places on the floor or elsewhere, to effect their object, as shall not interfere with the business or convenience of the House.

IV.

In case of any disturbance or disorderly conduct in the Gallery or lobby, the Speaker (or Chairman of the Committee

of the Whole House) shall have power to order the same to be cleared.

V.

No person shall be admitted within the Bar of the House but Members of the Executive and Judiciary Departments, Members of the Senate, Ex Governors, former Members of the Legislature, and such other persons as may be invited by the Speaker.

OF THE ORDER OF BUSINESS.

VI.

The presentation and dispositions of Petitions, Memorials, Applications, or other Papers.

Orders.

Leaves to introduce Bills.

Resolutions.

Reports of Standing Committees.

Reports of Select Committees.

Resolutions entitled to a second reading.

Bills entitled to a second reading.

Bills entitled to a third reading.

The Order of the Day will then be taken up for consideration; which last shall not be taken up before 12 o'clock, unless all the ordinary business shall have been previously disposed of, and shall, after that hour, have preference over all ordinary business.

OF DECORUM, DEBATE, &c.

VII.

Every Member shall take his seat when the Speaker takes the Chair.

VIII.

No Member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

IX.

When a Member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, uncovered, and respectfully address himself to "*Mr. Speaker.*" He shall confine himself to the question under debate; shall avoid personality, and shall use some other distinction than the proper name of any other Member to whom he may refer in debate.

X.

If two or more Members shall rise to speak at the same time, the Speaker shall determine which shall speak first, and no member shall speak more than twice to the same question; nor more than once, until every Member choosing to speak, shall have spoken.

XI.

If any Member shall, in any manner, transgress the Rules of the House, the Speaker shall, or any Member may, call him to order; in which case, the Member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the Member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and, if the case require it, he shall be liable to the censure of the House.

XII.

No Member shall vote on any question in the result of which he is immediately and particularly interested, nor in any case where he was not present when the vote was taken, without leave of the House; and upon a division and count

of the House on any question, no Member without the Bar shall be counted.

XIII.

Every Member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him. And the refusal of any Member present to vote, on calling the yeas and nays, shall be noted on the Journal at the request of any Member.

XIV.

No Member, without the permission of the House, shall answer on the yeas and nays, who did not divide on the question; and if any Member divide on one side and answer on the other on calling the yeas and nays, the same shall be noted on the Journal at the request of any Member.

XV.

No Member shall take out of the House any Bill, or other Paper belonging to the House, without leave of the Speaker, and no original paper shall be delivered to any person during the recess of the Legislature, without a written order from the Speaker.

XVI.

Any Member, on motion, or in debate, may call for the reading of any Law, Journal, Record, or other Public Proceedings, which may relate to the subject matter.

XVII.

No Member shall nominate more than one person on any Committee; and in making such nomination, he shall rise and address himself to the Speaker.

XVIII.

The name of every Member making a Motion, presenting any Petition, Memorial, or other Paper, proposing any Resolution, Order, or other matter, shall be inserted on the Journal; but if any motion or proposition be withdrawn, all proceedings relating immediately thereto, shall be expunged from the Journal.

XIX.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out or cross the House; nor in such case, or while a Member is speaking, shall hold private discourse, so as to interrupt debate.

XX.

When a Motion is made and seconded, it shall be stated by the Speaker ; or being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debate ; and every Motion shall be reduced to writing, if the Speaker or any Member require it.

XXI.

When a motion is made and seconded, or when a Question is under debate, the matter shall receive a determination by the Question ; or it may be postponed by a motion to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely— which several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting words of a Bill, shall have precedence of a motion to amend ; and, if carried, shall be equivalent to its rejection ; and when a question is postponed indefinitely, the same shall not be acted on again during the session.

XXII.

The Previous Question shall be in this form : “*Shall the Previous Question be now put?*” It may be called for on any question ; and when demanded by a majority of the members present, it shall preclude all further amendment and debate on the question or section of the bill under consideration.

XXIII.

On a Motion for the Previous Question, on a Motion to Lie on the Table, or a Motion to Adjourn, there shall be no Debate.

XXIV.

Every Question shall be entered on the Journal, and the yeas and nays shall be taken when required by five Members who shall have divided on the Question ; and whenever the yeas and nays are ordered to be taken, no question of adjournment shall be received or propounded by the Speaker, until the yeas and nays are called, counted and reported.

XXV.

Any Member may call for the Division of the Question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.

XXVI.

A motion to Strike Out and Insert shall be deemed indivisible; but the matter proposed to be inserted may be divided, if required, according to the 26th Rule. A Motion to Strike Out being lost, shall preclude neither Amendment nor a Motion to Strike Out and Insert. No Motion or Proposition on a subject different from that under consideration, shall be admitted under color of amendment.

XXVII.

All Questions, except on the Final Passage of a Bill, or a Motion to suspend the Rules, or those otherwise herein provided for, shall be determined by a majority of the Members present; those dividing in the affirmative rising in their places, those in the negative continuing in their seats, and so *vice versa*, until a decision by the Speaker.

XXVIII.

