

amendments proposed by the gentleman from Baltimore city (Mr. Cushing) the debate has been permitted to embrace both amendments.

Mr. BERRY. Then I hope that this amendment will not be adopted. It seems to me that this is an effort to repeal what is obviously a very good rule, in order to make it consistent with what is doubtless a very bad rule. The Convention, in the very first place put itself into a very inconsistent position. After adopting the rule requiring the votes of a majority of all the members elected to pass any article, it subsequently passed a rule requiring only three-fifths of the members present to suspend that rule. That placed it in the power of only 30 members to suspend a rule, requiring the votes of 49 members to pass an article of the Constitution.

Gentlemen who favor the proposed amendment have said that it would be better for the expedition of business that this rule should be changed. Is it not better to suffer a little inconvenience than to run the risk of hasty action, and the adoption of such measures as will not be sanctioned by the people? I assume that unless a measure proposed here can receive the sanction of a majority of the members elected to this Convention, it better not be adopted.

In the first place it is perfectly familiar to all here that the majority of this Convention did not receive the votes of a majority of the legal voters of this State. However, I will not argue that question. But is it probable, if any measure proposed here can obtain the votes of but a minority of this Convention, it will be a fair representation of the wishes of a majority of the people of this State? In the Legislature the votes of a majority of the members elected to each house is required to pass any act, even of the most insignificant and local character. Yet it has been considered right that in order for any measure to take its place upon our statute-books, it should receive the votes of a majority of the members elected to each house of the Legislature. Then, for much more urgent reasons, is it obvious that proposed amendments to the Constitution, which affect the organic law of the State, should receive the votes of a majority of the members elected to this Convention. The organic law is supposed to be permanent. We are not making a Constitution to be repealed, or altered or changed to-morrow. It is to be hoped that the Constitution we may adopt will be permanent. I would like to see a Constitution framed here that will stand for ages to come. But can we expect such will be the case, if its provisions are adopted by the votes of but a minority of this Convention? If we change the rule as proposed, then this Convention places it in the power of 26 of its members—less than one-third of the members elected—to adopt the most important measure which may be placed in this Constitution.

We have been sent here, and it is expected of us that we will frame an organic law which will be approved by the people. Gentlemen who favor this amendment have argued that our action here is not final; but that whatever we may adopt must be submitted to the people, and if it is not proper the people can reject it. Now is that an argument to be urged in support of inconsiderate, hasty, injudicious action here? Is it intended to degrade the action of this Convention below the status of a mere act of the Assembly? This rule applies to legislative action. Why not apply the same rule to the action of a Convention called together to frame an organic law for the State, which we hope will stand and live for ages to come? The people have sent us here to do this thing, and to do it in an acceptable manner to them, and it is to be hoped that our work may be accepted by the people. But in order to secure that result it is desirable that whatever is passed here shall be passed by as unanimous a vote as possible. The State has incurred great expense in calling this Convention together. Hundreds of thousands of dollars must be expended to defray the expenses of this Convention. And it is to be hoped that Conventions may not be frequently called. It is scarcely fourteen years since a Convention assembled here at great expense to this State. It is said that Convention did not adopt this rule; then that is a reason why we should adopt it, for in less than fourteen years we have been called together to frame another Constitution for this State, and it is "a consummation most devoutly to be wished," that we may not have another Convention shortly.

The question recurred upon the amendment proposed by Mr. CUSHING to the 42d Rule.

Mr. BERRY, of Prince George's, called the yeas and nays upon that question, and they were ordered.

The question being then taken, by yeas and nays, it resulted, yeas 39, nays 43, as follows:

*Yeas*—Messrs. Abbott, Annan, Baker, Carter, Cunningham, Cushing, Davis of Washington, Dellinger, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hopkins, Hopper, Jones of Cecil, Keefer, King, Larsh, Mace, Markey, McComas, Mullikin, Negley, Noble, Nyman, Pugh, Robinette, Russell, Schley, Schlosser, Sneary, Stirling, Sykes, Thruston, Todd, Wickard, Wooden—39.

*Nays*—Messrs. Goldsborough, President, Andoun, Barron, Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Crawford, Dall, Daniel, Davis of Charles, Dennis, Duvall, Earle, Edelen, Harwood, Henkle, Hodson, Horsey, Johnson, Jones of Somerset, Kennard, Lansdale, Lee, Marbury, Mitchell, Miller, Morgan, Murray, Parker, Parran, Peter, Purnell, Ridgely,