

sufficient guide for me at least, and furnishes me a sufficient reason for opposing this rule. Now, if we require the affirmative votes of the whole of a quorum (a quorum being fifty members) or, four-fifths of what may constitute the Convention, to carry any measure in this body—and it is not finally acted on here, but the people must ratify it—I doubt if we shall be able to pass scarcely any single article in the Constitution. Sixty-five members are a sufficient number to form this Convention and make it legal; and fifty is more than three-fourths of that number. When the bill prescribed that a quorum should consist of fifty members, it made that a sufficient number to transact the business we are sent here to perform; and the majority of that quorum should be a sufficient number to determine any question. If members think that twenty-six members should not be allowed to pass finally upon any article, then let them attend here as they ought. There is a very great difference between getting twenty-six to oppose a measure, and getting fifty to support it. I am in favor of the proposed amendment.

Mr. MILLER. I do not rise for the purpose of reiterating the argument made when this question was before the Convention the other day. It was very fully considered at that time. I find by reference to the Journal that upon the motion of the gentleman from Allegany (Mr. Thruston) to strike out that portion of the 43d Rule requiring a majority of all the members elected to this Convention to vote for the final passage of any article, the gentleman from Baltimore (Mr. Cushing) who now moves this amendment voted for retaining that provision in the rule as it now stands. He has given to the Convention this morning no reason why he has since changed his views upon that subject. And there has been nothing in the action of this Convention since then which would authorize a change of opinion upon the part of those gentlemen who then voted for this rule. We have no article up for final consideration, to determine whether or not there would be a majority of the members elected to vote for it. I presume that upon most of the articles which will be incorporated in this Constitution there will be no conflict of opinion upon them, and the members present would unanimously vote in favor of them. So that this rule will not operate to prevent the action of this body in reference to the great majority of the articles which this Convention may adopt.

In reference, however, to disputed points, and disputed articles, where there is great division of sentiment in this body, I think the rule laid down by the present Constitution of this State a wise and a just one, and should be adhered to by us; that when we submit to the people of this State for their approval any article of the Constitution, we

shall present it with the sanction of the votes of a majority of the members elected to this body. For these reasons, and also for the reason that there has yet been nothing in the action of this body, since its vote upon the adoption of this rule, to indicate any necessity for changing this rule, I hope we shall adhere to it, at least until we shall see by some application of it that some injury, some injustice will be caused by its enforcement.

Mr. SCOTT. I hope the gentleman from Baltimore (Mr. Cushing) will not press a vote upon his amendment at this time. We have suffered no inconvenience and no delay from the application of this rule, because we have not as yet taken any oath under it, and no danger of difficulty can arise, with the rule as it now stands, any more than if amended as he proposes, if gentlemen will but attend here. If the gentlemen to whom the people of Baltimore city have entrusted their interests in this Convention will only be at their posts, it matters not what rule be adopted. But if they choose to absent themselves, and the business of the Convention is retarded thereby, then the responsibility will rest upon them and not upon us.

The PRESIDENT. The Convention can compel the attendance of its members at any time.

Mr. SCOTT. Then I shall vote for the rule as it now stands, and against the amendment.

Mr. HENKLE. The amendment proposed by the gentleman from Baltimore city, (Mr. Cushing), and which we are now considering, if I understand it, is to strike out the words "the final passage of a report, or," now in the 42d Rule, so that it will then read:

"All questions, except on a motion to suspend the rules, or those otherwise herein provided for, shall be determined by a majority of the members present," &c.

Gentlemen here seem to discuss that amendment as if its adoption would amount to a repeal of the 43d Rule. I cannot see how the adoption of this amendment necessarily operates as a repeal of the 43d Rule, when it is proposed to have this 42d Rule, even if amended, to read—"All questions, except on a motion to suspend the rules, or those otherwise herein provided for." Even if this amendment be adopted, the 43d Rule will still require the votes of all the members elected to this Convention to incorporate any article in the Constitution.

Mr. STIRLING. That is true; but if this amendment is carried, it will show that a majority of this house is in favor of amending the 43d Rule also.

Mr. HENKLE. That may be so, but that is not the proposition now before the House.

The PRESIDENT. The Chair will remark that as the same principle applies to both