

be tying its hands, that having put amendments and calling the previous question, the Convention must come to a vote upon the proposition then before the Convention, which would cut the Convention off from further power of amendment. That was conceded in the argument, corresponding with the view I take of it. I do not see how any other construction can be placed upon a rule so plain and unambiguous. It is as plain as if it were printed like A B C before you, and you were called upon to read it.

Mr. DANIEL. It seems to me there is no difficulty about it. I understand that the Convention have called the previous question because they want no further amendments. They want to vote upon the section as it stands. They have voted down the amendments; and now upon the main question any member has a right to call for the yeas and nays; but it is simply upon the second reading, precluding further amendment, and ordering the section to be engrossed for a third reading.

Mr. NEALEY. The very difficulty I suggested the other day now arises at the very first article of the bill of rights; I suggested then—but the Chairman of the Committee relieved my mind, and I was under the impression that the difficulty was removed—this difficulty. Suppose we have an article before us. It is not to be presumed that the committee upon any subject upon which this Convention deliberates embodies the entire wisdom of the entire body. It is not only possible but very probable that the report of the committee as it comes before the Convention will be susceptible of emendation. The very first article of the report is susceptible of emendation; and as soon as it is read, upon its second reading, a member rises and is anxious to offer an amendment representing his peculiar views. The article is itself imperfect, and the amendment of A is imperfect. B has another peculiar view, and he rises and offers an amendment to the amendment; and here the parliamentary process of emendation stops. Then we have before us an imperfect article, an amendment more imperfect, if you please, and a still more imperfect amendment to the amendment.

There is a call for the previous question, and it is sustained. What is the operation of that? You vote down the imperfect amendment to the amendment. You vote down the imperfect amendment, and you stop all amendment of the imperfect article. But the chairman of the committee suggested the idea that the rule would not have that operation; that we could vote down the bad amendment to the amendment, and vote down the bad amendment, and then the original article not being on its third reading, it would still be susceptible of amendment.

Mr. CLARK. I think the gentleman misapprehended the explanation of the gentle-

man from Baltimore city (Mr. Kennard.) The rule as reported by the committee is just what the gentleman ascribes to the explanation of the gentleman from Baltimore city. The rule of the committee read in this way:

"Sec. 2: The previous question shall be in this form: 'Shall the previous question be now put?' It may be called on any amendment offered to the report of any committee, when the same is on its second reading; and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment and debate on the question before the Convention, but shall not preclude further amendments while the said report is on its second reading."

That is the rule which the committee reported and desired adopted, and it carries out just what the gentleman desires done; but the Convention saw fit to reject it.

Mr. NEALEY. I knew that the rule of this Convention carried that out, but I understood the chairman of the committee to suggest that the amendment of the gentleman from Allegany would substantially attain the same object. That was my understanding of his explanation, that if we adopted the amendment of the gentleman from Allegany we still would not tie our hands; or, in other words, the majority of this Convention would not do the absurd and foolish thing of tying its own hands.

Mr. BARRON inquired whose duty it was to decide this question of order?

The PRESIDENT replied that it was the duty of the President; but that he had the right to permit this discussion to continue.

Mr. NEALEY resumed: I am as desirous that unnecessary debate shall be cut off as any man can be, and I shall vote to sustain the previous question and vote down unnecessary amendments as often as gentlemen offer them. But it will not do for the majority of this House to tie its own hands. The direction of its rules must of course be presumed to be in the hands of the majority.

Mr. BARRON renewed the question of order.

The PRESIDENT said: The President has the unquestionable right upon points of order, if he desires it, to hear or to ask the opinion of any gentleman in the Convention. It is not to be supposed that the President at all times will be prepared to enunciate his views without hearing the views of other gentlemen in the Convention. He is desirous of hearing the views of gentlemen upon both sides upon this question, reserving to himself the right to decide the question, the decision being subject to approval or reversal upon appeal. The gentleman from Washington will proceed.

Mr. NEALEY resumed: I was about to say that I hoped that the majority of this Convention would not tie its hands by the force of the rules, compelling the Convention to adopt matters which their judgment did not