

parliamentary rules, the majority of this House has full control over what shall be done after going into Committee of the Whole. I simply rose to make the statement that if this amendment is adopted, it imposes a restriction upon this House which I have never known imposed upon any legislative body before, and certainly not upon any Convention called to remodel the organic law.

Mr. STIRLING. I am not very particular about the amendment, but I will state the reason why I offer it. I am perfectly aware that the rule reported by the Committee makes no change in the rule of the House of Delegates. But I was not aware that that was the ordinary parliamentary rule. If the gentleman's information is correct, I confess myself ignorant upon that subject. It certainly is not the rule in the House of Representatives. It requires a majority to take the House into Committee of the Whole. And it always did seem to me, when I was a member of the House of Delegates, that this rule had no practical good effect, but only had a practical evil effect. It enables any nine men, for the purpose of consuming the time and preventing action, to demand that the House go into Committee of the Whole. Somebody moves that the committee rise. As soon as the committee rises, nine men again require that the House go into Committee of the Whole; and again a motion is made that the committee rise, and the majority vote for it, and the committee rises. The rule enables nine men to force the majority to keep rising as long as they choose to keep it up: nine men can take the Convention into Committee of the Whole; but they have no power to keep them there. It seems to me that if you allow the majority to say when they will go into Committee of the Whole, it will put the power where it belongs, and where it will not be abused.

Mr. SANDS. It seems to me that this rule embodies one or the other of two things. The majority of the House are to be put into the power of nine, or nine are to be put into the power of the majority of the House. Which is the most reasonable? I think that the power is most safely to be lodged with the majority, and shall vote accordingly.

Mr. CLARKE. I rise simply to correct the statement of the gentleman from Baltimore city (Mr. Stirling) with reference to the rule of Congress. The rule is this:

Rule 129. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the whole House on the State of the Union.

For more than forty years it was held and practiced, under this rule, that the House could resolve itself into a Committee on the Whole on the State of the Union at any time. Recently, however, a different practice prevailed, it being held that several of the rules prescribing the order of business, as well as

special orders, interposed to prevent it; in consequence of which, the House on the 1st June, 1840, amended the 136th rule so as to go into the Committee of the Whole on the State of the Union at any time; in other words, reiterated the ancient practice under the 124th rule. [Note to Rules of House of Representatives.]

Mr. STIRLING. The rule does not allow any seven or nine men to require the House to go into Committee of the Whole at any time; but it is only a provision that they shall go into Committee of the Whole at a certain hour every day, as a standing order.

Mr. CLARKE. It does not require a vote of the majority to say whether they shall go in or not; but the privilege exists to go into Committee of the Whole under the standing rule of the House without a vote of the majority, whenever it is in order, any member can call for the enforcement of the standing rule and take the House into Committee of the Whole as the regular standing business, without even a vote upon the proposition.

Mr. SANDS. Perhaps the question may turn upon the third word in this order, the word "shall." Ought it not to read that the Convention may be resolved into Committee of the Whole if nine members require it, and the majority think it proper to do so; so as to allow seven or nine members to call for it, and then to give to the majority the right to decide upon it?

Mr. CLARKE. By the rule of Congress, after going into the Committee on the Whole, the majority can vote to go out; and that is the protection the majority have; and it is the same protection we should have under the rule as reported by the committee.

Mr. SANDS. If it is made the rule that upon going into the Committee on the Whole, if the majority decides that the committee rise, the call is not to be renewed that day, I will agree to it; but if it is to be succeeded by call upon call, I cannot.

Mr. CLARKE. No, sir; it is not. Instead of providing a standing rule that the House shall resolve itself into Committee of the Whole, thus placing the House every day regularly under that standing rule, this is that seven or nine members may demand it. When the House has gone into Committee of the Whole, the majority can determine whether to remain in Committee of the Whole or to rise at once and report. This of course gives the majority full control over the proceeding.

Mr. PUGH. The gentleman has not yet explained why it might not happen that either seven or nine members might control the whole action of the House. I ask this explanation, because my knowledge of parliamentary matters is limited. I cannot see why it might not happen that seven or nine members could bring the whole business of the Convention to a dead lock. They call upon the Convention to go into Committee of the Whole;