

conform to the twelfth and fourteenth sections of the report.

Mr. WEEMS said he had intended to offer a substitute for the eighteenth section, which he would now read.

Mr. W. read his proposed amendment; but

Mr. DONALDSON having suggested that the substitute was properly an amendment to the twenty-first and not to the eighteenth section,

Mr. WEEMS withdrew his substitute for the present.

The question then recurred on the amendment of Mr. PHELPS.

Mr. DONALDSON opposed the amendment. He had thought, in looking over the report of the legislative committee, that if any of its sections met with the general approbation of the Convention, this certainly would. To his judgment it was the most valuable provision in the whole report.

There was in fact no inconsistency between this section and the other sections to which the gentleman from Dorchester, (Mr. Phelps,) had referred. By the 12th section, a majority of each House shall constitute a quorum for the transaction of business; it is on the single question of the final passage of the bill that this 18th section requires the affirmative vote of a majority of all the members elected; all antecedent questions may be decided by a majority of a quorum. By the 14th section the yeas and nays must be recorded on any question, on the demand of five members; by the section under consideration, the yeas and nays must be recorded on the final passage of a bill, whether demanded or not.

He believed that no one who had had any experience in our State Legislature, could fail to have observed the great evils which had arisen from the want of such provision. Hundreds of laws were passed by the mere silent assent of the great body of legislators, often passed by their titles, and of their contents most of those who permitted them to pass were utterly ignorant. Their first knowledge of them was derived from the printed volume of the statutes; and no votes having been recorded, every member was enabled to escape from responsibility for the injurious results of such legislation. The evil would be cured by this provision. Under the present system, also, members frequently absented themselves for the very purpose of ensuring success to measures, which they dared not vote in favor of; and this was an important part of most of the log-rolling, which had inflicted so much injury on our own, as well as other States. He knew one case, where, by such management, a most injurious, and most unpopular change was made in the Constitution of our State, by thirty-five votes of the House of Delegates, little more than one-third of the number elected, confirming the act of a previous session. Adopt this 18th section and such absenteeism, whether fraudulent or not, could work no such evil effect; indeed, absenteeism, which was one of the curses of our Maryland Legislatures, would itself be cured, for the presence of members would be absolutely necessary to carry through effectually the business of legislation. It would also act as an admirable

check upon hasty and excessive legislation, of which we had heard so much well-founded complaint. He hoped there was no doubt of its adoption.

Mr. SPENCER said, if he thought that the other provisions, which, he took it for granted, were to be inserted in the Constitution, would not be placed there, he should attach more weight to the remarks of the gentleman from Anne Arundel, (Mr. Donaldson,) than under present circumstances he could attach to them. He (Mr. S.) took it for granted that it was the intention of the Convention to incorporate in the Constitution provisions by which appropriations of the public money, and pledges of the public credit, for works of internal improvement, would be arrested. If so, the direct effect would be to arrest the system of combination and log-rolling on which the gentleman had based his argument, that the vote of a majority of the whole body ought to be required. He (Mr. S.) thought that great inconveniences would result from the adoption of the section as it stood in the report. The proposition of the gentleman from Dorchester, (Mr. Phelps,) seemed to him a wise and salutary provision, and he (Mr. S.) should vote for it.

Mr. BROWN said, he did not like the language of the section as it stood, and that he felt disposed to vote for the amendment of the gentleman from Dorchester, (Mr. Phelps.) Gentlemen were to bear in mind that combinations were made *against* the passage of bills, as well as in favor of their passage; and though the section as it stood in the report might prevent some bad legislation, yet, as a whole, he thought it would do more harm than it would do good. As at present advised, he should prefer to take the language of the old Constitution. If he should find that he was mistaken in his opinion, he should change his vote accordingly.

Mr. JENIFER thought that if there was one single section, in the whole bill under consideration, which, more than another, was wholesome, salutary, and conservative, it was this; and he thought that if the section should be struck out, and nothing of an equivalent character be inserted, the legislation of the State would be worse hereafter than it had been heretofore.

Mr. DONALDSON replied to the remarks of the gentleman from Queen Anne's, (Mr. Spencer,) and stated, that he did not mean to confine his objections to the single class of bills, to which that gentleman referred. Our dearest rights and interests, and the welfare of the whole community, were involved in a great many other laws passed, or which might be passed by the legislature. The bill to which he himself had before referred, as having passed by the votes of little more than a third of the members elected to the House of Delegates, was the incorporation of a lottery grant into the Constitution. Often, too, special acts were passed, which produced great injustice to persons who knew nothing of any purpose to apply for them.

In regard to the inconvenience of the section proposed, he said, that the same provision was in the New York Constitution, and he had never