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# RULES OF THE CONVENTION.



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REPORTED BY THE COMMITTEE ON RULES,  
JUNE 4, 1868, AND ADOPTED.

[ *See pages 19, 22, 23.* ]

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## DUTY OF THE PRESIDENT.

1. He shall take the chair every day precisely at the hour to which the Convention shall have adjourned, call the members to order, and direct the Secretary to call over the names of the members. On the appearance of a quorum, he shall have the journals of the preceding day read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat to do so, and shall decide questions of order, subject to an appeal to the Convention by any member; on which appeal no member shall speak more than once, unless by leave of the Convention.

3. When a motion is regularly made, which places a question fairly before the Convention, the President shall distinctly put it in this form, to wit: "As many as are of the opinion that (as the case or question may be) say Aye;" and after the affirmative is expressed, "As many as are of the contrary opinion, say No." If the President should doubt, or a division be called for, the Convention shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. The President 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 any person to perform the duties of the chair, and in case of sickness or inability of the President to discharge the

duties of his office, the Convention shall be called to order by the Secretary, who shall direct an election to be held for President *pro tem.*, who shall preside during the absence of the President.

5. All committees shall be appointed by the President, unless otherwise specially directed by the Convention, in which case they shall be appointed by ballot; and if, upon such ballot, the member or members required shall not be elected by a majority of the votes given, the Convention shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the Convention shall proceed to further ballot or ballots.

The standing committees of the Convention shall consist of the following, viz :

A Committee on the Political or Legislative Department.

A Committee on Judicial Department.

A Committee on Executive Department.

A Committee on General Provisions.

A Committee on Finance.

A Committee on Education.

A Committee on Internal Improvements.

A Committee on Immigration.

A Committee on Public Debt.

A Committee on Public Lands.

A Committee on Apportionment.

A Committee on State Affairs.

A Committee on Federal Relations.

A Committee on Printing.

A Comitée on Contingent Expenses.

A Committee on Counties and County Boundaries.

A Committee on Engrossed Provisions.

A Committee on Enrolled Provisions.

A Committee on Style.

A Committee on Engrossed Bills.

A Committee on Enrolled Bills.

A Committee to Examine Comptroller's and Treasurer's Offices.

A Committee on Commerce and Manufactures.

6. In all cases of election, or when the yeas and nays shall be taken by the Convention, the President shall vote. In other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost.

7. All declarations, addresses and resolutions shall be signed by the President; and all writs, warrants and subpoenas issued by the Convention shall be under his hand, and attested by the Secretary.

8. In case of any disturbance or disorderly conduct in the galleries or lobby, the President or the Chairman of the Committee of the whole Convention shall have power to order the same to be cleared.

9. Stenographers and reporters wishing to take down the proceedings may be admitted by the President, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the Convention.

### ORDER OF BUSINESS.

10. As soon as the journal is adopted, the President shall call for petitions. The petitions, having been presented, received and read, shall be disposed of as follows :

- 1st. By motion to reject.
- 2d. To lay on the table.
- 3d. To postpone to a certain day.
- 4th. To commit.
- 5th. To postpone indefinitely.

The order of commitment shall be :

- 1st. A Standing Committee.
- 2d. The Committee of the whole Convention.
- 3d. A Select Committee.

Then reports—first from the Standing Committees and then from Select Committees—shall be called for and disposed of.

Then declarations and resolutions shall be in order.

11. After petitions, reports from committees, and declarations and resolutions are gone through, the unfinished business in which the Convention was engaged at its last preceding adjournment, if any there be, shall be disposed of. Then it shall be in order to entertain a motion that the Convention do now proceed to dispose of the business on the President's table, and to the orders of the day ; which being decided in the affirmative, the President shall dispose of—

- 1st. Simple resolutions.
- 2d. Declarations on their third reading.
- 3d. Declarations on first and second readings.

12. After the business on the President's table has been reached, no business shall be introduced without leave of the Convention.

13. The orders of the day shall always have precedence when the hour for considering the same has arrived.

## REPORTS.

14. When a committee reports to the Convention a declaration referred to them, and recommends its passage without amendment, the report, when submitted to the Convention, shall be read, and, together with the declaration, shall then be placed in its order on the President's table. If amendments or substitutes for the entire original declaration are proposed by the committee, they shall be read as being part of the report, and with the declaration, in their proper place, come up in order for their adoption.

15. When a declaration originates with a committee, their report shall be read (including the declaration), which declaration shall be marked by the Secretary as being read first time. When the Committee on Enrolled and Engrossed Declarations report, the question shall be on the *acceptance* of the report only. The reports of said committees shall be in order at any time.

16. When a committee report the indefinite postponement of a declaration, or anything which may require a vote of the Convention, the report shall be read and placed in its order on the President's table. All reports of committees shall be copied in or appended to the journals.

