

"And that the absentees hereafter shall not receive their per diem during their absence."

Mr. DASHIELL asked the yeas and nays.

Mr. JENIFER moved to amend the amendment by inserting the words "or who may have been absent heretofore."

Mr. DASHIELL accepted the modification.

Mr. MAGRAW moved further to amend by adding the words "and absentees without leave."

Mr. DASHIELL accepted this modification also.

Mr. SOLLERS moved further to amend by embracing a provision, that so much of the *per diem* of members should be docted, as would be equal to the sum they had received during the recess.

Mr. GRASON moved that the resolution and amendments be laid upon the table.

Mr. WEBER call the yeas and nays, which were ordered, and being taken, resulted as follows:

Affirmative—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, Buchanan, Chandler, Ridgely, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Sprigg, McCubbin, Spencer, Grason, George, Wright, McMaster, Hearn, Fooks, Biser, Annan, Davis, Kilgour, Waters, Anderson, Hollyday and Fitzpatrick—52.

Negative—Messrs. Ricaud, Mitchell, Sellman, Bell, Welch, Hicks, Eccleston, Shriver, Gaither, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balto. city, Brent, of Balto. city, Ware, Jr., Schley, Fiery, John Newcomer, Harbine, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—33.

And the resolution and amendments were laid upon the table.

On motion of Mr. SPENCER the Convention proceeded to the order of the day.

THE ELECTIVE FRANCHISE.

The Convention again resolved itself into committee of the whole (Mr. Blakistone in the Chair) and resumed the consideration of the Report of the Committee on the Elective Franchise.

The pending question was on the motion of Mr. PHELPS to amend the amendment heretofore offered by Mr. CHAMBERS, of Kent, as a substitute for the first section of the report, by inserting after the words "Howard District," the following:

"And five days in the Election District or Ward of the City of Baltimore."

Mr. McLANE obtained the floor but yielded to

Mr. CHAMBERS of Kent, who desired, he said, to supply an omission which he had inadvertently made in the remarks which, without notes or premeditation, he had yesterday submitted to the Convention. Reference had been made to the Constitution as it had existed at the commencement of the government, and it had been alleged that

according to its provisions, there never had been any requirement that a party claiming to vote should have a residence except in the State and county. He had yesterday remarked that the Constitution was formed under circumstances entirely different from those which now existed, and he intended also, but omitted to state a fact which he should now supply. It was this: When the Constitution was originally made, and as subsequently modified in 1809, the only geographical division in the State, in which votes were received, was into counties. There was no instance, he believed, in which citizens of the same county or city, or citizens of the same district were called upon, or had the privilege to vote for a different member of the Legislature, or a different Senator, or a different Congressman. Every man in his county voted at the same election for a representative for his immediate district and for none other. The result was, therefore, such as had been stated, that although from district No. 1, in county A, a voter might be translated to district No. 2, yet he had before him the choice between the same candidates, and whether his vote was cast in one district or the other, the result of the election was not changed. He meant to say that it was unimportant, that although the voter moved over-night out of one district of the county into another, yet that no one was practically injured. In the position he had yesterday assumed, therefore, he was not going in violation of any principle of the old Constitution, because a change was absolutely necessary to carry out the very principles of that instrument, since the division of one of the counties and the City of Baltimore, into different Congressional districts.

After some conversation between Mr. BOWIE and Mr. CHAMBERS,

Mr. McLANE resumed the floor.

Mr. McLANE referred to the legislation of Congress in passing the law establishing the district system, and contended that it was simply a direction to the States to make the elections by districts, without intending to interfere with the arrangement of the districts. To do this, Congress had no power under the Constitution of the United States. Their power was to district the States themselves and not to direct the States to do it. Their law, however, was acquiesced in by the States and the subject is not now material. The framers of our original Constitution knew that Congress had the right to establish the system of election by districts, and so they left it.

Considering the question now before the Convention as one of the highest importance, he had felt it his duty to submit the observations he was about to make. He should embrace the opportunity, however, to go beyond the immediate question, and to touch on other parts of the report. He concurred with the gentleman from Kent in many of his views. There was no question of greater importance than the purity of elections: it lies at the root of our republican institutions. Concurring in this view, with the gentleman from Kent, he was willing to go with him, so far as he could with propriety, any length