

Mr. CUSHING. I could have moved to amend my own proposition without unanimous consent. I should not have asked unanimous consent for what I could do, whether consent was given or not.

The PRESIDENT. The gentleman could amend his own proposition, but that does not obviate the necessity of its lying over.

Mr. CUSHING. I give notice to-day that I shall move these amendments to-morrow.

Mr. MILLER. If it lies over a whole day, it cannot be changed to-morrow, but must lie over until day after to-morrow.

The PRESIDENT. It lies over until to-morrow. There are no fractions of a day known to the rule.

Mr. HERR. The 55th Rule is this:

"Rule 55—No standing rule or order shall be rescinded or changed without one day's notice being given of the motion therefor."

Notice having been given yesterday by the gentleman from Baltimore city (Mr. Cushing) I move to amend the 43d Rule by striking out the words "whole number of members elected to the Convention," and inserting the words "members present."

The PRESIDENT. The gentleman is not in order. That is a distinct proposition.

Mr. HERR. This is the very proposition of which notice was given yesterday, under the rule.

Mr. CLARK. The gentleman from Baltimore city called up the amendment of which he gave notice yesterday, and submitted an independent proposition by unanimous consent of the House to take the place of the one he submitted yesterday; so that for the first time the House is in possession of the knowledge of the alteration which he proposes to make. I think that the Chair has decided correctly that now for the first time is the proposition submitted to the Convention.

Mr. CUSHING. I did ask unanimous consent that my substitute should take the place of the proposition before the House; and if the proposition before the House was ready for action, and if the House unanimously consented to the substitution, that brought it, I suppose, before the House.

The PRESIDENT. The difficulty the argument of the gentleman presents, is the question of time. The gentleman cannot substitute one time for another. He cannot substitute to-day for to-morrow. The object of the rule is to give members one day's notice of the intended change in the rule. The proposition to-day being modified becomes a new proposition and must lie over under the rule.

DECLARATION OF RIGHTS.

On motion of Mr. PUGH,

The Convention proceeded to the consideration of the order of the day, being the second reading of the report of the Committee on the Declaration of Rights.

Article 2 was read as follows:

"Art. 2. That the people of this State

ought to have the sole and exclusive right of regulating the internal government and police thereof."

Mr. PETER moved to amend by adding the following:

"Provided, however, that in times of civil war the internal government and police of this State shall be exclusively regulated by military commanders and Provost Marshals appointed by the President of the United States, and such orders as the President of the United States may deem right and proper."

Mr. HERR demanded the previous question, which being seconded the main question was ordered.

Mr. PETER demanded the yeas and nays on the amendment, which were ordered.

The question was taken and the result was yeas 0, nays 84—as follows:

Yeas—None.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Barron, Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Clarke, Crawford, Gunningham, Cushing, Dail, Daniel, Davis of Charles, Davis of Washington, Dellinger, Earle, Ecker, Edelen, Farrow, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hoffman, Hollywood, Hopkins, Hopper, Horsey, Johnson, Jones of Cecil, Jones of Somerset, Keefer, Kennard, King, Lee, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nymann, Parker, Parman, Peter, Pugh, Purnell, Ridgely, Robbinette, Russell, Sands, Schley, Schlosser, Scott, Smith of Carroll, Smith of Dorchester, Smith of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thurston, Todd, Valliant, Wickard, Wilmer, Wooden—84.

So the amendment was unanimously rejected.

The question being then taken upon the section, it was adopted.

Mr. BRISCOE. I have an amendment I intended to offer to this article, but under the practice established yesterday of ordering the previous question, if it is to be continued, we are placed in the position of having the previous question called upon us before we shall have completed offering our amendments, and then it is impossible to go back and move the amendments. I intended to offer the amendment I hold in my hand to this article, but the House has cut me off from the opportunity of doing that, and I shall be compelled to offer it as a distinct article. I desire to know whether I shall now offer it as article 3d, or, as suggested yesterday, must independent articles be offered at the conclusion of the reading?

The PRESIDENT. After the reading is completed the gentleman can offer any section he chooses.

Mr. BRISCOE. And have it numbered in its place?