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DIAGRAMS

OF

PARLIAMENTARY RULES

ACCORDING TO BOTH

CUSHING AND ROBERT,

TOGETHER WITH A CONCISE PRESENTATION OF POINTS OF GREATEST INTEREST
TO MEMBERS OF DELIBERATIVE ASSEMBLIES.

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"The great purpose of all rules and forms is to subserve the will of the assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberative sense."



JOHN MOORE, BOOKSELLER,
ANN ARBOR, MICHIGAN,
1882.

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PREFACE.

Experience and observation having convinced the writer that the members of deliberative assemblies are, by a large majority, entirely at sea as regards the proper methods of procedure in certain parliamentary exigencies, and that the more works they peruse the greater is their resultant mental indefiniteness, it occurred to him that the best and most expeditious way to enlighten such individuals would be to present diagrams of parliamentary rules as laid down in two such excellent, and at the same time somewhat antithetical, works as Cushing's (Revised) "Manual" and Major Robert's "Rules of Order". By comparing the two diagrams, motion by motion, it is believed that more genuine parliamentary knowledge and a deeper insight into the proper methods of deliberative procedure can be gained *in one hour* than can be acquired in a whole week by any other method. Between these parts will be found a unique presentation of those points which are of the utmost practical parliamentary utility. This little book can readily and conveniently be carried in the breast pocket, and is *invaluable for ready reference*. Both to presiding officers and to general members.

SALIENT POINTS.

GENERAL MEETING.—On the congregation of a number of individuals for temporary organization, any person may move that another person act as Chairman, and, on his motion being seconded, put the question to vote. As soon as the chairman is seated, a motion may be made on the election of a Secretary. If several persons are nominated in rapid succession, the chairman puts the motion on the first; then, if decided negatively, on the second etc. After this, some one may either offer a set of resolutions or move that a committee be appointed for drafting a series. The number of the committee having been fixed upon, the assembly may select the members by vote or ballot, or instruct the chairman to appoint them. On the return of the committee, as soon as the assembly is ready to receive the report, the chairman of said committee reads it, and then it is in order to move the adoption or acceptance of same.

MEETING OF DELEGATES.—After the election of a *pro tempore* chairman and secretary, it is in order to appoint a Committee on Credentials, a Committee on Permanent Organization, and a Committee on Resolutions.

PERMANENT SOCIETY.—After the election of a *pro tem.* chairman and secretary, some one may move that a society for such and such a purpose be now formed, or informal discussions as to the objects desirable to be accomplished may be indulged in. A motion may then be made to appoint a committee to draw up a Constitution and By-Laws, to be reported at the next meeting. When the next meeting convenes, the *pro tem.* officers acting until the permanent officers are elected, the minutes are first read. The chairman then declares that, if there is no objection to these, they will stand approved as read, or, if

There have been any corrections made, *approved as corrected*. The report of the committee on constitution and by-laws is next in order. After having been *received*, and as soon as it is properly moved and seconded to adopt it, the chairman states the question, and then reads the first article or paragraph of the constitution, asking whether there are any amendments to be proposed. He *thus* proceeds from paragraph to paragraph unto the end. If there is a preamble or title, it is postponed until the rest of the report has been dealt with. The chairman, last of all, puts a question on adopting the whole as amended (or not). The constitution may then be signed, and the permanent officers elected.

CONSTITUTION.—The constitution gives the name and object of the society, the qualifications necessary for membership, the duties and election of officers, the time of holding meetings, and the vote requisite to amend itself.

BY-LAWS.—If there should be any rules that an assembly would wish to have so permanent that they could not be altered without previous notice, these would constitute their by-laws,

STANDING RULES.—These are such as can be adopted at any meeting, by a majority vote. By a majority vote, also, they can be rescinded, altered, or suspended at any subsequent *session*. They can not, however, be changed during the same session except by a motion “to reconsider”.

