

reverence for Constitutions and laws as almost anybody, having been myself engaged for a good portion of my life in the administration of the laws; and I will obey every law, whether constitutional or statutory, so long as it is upon the books. But if there is a bad or injudicious law now, and I have the power to wipe it out, I shall most certainly try to do so. This subject resolves itself simply into this; there being neither Constitutional nor statutory prohibitions in the way, what is the rule best calculated to further the public business and the public interests? I say that, judging from the experience of this body—and we have been here only a couple of weeks—if we require the votes of a majority of all the members elected to this Convention to pass any measure, we should find it an almost impossible thing to pass any measure now. If you require 49 votes out of 50 upon any one subject, my word upon it, you will require more votes than, according to my recollection, have been cast in the affirmative or negative upon any proposition submitted to this body. I do not remember any subject, except the one tendering our thanks to our soldiers in the field, that has received 59 votes—and I know very few subjects that can receive that vote.

We are simply to make such rules as in our best judgment will most facilitate the proper transaction of the business we have before us, and believing that I can trust to the fairness, honor, and integrity of a majority of the members of this House, I do not wish to see it tethered or bound by any merely technical rules which will only hinder the transaction of the public business.

Mr. JONES of Somerset. I agree with my friends upon the other side that this question addresses itself to every sense of expediency and justice in this Convention. It is true we are bound by no Constitutional restrictions; and there is nothing in the act calling this Convention which binds us to adopt the rule reported by the committee: nor is there anything which prohibits us from adopting the amendment which has been proposed. But the question presents itself to us, as members of a Convention to frame a Constitution which is to be submitted to a vote of the people, whether a Constitution, any of the articles of which could not command in this Convention the votes of a majority of all the members elected, will be likely to receive the approbation of a majority of the people of this State. That is a consideration for us. As to the supposed inconsistency in the act calling us together, authorizing 50 members to constitute a quorum for the transaction of business, and this rule proposing that a majority of all the members elected shall be inquired to pass upon any article of the Constitution to be adopted, there is no inconsistency in that. The same provision exists in the present Constitution in regard to the

Legislature. The 18th section of the article upon the legislative department, in the Constitution under which we now live, and which we shall continue until we supersede it by another Constitution, provides—

“A majority of each House shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.”

Section 19 of the same article says:

“No bill shall become a law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the yeas and nays be recorded.”

And in my judgment that is one of the wisest provisions that the Convention of 1851 adopted. The continual alteration of the laws is one of the evils of the day to be provided against. When a law is once passed and understood, it should not be changed unless the change can command the approbation of at least a majority of those elected to the Legislature. In regard to the occasional slim attendance and slim votes of the past two weeks, it is not to be supposed that such will be the case when the important business of the Convention has been prepared by the committees and submitted by them to the consideration of the house. But up to this time there has been nothing, aside from the adoption of a few orders, &c., but to meet and adjourn. And members, having important business elsewhere, have not felt compelled to be present here before any of the important business of the Convention has been reported upon by some of the committees.

I think the Committee on Rules have reported a very wise and judicious rule in relation to the adoption of articles of the new Constitution; that no article ought to be adopted by us, as it could not be with the hope of meeting the approbation of the people, if it cannot command the votes of a majority of the members elected to the Convention. I hope, therefore, the Convention will adopt the rule as it has been reported by the Committee.

Mr. HESS. I hope the amendment offered by my colleague (Mr. Thurston) will prevail. I do not like to cite the proceedings of the last Convention as an example to be followed here. But it will be found that the last vote taken upon the Constitution in that Convention gave but 40 votes in the affirmative out of more than 100 votes; and nine-tenths of all the articles went into the Constitution by the votes of only a majority of the members present. Now the rule of the House of Delegates to which reference has been made is an exception to the general rule. It was made in conformity to the Constitution of the State of Maryland, which in that respect