

erable wrangling was adopted by the last Convention. It will be found in the "proceedings" page 305; and was adopted, as appears on page 313. This is the rule in all legislative bodies; and the effect of the main question is as proposed by the amendment I have submitted.

Mr. CLARKE. In drawing up this rule upon the previous question, the object of the committee was to meet the same difficulty which existed in the last Convention. The rules provide that reports of committees shall go through the same course as bills. The rule upon the previous question, as it stands in the present Rules of the House of Delegates is this:

"Rule 23. The previous question shall be in this form, *"Shall the main question be now put?"* It may be called for on any question except on an amendment or other matter which cannot in its nature be postponed; and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment and debate on the main question."

Under the rules of the House of Delegates, and under the rules of most bodies, on the second reading of a bill there is no such thing as calling the previous question at all, because when the previous question is sustained it brings you to a vote upon the main question, and you cannot vote upon the main question until the bill is on its third reading. So upon the rules adopted by the House, if a report is on its second reading, and the previous question is called, the President must put the question shall the main question now put? and inasmuch as you have not passed through the second reading of the bill, there can be no such thing as a main or previous question at all. That was the very difficulty the last Convention met with. Therefore, in order to make this proposition plain upon the previous question, and in order to extend the call of the previous question, the committee made this subdivision, viz: that upon the second reading of a measure, not being able under the rule of the House of Delegates or under the rules of other parliamentary bodies, to call for the main question, and it being desirable that to a certain extent the Convention should have the privilege of cutting off lengthy debate, the previous question should be called. That is, whenever an amendment is offered to a clause and a second amendment, it is in the power of the House to call the previous question upon that, and that previous question simply applies to the question before the Convention, viz.: the amendments then pending. After acting upon them any other amendments may be offered.

So this rule, instead of cutting off or limiting the power of the Convention, in reference to the previous question, gives to the Convention a power of calling the previous ques-

tion which under the present rules of the House of Delegates, and under the rule offered by the gentleman from Allegany county (Mr. Hebb) would not exist. He says the previous question having been demanded, its effect will be first to require a vote upon the amendments, and then upon the section itself. When we are upon the second reading of a bill we cannot put the main question, because we cannot vote upon the final passage of a bill until we are upon the third reading.

Mr. HEBB. It may be an article or section. If a section is before the Convention, of course we shall take the vote upon the section, and not the whole article.

Mr. CLARKE. While going through the reading of the bill for amendments, it is certainly in the power of the Convention to receive an amendment unless it is proposed by the call of the previous question upon the second reading of a report to cut off all further amendments. I never heard, in the House of Delegates or in any body, if undertaking upon the second reading of a measure, the proper time for effecting it by the House, to cut off amendments. The previous question has never been applied in that way. It is only to bring the House to a direct vote upon a proposition, and never to cut off amendment.

Mr. STOCKBRIDGE. If the effect of the previous question in ordinary parliamentary practice be what the gentlemen from Prince George's (Mr. Clarke) assumes it to be, I should most certainly prefer the 54th Rule as it stands. But it seems to me he must be in error as to the effect of the previous question. The form in which the previous question is always put, is, Shall the main question be now put? which I understand to be the main question before the House or Convention, the body which is to act upon it. The main question before the body, when a bill or article is upon its second reading, is not, Shall this article become a part of the Constitution? The main question before the body is upon the adoption of the particular article or particular amendment pending, as I understand it. If I am wrong in this, it will affect the whole subject. Everything depends upon what constitutes the main question in the ordinary parliamentary practice, when the previous question is called.

Mr. CLARKE. I will only state that so far as my experience has gone in the Legislature, I have never known the calling of the previous question to operate as the gentleman understands it. The discussions upon the Convention Bill last winter, went on for a considerable time while the bill was on its second reading, and it was never once supposed that the previous question could be called on the second reading of the bill. The rule of the House expressly provides that the previous question shall not be called on an amendment. I find, upon turning to the