RULES OF ORDER.—These should consist of none but those which appertain to the orderly conduct of business. Robert’s “Rules of Order” says, “Constitution, By-Laws, and Rules of Order should always prohibit their being amended by less than a two-thirds vote, and without previous notice of the amendment being given.”

ORDER OF BUSINESS.—This may, for general purposes, be arranged as follows: Reading of Minutes, Reports of Standing Committees, Reports of Special Committees, Unfinished Business, New Business, (Executive Business).

A *special order* for the day is to be considered next after the minutes. Before *business out of order* can be transacted, the rules must be suspended by the requisite vote. Each subject, however, as it comes up, can be laid on the table or postponed.

CHAIRMAN.—“In all cases”, says Robert’s “Rules of Order”, in sec. 50, “where his vote would affect the result, or where the vote is by ballot, he can vote.” Cushing’s “Manual”, sec. 5, says, “*the presiding officer * votes only when the assembly is equally divided.*” Cushing’s “Law and Practice of Legislative Assemblies”, in sections 309 and 312, says,—“when the presiding officer is a member of the body over which he presides, he is entitled only to give the casting vote, which is his ordinary parliamentary privilege; but his authority, in this respect, may be further restrained or enlarged by the constitution or by-laws made by the legislative body, or by the rules of proceeding made by the assembly itself in pursuance thereof. * * * It is not uncommon, except in those bodies in which the presiding officer is not a member, to authorize him to vote in all cases, leaving it *obligatory on him to do so only when the assembly is equally divided.*” In large assemblies, the chairman should rise to *put* a question. After the mover of a resolution or the presenter of a report has been heard (if he so desires it), the presiding officer should give the floor to the one who first properly addresses him. At any time, however, an appeal can be taken from his decision. He should allow no member to speak twice until all have been heard. He should restrain members when engaged in debate, within the rules of order; should enforce order and decorum; should “receive and submit in the proper manner all motions and propositions presented by the members; *should put to vote all questions properly submitted and announce the result*; should decide, in the first instance, and subject to the revision of the assembly, all questions of order that may arise, or be submitted for his decision [Cush. Law, sec. 291].”

SECRETARY.—This officer is to make entries of all “things

done and past", including of course *negative* as well as affirmative votes. He should read whatever is required to be read. He should incorporate no criticisms whatsoever in the minutes. He has charge of all papers and documents, and should allow no one to remove anything from the table without permission from the assembly. He calls the "yeas and nays", and Cushing's "Law and Practice" says, "having completed the call, he proceeds to ascertain the numbers, and *hands them* to the speaker, who thereupon gives the casting, or other vote, if he votes at all, and *announces the decision* of the house [sec. 1824]."

ASSEMBLY.—Cushing's "Manual", in sec. 10, says, "Every deliberative assembly, *by the mere fact of its being assembled and constituted*, does thereby necessarily adopt and become subject to those rules and forms of proceeding without which it would be impossible for it to accomplish the purposes of its creation." Cushing's "Law and Practice", in secs. 792 and 793, says,—“In the American constitutions it is provided, generally, that each house shall have the right to determine the rules of its own proceedings. No legislative assembly, therefore, can make any rules which shall be binding upon its successors, even until abrogated or rescinded by them. * The result of the foregoing considerations is, that, after a legislative assembly meets, *and until it adopts rules and orders*, it is governed and its proceedings regulated by the common parliamentary law; and that, when it has adopted rules and orders of its own, it is governed partly by them (in cases to which they apply) and partly (in all cases to which the rules and orders are not applicable) by rules drawn from the common parliamentary law”, that is, so much of the usages and methods of parliament as are of general application, modified by usage and practice in this country.

