

in order to move to strike out any portion of it. You can add to it, but you cannot strike out any portion of it.

Mr. CLARKE. As I understand it, after a proposition has been substantially adopted as a section, you can reach it for amendment only by a reconsideration. But the question before the convention on Wednesday last was, first the proposition to amend the section reported by the select committee by striking out the latter clause relating to submitting the question to the people, and inserting—

“Provided further, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio canal company shall go into effect, until the same shall be ratified by the ensuing general assembly.”

Then the gentleman from Baltimore city (Mr. Stirling) moved to amend the amendment by striking out all after the words “provided further,” and inserting—

“That the State's interest in the Chesapeake and Ohio canal, the Chesapeake and Delaware canal, and the Susquehanna and Tide Water canal, shall be exempt from said sale.”

And a separate vote was taken upon each clause of that proposition. But it was only adopted as an amendment to an amendment, but it was never adopted by the house, and incorporated in the article as a section. Three votes were taken upon the three branches of the proposition of the gentleman from Baltimore city (Mr. Stirling,) and it was adopted as an amendment to my amendment, which was the one offered by the gentleman from Frederick (Mr. Schley,) and accepted by me. I think that is the state of the case. And therefore I suppose the gentleman from Allegany (Mr. Hebb) will withdraw the point of order he has raised.

Mr. CLARKE continued: If you will turn to the vote taken, (found page 362,) it appears that—

“On motion of Mr. BRISCOE, the subject was divided.

“The question being on the adoption of the first clause of the amendment to the amendment; viz: to except the Chesapeake and Ohio Canal.

“Mr. HEBB demanded the yeas and nays, the demand being sustained, the yeas and nays were called.

“So the question upon its adoption was decided in the affirmative.

“The question next being on the second clause of the amendment to the amendment, to except the Chesapeake and Delaware Canal.

“Mr. MILLER demanded the yeas and nays, the demand being sustained, the yeas and nays were called.

“So the question upon its adoption was decided in the affirmative.

“The question next being on the adoption of the last clause of the amendment to the

amendment, to except the Tide Water Canal Company.

“Mr. MILLER demanded the yeas and nays, the demand being sustained, the yeas and nays were called.

“So the question upon its adoption was decided in the affirmative.”

The house therefore by separate votes, adopted each clause of the amendment submitted by the gentleman from Baltimore (Mr. Stirling) as an amendment to my proposition. Therefore the vote was only taken upon it in separate clauses, as an amendment to the amendment. By that vote Mr. Stirling's proposition took the place of my proposition, which I accepted when offered as an amendment by the gentleman from Frederick (Mr. Schley.) Before the proposition of the gentleman from Baltimore city becomes a part of section 39, it also must be adopted and a vote taken upon it. It is now only adopted as an amendment to an amendment, and is not incorporated into the section. To this amendment now pending, I offer an amendment which is certainly in order, there being only one amendment to the section now pending.

Mr. STIRLING. The president of the convention has certainly ruled the other way. The gentleman from Prince George's (Mr. Clarke) moves to amend the amendment by striking out that which the house has determined should be put into that amendment, in order to put in something else.

The CHAIRMAN (Mr. Purnell.) The chair is under the impression that in that view the amendment is out of order. It can be reached by a reconsideration.

Mr. STIRLING. I find the parliamentary rule very clearly laid down in Cushing's Manual:

“If it is proposed to amend by inserting a paragraph, and the amendment prevails, it cannot be afterwards moved to strike out the same words or a part of them; but it may be moved to strike out the same words with others, or a part of the same words with others, provided the coherence be such as to make these propositions really different from the first.”

Mr. NIXON. That is exactly the rule under which this is in order. What is the proposition before the house? It is a proposition to amend the amendment of the gentleman from Prince George's (Mr. Clarke) as amended by the gentleman from Baltimore city (Mr. Stirling.) We have before the house this section, and the amendment of the gentleman from Prince George's as amended; a section and an amendment. It is perfectly competent, now that the amendment of the gentleman from Baltimore city has been incorporated in the amendment of the gentleman from Prince George's, so that there is only one amendment pending, to propose an amendment; for it is only an amendment to an amendment. I submit that it is perfectly competent for a legislative body to amend an amendment three or four times. When they have an amend-