### DECLARATIONS AND RESOLUTIONS.

17. Every declaration shall receive three several readings in the Convention previous to its passage. All declarations shall be acted upon in their order, unless the Convention shall direct otherwise; but no declaration shall be read twice on the same day, without the suspension of the rule by a majority of four-fifths of the Convention.

18. The first reading of a declaration shall be for information; and if opposition be made to it, the question shall be, "Shall the declaration be rejected?" If no opposition be made, or if the question to reject be negatived, the declaration shall be open for commitment.

19. Upon the second reading of a declaration, the president shall state it as ready for amendment or engrossment.

20. No amendment shall be received at the third reading of a declaration without the consent of two-thirds of the Convention; but a declaration may be recommitted by a majority vote, and should the committee report an amendment, the declaration shall be considered as on its second reading.

21. When the vote is taken to engross, and is negatived, it amounts to the rejection of the declaration.

22. When a declaration has passed its third and final reading, the same shall be certified by the secretary, noting the day of its passage



at the foot thereof; but he shall not certify to the passage of any bill after the adjournment of the Convention *sine die*.

### RESOLUTIONS.

23. Resolutions shall take the same course prescribed for declarations. A resolution may be introduced at any time, by leave, and acted upon at the pleasure of the Convention. A resolution requesting information from the governor of the State, or directing it to be furnished by the heads of either of the executive departments, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the Convention; and all such resolutions shall be taken up for consideration in the order they were presented, immediately after reports are called for from the select committees, and when adopted, the secretary shall cause the same to be delivered.

24. When the reading of a resolution or any paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention.

### AMENDMENTS.

25. When a committee reports a substitute or other amendment, the secretary shall read the same. If no proposition be then made to amend, the question shall be on concurring in the amendment or substitute.

26. An amendment beyond the second degree shall not be entertained.

27. A substitute, when adopted, takes the place of the original, and is subject to amendment.

### QUESTIONS.

28. Any member may have the question before the Convention divided, if susceptible of division, into distinct questions, such member submitting his proposition to divide in writing, if required by the President to do so.

29. It shall require ten members to second a motion for the previous question, which shall be in this form: "Shall the main question be now put?" If a majority of the members present vote in the affirmative, the main question shall be put. The previous question shall be decided without debate; and until it is decided, it shall preclude all amendments, motions and further debate of the main question.

### DECORUM AND DEBATE.

30. When a member is about to speak in debate, or to communicate any matter to the Convention, he shall rise from his seat, and respectfully address himself to "Mr. President." He shall confine his remarks to the question under debate, and shall avoid personality in his language. When two or more members rise at once to address the Convention, the president shall name the member who is entitled to the floor.

31. If a member, in debate or otherwise, transgresses the rules of the Convention, the speaker shall, or any member may, call him to order. The member so called to order, shall immediately take his seat, unless permitted to explain. The Convention, if appealed to, shall decide the appeal; if no appeal be taken, 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 Convention; and if the case requires it, he shall be liable to the censure of the Convention.

32. No member shall speak more than twice on the same question, unless by leave of the Convention; nor more than once until every member, choosing to speak, shall have spoken.

33. If the question pending be lost by the adjournment of the Convention, and revived on succeeding day, no member who shall have spoken twice on the preceding day, shall again be permitted to speak without leave of the Convention.

34. While the President is putting any question, or addressing the Convention, he shall rise from his seat, and no one shall walk across or out of the Convention, or entertain private discourses.

35. While a member is speaking, no one shall pass between him and the Chair.

36. No member shall absent himself from the sittings of the Convention without leave, unless in case of sickness.

37. A member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of three other committees.

38. No declarations, except those of a general nature, shall be taken up out of their regular order, unless by consent of four-fifths of the members present.

39. No member shall look over the Secretary's count while summing up the vote upon any question, and every member so offending shall immediately be declared out of order by the President.

40. Neither smoking within the bar, nor sitting upon tables shall be allowed; and no member shall address the Convention from any other than his own seat, nor wear his hat during the session of the Convention, nor enter the Convention in his shirt sleeves.

41. Every motion shall be reduced to writing, if the President or any member requires it.

42. When a motion is made and seconded, it shall be stated by the President; or if it is in writing it shall be handed to the President and read aloud by the Secretary before debate.

43. After a motion is stated by the President, or read aloud by the Secretary, it shall be considered in the possession of the Convention; but it may, by leave of the Convention, be withdrawn at any time before it has been amended or decided.

44. When a question is under debate, no motion shall be received except the following:

- 1st. To adjourn.
- 2d. To reconsider.
- 3d. To lay on the table.
- 4th. The previous question.
- 5th. To postpone to a day certain.
- 6th. To commit.
- 7th. To amend.
- 8th. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are stated.

The same motion, to postpone to a day certain, to commit, or to postpone indefinitely, after being decided, shall not be again allowed on the same day, and at the same stage of the declaration or proposition.

