

ment to an amendment pending, they must act upon it; but if they act upon it and incorporate it, that disposes of it, and it is perfectly competent to offer another amendment to make it still better. It is perfectly competent to offer an amendment in the second degree, in the third degree you cannot. You cannot have an amendment to an amendment to an amendment. But if you amend an amendment by the passage of the amendment to the amendment, then you have the amendment as amended under consideration, and can amend it again. There can be nothing clearer than that.

Mr. CLARKE. Upon looking at the matter I think the chair will see that the point I raised is correct. Section thirty-nine was under consideration, and I submitted an amendment to strike out all after the word "and" in the fifteenth line, submitting the question to the vote of the people, and to insert an amendment. That was the first amendment, to strike out and insert. Then the gentleman from Baltimore moved to amend that by striking out all after "provided further," and inserting an amendment. The vote upon that was taken in three branches, and the vote never was taken at all upon striking out the clause in the original section, submitting the question to the vote of the people.

Mr. STIRLING. I do not make that point. I say the gentleman cannot move to strike out my amendment which the house put in.— Here is the principle in Jefferson's Manual: "When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for inserting it. If it be received it cannot be amended afterwards, in the same stage, because the house has, on a vote, agreed to it in that form."

I offered an amendment which the house agreed to, and adopted in that form. Now the gentleman moves to strike out everything the house has put in, and to insert something else in the place of it.

Mr. CLARKE. I will modify it so as to retain a few words of the gentleman's proposition.

Mr. STIRLING. You cannot strike out anything the house put in.

Mr. DANIEL. The gentleman not only proposes to strike out what the house has passed upon, but to insert the direct converse of the proposition.

Mr. NEGLEY. There is another way in which the house can get at it effectually; and that is by voting down this amendment. If we vote down this pending amendment, the amendment of the gentleman from Prince George's as amended by the gentleman from Baltimore city, then the original proposition stands before the house without any amendment attached to it, as it came from the committee; and then it will be competent for the house to amend it.

Mr. STIRLING (in his seat.) That is true.

Mr. NEGLEY. I presume that would be the shortest way of reaching it, to have a direct vote upon the pending amendment of the gentleman from Baltimore city (Mr. Stirling,) prohibiting the sale of these three public works by the legislature. If we vote that down we can perfect the section in any way we choose.

Mr. PUGH. This is true enough; but for that very reason I hope the house will not vote in that way.

Mr. CLARKE. I will adopt the suggestion and withdraw my proposition to amend. But before the vote is taken upon the pending amendment, inasmuch as it is very material, deciding the whole character of the section, I desire to say a very few words upon the merits of the question, and in justification of the course taken by the majority of the committee.

The minority report provided that there should be no section whatever embodied in the constitution upon this subject, but that the convention should be perfectly silent upon it. The gentleman from Baltimore city (Mr. Stirling) who signed the minority report, has since taken a different ground. I understand him to advocate a plan favorable to the sale of one of the public works at a proper time under proper conditions. He has introduced the proposition now before the house excepting three of the most important public works, the Chesapeake and Ohio canal, the Chesapeake and Delaware canal, and the Tide Water canal. I understand him now as advocating the proposition that these works should expressly be exempted from sale; or in other words, that this convention should adopt a clause providing that so long as this is the constitution of the State no sale of this kind shall take place.

His proposition therefore amounts to this; that in reference to all other works besides these three unproductive works, the legislature may do whatever they choose, sell at any time and under any circumstances, and do whatever they choose with the proceeds from the sale of the public works; in other words, to leave the power of the legislature unlimited and uncontrolled over all the public works of the State, except these three canals. I do not know whether the gentleman has changed his views, and has taken a different position upon this question, or whether his object is to saddle this proposition with a rider which will defeat it, and carry out the proposition he advocated in the minority report.

Mr. STIRLING. I will inform the gentleman that that is not my position. I said yesterday, and say now, that if a proposition can be got through here for a reasonable sale of the Baltimore and Ohio Railroad, I want to vote for it, because I want that stock sold.

Mr. CLARKE. How with reference to the other stocks?

Mr. STIRLING. There is no other stock except bank stocks.