

inates from the fact that nobody has a right to say, when two propositions are put in such a form as to make one question, that a member who is in favor of one of them shall not vote for it unless he will vote for the whole. You have no right to say to a member, you must vote for the whole or against the whole. The very reason for the rule allowing the division of a question is to enable members to vote for one portion of it who are unwilling to vote for the whole. The idea that a man must be friendly to a whole proposition in order to have a right to divide it, would destroy the whole right of division. So far as friendliness is concerned, it is often the case that a member votes for a proposition with a distinct statement that he intends to move a reconsideration, and votes for it for that reason.

After the proposition was divided, the question was first on the first branch, and the yeas and nays were taken on that, and then the question was taken on the second branch, and the yeas and nays were taken on that. Now the rule is that any vote taken in the convention may be reconsidered on motion of any person who voted in the majority in that vote. In this case, it is the more evident that a member voting for the first branch can move to reconsider, because the first branch of the proposition is really the substantive portion of it. The latter branch is only a provision that the thing required to be done by the first branch, shall be done in a particular way. The first branch was a real substantive thing. Strike out the first branch, and the second falls as a matter of course.

Mr. MILLER. If that were so, under the rule you would have no power to divide it.

Mr. STIRLING. I think it could be divided, because the first branch was a substantive proposition in itself. At any rate it was decided that it could be divided, and that decision cannot now be reversed. That decision must stand. A division presupposes that members will vote for one part and against another. The power to vote under the rule for reconsideration, is connected with the power to change the vote, if it should be effective. But if you adopt the rule contended for, you say that a member voting for a proposition that may prevail, upon a division of a question, shall not move to reconsider; which is a restriction of the right of reconsideration. The gentleman says that somebody must move the reconsideration of the section as a whole who voted for it as a whole. There is not a member of the convention who voted for it as a whole. The vote was taken by divisions. There were two questions, two calls of the yeas and nays, and I hold that a member who voted in the majority upon either of those two questions may move to reconsider the vote upon that question.

Mr. PUGH. I was the party who called for a

division of the question. I had no idea at that time that in exercising my right to call for a division of the question, I was putting myself in such a position as to cut myself off from the right that every member has here, when he votes for a proposition that is carried to call for its reconsideration if he wishes it to be reconsidered. I did not intend, when I called for a division of the question to vote for either branch of it; but there were several members here who were perfectly willing to vote for the first part of it. But if I had decided at that time to vote for it, I should not have been under the impression which the gentleman from Baltimore county (Mr. Ridgely) seems to wish to prevail here, that in voting for that proposition which, as the gentleman from Baltimore city (Mr. Stirling) says was the substantive proposition, the question for the consideration of the house, I had cut myself off from being in a position to move a reconsideration of the question.

The gentleman from Baltimore county has referred to Jefferson's Manual, and probably he has some other authorities to refer to. I refer to our course in this convention from its commencement until now.

Mr. STIRLING. It has been suggested to me that the journal will show that upon the precise point of a divided question the motion to reconsider has been entertained.

Mr. PUGH. Yes, sir; that is the practice of this convention. No man who ever voted for any proposition has been denied the right. No man here has ever questioned the right of the member who votes in favor of any question to move a reconsideration. The rules show that the motion may be introduced by any member who voted for the proposition. It would be more particularly unjust now since it has heretofore been the practice of the convention to concede that rule for all who voted in the majority in any instance.

Mr. HEBB. With regard to this question, I will say that those who voted for the first branch of this proposition have the right either to move the reconsideration of that branch of the proposition, or to move the reconsideration of the whole proposition. After the first branch of the proposition was adopted, and the second branch was adopted, the chair passed over the proposition. In other words, by the consent of the whole house the proposition was passed on its second reading. Therefore every member, in that light, can be considered as entitled to move a reconsideration of the whole proposition. Those who voted in the majority on the first branch of the proposition, could move a reconsideration of that branch. Certainly these members could move a reconsideration in one case or the other; and it is immaterial which.

The PRESIDENT. As the president understands this subject, it arises on a section of