

THE
GENERAL CONVENTION

AT

WASHINGTON, MARCH 1-17

1836

HOUSTON.
1838

STANDING RULES AND ORDERS FOR CONDUCTING BUSINESS
IN THE CONVENTION OF TEXAS.

Touching the duty of the President.

1st. He shall take the chair every day precisely at the hour to which the house shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

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

3d. He shall rise to put a question, but may state it sitting.

4th. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Ay," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the President doubts, or a division be called for, the house shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards, those in the negative. If the speaker still doubts, or a count be required, the President shall name two members, one from each side, to tell the numbers in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall rise and state the decision to the house.

5th. When any motion or proposition is made, the question, "will the house now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the President.

6th. The President shall examine and correct the journal before it is read. He shall have the general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7th. All committees shall be appointed by the President, unless otherwise specially directed by the house, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the house 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 house shall proceed to a further ballot or ballots.

8th. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and

when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

9th. In all cases of ballot by the house, the President shall vote: in other cases he shall not vote, unless the house 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.

10th. In all cases, where other than members of this house may be eligible to an office by the election of the house, there shall be a previous nomination.

11th. All acts, addresses, and joint resolutions, shall be signed by the President; and all writs, warrants, and subpoenas, issued by order of the house, shall be under his hand and seal, attested by the clerk.

12th. In case of any disturbance or disorderly conduct in the galleries or lobby, the President (or chairman of the whole house,) shall have power to order the same to be cleared.

Of Decorum and Debate.

13th. When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, and avoid personality.

14th. If any member in speaking, or otherwise, transgress the rules of the house, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately set 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.

15th. When two or more members happen to rise at once, the president is to name the member who is first to speak.

16th. No member shall speak more than twice on the same question, without leave of the house. nor more than once, until every member choosing to speak shall have spoken.

17th. If a question depending be lost by adjournment of the house, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

18th. Whilst the President is putting any question, or addressing the house, none shall walk out of, or across the house: nor, in such case, or when a member is speaking, shall entertain private

discourse, nor, whilst a member is speaking, shall pass between him and the chair.

19th. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

20th. Upon a division and count of the House on any question, no member without the bar shall be counted.

21st. 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.

22nd. When a motion is made and seconded, it shall be stated by the President; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

23d. Every motion shall be reduced to writing, if the President or any member desire it.

24th. After a motion is stated by the President, or read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn at any time before a decision or amendment.

25th. When a question is under debate, no motion shall be received but 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 preference in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. 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 equivalent to its rejection.

26th. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:—The committee of the whole house on the state of Texas; the committee of the whole house; a standing committee; a select committee.

27th. A motion to adjourn shall always be in order; that, and the motion to lie on the table, shall be decided without debate.

28th. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment, and further debate of the main question.

29th. On a previous question there shall be no debate.

30th. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

31st. Any member may call for the division of a question, which shall be divided if it comprehends questions so distinct that, on being taken away, the rest may stand entire for the decision of the house: A motion to strike out and insert, shall be deemed indivisi-

ble. But a motion to strike out being lost, shall preclude neither amendment nor a motion to insert and strike out.

32nd. Motions and reports may be committed at the pleasure of the house.

33d. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

34th. When a motion 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, on the same, or the succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

35th. 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 house.

36th. The unfinished business in which the house was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the house, until the former is disposed of.

37th. Petitions, memorials, and other papers, addressed to the house, shall be presented by the President, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on, on the day of their being first read, unless where the house shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

38th. Any fifteen members (including the President, if there be one,) shall be authorised to compel the attendance of absent members.

39th. Upon calls of the house, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

40th. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

41st. No member shall absent himself from the service of the house unless he have leave, or be sick and unable to attend.

42d. Upon the call of the house, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or sufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

43d. When a member shall be discharged from custody, and admitted to his seat, the house shall determine whether such dis-

charge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

44th. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the house, whose duty it shall be to attend the house during its sittings; to execute the commands of the house, from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the President.

45th. The fees of the sergeant-at-arms shall be for every arrest the sum of two dollars; for each days' custody, and releasement, one dollar; and for traveling expenses for himself, or a special messenger, going and returning, one tenth of a dollar per mile.

46th. It shall be the duty of the committee of elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this house, and take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the house.

47th. The several standing committees of the house shall have leave to report by bill or otherwise.

