

—the first law of nature—would justify the counties in preventing this.

Gentlemen will tell me and this honorable body, that the counties will be protected—that they are willing and ready to yield territorial representation in the Senate, and that by permitting the counties to retain the control in that branch, they would be able to protect themselves upon every question. Sir, I admit this; believing as I do, that territorial representation in the Senate, will form a part of any compromise that may be adopted. But give the city a majority in the popular branch; then, although she could not pass laws of an oppressive character, without the consent of the Senate, she would have the power of vetoing any law that might be asked for by the united voice of all the counties. I have none other than the best feelings towards Baltimore—I am not here to aid in depriving her of her rig-hts—but I am unwilling to trust her with the veto power. Representing the county I do, I could not be ignorant of the fact, nor can I close my eyes to it, that if Baltimore had had the power, she would have prevented the completion of the Chesapeake and Ohio canal—the door of egress for the vast mineral resources of my mountain county; and that too after the State had invested in it millions of dollars by her advice, consent and aid; and which investment must have forever remained unproductive, if the work had not been completed. Her veto would have been interposed to prevent the completion of that great enterprise, and the heavy burdens of taxation would have to be borne without even the hope of ultimate reimbursement. This, sir, I need not say is a fact in the past history of the State; and as a delegate of Allegany, I cannot forget that fact. I repeat, sir, that the first law of nature justifies the counties in urging the exception against Baltimore.

Gentlemen upon this floor have told us, that unless we give Baltimore full representation, we will perpetrate an outrage upon popular rights. The like of which has never been seen anywhere in a free representative government. If, sir, we examine the Constitutions of the various States of this broad Union, we will find restrictions and exceptions in most of them—restrictions of one character or another. It is only my purpose to show, that in other States, in which are large cities or cities having the prospect of becoming large, the same apprehension has been excited, and restrictions have been imposed.

By reference to the Constitution of the State of Maine, we will find that representation in the House is by towns, upon the basis of qualified electors; but with this restriction—“No town shall ever be entitled to more than seven representatives.”

In Rhode Island, under the Constitution of 1812, the representation in the House is by towns, on the basis of population, but with this restriction—“no town or city shall have more than one-sixth of the whole number of members.” The compromise of the gentleman from Washington, proposes to give Baltimore one-seventh of the whole number.

In Louisiana, under the Constitution adopted

in 1846, the Senate is based upon population, “Provided, that no parish shall be entitled to more than one-eighth of the whole number of Senators.” The number of Senators is limited to thirty-two. “In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by twenty-eight and the result produced by this division shall be the senatorial ratio, entitling a senatorial district to a Senator.” Without this restriction, New Orleans would be entitled to nearly one-fourth of the Senators.

Mr. President, I have now travelled over the ground I have marked out. I have at least satisfied myself that the proposition submitted by the gentleman from Washington, is a fair compromise, under all the circumstances. I have nothing more to say.

Mr. GWINN said :

The gentleman from Anne Arundel, (Mr. Dorsey,) asserted that the delegates from the city of Baltimore maintained a theory of representation at variance with their own municipal government. If the remark had been founded upon fact, there would have been no inconsistency in the position. For since our chartered rights and privileges are prescribed by legislative acts, we could not be responsible for any illiberality which they may exhibit. But I am indebted to the error of the gentleman for a plain legislative sanction of the theory.

He asserted that our City Council was itself a body constituted upon a basis of an arbitrary character. A recurrence to the acts dividing the city into wards for local purposes, would have satisfied him of his mistake. The acts of 1796, 1817, and of 1844, expressly enjoin that the wards shall be made, as nearly as possible, equal in population, and that they should be laid off in straight lines. If there ever was, therefore, a perfect illustration of the good effects of this theory in practical operation, it is supplied by the instance he has given. In both branches of the Council, the theory of numbers prevails to the fullest extent. And, as if to meet the argument that fractions of population are unrepresented in such a system, we have, superadded, a power in the Mayor to veto the action of the Council. The result is, that if from any chance the Council should not represent, the aggregate majority of the community, the city executive, who must represent it, has the power to keep it in check, unless it is able, by an increased vote in the Council itself, to indicate, theoretically, that it does represent in opinion a full majority of the whole community.

Having, I trust, freed our city from this charge of inconsistency, I shall proceed to the discussion of the question, properly before us—which is the plan offered by the gentleman from Anne Arundel. In his argument, he laid great stress upon the sacred character of the compromise as it is termed, of 1836. I confess that I am surprised to note a departure in his project from an essential element in that arrangement,—I mean federal numbers, then solemnly recognised as a pro-