

The convention took a recess until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The convention met at half past 3 o'clock, P. M.

The roll was called, and the following members answered to their names:

Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Barron, Billingsley, Blackiston, Bond, Brooks, Carter, Chambers, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Dennis, Dent, Duvall, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Horsey, Keefer, Kennard, King, Larsh, Lee, Markey, Mayhugh, McComas, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Turner, Wickard, Wooden—66.

Mr. SCOTT. I move that the fiftieth rule be put in force.

Mr. STIRLING. I should like to know the object of that. We have sixty members here; and it will delay the progress of the house. It interferes with the progress of the business.

Mr. SCOTT withdrew the motion.

BASIS OF REPRESENTATION.

The convention resumed the consideration of the report of the committee on the basis of representation, on its third reading; the pending question being the motion of Mr. HOLLYDAY to open the report for the purpose of so amending it as to allow Kent county two representatives.

The PRESIDENT. At the time the gentleman from Cecil (Mr. Pugh) moved to suspend the fifty-third rule, the chair was under the impression that at that stage of the proceedings the motion was not in order. The chair is now of opinion that it is competent to suspend the rule; but that it requires a vote of three-fifths of the members present, as required by the forty-ninth rule.

Mr. PUGH renewed the motion to suspend the fifty-third rule.

Mr. ABBOTT demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 40, nays 26—as follows:

Yeas—Messrs. Goldsborough, President; Billingsley, Blackiston, Bond, Briscoe, Daniel, Dennis, Dent, Duvall, Earle, Galloway, Greene, Hoffman, Hollyday, Hopkins, Horsey, King, Larsh, Lee, Markey, Miller, Morgan, Mullikin, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Sands, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Todd, Turner—40.

Nays—Messrs. Abbott, Annan, Audoun,

Baker, Barron, Brooks, Carter, Cunningham, Cushing, Davis, of Washington, Dellinger, Ecker, Farrow, Hatch, Hebb, Keefer, Kennard, Mayhugh, McComas, Murray, Negley, Russell, Schley, Stockbridge, Wickard, Wooden—26.

The fifty-third rule was accordingly suspended, three-fifths of the members present having voted for its suspension.

The question recurred upon the motion to open the report to the amendment moved by Mr. HOLLYDAY.

The question being taken, the result was—yeas 37, noes not counted.

The motion was accordingly declared adopted.

Mr. HOLLYDAY moved to amend the third section of the report by striking out "one," in the eighteenth line and inserting "two," so as to give Kent county two representatives.

Mr. CUSHING. I wish to inquire whether, the fifty-third rule having been suspended, this report can be amended, in parliamentary law, upon the third reading, excepting by unanimous consent. Is there any rule authorizing the amendment upon the third reading except the fifty-third rule, which we have suspended?

The PRESIDENT. The fifty-third rule was only suspended for this particular occasion.

Mr. CUSHING. But being suspended for this particular occasion we fall back upon the general parliamentary practice, which is that the report cannot be amended upon the third reading. In congress, for instance, no bill can be amended upon its third reading.

Mr. PUGH. I will answer the gentleman, so far as I understand this matter. My impression is that this is a convention assembled here to make a constitution. Among other things it adopted for its government a certain set of rules. One of those rules provides that for the accomplishment of any special purpose the convention may, independent of all parliamentary law, suspend one of its rules or all of its rules. The convention under that rule has suspended another rule for a special purpose, in conformity with the rules and not outside of the rules. My objection to the argument of the gentleman from Baltimore city (Mr. Cushing) is just this. He claims, or suggests to the chair that we have gone beyond the pale of the rules—that we are beyond the working of the rules—that having suspended this rule we are thrown back upon parliamentary law. My answer is that we are acting strictly in conformity with the rules. Under one of the rules adopted by this body we suspend another rule for a special purpose. In conformity with the rules we have suspended one of them. The ground taken by the gentleman from Baltimore city is that we are not now acting under the operation of these rules because we have suspended one