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BY THE SENATE,

FEBRUARY 28, 1870.

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By order,

AUGUSTUS GASSAWAY,

Secretary.

RULES

FOR THE

REGULATION AND GOVERNMENT

OF THE

Senate of Maryland.

January Session, 1870.

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1870.

RULES OF THE SENATE.

I.

The President shall take the Chair at the hour of meeting, when every Senator shall take his seat and remain uncovered until the Senate rises. The President shall immediately call the Senate to order, and after Divine service, shall cause the names of the Senators to be called in alphabetical order, and the Journal of the preceding day to be read and corrected, if any errors exist.

II.

He shall preserve order and decorum; may speak to points of order in preference to Senators; shall decide questions of order, subject to an appeal to the Senate by any member, and his decision of any question shall be final, unless reversed by a majority of the Senators voting.

III.

The President shall have a general direction of the Senate Chamber and the Committee Room adjoining, and in case of any disturbance or disorderly conduct in the Gallery, Lobby, or Committee Room, shall have power to order the same to be cleared.

IV.

No person shall be admitted within the bar of the Senate Chamber but members of the Executive and Judiciary Departments, members of the House of Delegates, Ex-Governors, former members of the Legislature, and such other persons as may be invited by the President or members of the Senate.

V.

After the reading of the proceedings of the preceding day, the following shall be the order of business:

The presentation and disposition of petitions, memorials, applications and 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.

VI.

When the regular order for the bills on the second and third reading shall come up, the title of all such bills shall first be announced seriatim by the Clerk, unless otherwise ordered by the Senate.

VII.

Every Senator when he shall deliver his opinion, submit a motion or speak in debate, shall rise and address himself to the President.

VIII.

No Senator in debate shall name any other by his proper name, but shall designate him in some other mode.

IX.

No Senator shall speak more than once upon any subject until every other Senator wishing to speak shall have spoken.

X.

If two or more members of the Senate shall rise at the same time to speak, the President shall determine which is entitled to the floor.

XI.

If any Senator shall be called to order by the President, or by any member, he shall take his seat until it shall be determined whether he is in order or not; and all questions shall be determined in the first instance by the President without debate; but any member shall have a right to appeal from his decision to the judgment of the Senate.

XII.

There shall be a call of the Senate upon the motion of any Senator, and all absent members, being at the seat of Government, shall thereupon be sent for.

XIII.

Every Bill and Resolution originated and passed by the House of Delegates, shall, after the first reading in the Senate, be referred to the appropriate Standing Committee, unless otherwise ordered by a majority of the members present.

XIV.

All questions shall be determined by a majority of the attending members, except such as are otherwise provided for by the rules of the Senate.

XV.

Every question shall be entered on the Journal, and the votes taken by yeas and nays, if required by a Senator.

XVI.

The name of every Senator shall appear on the Journal on motion for leave to bring in a bill, on motion proposing a resolution, and on motion to amend a bill, resolution or order.

XVII.

The President of the Senate may, from time to time, call any member thereof to perform the duties of the Chair ; but such substitution shall not extend beyond an adjournment ; whenever any appeal is taken from the decision of the Chair, he shall have the privilege of debating the question of appeal, but he shall not vote on a question of appeal from the decision of the Chair ; whenever a member of the Senate performs the duties of the President, he shall vote on every question except in cases of an appeal from his own decision ; he may, from time to time, call any member of the Senate to the Chair, but such substitution shall not extend beyond an adjournment, and may exercise his right of entering into debate on the floor.

XVIII.

All committees of the Senate, for conference, shall, if required by any member of the Senate, be elected by ballot, the number not to exceed five.

XIX.

No Senator shall absent himself from the Seat of Government without leave from the Senate.

XX.

No rule shall be dispensed with without the concurrence of two-thirds of the members of the Senate.

XXI.

When a question is under debate, no motion shall be received, unless to adjourn, to lay on the table, to commit, recommit, to amend, or to postpone to a day certain, which several motions shall have precedence in the order in which they are stated.

XXII.

A motion to adjourn shall always be in order, and shall be decided without debate; but whenever the yeas and nays are ordered to be taken, no question of adjournment shall be received or propounded by the President, until the yeas and nays are called, counted and reported.

XXIII.

Any member may call for the division of the question which shall be divided, if it comprehend propositions in substance so distinct that, on being taken away, a substantive proposition shall remain for the decision of the Chair.

