

The motion to postpone was agreed to; and the question recurred upon Mr. Cushing's amendment of Rule 42d.

Mr. PUGH resumed. I only wish to answer one point which has been taken—

Mr. CLARKE. I wish the gentleman would answer my question, whether, unless there is a division of opinions, on the part of the majority or a failure on their part to come here and vote, they cannot give a vote of 49 members for any proposition they deem to pass.

Mr. PUGH. I will answer as I did before by asking the gentleman, if he ever heard of such a thing as a balance of power.

Mr. CLARKE. Certainly I have; and I am very glad there is such a thing as a balance of power.

Mr. PUGH. It is against the controlling efficacy of the balance of power that I wish the amendment to operate.

Mr. CLARKE. But that balance of power, one way or the other, will become the representation of the majority of the people; and it is that on the vote that same majority of the people may be represented, that it is very desirable to retain the principle of the rule as it stands.

Mr. PUGH resumed. As I have said, there is one thing which has been urged, and although I have listened attentively I have not heard it answered. I do not wish to argue these questions, for my idea is that if we call the people's attention to things, when they look at them they will see them about as well as we can. It has been urged that the Legislature of Maryland is required to pass laws by a majority of all the members elected, in both Houses. That is a true statement; and yet it is a statement made with a concealment of something else. The whole truth with regard to passing laws in the State of Maryland is not stated. I have not examined the matter thoroughly, but I have not found a Constitution any State which requires the passage of laws by majorities of the members elected, unless under that form of government the veto power is denied to the Governor. I also understand that the principal reason why in the State of Maryland a majority of members elected to both branches of the Legislature is required to pass a law, is because there is no check between the action of the Legislature and the direct operation of the law. Those who have mentioned this matter have left the whole gist of it out. I understand the reason of the provision that so large a vote shall be required in order to make a bill the law of the land, is that there is no check, nothing to throw it back upon their deliberation again if the Legislature has been hasty.

But there is a long distance between our actions and the adoption of this Constitution as the organic law of the State. It has to be passed upon by the people after we are done with it; and we must make it so that the people will vote for it. That is a check.

But there is no check in the case of the Legislature. When they have passed a law, that very moment it becomes the law of the land, to take effect at the time that they shall appoint.

Mr. MILLER. I see that in the Constitution of Illinois the Governor has the veto power, and yet it has precisely the same provision with regard to the passage of bills by the Legislature as here.

Mr. PUGH. I merely stated that so far as I had examined I had not found such an instance. But even if it is so in Illinois, it has no bearing upon my main argument, and does not alter my position a particle.

Mr. STIRLING. Will the gentleman from Anne Arundel, (Mr. Miller,) state whether the Constitutional Convention that framed the Constitution of Illinois had any such provision in it?

Mr. MILLER. I do not know. I have not looked at that.

Mr. CLARKE. It would be within the power of any Convention to lay down such a rule for their action.

Mr. STIRLING. I know of no Constitutional Convention that has ever fixed for itself any such rule.

Mr. SANDS. I wish to make a suggestion to those with whom I act in this Convention. I think we have got as large an attendance here to-day as we shall ever get. It is an unusually large attendance, all things considered. I venture the assertion that you may go into any military camp, that has its circumscribing limits and bounds anywhere in this State, and out of every 96 men mustered into the service as physically sound men, you cannot on drum beat turn out 86 of those men sound and fit for action. The supposition that we are to have 49 votes to pass any provision at all, grows out of the notion that health is perfectly safe for perhaps three months to come. We must act in view of actual existing circumstances, that we cannot combat. I say that the proportion of 10 sick men out of 100 is an extremely small proportion. If that is so, then you may send out your Sergeant-at-Arms to bring in all the members who are fit for duty, and you will seldom have more men than you have here to-day. It is against the nature of things; it is impossible.

I will suggest to my friends that retaining their power in the hands in which the people placed it, does not involve a pledge to abuse that power. If we have present a majority of 46 members, I shall vote just the same vote that I should if we had a majority of one single vote with a quorum only present. All I want to do is to warn gentlemen that in their action they may strip themselves of power which will become absolutely necessary for the furtherance of the business of this Convention. The gentleman from Prince George's (Mr. Berry,) said that he wanted to lead us