

debate. All incidental questions of order arising after a motion is made for the previous question and pending such motion, shall be decided, whether an appeal or otherwise, without debate."

In a note on page 81, it will be found that—

"The original intent of the previous question was, to ascertain the sense of the House, in the early stages of a subject, as to the propriety of entertaining the matter; and, if decided affirmatively, the debate went on; if decided negatively, the debate ceased, and the subject passed from before the House without motion or further question."

I think the chairman of the committee had at first embodied simply the previous question, as it existed under the rules of parliamentary practice, on all subjects which should come before the Convention; and that would have been the rule reported, but for the difficulty which existed in the last Convention, in regard to the indefinite prolongation of debates upon amendments offered on various propositions. We perceived that it was necessary that the Convention should change the ordinary rules of parliamentary practice in reference to the effect of the previous question, so as to stop debate upon amendments. And I suggested the propriety—for I must say, for one, although it has been intimated that the minority will prefer to prolong the time of the Convention, that I have no desire to waste the public money in any useless calls of the House on propositions simply to take up time; all that I desire is that when a subject is fairly before the House, we may have the opportunity plainly to express our views upon that question and offer what amendments legitimately embody our views, that they may go on record, and that every member of the House may be prepared to vote upon the question;—I suggested, with that view, to cut off upon the second reading of a report interminable discussions, the first two sections of this rule.

What would be the result were you to adopt either the proposition offered by the gentleman from Allegany or the ordinary rules of parliamentary practice? It will be found in the Legislative Guide, that it is stated that the first reading of a bill shall be for information, and the second for amendment; and that while upon its second reading the main question cannot be called, because the rules of the House of Representatives, and our rules also, provide that the bills shall have their several readings; and if the main question were ordered you could not have the three readings on different days, as required excepting under suspension of the rules. Unless therefore we adopt some special provision by which the previous question may be called upon amendments, you cannot call the previous question at all on the second reading of a bill. As I said yesterday,

in legislation upon bills on their second reading, no such thing is known as a call of the previous question.

Mr. HEBB. Does the gentleman state that the rules of the House of Delegates prohibit calls of the previous question upon the second reading?

Mr. CLARKE. No, sir; the rules of the House of Delegates require a bill to be read to the House on three several days; and when a pending amendment is before the House, unless the House suspends the rule and passes it to a third reading, you cannot find in the rules of the House any main question before the House, as I understand it. I do not propose longer to consume the time in explaining this rule, excepting to say that this is the object, to avoid interminable debates which might otherwise come up on the second reading of a report. It was to check such discussions that the committee made this distinction, between the main question and the previous question. It was only to distinguish them, the previous and the main question being the same, the one being called upon the second reading and the other upon the third reading; the first, the previous question, to be called upon the second reading and to bring the House to a vote upon all the propositions then before the House for a vote; but inasmuch as upon the second reading no section or article, unless some gentleman moves to amend it, is before the House for adoption, it does not bring the House to a vote upon the adoption of the article or section. Gentlemen are well aware that the only way to get rid of a section is to move to amend by striking it out, and this brings up the question whether it shall be retained. But under the amendment offered, the question is not put whether such a section shall be adopted as a section of the bill, and therefore you can never upon the second reading vote upon the main question. I have given this explanation in justice to the committee. I have no objection to the clause offered by the gentleman, if it can only be defined so as to say clause, section, or article.

Mr. DANIEL. As I understand the operation of the amendment now—it was not so evident yesterday—I am inclined to vote for it. I find upon looking at the Legislative Guide, it is pretty nearly a copy of the rule there, as well as a copy of that adopted by the last Convention. So far as I have been able to look into parliamentary rules, I have never seen in any book where these rules are laid down, this question divided into the main question and the previous question. I look upon them as the same thing; the effect of the previous question being, "Shall the debate stop?" That brings the question first upon the amendments and then upon the main question.

I disagree with my friend from Prince George's, (Mr. Clarke,) as to the effect of