

for. We have allowed the majority of the members present, except in certain cases, to determine everything. That is the rule of all bodies of this sort. Besides, if we submit the constitution to the people, and if they ratify it, I say it cures all that is behind it.

Mr. GREENE. I move to reconsider the vote by which the fifty-third rule was adopted; and if that motion prevails I shall immediately move to strike out the provision that a majority of the members elected shall be necessary to amend a report upon its third reading. I think that will obviate the difficulty.

Mr. PUGH. I intended to suggest that that is in effect the motion I made; because at the time the object for which the rule was to be suspended was distinctly stated. The object was stated to be in relation to action upon this amendment.

The PRESIDENT. The chair cannot entertain a motion while the point of order is pending.

Mr. PUGH. We are acting under the rule which allows the convention to suspend any rule which interferes with the action of the body. That is the object for which the forty-ninth rule was adopted. That was the intention of the framers of that rule, undoubtedly, that three-fifths of the members assembled in this convention should determine that for the time being, in order to accomplish a certain stated purpose, a certain rule should not operate. They have so determined by one of their rules, just as binding as any other rule, and you must take the thing as a whole, for we are acting under the rules and in conformity with one of them. The convention have determined that for the time being, for a specific purpose stated, the fifty-third rule shall not operate. I submit this point that in conformity to the rules as a whole, this body have the right, by a vote of three-fifths of the members present, to suspend the rules for any purpose; and having determined to do that, I submit that there can be nothing in the rules to conflict with that action.

The PRESIDENT. The gentleman from Cecil (Mr. Pugh) has moved to suspend the fifty-third rule. That fifty-third rule requires that a motion to alter or amend a report upon its third reading should receive the sanction of the majority of the members elected to the convention, in order to prevail. After that rule has been suspended it throws us back upon the general principles of parliamentary law, if those general principles are not in conflict with any other standing rules of the house. If that general principle of parliamentary law is in conflict with any other standing rule of the house, of course the parliamentary law must give way to the rule adopted by the convention.

The convention has decided under the forty-second rule that all questions without any limitation, shall be decided by a majority of the members present, except in the cases pro-

vided for. The fifty-third rule is one of those cases provided for. Therefore it was necessary to suspend that rule in order to enable the majority to control this question. The parliamentary practice standing in direct opposition to the forty-second rule is also controlled by the forty-second rule. So that when you suspend the rule requiring more than a majority, the forty-second rule puts it in the power of the majority of the members present to control the question. That is the judgment of the chair. The amendment is therefore in order.

Mr. SCHLEY. I move to amend the amendment so as to strike out "seventy-nine" and insert "eighty."

The PRESIDENT. The section was opened, under the fifty-third rule to the specific amendment indicated.

Mr. SCHLEY. This is a part of the amendment, or the consequence of it.

The PRESIDENT. The gentleman only moved to open the report to give Kent county two members instead of one.

Mr. CUSHING demanded the yeas and nays on the amendment submitted by Mr. HOLLYDAY, and they were ordered.

The question being taken, the result was—yeas 46, nays 19—as follows:

*Yeas*—Messrs. Goldsborough, President; Belt, Billingsley, Blackiston, Bond, Briscoe, Carter, Chambers, Clarke, Daniel, Dellinger, Dent, Duvall, Earle, Ecker, Galloway, Greene, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Kennard, King, Larsh, Lee, Markey, Miller, Mullikin, Nyman, Parker, Parraan, Pugh, Purnell, Ridgely, Sands, Scott, Smith, of Carroll, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Todd, Turner, Wooden—46.

*Nays*—Messrs. Abbott, Annan, Audouin, Baker, Barron, Cunningham, Cushing, Davis, of Washington, Farrow, Hebb, Keefer, Mayhugh, McComas, Murray, Negley, Russell, Schley, Stockbridge, Wickard—19.

When their names were called,

Mr. BELT said: I was in favor of the proposition supported by my colleague (Mr. Clarke,) who introduced into this house what I regard as the only true principle of representation, that you should place it upon the sound basis of population, and district the State, dividing it so that every man in it, every resident voter, should vote for one man. That not being adopted, the convention having decided to come down to a more arbitrary standard, my preference was to have the standard fixed as it is in the present constitution. Seeing that that will not be done, and that giving to Kent county one other member is an approach to it, I shall, simply on that theory vote for it, and upon no other ground. I have strong objections to the proposition as at first announced, giving an addition to Kent that is not extended to Charles, St. Mary's, and other counties, but that is excluded from the ques-