

that rule will not be adopted. We had a very full discussion on the propriety of adopting this 42d Rule, when it was under consideration by this Convention. It was then shown that under the law which called us together, this body consisted of 96 members, 50 of whom should constitute a quorum. Now if the amendment proposed by the gentleman from Baltimore city (Mr. Cushing) be adopted, then 26 members of this Convention may pass any article which may be proposed to be inserted in the Constitution which we were sent here to frame. Now would the people be satisfied with a Constitution, the organic law of their State, which had been passed by but 26 of the 96 members of this Convention? Would not the people regard the Constitution submitted to them as having received more attention and consideration, and as embodying more wisdom, if we required that each article should receive on its final passage the affirmative votes of a majority of all the members elected to this Convention, rather than a mere majority of the members present?

I do hope this Convention will hesitate long before they adopt this amendment. I am satisfied its adoption will lead to hasty action upon the part of this Convention, and that many articles will be passed upon without due consideration. I hold that no body called together as this body is, should pass finally any portion of the Constitution it may frame, without giving in its favor the votes of a majority of all the members elected to that body. Such is the wise and discreet rule adopted by all deliberative bodies from time immemorial. Gentlemen may say that this rule was not followed by the Convention of 1850. That is true, and I do not know why it was that that Convention did not have such a rule as this. But in most deliberative bodies—for I believe that Convention was an exception to the general rule—the final passage of any subject-matter before it requires the affirmative vote of a majority of all the members elected.

I hope either that the gentleman will withdraw his amendment, or that it will be voted down by this Convention, for I consider this rule as it now stands the greatest safeguard we have for the proper consideration of every matter before us.

Mr. CUSHING. I have made the motion to change this rule from a conviction that it would tend to the progress of business before this Convention to have the decision of all questions rest upon the general rule, the votes of a majority of the house. The gentleman from Prince George's (Mr. Berry) apparently bases his remarks upon the assumption, in his own mind, that at no time will there be more than fifty members in the house. But with the spirit which the gentleman has shown, and which I believe actuates all the other members of this Convention, then on all

occasions of important votes there will be a full attendance here of the members of this Convention. All that the gentleman has to do to insure that a majority of all the members elected shall vote for the final passage of any article, is to secure the attendance of the members elected to this Convention. If the members will not come, if the assumption of the gentleman is correct that only fifty members will be here, then, after this Convention has remained here as long as the other Convention did, this rule would require us to go home without passing one article of the Constitution which we are sent here to make, and the whole decision of the questions before us may be lost, for want of the votes of the majority of the members elected, unless in each case the votes of three-fifths of the members present can be secured for a suspension of the rules.

Mr. STIRLING. It seems to me that the amendment proposed by my colleague is obviously a proper one. And it strikes me—if I am incorrect, some gentleman in the Convention more familiar with parliamentary rules can correct me—it strikes me that the ordinary parliamentary rule in every body is that a majority of a quorum decides the action of the house.

The rule as it now stands, and which it is proposed to amend, is a practice established by the Constitution of this State, and is an exception to the general rule. The reason for that rule as applied to our Legislature is one which has no application to this Convention. On the contrary, the circumstances which induced the former Convention to place that restriction upon the action of the Legislature, are precisely opposed to the circumstances under which this Convention is assembled. This Convention has been called together, charged by the people of this State with the duty of making a Constitution. We are here, however, only for the purpose of putting in such articles in the Constitution which we may think best adapted to the requirements of the people of the State, upon which the people are to pass finally, not this Convention. And to adopt a regulation in regard to our action which will prevent us from accomplishing what we are sent here to perform, unless a majority of all the members elected shall agree to it, is, I think, a contradiction in terms.

Now the Legislature is not sent here to pass any particular law, but to exercise a general supervision over the interests of the State subject to legislative action. It is a body which sits for a long period of time, and there may be a necessity to guard against hasty action. And in order to promote deliberation in regard to acts which affect the people of the whole State, and the errors in which cannot be corrected except by electing a new Legislature, this provision was put in the Constitution, that whatever