QUORUM.—If there is no special rule regulating the matter, a majority will constitute a quorum. In five States, when a quorum does not present itself, the presiding officer, or, on his absence, the clerk, declares the as-

sembly adjourned until the next sitting day. In the rest of the States, it is provided that a less number than a quorum may adjourn from day to day. Therefore, in these, the presiding officer simply takes the chair and waits until the assembly adjourns itself. Cushing's "Manual", in sec. 19, says,—“The presiding officer ought not to take the chair until the proper number is ascertained to be present; and, if at any time, in the course of the proceedings, notice is taken that a quorum is not present, and, *upon the members being counted by the presiding officer*, such appears to be the fact, the assembly must be immediately adjourned.” Robert's "Rules of Order", in sec. 43, says,—“The chairman should not take the chair until a quorum is present, except where there is no hope of there being a quorum; and then no business can be transacted, except to adjourn. * If the number afterwards should be reduced below a quorum, business is not interrupted, unless a member calls attention to the fact; *but no question can be decided except when a quorum is present.*” Cushing's "Law and Practice" in sec. 369, says,—“If the number of members present, at any time during the sitting, falls below the requisite number, business is at once suspended. If, therefore, it appears on a division, *or if notice is taken by any member*, that a quorum is not present, *it then becomes the immediate duty of the presiding officer to count the members*, and, if they do not amount to a quorum, to suspend all further proceedings until the requisite number comes in, or to adjourn the assembly, without a question, until the next sitting day. If the assembly is one which is competent to adjourn itself, the presiding officer has no authority to declare an adjournment, but must wait for a motion for that purpose. In counting for this purpose, the presiding officer, if he is a member, reckons himself, and includes all members who come in after the counting has commenced. * A quorum, having once been present, is presumed to continue, although not of the same individuals, *until the contrary appears in the manner already stated*; and hence, if business is proceeded in, after the

number of members present is in fact reduced below a quorum, *the validity of the votes agreed to before notice is taken, and the assembly counted, cannot be questioned.*"

COMMITTEES.—Standing and select committees are, in themselves, miniature assemblies, restricted, however, in action by the orders of their creators. They have the right to elect their own chairman. When a quorum is present, they may proceed to consider and vote. As soon as their report is received (not accepted), *which it is when the assembly hears it read*, the committee, if a select one, is then and there, without any motion, dissolved. The assembly may then conclude not to accept (that is, adopt) the report, but to recommit it. A "minority report" is usually received immediately after the committee's report. *No action, however, can be taken upon it, unless somebody moves to substitute it therefor.* Committees cannot adjourn, but move "to rise". Robert's "Rules of Order", in sec. 38, says, "The yeas and nays cannot be ordered in Committee of the Whole." Cushing's "Law and Practice", in sections 2000, 2002, and 2019, says,—*"There can be no motion made in Committee of the Whole 'to lie on the table' or 'to postpone indefinitely' or 'to a day certain.'* The only postponement that can take place is, to transpose the order of considering by paragraphs. Neither can a Committee of the Whole entertain any matter of privilege, or order any questions pending therein to be taken by yeas and nays. Nor is it competent for a Committee of the Whole 'to reconsider' a vote. * In regard to the personal deportment of the members, whether addressing the committee or otherwise, while the house is in Committee,—as, for example, the manner and place of speaking, addressing the chair, observing silence, etc.,—the same rules prevail as in the house. * If a breach of privilege occurs, while the house is in Committee, it can not be decided upon by the Committee; but the house must be resumed, and all other questions suspended, until the question of privilege is settled."

