

but the rule adopted by Congress did not suit him upon the other question; and that was one reason why I supposed the other proposition would be carried, because it was a rule of Congress. The principal reason why I favor the amendment is that the counties vote together, and the first name called reminds all the other gentlemen of that delegation that it is time for them to vote; but if they are called alphabetically, the answers will come from that side and this side, that corner and this corner, and it will be difficult for a delegate to recognise his name, unless paying especial attention to the call of the roll. I suppose the Secretary had this list printed in alphabetical order because he expected this rule would be adopted here; but he will have them printed in the other order if instructed to do so.

Mr. BERRY of Baltimore county. I did not quote the rule of Congress exactly because it suited myself, but as the gentleman applied it in the former case I certainly supposed he would fall into it in the second.

The amendment was rejected—ayes 32; noes 33.

Mr. BERRY, of Baltimore county, moved to insert after the words "the names of the members," the words, "beginning with the President."

The motion was agreed to.

Rule 49th having been read,

Mr. CLARKE said: To that rule I offer the amendment on page 58th of the Journal, at the close of the rules to adopt in lieu of Rule 49th the following rule to be inserted as Rule 49th:

"The Standing Rules of the Convention shall not be suspended except by a vote of at least two-thirds of the members present."

This amendment is in its words precisely like Rule 51 of the House of Delegates, which is this:

"No Standing Rule or Order shall be rescinded or changed without one day's notice being given of the motion therefor.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."

By referring to Rule 55th reported by the Committee, it will be seen to embrace the first sentence of this rule:

"No Standing Rule or Order shall be rescinded or changed without one day's notice being given of the motion therefor."

I would simply suggest with reference to Rule 49th, as reported by the Committee, that if that be adopted, we may as well have no rules at all. It places it in the power of a majority of the members at any time to suspend the rules. In other words there is no protection, no understanding of the regular order of business, no knowing what is to come up in the Convention. Reports of Standing Committees, or Unfinished Business may be properly in order under this standing rule; but a bare majority can take up any

question without any notice whatever, and we may be compelled to deal with questions without any previous knowledge of them, which could not be done under the standing rules. If the amendment is adopted as I propose, that the Rules shall not be suspended without a two-thirds vote, it will still be in the power of any gentleman who does not like the rules to offer an amendment to change the rules. We shall then understand what the change is to be, and the next day the majority can so modify the rule, if they choose. To require two-thirds of the members present to suspend the Rules is a safeguard which is given in every legislative body; and unless adopted we are exactly in such a position that we might as well have no rules whatever.

Mr. BERRY of Baltimore county. I move to amend by striking out the word present, and inserting the word "elected."

Mr. CLARKE accepted the amendment to the amendment.

The amendment as modified was rejected.

Mr. CLARKE renewed the amendment in its original form; and demanded the yeas and nays upon its adoption.

The yeas and nays were ordered; and the question being taken the result was—yeas 26; nays 46—as follows:

*Yeas*—Messrs. Goldsborough, President; Berry of Prince George's, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Daniel, Dennis, Duval, Earle, Edelen, Gale, Harwood, Henkle, Jones of Somerset, Lansdale, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Pugh, Scott—26.

*Nays*—Messrs. Abbott, Annan, Audoun, Baker, Berry of Baltimore county, Brooks, Cunningham, Cushing, Davis of Washington, Ecker, Galloway, Greene, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones of Cecil, Keefer, Kennard, King, Larsh, Mace, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Purnell, Robinette, Russell, Sands, Schley, Schlosser, Smith of Worcester, Sneary, Stockbridge, Swope, Sykes, Thomas, Thruston, Valliant, Wickard, Wooden—46.

So the amendment was rejected.

Mr. JONES of Somerset moved to amend the rule by striking out the word "present" and inserting the words "elected to this Convention."

The PRESIDENT ruled the amendment identical with that of Mr. Berry, already voted upon, and therefore out of order.

Mr. MILLER. I move to amend by inserting "three-fifths of," so as to read "three-fifths of the members present."

Mr. CLARKE. I understood the amendment voted upon to be an amendment to my amendment, on page 58; whereas the gentleman from Somerset moves an amendment to the rule itself, on page 55.

The PRESIDENT. That is correct. The motion of the gentleman from Somerset (Mr. Jones) is in order.