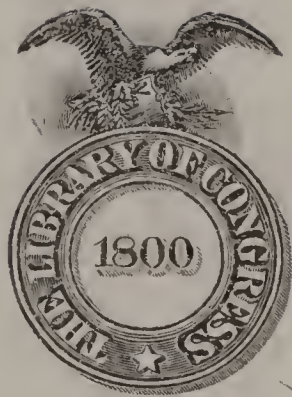




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TERRITORY OF NEW MEXICO.

RULES

OF THE

LEGISLATIVE COUNCIL

THIRTY-SEVENTH SESSION.

A. D. 1907,

SANTA FE, N. M.:
THE NEW MEXICAN PRINTING COMPANY.
1907.

ORDER OF BUSINESS.

Roll Call.
Prayer.
Reading and Approving the Journal.
Petitions and Memorials.
Reports of Standing Committees.
Reports of Special Committees.
Resolutions.
Bills.
Joint Resolutions.
Bills on their Second Reading.
Bills on their Third Reading.
Business on the President's table.
Unfinished Business.

OFFICERS OF THE COUNCIL.

Charles A. Spiess, President.
W. E. Martin, Chief Clerk.
E. C. Anderson, Chaplain.
B. Hase, Enr. and Eng. Clerk.
Elias E. Baca, Messenger.
J. M. Valdez, Watchman.
P. Esquibel, Sergeant at Arms.

By Transfer
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RULES
OF THE
LEGISLATIVE COUNCIL
OF THE
TERRITORY OF NEW MEXICO,
THIRTY-SEVENTH SESSION.

DUTIES OF THE PRESIDENT.

1. He shall take the Chair every day precisely at the hour to which the Council shall have previously adjourned, and shall immediately call the members to order. There being a quorum present, he shall cause the Journal of the preceding day to be read. The sessions of the Council each day shall commence at 10 o'clock a. m., unless otherwise ordered by the Council at the time it may adjourn on any day, and when an adjournment shall take place without specifying any other time the Council shall meet at the time above specified which shall be first reached after adjournment.

2. He shall preserve order and decorum; 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 Council by any two members, on which appeal no member shall speak more than once unless by leave of the Council.

3. He may state a question sitting, but he shall rise when stating the question for a vote.

4. Questions shall be distinctly put in this form: "Those who are of the opinion that (as the case or the question may be, say aye." If he shall have any doubt or a division shall be called for, the Council shall divide, those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Chair still doubts, or a

count of the votes be required, the President shall order the Secretary to count the votes, and when the same is ascertained he shall rise and state the decision of the Council.

5. The Chair shall have a general direction of the Council, 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, and in his absence, for any cause whatsoever, the Council shall proceed to elect a President pro tempore to act during his absence.

6. All committees shall be appointed by the Chair unless otherwise directed by the Council, in which case they shall be appointed by ballot, on which ballot a plurality of votes shall prevail. In case a greater number than that required to compose or complete a committee shall have an equal number of votes the Council shall proceed to a further ballot or ballots.

7. 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. In all cases the President shall have a vote, and if the Council be equally divided on any vote the question voted on shall be lost.

8. In all cases where any person, other than as a member of the Council, may be eligible to an office by the election of the Council there shall be a previous nomination.

9. All acts, addresses and joint resolutions shall be signed by the President; and all writs, warrants and subpoenas issued by order of the Council shall be under his hand and attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the President shall have the power to order the same to be cleared or the arrest of such disorderly person.

11. Stenographers wishing to take down debates may be admitted by the Chair, who shall assign such place to them on the floor of the hall, or other convenient place, as shall not interfere with the business of the Council.

ORDER OF BUSINESS OF THE DAY.

12. As soon as the Journal is read the President shall declare petitions in order, and, after petitions shall have been presented and disposed of, reports of standing committees, and afterwards reports of special committees; then the same rules applying in their disposition as in resolutions and petitions.

13. When petitions shall have been disposed of, reports, bill and joint resolutions shall be in order, then bills on their second reading shall be in order, in the order here named, and those being disposed of bills and joint resolutions on their third reading shall be taken up. It will then be in order to take up business on President's table, and bills, messages and communications on table shall be disposed of. The Chair shall then proceed to call the orders of the day, in case there are any, and these being disposed of, the President will announce unfinished business in order.

14. All resolutions introduced which, by the rules, are required to lie upon the table for one day shall be placed among the orders of the day for the day following their introduction, and shall be taken up and disposed of in the order in which they were introduced.