VOTING.—Any member has a right to change his vote,

provided the Chair has not announced the result to the assembly, and provided it was not given by ballot. Until the negative is put, any member can renew the debate. When the yeas and nays are taken, however, the negative is put at the same time with the affirmative. In balloting, if the presiding officer does not vote previously to the counting, he must obtain leave from the assembly before he can do so. Robert's "Rules of Order", in sec. 38, says, "*No one can vote on a question affecting himself; but, if more than one name is included in the resolution * all are entitled to vote.*" Cushing's "Manual", in sec. 41, says,—"*No member ought to be present in the assembly when any matter or business concerning himself is debating; nor, if present by the indulgence of the assembly, ought he to vote on any such question. Whether the matter in question concern his private interest or relate to his conduct as a member—as for a breach of order or for matter arising in debate—as soon as it is fairly before the assembly, the member is to be heard in exculpation, and then to withdraw until the matter is settled. If, notwithstanding, a member should remain in the assembly, and vote, his vote may and ought to be disallowed; it being contrary not only to the laws of decency, but to the fundamental principle of the social compact, that a man should sit and act as a judge in his own case.*" When an assembly has to elect officers by ballot, and there is but one nomination for any office, it would expedite matters to authorize the clerk, provided no objection is made, to cast the ballot of the assembly for that individual.

APPEAL.—Cushing's Manual". in sec. 154, says, "The question is then stated by the presiding officer, on the appeal * and it is thereupon debated and decided by the assembly in the same manner as any other question." Robert's "Rules of Order", in sec. 38, says, "But in the case of an appeal, though the question is, 'Shall the decision of the chair stand as the judgment of the assembly?' a tie vote sustains the chair, upon the principle that the decision of the Chair can only be reversed by a majority."

Cushing's "Law and Practice", in sec. 1471, says, "In all cases, he (the presiding officer) may decide the question, and, if he pleases, *may sustain his own decision by means of his casting or other vote.*"

AMENDMENT.—Cushing's "Manual", in sections 127a, 133, and 102, says,—“The principle on which they rest is, that the same proposition *changed only in form* should not be brought twice before the assembly. * As the mover of a proposition is under no restriction as to embracing incongruous matters under the same motion, so, on the other hand, the assembly may engraft upon a motion, by way of amendment, matter which is not only incongruous with, but entirely opposed to, the motion as originally intended. * The inconsistency or incompatibility of a proposed amendment with one which has already been adopted is a fit ground for its rejection by the assembly, but not for the suppression of it by the presiding officer, as against order.”

JOURNAL.—Cushing's "Law and Practice", in sections 418, 419, and 424, says,—“The journal is to be kept or made up, in the first instance, by the *clerk* alone, who is the sworn recording officer of the assembly, *subject only to the control of the assembly itself*, and not to the control of the presiding officer, or of any other member; though, in cases of difficulty and importance, the form of entry has been settled by a committee appointed for the purpose. So, too, the assembly itself may direct a particular proceeding to be entered or not to be entered on the journals, or to be entered therein in a particular manner or with explanatory remarks stating the grounds of it. * It appears to be a general rule, in the keeping of the journal of a legislative assembly, that nothing shall be spread upon it at length, by way of correction or otherwise, which the assembly has previously refused to admit. * The journal is to be corrected, either at the suggestion of a member or upon motion, when the reading is completed. *It is then considered as approved by the assembly*; to which no formal vote or proceeding is necessary; if the correction

suggested or moved is made, or none is suggested, the approval of the assembly follows of course. This proceeding cannot take place without a quorum. * Though the correction of the journal commonly occurs immediately after the reading; *it may be made at any time afterwards, when a mistake is discovered.* * It sometimes happens, however, that it is not only desired to rescind or annul the effect of a former proceeding, but to treat it with strong disapprobation or contempt; in which case, the obnoxious entry itself is expunged, that is, erased or obliterated from the journal. * In most instances, the expunging being effected by an actual obliteration of the obnoxious passages; on one memorable occasion, by drawing black lines around and writing the word *expunged* across the offending matter." This is now done with *red ink*.

IN WRITING.—Robert's "Rules of Order", in sec. 4, says, "All principal motions, amendments, and instruction to committees should be in writing, if requested by the presiding officer." Cushing's "Manual", in sec. 54, says,—"A motion must be submitted in writing, *otherwise the presiding officer will be justified in refusing it*; he may do so, however, if he pleases, and is willing to take the trouble himself to reduce it to writing. This rule extends only to principal motions, * but not to subsidiary or incidental motions. * In the case of a motion to amend, which is a subsidiary motion, the rule admits of an exception, so far as regards the insertion of additional words, which, as well as the principal motion, must be in writing."

