

which should be referred all articles of the constitution after they shall have been passed upon by the convention, to be examined and printed for the use of the convention prior to their final adoption." All those articles were printed, and every member had an opportunity to examine them. It was made a part of the duty of that committee to make those suggestions.

Now I submit that we cannot fairly comprehend the details of the amendments reported by the committee of revision of this body without having them printed. If the convention is to remain in session until tomorrow, I see no reason why, when the committee proposes any material changes, they should not be printed and acted on tomorrow. If it is the determination of members to close the session to-night, of course it would be impracticable to have these amendments printed. I can only express my regret at being called upon to act upon very important articles without having an opportunity to know the exact import of them.

From the reading of the first section of the article on amendments to the constitution as proposed to be changed by the committee on revision, I presume that it means that to adopt an amendment by the people after it has received a three-fifths vote of the legislature, it must receive a majority of the votes cast at that election. If I am correct, I would ask whether that should be so? If there are more votes for than against the amendment, is not that all that should be required? I would ask for information, whether this section requires a majority of the whole number of votes given at that election, or merely a majority of the votes cast for and against the proposed amendment to the constitution?

Mr. EARLE. The section says expressly "a majority of the qualified votes cast at said election." There is another change proposed in the language of this section. The article as passed by the convention says that "either branch of the general assembly may propose amendments to this constitution." The committee recommend that the phraseology be changed, by saying, that the general assembly may propose any amendment or amendments to this constitution which shall be agreed to by three-fifths of all the members elected to both houses.

Mr. CHAMBERS. That is the same in substance. There can be no objection to that.

Mr. EARLE. The committee next recommend that all amendments to the constitution proposed by the general assembly shall be printed with the laws passed at the same session and submitted to the qualified electors of the State for their confirmation or rejection. If confirmed by a majority of the qualified votes cast at the election, the governor shall, by proclamation, declare the same to be part of the constitution of the State.

Mr. CHAMBERS. I would suggest the pro-

priety of having this report recommitted to the committee on revision, with the view of having inserted here what I suppose was designed by the convention—that the majority of the votes for and against should decide the question. That is not the case with the section as it now stands. Suppose that there are ten thousand votes given for and against some candidate on the day of election, and only three thousand votes are cast for the proposed amendment to the constitution. Seven thousand of the voters say nothing about it, and care nothing about it, or they fail to attend to it properly. There is not a vote cast against the proposed amendment. There is no evidence that there is a voter in the county who is opposed to it. Yet the votes affirmatively given do not operate to adopt the amendment, because they do not amount to a majority of all the votes cast at that election. I presume that was not the intention of the convention, and if not, then there should be some change in this phraseology.

Mr. STIRLING. The section as reported by the committee provides that the vote upon any proposed amendment to the constitution shall be taken upon the day of the election of members to the general assembly, and it goes on to say that if a majority of the votes cast at said election are in favor of the proposed amendment, then it shall be adopted. Now the argument of the gentleman from Kent (Mr. Chambers) is perfectly correct. If two thousand people in the county vote for State officers, and only five hundred vote in favor of the proposed change in the constitution, although no one votes against it, because a majority of the votes cast at that election were not cast in favor of the proposed amendment.

Mr. STOCKBRIDGE. I have no objection whatever to having the phraseology of this section modified by the insertion of the necessary words. But I do not think it necessary as a question of law, disagreeing in that respect with both the gentleman from Kent, (Mr. Chambers) and my colleague (Mr. Stirling.) A majority of the votes cast is required to carry any measure or candidate at an election. In the case supposed by the gentleman from Kent, there are three thousand votes for the proposed amendment to the constitution, and seven thousand blanks. In that case the blanks are not counted at all. So far as the amendment is concerned there are but three thousand votes cast at that election. An amendment to the constitution stands precisely upon the same ground as a candidate for governor. The candidate for governor to be elected must have a majority of the votes cast. Suppose there are 100,000 votes cast at an election in the State for members of the house of delegates. And suppose a candidate for governor receives 35,000 votes, and no other candidate receives any,