XXIV.

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 23d rule; the 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.

XXV.

When a question has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; excepting in cases where the question has failed for want of a constitutional majority, when it shall be in order for any member voting on either side of the question to move for the reconsideration thereof; but no vote for the reconsideration of any vote, shall be in order after a bill, resolution, message, report, amendment or motion upon which the vote was taken, shall have gone out of the possession of the Senate announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the next two days of actual session of the Senate thereafter.

XXVI.

Petitions, memorials and other papers addressed to the Senate shall be presented by the President, 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.

XXVII.

The unfinished business in which the Senate was engaged, at the preceding adjournment, shall have preference in the orders of the day; and no motion or any other business shall be received without the special leave of the Senate, until the former is disposed of.

XXVIII.

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.

XXIX.

Every member who shall be in the Senate when the question is put, shall give his vote, unless the Senate 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.

XXX.

The Reading Clerk of the Senate shall lay upon the desk of the President, every morning, all bills, resolutions and motions depending before the Senate, in the order of time in which they were reported or presented for consideration; and at all times while the Senate is sitting, when no motion is under consideration, the President shall, without any motion, take up said bills, resolutions and motions in the above order, and propose them for the consideration of the Senate, and they shall then be considered and acted upon, unless postponed by order of the Senate.

XXXI.

Whenever any Senate bill, resolution, report or other proposition, shall have been read through a second time, with or without amendment, the President shall propound the Question: "Shall this bill (report, or other proposition) be engrossed for a third reading?" If decided in the negative, the bill, &c., shall be rejected; if in the affirmative, it shall be engrossed and read a third time, according to the rules of the Senate.

XXXII.

No amendment shall be received at the third reading of any bill, resolution, report or other proposition originating in the Senate, unless by consent of two-thirds of members

present; but it shall at all times be in order, before the final passage of any such bill, resolution, report or other proposition, to move its re-commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, report or other proposition, as amended, shall be read, and such reading be considered a second reading; and then the question shall be put whether it shall be engrossed and read a third time; and if decided in the negative, the bill, &c., shall be rejected; if in the affirmative, it shall be engrossed and read a third time, according to the rules of the Senate.

XXXIII.

Every bill and every resolution originating in the Senate or received from the House, shall be read on three several days, with the intermission of one day, at least, during which time it shall lie on the table for the perusal of members, unless the Senate by special order, two-thirds of the members of the Senate agreeing, dispense with the rule, which order shall be entered on the Journal.

XXXIV.

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 under consideration.

XXXV.

No committee shall sit during the sitting of the Senate without special leave.

XXXVI.

Bills and Resolutions from the House shall be open to amendments on their second or third reading.

XXXVII.

A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and if carried, shall be considered as equivalent to its rejection; and when a question is postponed indefinitely, the same shall not be acted on again during the session.

XXXVIII.

After a motion is stated by the President, or read by the Secretary or Reading Clerk, it shall be deemed to be in the possession of the Senate, but may be withdrawn at any time

before a decision or amendment, by or with the consent of the Senate.

XXXIX.

When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a vote of the Senate.

XL.

All questions relating to the priority of business to be acted on, shall be decided by a majority of the Senate without debate.

XLI.

The following Standing Committees, who shall have leave to report by bill or otherwise, shall be appointed at the commencement of each session by the President, unless otherwise ordered by the Senate.

XLII.

A Committee on Labor and Agriculture, to consist of five Senators.

A Committee on Finance, to consist of five Senators.

A Committee on Judicial Proceedings, to consist of five Senators.

A Committee on Internal Improvements, to consist of five Senators.

A Committee on Revolutionary Claims, to consist of five Senators.

A Committee on Invalid Deeds and Defective Proceedings, to consist of five Senators.

A Committee of three Senators, whose duty it shall be to audit and control the contingent expenses of the Senate.

A Committee on Insolvent Laws, to consist of five Senators.

A Committee on the Library, to consist of three Senators.

A Committee on Engrossed Bills, to consist of five Senators.

A Committee on Pensions, to consist of three Senators.

A Committee on Corporations and Joint Stock Companies, to consist of five Senators.

A Committee on Elections, to consist of five Senators.

A Committee on Agriculture, to consist of five Senators.

A Committee on Printing, to consist of five Senators.

A Committee on Education, to consist of five Senators.

A Committee on Federal Relations, to consist of five Senators.

A Committee on Militia, to consist of five Senators.

