

Debates of the last Convention, that the question of the previous question came up, and Mr. Randall moved to change the ordinary rule reported by the committee similar to the 23d Rule of the House of Delegates. He says, on page 57 of the Debates:

"I rise to give notice that I shall propose a change of the 17th Rule, which declares that the previous question shall be always in order, if seconded by a majority, &c., &c.; and that the main question shall be on the adoption of the proposition under consideration; and that in cases where there shall be pending amendments, the question shall be first taken on such amendments, in their order, and without further debate on amendment."

"Now I understand by the construction given to this rule, and under the Parliamentary law, that the effect of the previous question, if sustained, is not only to cut off all debate and amendments on the question then before the Convention; but to cut off all debate and amendments on the whole subject matter. That is to say, we have to vote upon the whole bill and amendments, at one time."

That is, if a motion is under consideration and the previous question is moved, it operates upon the whole bill or the whole report. He proceeds:

"I suggest to the consideration of gentlemen that every desirable object will be effected by confining the operation of previous questions to the actual question under consideration, and to nothing else. Many friends more experienced than myself in such matters, have intimated their opinion that such a change would have a happy effect; and I propose so to amend the motion as to give it that operation."

The 54th Rule was framed by the committee to carry out the idea here suggested.

The PRESIDENT. Then the main question will be the amendment?

Mr. CLARKE. The rule provides that there shall be upon the second reading, no main question, but that there shall be a previous question; and the rule defines what the previous question is; that it shall apply to pending amendments before the Convention, and shall prevent further debate or amendment until the pending amendments are disposed of, and then other amendments may be offered. The main question, as explained by Mr. Randall, always applies to the whole bill, so that when a bill is under consideration the vote must be taken on the entire bill; and if we adopt the same rule, the vote must be taken on the whole report of a committee. It was to make that distinction that the rule was drawn in the form in which the committee have reported it.

Mr. HARR. The gentleman misunderstands the meaning of the rule as I offer it. It requires a vote upon the section of the report

under consideration, and not upon the whole report.

Mr. STOCKBARDEN. It appears to me that this amounts to nothing else than merely providing two forms of the previous question. Ordinarily the previous question is called at any stage of the proceedings, whenever gentlemen see fit. Under the apprehension that it may be called before the article under consideration is matured, this provides for a previous question upon the second reading under the title of the previous question. And when it gets to the third reading, when the article has been passed upon, there is a previous question under the name of the main question; and it amounts to nothing else as I understand it.

Mr. CLARKE. Then here is the third section:

"The rules of parliamentary practice on the call of the previous question on all other subjects shall govern the Convention."

It is simply on the consideration of reports on their second and third readings that a distinction is drawn between the previous question and the main question, in order to apply to this particular case, which had to be done to make those rules apply to a report which would otherwise have applied to bills.

The PRESIDENT. In parliamentary practice can there be a distinction drawn between the previous question and the main question? Is not the previous question in parliamentary practice the main question?

Mr. CLARKE. Then upon the second reading there can be no previous question at all under the usual parliamentary rules.

Mr. DANIEL. I rose to suggest the same thing which has just been suggested by the Chair. It seems to me that the previous question is nothing else but the main question; and the question merely is, Shall the debate stop, and shall the vote upon the question be now taken? Then we shall vote upon the question, whether it is an amendment or some other question.

The CHAIR. The main question applies to the voting upon the original proposition rather than to the disposition of the amendments pending.

Mr. DANIEL. I do not see any difficulty in the rule as I understand it to be suggested by the amendment, and as it is usually framed in parliamentary rules. It cuts off all debate and brings the vote upon the several amendments as they are offered, and then upon the main question. If the previous question is ordered upon the second reading, you would be obliged to stop there after having disposed of the amendments. This I think meets the difficulty, if there is any difficulty. You would go on until obliged to stop by another rule, which requires no provision to be inserted in the Constitution except upon the third reading, and then the main question would go over to the third