15. Whenever a message shall be announced from the Governor or the other house, whatever the business pending, it shall be suspended until the message be received and placed upon the President's table, unless by a two-thirds vote the same shall be otherwise disposed of.

16. Whenever a message from the Governor or House arrives it shall be the duty of the Doorkeeper to communicate that fact to the Sergeant-at-Arms, who shall at once receive such message and announce its presence to the President.

DECORUM AND DEBATE.

17. No member shall be held responsible elsewhere for words spoken in debate or for his vote.

18. The business as stated in the foregoing rules shall not be taken up in any other part of the day, except on a suspension of the rules by a two-thirds vote of those voting.

19. When any member is about to speak in debate, present a bill or submit any subject for consideration, 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.

20. If any member, in speaking or otherwise, transgresses the rules of the Council the President shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down unless permitted to explain and the Council shall, if appealed to, decide upon the case without debate. If there be no appeal the decision of the Chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed without further action; but if the case require it he shall be liable to the censure of the Council.

21. When two or more members happen to rise at once, the Chair shall name the member who is to speak first.

22. No member shall speak more than once to the same question without leave, nor more than once till every member choosing to speak shall have spoken, save that in all cases the mover, proposer, or introducer of the matter pending shall be allowed the closing speech.

23. If a question be pending at adjournment and be considered on the succeeding day, no member who shall have spoken twice thereon on the preceding day shall be permitted to speak thereon without consent of the members present.

24. While the President is putting any question or addressing the Council, none shall walk out of or across the Council chamber, nor in such case, or when a member is speaking or any document is being read, shall be engaged in private conversation; nor whilst a member is speaking shall pass between him and the Chair.

25. 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 within the bar of the chamber when the question was put, without leave of the Council: Provided, That in case of an appeal from any decision of the President he shall be allowed to vote.

26. Upon any division and count of the Council on any question no member without the bar shall be counted.

27. Every member within the bar of the chamber when a question is put shall give his vote, unless he shall be excused for special reasons.

28. When a motion is made and seconded it shall be stated by the Chair, or, being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.

29. Every motion made to the Council and entertained by the President shall be reduced to writing on demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

30. When a motion has been made the President shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the Council, but may be withdrawn, by consent of a majority of the members present, at any time before a decision or amendment.

31. When a question is under debate no motion shall be received but to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a certain day or indefinitely (which motions shall be decided without debate), to amend or refer, which several motions shall have precedence in the order in which they are here arranged, and no motion to lay on the table, to postpone to a certain day or indefinitely, or to refer to the same committee, being decided, shall be again allowed on the same day 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.

32. When any resolution shall be introduced, or a motion made to refer any matter, and different committees shall be proposed, the question shall be put in the following order: "The committee of the whole, on Territorial affairs, a standing or special committee."

33. A motion to adjourn and to take a recess shall always be in order; but a motion to adjourn or to take a recess shall not be in order after debate upon the pending motion or proposition is closed and the Chair has stated the motion or proposition to be voted on, until the same is voted upon and the result declared by the Chair. After a motion to adjourn has been made and declared lost, any other business, proposition or motion, shall have preference before a second motion to adjourn can be sustained by the Chair.

34. The previous question shall be in this form: "Shall the main question be now 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 on the main question.

35. On a previous question there shall be no debate.

36. When a question is postponed indefinitely, or laid on the table indefinitely, action thereon can not be taken during this session without the consent of two-thirds of all the members of the Council.

37. Any member may call for the division of any question, and the question shall be divided if it comprehend propositions in substance so distinct that if one be taken away a complete substantive proposition shall remain. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

38. Any member may move a call of the Council and the absentees sent for, provided the motion be seconded. There shall be no call of the Council pending a vote; and the names of the absentees being ordered to be called and noted, the doors shall be shut and no member shall be permitted to go out until the return of officer be received or the call be suspended.

39. Motions and reports may be referred to a committee at the pleasure of the Council.

40. No motion or proposition, or any subject different from that under consideration, shall be admitted under the pretext of amendment.

41. When a motion has once been made and carried in the negative or affirmative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or next day. And such motion shall take precedence of all other questions except a motion to adjourn or take a recess, except in case of a bill recalled from the Governor or House for amendment, as to which a motion to reconsider the vote by which it was passed may be made when it is received on such recall.

42. Any bill, petition, memorial or resolution referred to a standing or special committee may at any time, by a majority vote, be recalled for recommitment or passage, or any other action of the Council.

