

of them. The ground I take is that we are acting under these rules, because we have acted in obedience to the rules in suspending this fifty-third rule.

Mr. CUSHING. I am indebted to my colleague for the suggestion that the gentleman from Cecil (Mr. Pugh) wants to eat his cake and have it. He has suspended the fifty-third rule and yet he wishes it to be operative. The forty-seventh rule is:

"Rule 47. The rules of parliamentary practice shall govern the convention in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the convention."

The only rule in reference to amending a report upon the third reading which is inconsistent with the parliamentary practice is the fifty-third rule, which in the present case does not exist because it has been suspended in its operation. I hope and trust that the gentleman from Cecil having made the motion to suspend the rule in order that this question might be settled, the convention will settle it according to the parliamentary law, and will pass the report in exactly the form it was agreed upon on its second reading and admit no amendment whatever.

— Mr. STOCKBRIDGE. I rise to a question of order, that a point of order is not debatable.

The PRESIDENT. The chair can permit the discussion to go on.

Mr. CUSHING resumed: Therefore I say that the fifty-third rule being suspended no longer operates, and therefore the convention is thrown back upon the forty-seventh rule which confines us to parliamentary practice. Now, in parliamentary practice, I can only go to the highest authority in this country—the house of congress—which do not allow a bill to be amended upon its third reading. We have suspended the only rule which made our practice different from that of congress. We fall back upon the forty-seventh rule, which refers us back to parliamentary practice. I rise therefore to the point of order that the proposition being to amend upon the third reading, and the fifty-third rule being suspended, it is not in order.

Mr. NEALEY. I think the point taken by the gentleman from Baltimore city (Mr. Cushing) is perfectly clear. By what authority or power do you take up this report and amend it upon the third reading? Is it by general parliamentary law—by authority outside of our rules? No, sir. It is by the fifty-third rule. That is the only power in the rules of this house by which you can amend a report upon its third reading. There is no other rule or rules in this whole body of rules by which you can touch a report upon its third reading for the purpose of emendation. What have we done? We have suspended the very rule which gives us the power of emendation. Where is the power then? If we have it anywhere, it is

in the general parliamentary law. By the forty-seventh rule you are not only governed as a general principle by parliamentary law, but that rule expressly says that you shall fall back upon parliamentary law, and that parliamentary law is that you cannot amend a report upon its third reading.

Mr. CHAMBERS. It seems to me that the ingenuity of the gentleman from Baltimore (Mr. Cushing) has had the effect to obfuscate this business. There are certain parliamentary rules, and where nothing is said upon a particular point legislative bodies choose to regulate themselves by those rules. That is a conventional affair. They may do so or they may not, as they please. With regard to this matter this body has made its selection. There are certain rules of parliamentary law, but we have adopted a different law.

Mr. CUSHING. We have suspended it.

Mr. CHAMBERS. We have not done such a thing. We have not suspended the whole. The gentleman has talked himself into a fog, but I do not think he can talk us into it. What is the history of this particular parliamentary rule? We have said distinctly that we will not adopt it—we will adopt another rule. The parliamentary rule is that you cannot suspend a rule without a vote of two-thirds. We have no such rule. We have repudiated that parliamentary rule. We have adopted another rule for our government, and we say, taking this rule and the rule for suspension together, that except in cases where we suspend this rule we will require a majority of the whole number of votes to pass an amendment. But we have repudiated the parliamentary rule. We have declared as perfectly and effectually as if it had been in words that we will not adopt the parliamentary rule of requiring two-thirds to suspend the rule. We have suspended the operation of one of these rules. To suspend it is not to destroy it or to remove it. We merely say that as to this particular vote it shall be suspended. Then you bring it back to parliamentary rule, and what is the result? You have the parliamentary law hanging over you and you have a suspended rule directly in opposition to it—two rules upon this subject—one in a state of suspense, and the other in the state of adoption. It seems to me that it is a very clear thing that the rule cannot be destroyed by a vote not mentioning it, relating to it, or referring to it. The parliamentary rule has no existence in this body in this case. When we adopted the other rule we virtually discarded it as fully as if we had said so in so many words.

Mr. DANIEL. It seems to me that the forty-second rule will control this. It says:

"All questions except those otherwise herein provided for, shall be determined by a majority of the members present."

This is a question not otherwise provided