

may be present. Absenteeism cannot always be prevented, as it frequently proceeds from causes beyond the reach of legislative power, and ought not to be permitted to influence the fate of a measure.

Mr. SPENCER moved to amend said eighteenth section, by striking out, in the second line, the words "which number of," and the word "elected."

Mr. PHELPS accepted the amendment. Some conversation followed.

Mr. WEEMS expressed a hope that the time would never occur, in this hall, when any bill involving important public interests, would be permitted to pass without a call for the yeas and nays. This, he thought, was sufficiently guarded against, by the provision which had been adopted that the yeas and nays should be taken on the call of five members of the House, and one member of the Senate. But it was not necessary that they should be taken on every local and private bill. As the section now stands, he believed it is required that the ayes and noes, shall be taken on all bills without discrimination. He thought it would be better that a majority of all the members elected, should be required on all laws of public concernment, and that, in such cases, the vote should be taken by yeas and nays. He hoped the agricultural interest, on this floor, would vote for such a provision as that, no bill of a public character should be permitted to pass the Legislature without the vote of a majority of the whole number of members elected.

Mr. MORGAN suggested that his friend from Calvert, would not be able to gain his object, without some modification of his amendment. How was he to ascertain whether a majority of the whole number of members elected, had voted without taken the ayes and noes.

Mr. WEEMS explained that it would be easy for the speaker, when he counted the House, to ascertain whether a majority of the whole number of members had voted.

Mr. MORGAN said it would not consume much more of the time of the House to take the yeas and nays, than was consumed in dividing the House. He agreed that every one who had had much experience in legislation, must see the propriety of adopting some such provision. He had himself known a bill passed by a vote of only twenty-four members, that being the majority of forty-six, which was a quorum of the House, and that a very important bill. It would be better, he thought, to insert a provision in the Constitution, than to leave the matter to be settled by the Legislature, many of whom cared little about the responsibility of their acts. Such a provision embodied the only conservative principle, and the only guard against negligent legislation. He wondered that any one could be found to sanction the principle of passing laws, without reading more than the title. There ought to be a guard against such infractions.

Mr. JENIFER said, that forty-six members of the House constituting a *quorum*, twenty-four would be a majority of a *quorum*, and eleven being a *quorum* of the Senate, six was a majority of that *quorum*. He could not suppose that the

Convention would be willing that important bills should be passed by so small a number without the vote being taken by yeas and nays. But the fourteenth section of this bill provides that the yeas and nays shall be ordered on the call of five members of the House, and of one member of the Senate. As to the fact, whether a majority of all the members elected had voted, the Speaker could always decide that point. He thought that the provision in the fourteenth section, to which he had referred, is a sufficient protection of the public interests.

Mr. PHELPS said he was not particularly tenacious of his own amendment. He was perfectly willing to accept the amendment of the gentleman from Queen Anne's, (Mr. Spencer.) The principle that a majority of the members present should pass laws had been engrafted on the Constitutions of nineteen States, yet a cry was raised against this proposition, as if some terrible encroachment was about to be made on the usual course of legislation. He was indifferent whether any more laws were passed or not. If there was not another law passed in the next hundred years, he believed no harm would result. He would withdraw his amendment and accept that of the gentleman from Queen Anne's.

Mr. CHAMBERS entirely concurred with the committee in the whole section as it stands. He had hoped his friend from St. Mary's would have admitted that the vote by yeas and nays was always the mode of testing the sense of a legislative body. He would say, in reply to the gentleman who was such a stickler for majorities, that twenty-four members, although the majority of a *quorum*, was not a majority of the whole House.

The question was then stated to be on the amendment of Mr. WEEMS, striking out from the section the following words:

"And on the question of its final passage, the ayes and noes shall be recorded."

Mr. WEEMS asked the yeas and nays, which were ordered, and being taken, resulted as follows:

*Affirmative*—Messrs. Dent, Weems, Lloyd, Phelps, Stewart of Baltimore city, Sherwood of Baltimore city, Ware, Shower and Brown—9.

*Negative*—Messrs. Chapman, President, Morgan, Blakistone, Ricaud, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Kent, Jenifer, Bell, Ridgely, Dickinson, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, Miller, Tuck, Sprigg, McCubbin, Spencer, George, Dirickson, Jacobs, Gaither, Biser, Annan, McHenry, Magraw, Nelson Carter, Thawley, Stewart of Caroline, Gwinn, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith and Parke—51.

So the amendment was rejected.

The question then recurred on the amendment of Mr. SPENCER.

The question was taken, and the amendment was rejected.

And the eighteenth section was then adopted.

Mr. FITZPATRICK offered the following amendment to the report: