

upon my friends from Queen Anne's county to answer the plain question—whether they are representing the wishes of their constituents, both Whigs and Democrats. There are too many of us, I tell you, sir, anxious to be Governors, and Senators and Members of Congress. [Laughter.] We are pandering to the interests of the city of Baltimore in order to secure a few votes. A gentleman here, from the Eastern Shore of Maryland, assured me, and not me alone, but several of his constituents, that he would be found battling upon this subject by the side of Joe Mitchell! [Great Laughter.]

Mr. SPENCER. Will the gentleman state to whom he alludes?

Mr. MITCHELL. Not to you, sir. But the gentleman to whom I allude, stated that he would be found battling with me, and upon this question particularly. I call upon him now, and not only upon him but upon his colleagues, and upon all gentlemen whose interests are identified with the Eastern Shore—will you give to the Western Shore and the city of Baltimore, that power which you have always possessed—and which you have so nobly and generously exercised? I call upon the Eastern Shore of Maryland to pause in this matter—to pause before she—

[Here the hammer fell.]

Well, Mr. President, I have got some more amendments to offer presently, [laughter.] I will withdraw this one.

Mr. DORSEY moved to strike out "three-fourths," and insert "one-half," so as to give a representative for a fraction over "one-half" of the ratio. An able argument, he said, had been made by the gentleman from Allegany to show that in other States the federal or white basis ought to be adopted. He had cited, as examples, to be followed by us, the cases of North Carolina, South Carolina, Alabama, Georgia and Louisiana, &c., where the basis was the white population. Nobody knew better than the gentleman from Allegany, the great dissimilitude between the condition of the States referred to and this State, and that consequently what was a proper course for them to pursue, was no example for us to follow. There the free and slave, black and white population existed in nearly in the same proportions in every portion of these States. In Maryland, comparatively speaking, all the slaves are located in some of the counties on the Eastern shore and the more southern counties of the Western shore. Nothing but a basis of representation founded on the aggregate population, was adapted to the condition of Maryland, or could afford protection and security to the slaveholding interests. But in the States referred to, all rights and interests were equally protected and guaranteed, whether the federal basis, the black or the white, the slave or the free population were assumed as the basis of representation. In either selection of a basis, the rights of all were equally preserved. Far different would be the condition of Maryland.

The adoption of the federal basis in the Con-

stitution of the United States, is relied on to prove that the same basis of representation should prevail in Maryland. Sir, there is not the weight of a feather in such an argument; the cases are wholly dissimilar. The rights of masters to their slaves, are paramount to all powers transferred to the Congress of the United States. Whether Congress adopted the slave basis, the free basis, or the white basis, was perfectly immaterial as regards the rights of the master to his slaves, his interest on that subject would have been in no wise affected thereby. His rights to his slaves depended upon the Constitution and legislation of his own State. No power over them had been granted to the United States, and no basis of representation fixed by the Constitution of the United States, or any legislation of Congress, could in the slightest degree effect them. The federal basis provided for by the Constitution of the United States, furnishes no rule of action for us, and has not the slightest bearing upon the question now before this Convention.

The practice heretofore adopted in all cases was that any excess above one-half the basis, gave the right to an additional delegate, and the only object in taking three-fourths as the basis or ratio, was to take from Frederick county, and from Baltimore county, each a delegate most unjustly, and giving to Allegany and Washington counties, the greatest delegation of which their numbers were practicable, and continuing this unjust inequality as to all the counties for the longest practicable period. [Here the hammer fell.] I submit to the gag law, sir—my five minutes for explanation of my amendment have expired.

Mr. DORSEY demanded the yeas and nays, which were ordered, and being taken, resulted yeas 29, nays 63, as follows:

*Affirmative*—Messrs. Chapman, President, Riccaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling and Waters—29.

*Negative*—Messrs. Morgan, Blakistone, Dent, Hopewell, Sollers, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Tuck, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gathier, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Stewart, of Baltimore city, Brent, of Baltimore city, Sheewood, of Baltimore city, Pressman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—63.

So the amendment was rejected.

Mr. DORSEY moved to strike out "six" and in-