The Question on the Final Passage of a Bill shall always be determined by yeas and nays, which shall be recorded on the Journal; and unless it shall thus appear that a majority of the whole number of Members elected to the House have voted in the affirmative, the Bill shall be declared rejected.

XXIX.

When a Question has once been decided in the affirmative or negative, a Motion of Reconsideration shall be in order, if made by one Member and seconded by two others who voted in the majority, within three days of actual session, after the decision; but should a Bill, on its final passage, be declared rejected merely for the want of a Constitutional majority, the Motion for Reconsideration may be made by one Member and seconded by two others who voted in either the affirmative or negative; and no Motion for Reconsideration shall be postponed or laid on the table.

XXX.

Petitions, Memorials, and other Papers, addressed to the House, shall be presented by the Speaker, or by a Member in his place; and the object of all Petitions and Memorials shall be endorsed on the back, and entered on the Journal.

XXXI.

The unfinished business in which the House was engaged at the preceding adjournment, shall have the preference in the Orders of the Day; and no Motion or any other business

shall be received without the special leave of the House, until the former is disposed of.

XXXII.

Any fifteen Members, (including the Speaker, if there be one,) shall be authorized to compel the attendance of absent Members.

XXXIII.

Every Committee shall have leave to report by Bill or otherwise.

XXXIV.

No Committee shall sit, **during** the sitting of the House, without special leave.

XXXV.

On an election to any office of trust or profit, no ballot shall be counted unless the person for whom it be given be nominated to the House before the balloting be commenced, except as may be otherwise provided for by the Constitution.

XXXVI.

When a blank is not filled up, and different sums, numbers, or times shall be proposed, the question shall be taken on the largest sum or number, and on the longest time.

XXXVII.

Upon calls of the House, or on taking the yeas and nays, the names of the Members shall be called by counties, according to seniority.

ON BILLS AND RESOLUTIONS.

XXXVIII.

Every Bill shall be introduced by motion for leave, by an order of the House, or on the report of a Committee; and in either of the two cases first mentioned, shall be referred to a Committee to report thereon.

XXXIX.

Every Bill shall receive three readings in the House, on three different days of the Session, previous to its passage, unless three-fourths of the members of the House otherwise determine; the first of which readings shall be by the title only, unless a majority of the House shall otherwise order.

XL.

The first reading of a Bill shall be for information, and if opposition be made to it, the Question shall be: "*Shall this Bill be considered?*" If no opposition be made, or if the Question to consider be decided in the affirmative, the Bill shall go to its second reading without a Question.

XLI.

All Bills of a local character and of a partial operation, received from the Senate, shall be referred to a Select Committee of three Members, to be appointed by the Speaker; and Bills of a public or general character, received from the Senate, relating to subjects upon which Committees have been appointed, shall be referred, severally, to the Committee to which the same belong respectively.

XLII.

Every Resolution originating in this House, or received from the Senate, shall be read on two several days, with an intermission of one day at least, during which time it shall lie on the table, for the perusal of Members, unless on very urgent occasions the House, by special order, two-thirds of the Members present agreeing, dispense with the rule; which order shall be entered on the Journal.

XLIII.

No Resolution shall have a second reading, or a Bill a third reading, until every Member in the city shall be called upon to attend, (if required by three Members,) except he be excused by the House for indisposition, or a necessary attendance on public business; but calls of the House shall be made, if required by seven Members, at any time when a subject is under consideration.

XLIV.

All Joint Resolutions which have been once read, and are entitled to a second reading, and all Bills which have been once or twice read, and are entitled to a second or third reading by the Rules of the House, shall be arranged every morning agreeably to seniority, by the Clerk, placed on the

Speaker's desk, taken up by them in due order, the date of their last reading announced, and read a second or third time, although no motion for a second or third reading may have been made.

Members having Bills or other matter connected with the business of the House to be copied, shall place the same in the hands of the Chief Clerk, who will have them correctly copied and returned to the Members.

XLV.

The following Standing Committees, each to consist of seven Members, (except the Committee on Ways and Means, Judiciary and Corporations, which shall consist of nine members each,) shall be appointed by the Speaker, at the commencement of the session, viz:

1. A Committee on Elections.
2. A Committee on Ways and Means.
3. A Committee on Claims.
4. A Committee on the Judiciary.
5. A Committee on Pensions.
6. A Committee on Internal Improvements.
7. A Committee on Education.
8. A Committee on Militia.
9. A Committee on Agriculture.
10. A Committee on Corporations.
11. A Committee on Inspections.
12. A Committee on Colored Population.
13. A Committee on Manufactures.
14. A Committee on Public Buildings.
15. A Committee on Public Records.
16. A Committee on the Library.
17. A Committee on Printing.
18. A Committee on Insolvency.
19. A Committee on Engrossed Bills and Resolutions.
20. A Committee on Expiring Laws.
21. A Committee on Federal Relations.
22. A Committee on the Currency.

23. A Committee on the Contingent Fund, placed at the disposal of the Executive.

24. A Committee on Roads and Highways.

XLVI.

All Bills reported to this House by a Committee shall be printed in bill form ; but Bills of a local character shall not be printed unless ordered by a special vote of the House.

