

The PRESIDENT. That is not in order.

Mr. PUGH. We are now in precisely the same position that we were before we took the vote upon the motion. We are about to take the vote; and before the vote is taken I move to suspend the fifty-third rule.

The PRESIDENT. It is not in order to suspend that rule.

Mr. PUGH. I call the attention of the chair to the forty-ninth rule:

Rule 49. The rules may be suspended when demanded by three-fifths of the members present.

The PRESIDENT. That is a suspension of the rules of the convention. The suspension of the rules is to avoid their operation for a particular time for a particular purpose. You cannot suspend the operation of this rule here.

Mr. PUGH. The purpose I have is very plain. A large majority are in favor of doing a certain thing, and their recorded votes say so. It is because I am in favor of the democratic principle of the rule of the majority that I move to suspend the fifty-third rule, to allow the majority of the house, being in favor of doing a certain thing, to have that privilege. I ask the gentleman from Kent to withdraw his motion in order that I may make the motion to suspend the rules.

The PRESIDENT. What is the object of suspending the rule?

Mr. PUGH. To give the majority of the house the power to do as they have decided by their vote that they will do.

The PRESIDENT. That amounts to rescinding the rule.

Mr. PUGH. While it is suspended it is not in operation.

Mr. SANDS. Many of us voted for this proposition who were anxious to obtain the object; but we will not do so outside of our regular rules, and will vote against any suspension of the rules. I voted for the proposition as a measure of fairness; but I will not vote to rescind or violate our rules in order to pass it.

Mr. PUGH. I do not regard it as a violation of the rules. Under the 49th rule, which I have read, I have a perfect right to make this motion. I have as much right to ask for action under the 49th rule, as any gentleman under the 53d rule.

The PRESIDENT. The gentleman mistakes the character of the suspension of the rules. It is only done for the purpose of progressing in the business of the convention. It is not that any vote or action of the convention shall be changed thereby. The rules could be suspended at any time, and the majority could do anything they pleased.

Mr. PUGH. That is my idea; and the reason for my motion.

The PRESIDENT. The convention can rescind the rule upon one day's notice. If this proposition is voted down now, it does not

preclude the reconsideration of it at any time.

Mr. CHAMBERS. I understand the chair to have intimated that the fifty-third rule covered the question of the amendment proposed by my colleague. If I understand the state of the case, there is nothing to require more than a majority of the votes of the members present to carry the proposition except so far as the fifty-third rule provides to the contrary. The fifty-third rule says that it shall require a majority of the members elected to the convention to amend upon the third reading; but if this rule does not operate, the majority carry the question. If the rule is suspended, how can it operate? The rules, as I understand the practice in congress, are suspended for the purpose of taking a particular vote, a vote upon a particular question. The very motion of the gentleman from Cecil (Mr. Pugh) is that the fifty-third rule shall not operate *quoad hoc*, so far as the vote upon this question is concerned. If the fifty-third rule be suspended it does not operate. If it does not operate, the majority carries the vote. That is the view I take of the matter. I cannot see how, if the rule is suspended, it can yet be in force to require a larger vote than a majority. The rule being suspended is silenced; and the rule being silenced the majority carries it. I submit it to the chair that this is a proper consideration.

Mr. NEDLEY. We have attempted on previous occasions to alter the rules; and that motion must lie over.

Mr. CLARKE. Will the gentleman yield the floor to enable me to make a suggestion? I had not looked at the fifty-third rule at the time the chair made the decision that the motion was not adopted. Upon reading the rule, I take the liberty to call the attention of the chair to it, with a view to a modification of his decision. It reads in this way:

"After any report of a committee has passed to a third reading, it shall not be in order to amend the same, except by the consent of the majority of the members elected to the convention."

This rule therefore applies to the question whether it shall be in order to amend the report on its third reading; in other words whether the report shall be opened upon its third reading to amendment. That was passed upon by the house without the yeas and nays being called; and they determined that this amendment might be offered.

The PRESIDENT. No, sir, the reverse. The yeas and nays were called upon that question, and a majority of the members elected did not vote for it.

Mr. CLARKE. I voted upon the question understanding it to be the question whether or not this amendment should be embodied in the report.

On motion of Mr. ANNAN,