

was done by the Legislature should be done by the majority of the whole Legislature. But we are sent here for a different purpose, with a specific duty to perform; and the presumption is that any article we may act upon will receive the votes of a majority of the members. And to continue this restriction upon our action is merely to put it in the power of a minority of this house, whenever there is not a full attendance, by their own act of absenting themselves to prevent the passage of any article. In the Legislature it sometimes takes them several trials to pass a law, for which it is perfectly well known a majority of the members elected would vote if present. Should there be, say thirty-eight or forty members present, and you get thirty-seven votes for a bill, yet it is lost for want of the Constitutional vote; though nine-tenths of the members present may be in favor of the bill, and but one-tenth opposed to it, yet it is defeated.

Now what reason is there for applying such an extraordinary rule to the action of this body? There is no analogy between the two cases. We ought to plant ourselves upon the ordinary parliamentary rule, that the votes of the majority of a quorum of the members present shall decide the action of the body. If there are fifty members present and thirty of them are in favor of any article, and twenty opposed to it, why should it not pass? Why should nine or ten more votes be required to pass it? It is not to be presumed that every member absent would vote with the minority, but that the same difference would be shown in their votes as in the votes of those present. In short, as I have said before, the provision now contained in this rule is an exception, contained in the Constitution of Maryland, and foreign to all general principles of parliamentary law. It was made for a particular purpose, which purpose has no bearing upon the work which this body is sent here to perform, and I see no reason why we should adhere to this exception.

Mr. CUSHING. I desire to state what will be the probable operation of this rule as it now stands, as has been suggested to me by some gentleman here. The average attendance in this house so far has been seventy-three. Now, if we adhere to the rule as it at present stands, one-fourth of the members elected to this Convention will have a veto power upon the action of this Convention, provided the average attendance here continues the same that it has been. And gentlemen are afraid to give to the majority present the right to pass finally upon any article, while they are willing to place a veto power in the hands of one-fourth of the members elected, if the average attendance here does not exceed seventy-three members.

Mr. BERRY, of Prince George's. I understand that all deliberative bodies, in provid-

ing rules for their government, do not seek to provide rules for a contingency which may or may not happen—but they provide arbitrary rules for their government, to prevent the occurrence of what might be inconsistent with the wise action of the body. Now, sir, the Constitution of the State of Maryland provides that no measure shall become a law unless it receive the votes of a majority of all the members elected to each branch of the Legislature. Although the Convention which assembled here in 1850 adopted the majority rule, yet they saw that such a rule would be unwise, that it would lead to hasty action by the Legislature, and for that reason they required that a majority of all the members elected to the Senate and to the House of Delegates should be given in favor of any measure before it should become a law.

Now, if, in the wisdom of the Convention which assembled here in 1850, it was necessary to place this check upon hasty action by the Legislature, is it not much more necessary in the case of a Convention assembled to frame an organic law for a State, which law may last for years? An act of the General Assembly may be passed at one session, and may be repealed at the next session. But we do not have Constitutional Conventions assemble every year, although the course indicated by the majority here I am afraid will lead to that result. And every party in the ascendancy at any time will want a change in the organic law, and I should not wonder; should the course advocated by the majority here be carried out, if we have every two years at least, a Constitutional Convention assembled for the purpose of effecting some change in the organic law.

This rule, adopted upon serious consideration and after much discussion, was adopted as a safeguard for our action here. The bill under which we are called together provides that there shall be ninety-six members; that at least sixty-five shall be elected before this Convention shall be called together, and that fifty of the members elected shall constitute a quorum for the transaction of business—and if we are governed at all by the spirit of this law, I say that at least fifty votes are essential to the passage of any article by us.

I hope the Convention will hesitate before they adopt this amendment, for it will lead, I am satisfied, to the result I have already stated, that twenty-six members out of the ninety-six members elected to this Convention will be enabled to adopt any article in this Constitution they may see fit to adopt.

Mr. THURSTON. When this rule was before us for consideration I opposed its adoption, because I saw it would obstruct very much the business of this Convention. I think the Convention Bill prescribing what number of members should constitute a quorum for the transaction of business, and what number shall constitute a complete Convention, is a