XLVII.

Reports of Committees on subjects of a private or local nature shall not, in future, be entered *in extenso* on the Journal ; but the favorable or unfavorable character only of such Reports shall be placed on the Journal.

COMMITTEE OF THE WHOLE HOUSE.

XLVIII.

The House shall be resolved into a Standing Committee of the Whole on the condition of the State, if required by seven Members ; which Committee may originate Bills or Resolutions. Bills on their third reading, and all other matters on their second reading, shall, if required by five Members, be committed to a Committee of the Whole House.

XLIX.

In forming a Committee of the Whole House, the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

L.

Upon Bills, Resolutions, Reports, Orders, or other matters committed to a Committee of the Whole House, the same shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the title and preamble to be last considered. The body of the Bill, Resolution, Report, Order, or other matter, shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the

same shall be agreed to by the Committee, and so report to the House. After report, the Bill, Resolution, Report, Order, or other matter, shall again be subject to be debated and amended by clauses.

LI.

The Rules of Proceedings in the House shall be observed in a Committee of the Whole House, as far as applicable.

LII.

No Standing Rule or Order shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any Rule be suspended, except by a vote of at least two-thirds of the Members present.

DUTIES OF THE OFFICERS.

All Clerks, Officers, and Employees shall be prompt in their attendance at each opening of the House, and shall remain at their several posts during the entire sitting of the House; ready to render any service in accordance with their several duties.

No Clerk, Officer or Employee shall be absent at *any time* during the sittings of the House, unless by permission of the Speaker, nor absent himself from the service of the House, unless by permission asked (in writing) and obtained from the House during its sitting.

Upon proper information and just complaint, the Speaker is authorized to suspend any Clerk, Officer or Employee, and shall report the fact to the House at its then or next sitting.

THE CHIEF CLERK

Shall keep the minutes of proceedings in the House, and make out, subject to the control of the Speaker, the Journal of said proceedings, in readiness for the same to be read at the next meeting of the House. He shall also prepare an

Index to the Journal and Laws, at the end of each session, and deliver them to the Printer of the House within thirty days after the close of the session.

He shall keep the files of the House, preserving all petitions and other papers belonging to the archives.

He shall keep a book in which are entered, numerically, the titles of all bills and joint resolutions, opposite which are entered, as they occur, all proceedings of the House thereon; also, all proceedings of the Senate, as they are reported to the House.

He shall place appropriate endorsements upon all papers presented to the House, and after entering the same in books kept for that purpose, send to the Printer of the House such as are to be printed, and to the appropriate Committees such as are referred without printing.

He shall convey all messages from the House to the Senate, preceded by the Sergeant-at-Arms.

He shall receive all messages from the Senate, when presented by that body.

He shall receive from Members the drafts of bills intended to be presented by them to the House; have them copied in bill form, and returned to the desks of the Members, with the original, in the order in which they are presented to him.

He shall every morning arrange, agreeably to seniority, all joint resolutions which have been once read, and are entitled to a second reading, and all bills which have been once or twice read, and are entitled to a second or third reading, and place them on the Speaker's desk.

THE READING CLERK

Shall call the roll each day at the opening of the House, read all bills, resolutions and other matter when handed him by the Speaker.

THE SERGEANT-AT-ARMS AND HIS ASSISTANT

Shall attend the House during its sittings, *to aid in the enforcement of order, under the direction of the Speaker; to execute the commands of the House from time to time; together with all such process, issued by authority thereof, as shall be directed by the Speaker.*

The symbol of his office (the Mace) shall be borne by him when in the execution of his office.

THE COMMITTEE CLERKS

Shall copy all manuscripts handed them by the Chief Clerk in such manner as he shall direct, and return the original copy to him when completed.

THE PAGES

Shall, each morning, lay upon the desks of the several Members a copy of the printed Journal, and all other printed matter ordered by the House.

Shall wait upon the Members in any matter directly connected with the House.

THE DOORKEEPERS

Shall close the doors leading into the Hall so soon as the Chaplain commences prayer, and shall prevent conversation, walking, or any interruption whatever outside the Bar of the House during Religious Services.

Shall close, and keep closed, both doors of the Bar of the House, and take and keep position directly thereat, allowing no person to pass, unless in *strict conformity to the Fifth Rule*, viz:

“No person shall be admitted within the Bar of the House but members of the Executive and Judiciary Departments, Members of the Senate, Ex-Governors, former Members of the Legislature, and such other persons as may be invited by the Speaker.”

Shall prevent any abuse of property in the Lobbies.

Shall keep the aisles outside the Bar of the House clear, so that ingress and egress of Members shall not be interrupted.

Shall give full attention to the comfort and seating in the Lobbies of all visitors.

THE POSTMASTER

Shall, on the arrival of the mails, promptly deliver to the Members all mail matter addressed to them, and shall collect from their desks all matter prepared for mailing.

THE HALL KEEPER

Shall enforce proper decorum and order in the Rotunda, and shall exercise such supervision over the Hall, when the House is not in session, as will prevent the loss or injury of property therein.

Adopted January 1870.