46. A motion to strike out the enacting words of a declaration shall have precedence of a motion to amend, and, if carried, shall be equivalent to a rejection.

47. When a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the same order as that prescribed for referring petitions in rule number ten.

48. A motion or proposition on a subject different from that under consideration shall not be admitted under color of amendment.

49. Motions may be committed or laid on the table at the pleasure of the Convention.

50. When a motion has been decided by the Convention, any member who voted with the majority may move a reconsideration thereof, on the same day or the succeeding day; and such motion to reconsider shall have precedence of all other questions or motions, except a motion to adjourn; but no motion to reconsider shall be entertained by the Convention, on any declaration or resolution, more than once at the same stage thereof. Motions to reconsider a vote taken on any question, and to lay the same on the table, may be made simultaneously by the same member; and if the motion to lay on the table is carried, there shall be no further action on such question during the session.

51. A motion to lay on the table, or to adjourn, shall be decided without debate; and a motion to adjourn shall be always in order except when the previous question shall have been ordered by the Convention, yet this motion cannot be received after another question is actually put, and while the Convention is engaged in voting. When a motion to adjourn is made, the question shall be put immediately, and no motion to adjourn for a longer or shorter time shall be received until the first is decided or withdrawn.

52. On a motion to fill a blank, the largest sum and the longest time shall have precedence.

53. No motion to admit any person whomsoever, in the Convention, to present a petition, memorial or address, or to hear it read, shall be in order.

54. A motion to strike out, if lost, shall not preclude a motion to amend, or strike out and insert.

### CALLS OF THE CONVENTION.

55. Fifteen members shall be necessary to sustain a call of the Convention, and upon a call of the Convention, the names of the members shall be called alphabetically by the Secretary, and the absentees noted; after which the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms or a special messenger may be sent for them, and the question pending shall be, without a motion, laid on the table, until the absentees appear or the call is suspended.

56. When a member shall be discharged from custody and admitted to his seat, the Convention shall determine whether or not such discharge shall be upon payment of fees; and in like manner whether or not a delinquent member taken into custody by a special messenger shall defray the expense of such special messenger.

57. Any fifteen members (including the President, if there be one,) shall be authorized to compel the attendance of absent members.

### VOTING.

58. In all cases of ballòt, except for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such majority on the first ballòt, the ballòt shall be repeated until a majority is obtained.

59. No member shall vote on any question in the event of which he is immediately or particularly interested, nor shall he vote in any case where he was not present when the question was put, except by leave of the Convention; and no member who is absent from the Convention shall be permitted to vote by a committee.

60. Upon a division and count of the Convention on any question, no member without the bar shall be counted. Every member who shall be in the Convention when a question is put shall give his vote, unless the Convention, for special reasons, shall excuse him.

61. The yeas and nays of the members of the Convention on any question shall, at the desire of any three members present, be entered on the journals, if the call is made before the result of the vote shall be announced by the Chair. In taking the yeas and nays the names of the members shall be called alphabetically.

62. In all cases where other than members of Convention shall be eligible to office by an election of the Convention, there shall be a previous nomination.

#### SERGEANT-AT-ARMS.

63. There shall be a Sergeant-at-Arms elected by the Convention, whose duty it shall be to attend the Convention during its session; to execute the commands of the Convention from time to time, and all process issued by the authority of the Convention that may be directed to him by the President.

64. The Sergeant-at-Arms shall be allowed for every arrest the sum of two dollars, and for each day's custody one dollar, and for traveling expenses for himself or special messenger, twelve and a half cents per mile for every mile traveled in going and returning.

#### COMMITTEE OF THE WHOLE.

65. It shall be in order throughout the session for the Convention to resolve itself into a Committee of the Whole Convention.

66. In forming a Committee of the Whole Convention, the President shall leave his chair, and a Chairman to preside in committee shall be appointed by the President.

67. The rules of the Convention, as far as applicable, shall be observed in Committee of the Whole.

68. Upon declarations committed to a Committee of the Whole Convention, the declaration shall be first read throughout by the Secretary, and then again read and debated by clauses, leaving the

title to be last considered; the body of the declaration shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Convention; after report, the declaration shall again be subject to be debated and read by clauses, before a question to engross it be taken.

### SUSPENSION AND RECISION.

69. No standing rule or order of the Convention shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by the vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the Convention, be postponed or changed, except by a vote of at least two-thirds of the members present; provided, that it shall be in order for the Committee on Enrolled and Engrossed Declarations to report at any time.

### PAY OF WITNESSES

70. The rules for paying witnesses summoned to appear before the Convention, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of twelve and a half cents each way, but nothing shall be paid for traveling home, when the witness has been summoned at the place of trial.

71. In all cases not provided for in the foregoing rules, Jefferson's Manual shall govern.