

by striking out "six," and inserting in lieu thereof "four."

Mr. JOHN NEWCOMER moved the previous question, and being seconded,

Mr. JOHN NEWCOMER, moved that the question be taken by yeas and nays, which being ordered,

Appeared as follows:

*Affirmative.*—Messrs. Lloyd, Sherwood of Talbot, Colston, Spencer, Dirickson, McMaster, Thawley, Sherwood of Baltimore, Schley, Fiery, John Newcomer, Harbine, Micheal Newcomer, Parke, Cockey and Brown—16.

*Negative.*—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Lee, Chambers of Kent, Donaldson, Wells, Randall, Kent, Sellman, Howard, Buchanan, Bell, Welch, John Dennis, Williams, Hodson, Goldsborough, Eccleston, Constable, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Grason, George, Wright, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Presstman, Ware, Waters, Anderson, Weber, Hollyday, Fitzpatrick and Smith—56.

So the Convention refused to adopt the amendment.

The question then recurred, and was put on the adoption of the resolution, and

Determined in the affirmative.

Mr. GRASON submitted the following order;

*Ordered.* That the President of the Convention be allowed a per diem of six dollars.

Mr. SCHLEY argued, that if the act of Assembly had any force at all, the language was too clear to admit of a doubt, that the Convention no power to increase the pay of the President of the Convention. He was only entitled under the law, to the payment of a member. He was a member, and not an officer of the Convention. He was simply the presiding member of the Convention. He could not have presided, if he had not been a member. The word "officers" in the act, referred to persons not members, as clerks, doorkeepers, &c.

Mr. S. here referred to the former decision of the Convention, (see Journal, page 102,) against raising the payment of the President.

Mr. STEWART of Baltimore, said:

That this was the first time he had heard that the presiding officer of a body, was not an officer of the body. Was not the officer of a bank, an officer of the bank, and liable to the penalties inflicted upon the officers of banks? Could the President of a bank borrow money from the bank? There was no necessity of having a President at all. They might have had a Chairman, *pro tem.* But when this duty was delegated to one member, taking up a large portion of his time, he was willing to take the responsibility of compensating him for it.

Mr. BROWN remarked, that it could not have been the intention of the Legislature to give the President more than \$4 per diem; because if they had intended to include him among the officers, they would not have used the language "clerks

and other officers." They would have put the President first. That act of Assembly was the people's act, enacted by them at the ballot box; and he would not violate a syllable of it. There was no authority to pay the President more than the other members, however well he might have performed his duties.

Mr. BISER stated, that being the chairman of the committee to draft the act of Assembly, he had prepared it himself; and whatever may have been the intention of the Assembly, or of the people, it certainly was his own intention, in penning that law, that the compensation of members of this Convention should be the same as of members of the Legislature; \$4 per diem for the members, and one dollar additional for the presiding officer. The law was not to be carried out according to the understanding of the framers of it, he would admit; but the language could not be construed to signify any other intention on the part of the framer of the law than he had stated. He had had the honor on one or two occupy the President's chair, and he knew that it was not a bed of roses, but rather a bed of thorns. The President was called upon in addition to his duties as the Presiding officer, to sign orders connected with the financial concerns of the Convention; and certainly should receive at least as much compensation as the Speaker of the House of Delegates.

The hour of two o'clock having arrived, the Convention took a recess until four o'clock, p. m.

## EVENING SESSION.

FOUR O'CLOCK, P. M.

The Convention met.

Mr. NEILL moved that the Committee on Accounts have leave to sit during the session of the Convention.

Determined in the affirmative.

The PRESIDING OFFICER, (Mr. Spencer,) informed the Convention that the matter pending at the time of the adjournment, was the order offered by Mr. GRASON, in relation to the per diem to be allowed to the President of the Convention.

On motion of Mr. MICHAEL NEWCOMER,

The Convention was called and the doorkeeper sent for the absent members.

On motion of Mr. TUCK,

Further proceedings under the call were dispensed with.

On motion of Mr. TUCK,

The Convention resumed the consideration of the report submitted by him as chairman of the committee, respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees.

The question pending was stated to be on the amendment offered by Mr. TUCK, to the first section of the report.

Mr. DONALDSON moved to amend the amendment, by adding thereto the following:

"And all provisions of law allowing to lottery