A Committee on the Chesapeake Bay and its Tributaries, to consist of five Senators.

A Committee on Retrenchment, to consist of five Senators, whose duty it shall be to take into consideration the expenditures of the Government, in the several departments thereof, and to inquire whether, and if any, what retrenchment can be made without injury to the public service, and report thereupon, together with such propositions relative thereto as to them shall seem expedient.

A Committee on Public Buildings, to consist of three Senators, to act jointly with the same Committee of the House of Delegates.

A Committee of five Senators to act jointly with a Committee of the House of Delegates, as required by the 24th section of the 3d Article of the Constitution.

XLIII.

In addition to the Standing Committees of the Senate, there shall be appointed by the President an Executive Committee on Executive Nominations, to consist of five members, whose duty it shall be, unless otherwise ordered by the Senate, to examine all recommendations made to the Executive in favor of applicants for office, and all communications received by the Executive opposed to the appointment of any applicant, so far as said recommendations and communications may be communicated to said Committee by the Executive, and report thereon.

XLIV.

The President of the Senate shall order every bill originating in the Senate, when passed by the General Assembly and sealed with the great Seal, to be presented to the Governor for his approval.

XLV.

No motion to rescind a rule shall be received, unless notice of the motion shall have been given on a previous day.

XLVI.

The Senate shall not pass any private Acts in cases where any or either of the Courts of this State have jurisdiction, and can upon proper application, afford competent relief.

XLVII.

When acting on Executive business the Senate shall be cleared of all persons, except the Secretary, Journal Clerk, Reading Clerk and Sergeant-at-Arms.

XLVIII.

A distinct and separate Journal shall be prepared and kept by the Secretary, of the Executive proceedings of the Senate.

XLIX.

The rules which now govern the Senate in Legislative Session, shall govern it in Executive Sessions, except so far as they may be modified by these or other rules.

L.

When nominations shall be made in writing by the Governor to the Senate, a future day shall be assigned for their consideration, unless the Senate unanimously direct otherwise.

LI.

When the President shall understand that the Senate is prepared to decide upon any pending nomination, he shall put the question : " Will the Senate advise and consent to the nomination of _____, to the office of _____ ? " And if required by any Senator, the said question shall be determined by taking the yeas and nays.

LII.

All confidential communications made by the Governor to the Senate, shall be by the members and officers thereof kept secret until the Senate shall, by order or resolution, take off the injunction of secrecy ; this rule not to impose secrecy as to who are the nominees to office, unless specially ordered by the Senate.

LIII.

All information or remarks touching or concerning the character or qualifications of any person nominated by the Governor, shall be kept secret.

LIV.

All nominations definitely acted on by the Senate, shall be returned by the Secretary to the Governor, from day to day, as they may occur ; and when requested by the Governor, authenticated transcripts of the Executive Records of the

Senate may, by order of the Senate, be furnished to the Governor; and all original papers touching the Executive proceedings of the Senate shall be carefully filed in the office of the Secretary of the Senate, and there preserved, unless requested to be returned by the Governor, or ordered to be so returned by the order of the Senate; and no Executive Business shall be made known or published by the Secretary, or other officers, without the special direction of the Senate.

LV.

Whenever it shall be determined by the joint resolution of the two branches of the General Assembly or otherwise, that the General Assembly will finally adjourn on a particular day, the Senate shall, at least twenty-four hours before such contemplated adjournment, communicate the facts through their Secretary to the Governor and request to be informed whether he has any further communications to make.

LVI.

The secrecy enjoined by the 52d and 53rd rules shall be construed to apply to all proceedings in Executive Session, except the names of nominees, and the confirmation or rejection thereof, without the privilege of assigning reasons pending the injunction or disclosing the vote or opinion of any Senator.

LVII.

It shall not be permitted to any Senator in the form of any order, resolution or otherwise, to place upon the Journals any observation made by himself or another, touching the character or fitness for office of any individual.

LVIII.

All leaves to introduce bills, to repeal or amend any Article or section of the Code, shall refer to the subject of such Article or section, to facilitate the indexing the same.

LIX.

During the recess of the Legislature, the Senate Chamber, Committee Rooms and President's Room shall be under the care and control of the Secretary of the Senate.

LX.

It shall not be necessary in organizing the Senate to require the presence of any former officers, except the Secretary and Sergeant-at-Arms, nor shall any others be paid for such attendance.