

absolutely necessary that it should be so.—The motion of the gentleman from Kent (Mr. Chambers) would very much deprive the Convention of all the benefits resulting from such a practice. So far as his [Mr. McL's.] knowledge extended, no such rule as the gentleman proposed was to be found in any deliberative or legislative body, unless perhaps it might have been in some of the colonial or provincial Legislatures. The only distinction in relation to motions to reconsider had been, that such a motion should be made by a member who had voted with the majority; and this had been a sufficient security against any improper use of the power to reconsider. This Convention had varied that rule, because it had found it requisite to do so for its own security. He was willing to go back to the original vote, so far as to require that motions to reconsider should be made by members voting with the majority; but he was opposed to the adoption of any new restriction from which he conceived great inconvenience might result. And Mr. McL. put a case in illustration.

He found that in the Convention which framed the Constitution of the State of Massachusetts in 1820-21, a motion had been made similar to that of the gentleman from Kent, [Mr. Chambers.] The rule was debated by some most eminent men; and, after a good deal of discussion, a motion was made by Mr. Morton to strike out the whole rule, and insert "one which should allow of reconsideration, when as many members voted for it as were in favor of the original measure, provided they were a majority of the members voting on the question of reconsideration—notice to be given—and one reconsideration of the same question only to be allowed." Let us see how Mr. Webster treated the proposition. He [Mr. McL.] read from page 27, of the debates of the Convention.

"Mr. Webster thought, that of all the various propositions which the occasion had elicited, that now before the Convention was the most extraordinary. It appeared to him to be in many respects objectionable. In the first place, what is meant by requiring as many votes to reconsider a motion, as were in favor of the original measure? Suppose the questions were on the adoption of an amendment—a very small number, for example five, might be in favor of it, and all the rest against it. Yet, in this case, by the proposed rule, the vote was necessarily to be reconsidered. The honorable gentleman had drawn his motion as if *affirmative* votes only could be reconsidered, and has made no provision at all for the reconsideration of *negative* votes. Again, according to this provision, a motion for reconsideration might be made and discussed for a week; then put to the vote, and although carried affirmatively by a majority, have no effect, and be declared a nullity because the majority was not large enough.

"He begged leave to dissent entirely, and most widely, from all such modes of proceeding. All rules respecting reconsiderations, were intended and adopted for the purpose of ascertaining, under what circumstances, and by whom, a motion

for reconsideration might be brought forward. But when once brought forward, it must, of course, like all other motions, be decided by a majority. Nobody, he believed, ever before heard of a rule, by which a motion to reconsider when once regularly made, was not to be decided like other motions. It might well be doubted whether the Convention could prescribe any such rules; rules by which anything, more than a majority of members should be required for the decision of any question regularly before it.

"Mr. W. proceeded to say, it was with great unwillingness that he troubled the Convention again on this occasion, but he would indulge the hope, that after the failure of so many attempts to qualify the right of moving to reconsider, in any manner acceptable to the Convention, gentlemen would be more inclined to adopt the usual limitation—the restriction of the right to some member voting with the majority. No other qualification was so simple, or so easily understood, and none better secured the right against abuse."

Mr. W. then went on, (continued Mr. McL.) to advocate the adoption of the general rule, as applied in most cases—that was to say, that the motion to reconsider should be made by a member voting with the majority.

The rule proposed by Mr. Morton, which was the same as that now offered by the gentleman from Kent, (Mr. Chambers,) was voted down, without even the form of a division, and ultimately the Convention, on the motion of Mr. Webster, adopted precisely the rule which he, (Mr. McL.,) had indicated at the outset of his remarks; that was, simply requiring the motion to be made by a member voting with the majority.

We had had that rule here, but it was changed. He confessed that he desired as much latitude as possible, and he thought that such also should be the general desire of the Convention. A decision might be made on a question to-day, when there might be a thin attendance. It might become important to have the decision of a full House.

They were acting here on the formation of a Constitution which was to endure, he hoped, so long as any of those, who assisted in framing it might exist. And it was important that every part of it should be well considered. If a mistake was made to-day, the Convention should have an opportunity without any great formality to go back to the proposition and rectify that mistake. When the Convention came to the final vote, there would probably be a full attendance, and any error which might have been made could be corrected.

He thought that the gentleman from Kent, (Mr. Chambers,) would not obtain his object by the proposition he had offered. He thought the amendment which had been made to the rule on the motion of the gentleman from Frederick, (Mr. Thomas,) was a good one. The Convention had not wasted time under it, nor did he think that there need be any apprehension on that score.

Mr. CHAMBERS said he felt some degree of