TERMS EXPLAINED.—When a number of individuals assemble for the first time, and, after due consideration of various subjects, simply adjourn, they are said to *hold a meeting*. They are also said to hold *a session*. If, however, they should adjourn until the next day, they would then hold *a second meeting*; but this next meeting, and any number of subsequent *adjourned* meetings, would still constitute but the *one session*. Every so-called "regular" meeting constitutes the beginning of a New Session.

There may, of course, be a special meeting, or meetings, constituting but one special session.—A proposition, when made, is called a *motion*; when stated, a *question*; when adopted, a *vote, resolution, or order*.—A report is *received* just as soon as it is read. It may then, on special motion, be *accepted, adopted or agreed to*: a person may receive an offer, but refuse to accept it.—Cushing's "Manual", in sec. 21, says, "The terms '*general consent*', as used in parliamentary practice, denote the unanimous opinion of the assembly, when their opinion is expressed informally, and not by means of a vote. Whenever, therefore, it is said that the general consent of the assembly is necessary to the adoption of any measure, it is to be understood, that, if the question is proposed informally, no objection must be made to it; or that, if proposed in a formal manner, the vote in its favor must be unanimous."—When we say that a certain motion *takes precedence* of several other motions, we mean that it is in order to make this motion while any of the others are pending.—When we say that a motion must *yield* to certain other motions, we mean that it is in order to make any of those other motions while it is pending.—The subsidiary motion "to lay on the table" can not be *applied to* (is not applicable to) the subsidiary motion known as "the previous question."

INFORMALITIES.—In matters of routine, and when the sentiment of the assembly is pretty well understood, the Chair may considerably expedite the transaction of business by simply stating, that, if there is no objection, such and such will be regarded as the decision of the assembly. In this way the minutes may be corrected and approved; a mover may withdraw his motion; reports may be *received*; the number to constitute a committee may be ascertained; the regular order of business may be transposed; a division of the assembly may be made; members may make suggestions, which do not at any time constitute debate; and the Chair may intimate how to accomplish certain ends. But, whenever an objection is made, a formal motion becomes at once necessary.

GENERAL FORMS OF STATING QUESTIONS.—It is moved and seconded, or you have heard the motion, that etc.: as many as are in favor of the motion will say, 'aye'; those opposed will say 'no'. As many as are of the opinion that the motion should prevail will say 'aye'; those of a different opinion will say 'no'. As many as are in favor of the motion will hold up their right hands; those who are opposed will give the same sign. Those who are in favor of the motion will rise; those opposed will now rise. Those who are in favor of the motion will please to signify their assent by the usual sign; those opposed will manifest it by the same sign.—The motion prevails, or is carried; or the motion falls, is lost, or is not carried.—Are you ready for the question?—*The question is on the adoption of the resolutions just read.*—The question now recurs on the resolution, or on the resolution as amended.—The motion 'to reconsider' prevails: the vote on the resolution, or on the amendment, is reconsidered; the question now recurs on the adoption of the resolution, or on the adoption of the resolution as hitherto amended, or on the adoption of the resolution as amended.—Robert's "Rules of Order" in sec. 65, says, "In stating the question on an amendment, the Chairman should read (1) the passage to be amended; (2) the words to be struck out, if any; (3) the words to be inserted, if any; and (4) the whole passage as it will stand if the amendment is adopted. He then states the question in a form similar to this: 'the question is, shall the word *censure* be inserted in the resolution in the place of the word *thanks*?'"

