

The amendment was agreed to.

The first section upon the attorney general was again taken up and read as amended as follows:

"Section 1. There shall be an attorney general elected by the people of the State, on general ticket, on Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-four, and on the same day in every fourth year thereafter, who shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and shall be subject to removal therefrom for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law."

Mr. GALLOWAY moved to strike out the word "people" in line second, and to insert "qualified voters."

The amendment was agreed to.

QUESTION OF ORDER.

Mr. AUDOUN moved to increase the salary from two thousand five hundred dollars to three thousand dollars, and to add "he shall not, during the time, he shall so hold office, engage in the practice of the law, except in behalf of the State."

Mr. HEBB. I rise to a point of order. That is in section three; and we have got through with that section. It is not in order to go back to it now.

Mr. CLARKE. Unless the previous question has been called, we can recur to the section by a mere motion.

Mr. SANDS. If that is the construction of the rules, what hinders a recurrence to everything we have done, even including the adoption of the fourth and twenty-third articles of the bill of rights, during the four or five months we have been sitting here? What hinders it if we can go back and recur to a section that has been passed to a third reading?

The CHAIRMAN (Mr. Pugh.) This section has not been passed to its third reading.

Mr. SANDS. It has been acted upon.

Mr. DANIEL. The section was not passed over until the president had asked if there were other amendments to be offered to it; and then passing it over had the effect of voting that it should be the section. It superseded the necessity of voting, and took the place of the previous question. If the previous question is not moved, we pass on to another section, and that has the effect of a vote.

The CHAIRMAN. The chair does not so understand it. The section was not voted upon, the previous question not having been called upon it.

Mr. SANDS. Then under the ruling of the chair, we can go back to any section in any

report, where the previous question was not called.

Mr. CLARKE. All the other reports have passed to a third reading. This is still on its second reading; and that is the distinction. We simply recur to a section that was passed over, in order to amend it and put it in perfect shape.

Mr. HEBB. I have never seen such a course adopted before. The president announced the next section, which was equivalent to the unanimous consent of the convention to pass that section. The only way to get back to it is by reconsideration. Any one can move to reconsider, the vote being unanimous. The proper time to offer an amendment to an article is when it is under consideration. We have passed through all the sections reported by the committee, and of course they have all been acted upon. If we wish to recur to any we must vote to reconsider.

Mr. CLARKE. It is a mere point of parliamentary law; but it is better to be correct. If the house desires not to act upon the amendment, the house will vote not to recur to the third section; so that the matter is fully under the control of the house. But if we were to reconsider, what vote have we got to reconsider, no vote being taken? The journal does not show that any vote was taken, and unless a vote was taken, there is no vote to reconsider.

Mr. DANIEL. It was taken by unanimous consent, and hence anybody can move to reconsider.

Mr. CLARKE. The journal does not show any such unanimous consent.

Mr. SANDS. I think the views expressed by the gentleman from Allegany (Mr. Hebb) are conclusive. The question is put to the house, are there any more amendments? If there are none, unanimous consent is given to pass to the next section.

The CHAIRMAN. The chair decides that it has been the course heretofore to recur to a section for the purpose of amendment, and that it is in order to recur to this section by a motion to recur. The question therefore is, will the convention recur to section three for the purpose of amendment?

The question being taken, the motion to recur was rejected.

The report was then ordered to be engrossed for a third reading.

MILITARY DEPARTMENT.

Mr. STOCKBRIDGE moved that the convention proceed to the consideration of the report of the committee on the militia.

Mr. WICKARD. Inasmuch as the minority report has not yet been printed in bill form, I suggest that we pass over that for the present, and I move that we take up the report of the committee on usury.

Mr. STOCKBRIDGE withdrew his motion. The motion of Mr. WICKARD was agreed to.