

two-thirds of the members elect, it will be a fairer proposition, and a nearer approximation to the amendment submitted by the minority of the Committee.

One word further with reference to the course of the majority. There are a great many questions to come before this body, and I do not know that upon all these questions we differ upon party lines. There will be, I presume, various questions upon which gentlemen will be differently divided. I have heard different expressions of opinion upon different subjects, not embraced strictly within party lines.

Mr. CLARKE demanded the yeas and nays upon the amendment moved by Mr. Stirling; and they were ordered.

The question being taken, the result was—yeas 51; nays 15—as follows:

*Yeas*—Messrs. Goldsborough, President; Greene, Hebb, Thruston, Wickard, Robinette, Harwood, Hatch Kennard, Stockbridge, Stirling, Abbott, Cushing, Thomas, Berry of Baltimore county, Ridgely, Parker, King, Smith of Carroll, Ecker, Swope, Wooden, Jones of Cecil, Pugh, Todd, Carter, Noble, Keefer, Schley, Markey, Annan, Baker, Cunningham, Schlosser, McComas, Hopper, Russell, Hopkins, Sands, Sykes, Mulliken, Dellinger, Nyman, Negley, Mayhugh, Davis of Washington, Sneary, Smith of Worcester, Purnell, Murray—51.

*Nays*—Messrs. Miller, Henkle, Earle, Scott, Turner, Edelen, Mitchell, Lansdale, Peter, Clarke, Belt, Marbury, Morgan, Gale, Horsey—15.

So the amendment was agreed to.

Mr. STOCKBRIDGE. I move to amend the last clause of this rule by striking out the word "Convention," and inserting "members present."

There are three different expressions used in these rules in different places—a majority of the Convention, a majority of the members elected to the Convention, and a majority of the members present. The two expressions, a majority of the members elected to the Convention, and a majority of the members present, are always clear and unmistakable; but it has often happened that the other expression, the majority of the House, has been wrangled over to determine which of the two it meant, whether it meant a majority of the members present in the House, or a majority of the members elected to the House. It is not, so far as I am aware, important in this place which is adopted; but it may be important that it be made so clear that we shall not consume time in wrangling about it hereafter. I have no choice which rule is adopted, but I propose the amendment that it may be certain is meant.

The amendment was agreed to.

Mr. STOCKBRIDGE. I now ask unanimous consent to move a similar amendment in section 10.

There was no objection.

Mr. STOCKBRIDGE. To prevent ambiguity I move to amend the tenth rule. I desire it to read either a majority of the members present or a majority of those elected. I will move to insert the words "members elected to the," so that it shall read, "if a majority of the members elected to the Convention so determine."

The 17th rule having been read,

Mr. STIRLING moved to strike out all but the words:

"Calls of the Convention shall be made if required by seven members."

Mr. STIRLING said: It seems to me that there is no necessity for this rule, and it may become very dangerous. It puts it in the power of any three members of the House to demand that every member not present shall be sent for. The House is not proceeding under a call, and while bringing them back others can be going out, and some other three may require that they be sent for, and so on. It places it absolutely in the power of any three members who choose to exercise it to make the House sit here indefinitely. If we give seven members the power to call the House, it is power enough, and I think a very large power.

Mr. CLARKE. I would like to retain the rest of the sentence "at any time when a subject is under consideration."

Mr. STIRLING modified his amendment accordingly.

The amendment was agreed to.

The 20th rule having been read,

Mr. STIRLING moved to strike out the words "nine members" and insert "a majority of the members present."

Mr. CLARKE. Before the vote is taken I wish to read the present rule of the House of Delegates with which the rule corresponds exactly as it stands, with the exception of the numbers which were increased so as to take the same proportion of the number of the members of the body. The 47th rule is:

"The House shall be resolved into a Standing Committee of the Whole on the condition of State, if required by seven members; which Committee may originate Bills or Resolutions. Bills on their third reading, and all other matters on their third reading, shall, if required by five members, be committed to a Committee of the Whole House."

If this amendment is adopted, it certainly is restricting the privilege of going into Committee of the Whole by a more stringent rule than I have ever seen adopted with reference to the government of any legislative body. I would suggest further that the parliamentary rule is well established that if nine members, or seven members, demand that the House shall go into Committee of the Whole, it is the privilege of the majority of the House to vote, upon a proper motion, that the Committee rise; and therefore under the ordinary