RIGHTS OF MEMBERS.—Cushing's "Manual", in sections 6, 7, and 8, says,—“In all deliberative assemblies, the members of which are chosen or appointed to represent others, it is necessary, before proceeding to business, to ascertain who are duly elected and returned as members. * The proper time for this investigation is after the temporary and before the permanent organization, or *when the assembly is permanently organized, in the first instance, before it proceeds to the transaction of any other business*; and the

most convenient mode of conducting it is, by the appointment of a committee to receive and report upon the credentials of the members. * When a question arises, involving the right of a member to his seat, such member is entitled to be heard on the question; and he is then to withdraw until it is decided. But, if, by the indulgence of the assembly, he remains in his place during the discussion, he ought neither to take any further part in it nor to vote when the question is proposed; it being a fundamental rule in all deliberative assemblies, that those members whose rights as such are not yet set aside constitute a judicial tribunal to decide upon the cases of those whose rights of membership are called in question." Robert's "Rules of Order", in sec. 2, says,—“After the floor has been assigned to a member, he can not be interrupted by calls for the question, or by a motion to adjourn, or for any purpose, by either the chairman or any member, except (a) to have entered on the minutes a motion to Reconsider; (b) by a Call to Order; (c) by an Objection to the Consideration of the Question; (d) by a Call for the Orders of the Day; or (e) by a Question of Privilege that requires immediate action." By way of *punishment* a member may be compelled to apologize or beg pardon, and may be reprimanded, suspended, or expelled (Cush. Man., Sec. 42). In order to secure to each member the right of debate, Robert declares that the following motions should not be passed by a less than two-thirds vote: To Amend the Rules; To Suspend the Rules; To Make a Special Order; To Take up a Question out of its Proper Order; An Objection to the Consideration of a Question; The Previous Question; To Close or Limit Debate. Robert's "Rules of Order", in sec. 34, says, "The maker of a motion, *though he can vote against it*, cannot speak against his own motion."

WHAT ARE QUESTIONS OF PRIVILEGE.—Cushing's "Law and Practice", in sections 1499, 1503, and 1504, says,—“When, therefore, any question of this kind [that is, of privilege] arises, as, for example, when members are

attacked with force and violence, either within the precincts of the house or on their way thither; or are obstructed in entering the house, either by violence or insult; when the proceedings of the house are disturbed or interrupted, either by members or strangers; when the freedom of debate and proceeding is attempted to be overawed by mobs or armed force without; or when a personal quarrel takes place between two or more members, within the house—in all such cases, the house will proceed, at once, laying aside, or rather suspending, without any vote, all other business, to consider the matter in which their privileges are involved. * * * It has accordingly been decided, in that assembly [the House of Representatives of the U. S.], that the following subjects, among others, may be entertained therein as matters of privilege, that is to say:—Questions relating to the right of members and delegates to be qualified, including, of course, their credentials, namely, members who are duly returned but were not present at the organization of the house, members entitled to seats by the determination of a controverted election, and members returned to fill vacancies; questions affecting the right of members to their seats, whether existing in the shape of charges contained in a petition, or in resolutions reported by the committee on elections, or otherwise, pending in the house; questions relating to the character or conduct of members, as, for example, resolutions to censure or expel a member; the right of a member to defend himself against the charge in a petition lying on the table; the report of a select committee for investigating certain charges against a member; a complaint of one member for a supposed insult in the house, for words used by the former in debate; and in considering and returning the letter of a public officer containing injurious reflections upon a member for words used by him in debate; questions relating to the conduct of persons in the employment of the house, as, for example, a resolution to dismiss one of its printers for charging a member with falsehood, or to expel a reporter from the house for

giving a false and scandalous account of a debate; questions relating to the general or aggregate privileges of the house, as, for example, the remonstrance of a foreign diplomatic agent to one of the heads of departments on the passing of a certain bill of congress; a common report that members had been threatened by a mob; a *resolution for correcting the Journal when it is not made up according to the facts*; and the correction relates to some matter then pending before the house; a false account in a public newspaper of what took place in the house on a certain occasion; a report, lying on the table, concerning a personal conflict between two members; whether the journal of the house has been printed by its direction, according to the requisitions of the constitution; the report of a committee charging a witness before them with contumacy; questions relating to an impeachment; and to the report of a committee appointed to investigate the conduct of the secretary of the treasury in reference to a certain matter.