48th. No committee shall sit during the sitting of the house, without special leave.

49th. The clerk of the house shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

50th. Whenever confidential communications are received by the President of the Convention the house shall be cleared of all persons except the members, clerks, sergeant-at-arms, and door-keeper, and so continue during the reading of such communications, and, unless otherwise directed by the house, during all debates and proceedings to be had thereon. — And when the President, or any other member, shall inform the house that he has communications to make which he conceives ought to be kept secret, the house shall, in like manner, be cleared till the communication be made: the house shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

51st. The sergeant-at-arms and the door-keeper shall be sworn to keep the secrets of the house.

52d. All questions relating to the priority of business to be acted on, shall be decided on without debate.

Of Bills.

53d. Every bill shall be introduced by motion for leave, or by an order of the house, on the report of the committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed.

54th. Every bill shall receive three several readings in the house previous to its passage; and all bills shall be despatched in order as they were introduced, unless when the house shall direct otherwise; but no bill shall be twice read on the same day, without special order of the house.

55th. Upon the second reading of a bill, the President shall state it as ready for commitment or engrossment, and, if committed, then a question shall be, whether to a select or standing committee, or to a committee of the whole house; if to a committee of the whole house, the house shall determine on what day. But, if the bill be ordered to be engrossed, the house shall appoint the day when it shall be read the third time.

56th. 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 rejected?" if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

57th. Not more than three bills, originating in the house shall be committed to the same committee of the whole, and such bills shall be analogous in their nature, which analogy shall be determined by the President.

58th. After commitment and report thereof to the house, or at any time before its passage, a bill may be recommitted.

59th. All bills ordered to be engrossed shall be executed in a fair round hand.

60th. No amendment by way of rider shall be received to any bill on its third reading.

61st. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

Of Committees of the Whole House.

62d. It shall be a standing order of the day throughout the session, for the house to resolve itself into a committee of the whole house on the state of Texas.

63d. In forming a committee of the whole house, the President shall leave his chair, and a chairman to preside in committee, shall be appointed by the President.

64th. Upon bills committed to a committee of the whole house, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill 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 reported to the house. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

65th. All amendments made to an original motion in committee, shall be incorporated with the motion and so reported.

66th. All amendments made to a report committed to a committee of the whole house, shall be noted and reported as in cases of bills.

67th. All questions, whether in a committee or in the house, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

68th. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is first made or offered, and every such proposition shall receive its first discussion in a committee of the whole house.

69th. No sum or quantum of tax or duty voted by a committee of the whole house, shall be increased in the house until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole house, and so in respect to the time of its continuance.

70th. All proceedings, touching appropriations of money, shall first be discussed in a committee of the whole house.

71st. The rules of proceedings in the house shall be observed in a committee of the whole house, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

72d. No standing rule or order of the house 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. Nor shall the order of business, as established by the rules of the house, be postponed or changed, except by a vote of at least two thirds of the members present.

73d. It shall be in order for the committee on enrolled bills to report at any time.

74th. No person shall be permitted to perform divine service in the chamber occupied by the Convention, unless with the consent of the President.

On motion of Mr. Gazley,

The report was received and unanimously agreed to.

On motion of Mr. Collingsworth,

Resolved, That Mr. Willis A. Faris be allowed to take a seat at the secretary's table, to note and report the proceedings of the Convention, and

The question being taken thereon, it was decided in the affirmative.

On motion of Mr. Potter,

Resolved, That a committee be appointed consisting of one member from each municipality represented in the Convention, for the purpose of drafting a Constitution for Texas, and that the same be reported as soon as practicable to this Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Parmer, Potter, Stewart, Waller, Grimes, Coleman, Fisher, Bunton, Gaines, Zavala, Everett, Hardeman, Stepp, Crawford, West, Powers, Navarro, McKinney, Menifee, Mortley, and Menard, said committee.

The committee to whom was assigned the duty of drafting a Declaration of Independence, through their chairman, Mr. Childress, made the following

REPORT.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted: and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression. When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated, central, military despotism, in which every interest is disregarded but that of the army and priesthood: both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution is departed, moderation is, at length, so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued: and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons: and mercenary armies sent forth to force a new government upon them at the point of the bayonet. When, in consequence of such acts of mal-feasance and abdication, on the part of the government *anarchy prevails and civil society is dissolved into its origi-*