43. When the reading of any document is called for, and the same is objected to by any member, it shall be determined by a vote of the Council.

44. Any member may call for the yeas and nays on any question pending before the Council before the final decision of the Chair.

45. A proposition requesting information from the Governor of the Territory shall lie on the table one day for consideration, unless otherwise determined by a majority of the Council, and such propositions shall be taken up for consideration in the order they were presented immediately after the reports are called from special committees, and when adopted the Clerk shall cause the same to be forwarded to the Governor.

46. Petitions, memorials and other papers addressed to the Council shall be presented by the Chair or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer, and they shall not be debated on the day of their presentation, unless when the Council shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

47. Any five members shall be authorized to compel the attendance of absent members.

48. Upon calls of the Council, or on taking the yeas and nays on any question, the names of the members shall be called alphabetically, except that of the President, which shall be called last.

49. No member shall absent himself from the house when in session unless he shall have leave or be sick and unable to attend.

50. Upon call of the Council the names of the members shall be called 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 which no excuse or insufficient excuses are made may, by order of those present, if five in number, be taken in custody wherever to be found by the Sergeant-at-Arms or by special messengers to be appointed for that purpose.

51. When a member shall be discharged from custody and admitted to his seat, the Council shall determine whether such discharge shall be with or without paying fees; and in

like manner a delinquent member shall or shall not be liable to defray the expenses of such special messenger.

52. The Sergeant-at-Arms shall attend the Council during its sittings and execute the orders thereof, and also those of the President when not in conflict with the orders of the Council, and also all process issued by proper authority and properly directed to him.

53. The fees for the Sergeant-at-Arms shall be: For every arrest, the sum of two dollars; for each day's custody, two dollars; for traveling, for himself or special messenger, going or returning, twelve and one-half cents per mile.

54. Every bill shall be introduced on leave given by the Chair or by consent of the Council.

55. Every bill shall receive three several readings previous to its passage, and all bills shall be dispatched in the order in which they may be introduced or reported, unless the Council shall direct otherwise. Each bill when introduced shall be sent to the Chief Clerk, who shall read it by its title; this the President shall announce as the first reading of the bill. The bill shall then be read a second time by its title and ordered to be translated and printed in English and Spanish and copies supplied to each member. At the time of its second reading or at any time thereafter each bill shall be referred by the President to the appropriate committee, unless the Council shall otherwise direct or determine. No bill shall be read twice on the same day unless the rules be suspended by a two-thirds vote: Provided, that any member may call for the reading of any bill, petition or other document by sections and its adoption by sections.

56. When a bill shall have passed it shall be so certified by the Clerk, noting the day of its passage at the foot thereof.

57. After the committee to which a bill has been referred shall have reported the same back to the Council, or at any time before its approval, it may be recommitted to a committee.

58. It shall be in order at any stage of a bill, memorial, resolution or document, prior to its third reading, to require the same to be translated, or printed in English or Spanish, or both.

59. It shall be a standing order of the day throughout the

session for the Council to resolve itself into a committee of the whole Council.

60. In forming a committee of the whole the President or presiding officer shall preside in the committee.

61. The rules of proceeding in the Council shall be observed in a committee of the whole so far as they may be applicable.

62. Upon bills committed to a committee of the whole the bill shall first be read throughout by the Clerk, and then again read and debated by clauses or parts, 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 back to the Council. After report the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

63. No standing rule or order of the Council 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 rule of the Council, be postponed or changed except by a vote of at least two-thirds of the members present.

64. The rules for paying witnesses that may be summoned to appear before the Council or a committee 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, twelve and one-half cents; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial.

65. It shall be in order for the committee on Enrolled Bills to report at any time.

66. All questions of order shall be noted by the Clerk, with the decisions, and placed together at the end of the Journal of each session.

67. Whenever the Council shall adjourn or take a recess to a certain time, it may again be called together by the President at any hour prior to the time so designated after giving notice to each member of the hour it will be called together. Such notice may be served by the President,

Sergeant-at-Arms, any member of the Council, or any other officer or employe of the Council; or the Council may meet at any time if all of the members be present. The person who shall serve the notice shall certify the same under his hand to the Council, and the same shall be inserted in the Journal of that day; and such service may be made by leaving a copy of the notice at the residence or room of the member to be served, or posting it on his door if not personally found.

68. The following standing committees, each of which to consist of three members or more shall be appointed by the President, as soon as practicable; but the Council may appoint other committees when the business before it requires it.

