

ter. of course, but only when specially demanded in accordance with the rules. Now, if it is meant that the President shall exercise his discretion and say—"This part constitutes one subject matter, and the yeas and nays must now be called upon this," and then go on with the balance of the report, and then say—"this constitutes another subject matter, and the yeas and nays must be called upon this,"—if that is meant, I want to have it so understood in adopting the rule. If it means that the entire article shall be considered a subject matter, and the yeas and nays be called upon that without a formal demand, then let us so understand it.

In order to make the rule more explicit, I will move to amend it by striking out the words "final passage of any subject matter," and inserting the words "adoption of any article." The rule will then read—"the question on the adoption of any article shall always be determined by yeas and nays, which shall be recorded on the journal," &c.

Mr. KENNARD. I will ask the gentleman from Baltimore city (Mr. Stockbridge) what will become of resolutions if his amendment should be adopted? It may sometimes be the pleasure of the Convention to call the yeas and nays upon resolutions.

Mr. STOCKBRIDGE. There will be no difficulty, in that case, for it is in the power of the Convention to call the yeas and nays at any time; that is provided for in another rule. This rule simply indicates a point at which they shall be called, as a rule of the Convention.

The question being taken upon the amendment of Mr. Stockbridge, it was agreed to.

Mr. THURSTON moved to further amend Rule 43, by striking out at the close, the following:

"And unless it shall thus appear that a majority of the whole number of members elected to the Convention have voted in the affirmative, the subject matter voted on shall be declared rejected."

Mr. BERRY of Prince George's. I hope that amendment will not be adopted. There are 98 members elected to this Convention, 49 of whom constitute a majority of the whole Convention. The bill under which this Convention assembled provided that not less than 50 members shall be a quorum. If this portion of the rule under consideration be stricken out, then a bare majority of the members present may at any time adopt any article of the Constitution to be framed by us. I am sure it was the object of the framers of the bill under which this Convention was assembled that the Constitution to be framed by us should receive the votes of a majority of all the representatives of the people in the Convention. And I do not think we ought to depart from the rule fixed by the bill itself, a rule which is eminently just and proper. I hope this Convention will not strike out this

portion of the rule, for, I regard, it as the great safeguard of our action here.

Mr. THURSTON. There must be 50 members present in the Convention to constitute a quorum. But when there is a quorum present, the majority of that quorum should be sufficient to decide whatever question may be before the Convention. And if the amendment I propose be adopted, it will be necessary to go back and amend the 42d Rule in a similar manner. I mention this now, in order that those voting upon this amendment may understand that it will be necessary to amend the 42d Rule to the same effect. I trust the amendment will be adopted, because I think that when there is a quorum present, the majority of that quorum should be sufficient to decide anything before this body.

Mr. SANDS. I shall favor the adoption of the amendment, because I think any other construction of the intention of those who framed the act under which this Convention is called is not in accordance with sound principles of construction. Those who framed that act provided expressly that it should require 50 members to transact business. The gentleman from Prince George's (Mr. Berry) states that according to his construction of the act 49 votes are required for the passage of any provision of the Constitution we may desire to adopt: that is, that the Convention should make it a rule that 49 out of 50 members shall endorse each measure before it shall be adopted by this Convention and be submitted to the people of this State for their sanction. Now I do not so understand that act. I believe that when the Legislature provided that 50 members should constitute a quorum for the transaction of business, it was clearly meant that that quorum should have all the powers necessary to render their action effective. I think the clear legal rule is that when a right is expressly and clearly conferred, all powers for the execution of that right are intended to be conferred also. Is it reasonable to suppose that the Legislature in providing for this Convention intended to require that 49 votes out of 50 should be given in favor of any one subject matter, before it could become a part of the Constitution we have been called together to frame? I have heard of a two-thirds rule, and in some instances of a three-fourths rule; but I never before heard of a forty-nine-fiftieth rule. Now believing that it was the object of the framers of the bill under which we have been called together to give us all the powers necessary to enable us to facilitate the transaction of the public business; and believing that the construction contended for by the gentleman from Prince George's (Mr. Berry) if adopted would be a manifest hindrance of that public business, I shall vote for the amendment.

Mr. BERRY of Prince George's. I think the gentleman from Howard (Mr. Sands) a little