—On the other hand, it has been decided by the same assembly that the following subjects are *not* entitled to be entertained therein as matters of privilege, namely:—Questions relating to a member's having forfeited his right to a seat, in consequence of his acceptance of a disqualifying office, such a member having resigned his seat in the house; whether a public officer has failed or refused to furnish information, as directed by an order of the house, unless such failure or refusal is in derogation of the honor or dignity of the house; calling upon a public officer to furnish information forthwith; cognizance of a charge of corruption of the other branch, made therein by a member of the same; proceeding with the election of a clerk, the house having already assigned a time for the election of that officer; devolving the duties of door-keeper temporarily upon the sergeant-at-arms; the election of a door-keeper and postmaster of the House; a proposition to alter the journal when the same is correctly made up; the report of a committee authorized to report forthwith; asking to be excused from serving on the committee; explaining

a charge in a public newspaper against a member; concerning the mileage and pay of the claimant of a seat at a former congress; requesting information of the president as to the conferring of disqualifying offices upon certain members; *a personal explanation.*"

CALL OF THE HOUSE.—Robert's "Rules of Order", in sec. 70, says,—“The object of a call of the house is to compel the attendance of absent members, and is allowable only in assemblies that have power to compel the attendance of absentees. * One-fifth of the members elect in Congress can order a call of the house. * In Congress a call of the house is only used now when no quorum is present; and, as soon as a quorum appears, it is usual to dispense with further proceedings in the call. * [After the clerk has called the roll] the doors are locked, no one being permitted to leave, and an order similar in form to the following is adopted: ‘That the Sergeant-at-Arms take into custody and bring to the bar of the House, such of its members as are absent without the leave of the House.’” Cushing's "Law and Practice", in sec. 264, says, “The right of a legislative assembly, after it is regularly constituted, to have the attendance of all of its members except those who are absent on leave or in the service of the assembly, and to enforce it if necessary, is one of its most undoubted and important privileges.”

EXECUTIVE BUSINESS.—Cushing's "Parliamentary Law", in sections 346 and 349, says,—“In these [certain of our legislative assemblies], therefore, whatever rule or usage there may be to the contrary, their theoretical character is to sit with closed doors; and it is in the power of any member, upon mere demand, and without any previous order therefor, to make the practice correspond to the theory, or, in other words, to exclude strangers therefrom at his pleasure. * When any matter has once been introduced into the house in its ordinary capacity, a motion that the further discussion thereof shall take place in secret may be made, considered, and decided in open session. Any invasion of the obligation of secrecy, imposed

in the manner above described, or by any other vote of the house, as, for example, the printing of a bill, whether such invasion takes place by members, or others, is punishable as a contempt. The proceedings, which take place with closed doors, are recorded in a separate journal, which partakes of the character of the transactions recorded in it, and cannot be adverted to, read in debate, or amended, at any distance of time, until the injunction of secrecy is removed."