Committee on Judiciary.

Committee on Finance.

Committee on Railroads.

Committee on Territorial Affairs.

Committee on Private and Municipal Corporations.

Committee on Education.

Committee on Public Institutions.

Committee on Irrigation.

Committee on Militia.

Committee on County and County Lines.

Committee on the Library.

Committee on Agriculture and Manufactures.

Committee on Capitol.

Committee on Mines and Public Lands.

Committee on Enrolled and Engrossed Bills.

Committee on Railroads, Employes, Labor and Commerce.

Committee on Penitentiary.

Committee on Printing.

Committee on Roads and Highways.

Committee on Banks and Banking.

Committee on Insurance.

Committee on Rules.

69. Any matter may be made the special order for any particular time or day by the consent of two-thirds of the members voting.

70. Each member shall be furnished with a copy of the daily calendar prepared by the Chief Clerk, which shall include the bills on the third reading and the general order.

71. House amendments to Council bills and resolutions shall be in order at any time when no question is pending.

72. The rules and parliamentary practice of the House of Representatives of the United States Congress as compiled by Hinds and published by authority of a joint resolution of Congress approved April 25, 1898, shall govern Council in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the Council.

73. These rules shall be in force from and after their adoption, and may be amended or suspended by a vote of two-thirds of the Council.

74. An appeal from the decision of the Chair shall be sustained by a vote of two-thirds of the members present.

75. No bill or joint resolution shall be introduced at any time within six days of the final adjournment of the Legislative Assembly or expiration of its term.

STANDING COMMITTEES OF THE COUNCIL.

Judiciary.

C. A. Dalies, W. D. Murray, J. S. Duncan, Jacobo Chaves, J. O. Cameron.

Railroads.

J. S. Duncan, M. B. Stockton, C. A. Dalies, Malaquias Martinez, H. M. Richards.

Finance.

W. G. Sargent, E. A. Miera, Malaquias Martinez, Jacobo Chaves, W. D. Murray, H. M. Richards, J. O. Cameron.

Territorial Affairs.

E. A. Miera, J. F. Sulzer, J. S. Duncan, M. B. Stockton, W. G. Sargent.

Municipal and Private Corporations.

Jacobo Chaves, W. G. Sargent, H. M. Richards, J. S. Duncan, M. B. Stockton.

Education.

J. F. Sulzer, W. D. Murray, J. S. Duncan, Jacobo Chaves, J. O. Cameron.

Public Institutions.

H. M. Richards, E. A. Miera, W. D. Murray, J. F. Sulzer, J. O. Cameron.

Irrigation.

M. B. Stockton, Malaquias Martinez, W. G. Sargent, J. O. Cameron.

Banks and Banking.

W. D. Murray, E. A. Miera, W. G. Sargent, J. S. Duncan, Jacobo Chaves.

Internal Improvements.

J. S. Duncan, E. A. Miera, M. B. Stockton.

Public Property.

J. F. Sulzer, H. M. Richards, J. O. Cameron.

Capitol.

W. G. Sargent, E. A. Miera, J. S. Duncan.

Militia.

M. B. Stockton, W. G. Sargent, E. A. Miera.

Railroad Employes, Labor and Commerce.

H. M. Richards, Malaquias Martinez, M. B. Stockton.

Rules.

Mr. President, Malaquias Martinez, H. M. Richards.

Enrolled and Engrossed Bills.

C. A. Dalies, Jacobo Chaves, H. M. Richards, M. B. Stockton, J. O. Cameron.

County and County Lines.

C. A. Dalies, W. D. Murray, Malaquias Martinez, M. B. Stockton, J. S. Duncan, J. O. Cameron.

Roads and Highways.

Malaquias Martinez, H. M. Richards, J. F. Sulzer, M. B. Stockton, E. A. Miera.

Agriculture and Manufactures.

E. A. Miera, W. G. Sargent, J. S. Duncan.

Mines and Public Lands.

W. D. Murray, J. F. Sulzer, E. A. Miera.

Penitentiary.

Malaquias Martinez, Jacobo Chaves, H. M. Richards.

Public Printing.

Jacobo Chaves, Malaquias Martinez, E. A. Miera.

Library.

J. S. Duncan, W. G. Sargent, E. A. Miera, J. F. Sulzer, J. O. Cameron.

Insurance.

Malaquias Martinez, C. A. Dalies, E. A. Miera, W. D. Murray, Jacobo Chaves.





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