

majority should be in favor of it. In the ordinary regular elections for officers to execute the executive powers of the established government, it is essential that failures to elect should not occur—and the common exercise of this power causes many to be indifferent as to its exercise, hence the law prescribes that a majority merely of those who actually vote should elect. It would not do in changing the organic law of the State. The difference was very obvious, and the danger great. Let the Constitution remain as it was, until a majority of the people were favorable to a change. Let them change it as often as they pleased, but do not have it changed until a majority of the people desire it, else you violate just principles declaring that less than a majority may govern.

There was an obvious distinction between the ordinary course of government and this extraordinary course, such as changing the organic law. They might incur the expenses of calling a Convention by a plurality of the votes cast, and the result would be, as it might be even with the labors of this Convention, that a majority of the people of the State would reject the Constitution framed by it. This state of things could not, after all the loss of time and money to the people in its preparation, so likely occur, if they adopted his proposition. If there should be a majority of the people in favor of such a change, and desirous of calling a Convention, and if such Convention should be called, then the chances were greatly in favor of the adoption of the Constitution framed by it. On the other hand, the chances were very much against the adoption of a Constitution, the work of a Convention called into existence by a mere majority of the voters who may have cast their votes in favor of such a course over those who cast their votes against it, regardless of the fact that those who voted for the Convention, and it may be united even with those who voted against it, that all who then voted on the subject did not constitute a majority of the voters of the State.

The question being on the amendment of Mr. RANDALL.

Mr. RANDALL demanded the yeas and nays, which were ordered, and being taken, resulted as follows:

*Affirmative*.—Messrs. Morgan, Blakistone, Hopewell, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Brent of Chas., Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Bowie, Sprigg, Dirickson, McMaster, Davis, Kilgour, and Waters—21.

*Negative*.—Messrs. Chapman, Prestl., Ricand, Mitchell, Howard, Buchanan, Welch, Ridgely, Dickinson, McCullough, Tuck, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—42.

So the amendment was rejected.

Mr. DAVIS desired to know whether the vote

just announced, in effect, was not a denial of the rule that the majority should govern?

The question then recurred,

“Will the Convention accept the substitute as offered by Mr. FITZPATRICK, and amended on the motion of Mr. BROWN, for the report submitted by Mr. SOLLERS, as (chairman of the committee?)”

Mr. SOLLERS demanded the yeas and nays, which were ordered, and being taken, were as follows:

*Affirmative*.—Messrs. Donaldson, Howard, Buchanan, Welch, Ridgely, Dickinson, Eccleston, McCullough, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey, and Brown—41.

*Negative*.—Messrs. Chapman, Prestl., Morgan, Blakistone, Hopewell, Ricand, Chambers of Kent, Mitchell, Dorsey, Wells, Sellman, Sollers, Brent of Chas., Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Bowie, Tuck, Sprigg, Dirickson, McMaster, Davis, Kilgour, and Waters—28.

So the Convention accepted the substitute.

The question then recurred on the adoption of the report.

Mr. BLAKISTONE offered as a substitute for the report, the following:

“That it shall be the right and privilege of the people of this State, at any general election of Delegates, to vote for or against a Convention, and if it shall appear that a majority of the whole number of legal voters are in favor of calling a Convention, the said majority to be ascertained by the largest popular vote taken in the preceding election of President of the United States, the election of Governor, or the general election of Delegates to the General Assembly respectively, at which the largest popular vote may have been cast. Each county and the city of Baltimore, to have a representation equal to the representation to which the same may be entitled in the Senate and House of Delegates at that time. That it shall be the duty of the judges of election in the several counties and the city of Baltimore, to make returns thereof to the clerks of the several counties and city of Baltimore, whose duty it shall be to make return thereof to the Governor, who, upon casting up said votes, if he shall find that a majority of the whole number of legal voters, as above specified, are in favor of a Convention shall issue his proclamation proclaiming such fact. And issue a proclamation for an election of Delegates to said Convention, in conformity to the previous provisions of this article. That such election shall take place on the same day on which elections are held for the election of Delegates, but on the intermediate year, so that the sessions of the Convention and meeting of the Legislature may not happen at the same time. That the period of the meeting of such Convention shall be the first Monday of January next succeeding the election of Delegates to said Convention. That the