

be, by the fathers of our country, a highly independent and conservative branch of the Government.

But, Mr. President, although this principle, as before remarked, has to some extent been infringed upon, yet we still recognize two distinct branches of our Legislature, and the House of Delegates is regarded as the popular branch of the Government and, therefore, more immediately responsible to the people for their action.

For this reason, he said, he preferred to confine to the House of Delegates, the power of levying taxes, and of raising revenue, and was unwilling to give to the Senate powers not delegated to it by any other State Constitution, so far as he knew in the whole Union, and not recognized either, in the Constitution of the General Government.

Again, if we admit for the sake of the argument, that both branches of the Legislature is equally popular, and equally dependent upon the people for their power; if we admit that both branches are elevated to their position from the same source, and are equally dependent upon the people for their continuation in office; still he preferred the House of Delegates should exclusively exercise this power. They were emphatically the popular branch of the Legislature. They were elected for a shorter term, and were more immediately, and more distinctly responsible to the people; and besides they were more numerous.

The Senate as now organized, is composed of twenty-one members, and the House of Delegates would therefore, in his estimation, more fully and more truthfully represent the opinions and the wishes of all class of the community, than would the Senate. The power of levying taxes, is perhaps one of the highest prerogatives of a free Government, and should therefore be properly guarded. He was unwilling for his part, to see long established usages in this respect departed from without good and sufficient reasons.

Mr. MERRICK said, he thought the bill had better remain as it was. This notion of denying to the Senate the privilege of originating money-bills, was an obsolete idea. It was behind the times, and originated in a jealousy of an aristocratic branch. There was such a branch in England, and probably there had been similar branches here. But things were all changed. Here we were now all democratic. He saw no necessity for prohibiting one branch of the legislature, any more than the other, from originating laws. Both branches must concur in passing a bill—and both branches ought to have the privilege of originating all such bills, as in their opinion, the interests of the people might require. Let us not keep up obsolete usages, when the reasons which called them into being had ceased to exist.

Mr. DORSEY was opposed to the amendment. He did not think that, in view of what would be the organization of the Legislature of the State of Maryland, or, in fact, of what that organization now was, that such an amendment ought to prevail.

He referred to the principle upon which the

restriction as to money-bills had been originally placed in the Constitution, (which was, that the House of Delegates, being then the territorial branch of the Legislature, should alone levy taxes on the people,) and to the inconveniences and delays in legislation which he had himself witnessed from the practical operation of the restrictive clause. He was satisfied that, in this State, there was no necessity for a restriction in either branch. Bills could not become laws except by the concurrence of both Houses; and there was no fear that the legislation would not be equal and impartial.

Mr. PHELPS directed the attention of the Convention to the article of the old Constitution, placing restraint upon the Senate in regard to money-bills. Mr. P. agreed with the gentleman from Anne Arundel, [Mr. Dorsey,] that great inconveniences had arisen under that particular clause; and to get rid of that difficulty, he [Mr. P.] had offered his amendment giving to the Senate the power to change or amend such bills.

It was said, that this restriction was an obsolete idea. But he found that it had been adopted in various new constitutions of different States, within a few years past, [in all of which the Senate was elected by the people.] He thought it highly proper that the immediate representatives of the people should have the sole power to originate money-bills—but that the right to alter, to change and amend them should be given to the Senate. It was not yet certain that the House of Delegates would not remain the territorial branch of the Legislature. The basis of representation had not yet been settled. The Convention, however, could dispose of the amendment as it thought proper. He should be satisfied with the decision, whatever it might be.

Mr. DORSEY suggested that the same reason existed for giving to the Senate the power to originate, that gave them the power to alter or amend; and that, to be consistent, the Convention must adopt the principle of the old Constitution, and leave them no power to do either.

Mr. PHELPS. I will only say, that the Senate of the United States have the power to alter and amend money-bills, and so have the Senates of nearly all the States.

The question was then taken and decided in the negative.

So the amendment of Mr. PHELPS was rejected.

Mr. WELLS moved the following amendment, to come in after the word "House," where it first occurs, in the fourth line, the words:

"Nor shall any bill originate in either House during the last three days of the session."

Some conversation followed, as to the construction to be given to the section as thus amended, when

Mr. DORSEY, [on behalf of Mr. Wells, not at the moment in his seat,] changed the position of the amendment so as to make it come in at the end of the section.

Mr. SPENCER said he should vote against the amendment because we were to have biennial sessions. The legislature must be entrusted with some discretion—and an emergency might arise