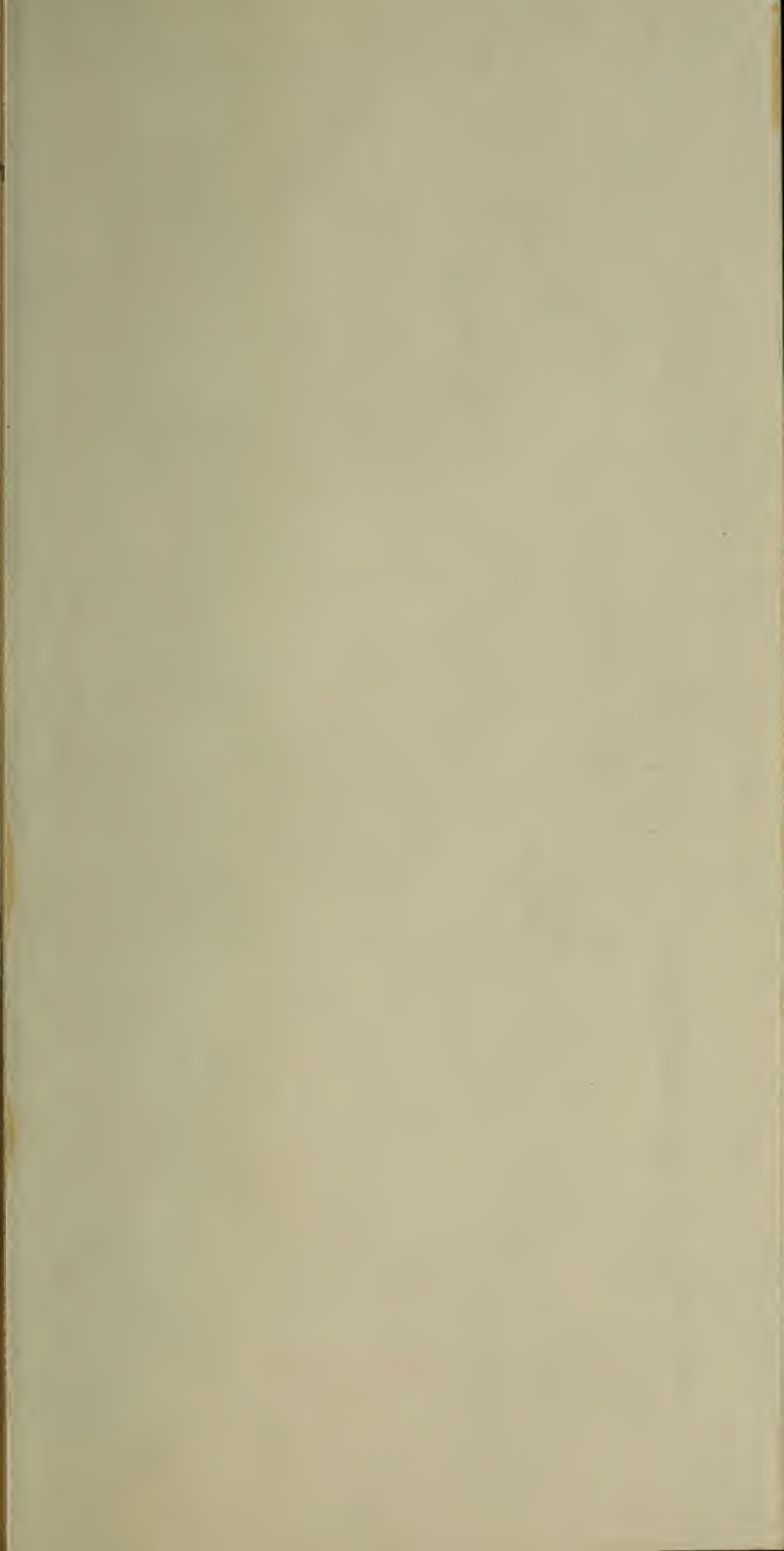
In Michigan and nineteen other States (sec. 350) it is provided in the instrument of the creation of legislative assemblies that their proceedings and debates shall be open to the public, except upon occasions when secrecy is required. These bodies, therefore, cannot proceed with closed doors without an order to that effect. The constitution of Texas is the only one that provides simply that "The doors of each house shall be kept open."

In some assemblies "executive business" is adopted and put down as a regular Order of Business. Questions that are to be considered in secret are then, of course, deferred until that order of business is reached. It is also provided that nothing but the results or final determinations shall be spread upon the pages of the special journal. When the assembly, under such a rule, goes into executive session, the first proceeding is the "calling of the roll"; the second, "the reading of the minutes", which is sometimes postponed definitely, and sometimes, indefinitely; the third, the proper movement and introduction of some legitimate subject for discussion and action.

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