

stands as the judgment of the house. But it, like every other section of a report, is open to addition.

Mr. CHAMBERS. That is where we differ. The section, after the addition, is not the section which existed before the addition. That is a clear proposition. When the house has stated that a particular form of words shall compose that section, we certainly do not adhere to that decision when we say that the section shall consist of that particular form of words together with others added to them.— The addition may change its whole character. I do not know what the addition is that is now offered. It may be acceptable to myself, but I protest against this decision as a rule of order. The chair ruled that the section was adopted under the previous question; and being adopted, I say that it cannot be added to or otherwise amended.

Mr. CLARKE. I can easily show that, under the construction of the chair, the result will be that the previous question will never accomplish anything; because after the house has voted down a particular phrase we can add something else; so that the house will never be in the position to close a pending section. In other words, calling the previous question will still leave a section open to additions interminable.

The PRESIDENT. On the second reading of a bill the sections are taken up seriatim. So long as they continue in the possession of the convention they are subject to amendment.— It is not until the president propounds the question: are there any further amendments? and receives no response, that the section is passed over. It then passes out of the possession of the convention. In this case the previous question has been called on the report of a special committee to which various amendments have been submitted.— The section has been adopted by the convention, which only discharges the special committee and places the same in the legislative report. But that so inserted in the legislative report does not preclude an amendment consistent therewith, and which the house choose to incorporate in it. The convention may wish to add to it something that expresses more fully the views of the convention.— The construction which the gentleman puts upon it would deprive the convention of the power to add to this section of the legislative report. If the proposition submitted by the gentleman from Allegany (Mr. Hebb) is inconsistent with the section as adopted, it would be rejected; but it may be germane to the proposition; it may embrace another distinct feature, and the convention may adopt it. But they cannot change a solitary word of the section as adopted, except by reconsideration.

Mr. CLARKE. I should agree perfectly with the ruling of the chair, if it were not that the previous question was called. There is the difficulty.

The PRESIDENT. The previous question is not intended to deprive the convention of the privilege secured to all parliamentary bodies of amending a pending proposition in such mode as they may deem proper. It is intended to bring the house to a direct vote upon the pending proposition and the pending amendments.

Mr. PUGH. I submit that the section of the legislative committee has not been voted upon at all under the previous question.

Mr. HEBB. The rule of the convention is this:

“Rule 54. The previous question shall be always in order in convention, and 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 its effect shall be to put an end to all debate, and to bring the convention to a direct vote upon pending amendments, and the special matter to which they relate.”

The convention has voted upon the pending amendments and the special matter to which they relate, and the previous question is exhausted. Now I propose to go further and add something,

Mr. CLARKE. Can we debate the amendment offered by the gentleman?

The PRESIDENT. Of course. It is an independent proposition. The section stands now as a part of the legislative report, just as it would if the previous question had never been called. The main question being a concurrence in the majority report of the special committee, the convention, by their action on that report, determines whether the section recommended by them shall be inserted or not into the report of the committee on the legislative department. The previous question only extends to the concurrence or non-concurrence in the report of the special committee.

Mr. STIRLING. As I understand the question, my impression is that the chair is correct upon the ground he has stated; that the main question before the convention was the majority report of the special committee, and not a section of the report of the legislative committee. The matter set down for decision to-day was the majority report of the special committee, and when we were through with it and ready to adopt it, the previous question was called, and it was voted upon under that. We have not taken a vote upon the section of the legislative article yet. After we had taken a vote upon the report of the special committee the previous question was exhausted.

Mr. NEGLEY. The committee recommends the insertion of this section as the 39th section, and it is numbered in their report as the 39th section of the legislative article. Was it recommended as an independent proposition? Certainly not; but as the 39th article in the report. It is adopted as the 39th arti-