

your own representatives have heretofore often, and may again in future, under this influence, participate in legislation which you look back to with deep aversion and regret.

It does seem to me, that if any portions of the State, more than others, require this protection, these are the small counties and the weak interests. In addition to the other dangers against which the executive negative may serve as their shield, it would probably so far satisfy Baltimore and the large counties, as to avert a renewal of agitation with a view to obtain representation according to population.

I came here, sir, as I said before, in hope that this Convention would limit and define strictly the powers granted to our governmental agent, but I have found myself almost alone in the extent to which I desire to carry these limitations, and of necessity have yielded to the prevalent doctrines. Most of us, sir, seek in the organic law, to guard only against the abuses heretofore experienced, or clearly foreseen, forgetting that those which have occurred were not foreseen when the old Constitution was formed, and that many of the most prominent, are considered by able men, unconstitutional usurpations by the Legislature. Your General Assembly, you have determined, although prohibited from exercising certain specified powers, shall possess vast and indefinite authority in most respects. It behooves you therefore, gentlemen of the Convention, to provide some effectual supervisory power by which any extravagant action of your Legislature may be suspended until time for reflection, and expression of the public opinion may have been afforded.

Constitute, then, your Chief Executive Magistrate the paternal guardian, whose veto may shield you from oppression, while it can inflict no harm. Deprive him, (and you shall have my cordial and earnest co-operation,) of that weapon, dangerous to friends as well as foes, which here and elsewhere, has been styled "the club of Hercules." Leave not even the shattered handle of that obnoxious implement, (patronage,) so destructive of political virtue and public morality in his hand; but place there instead, an aegis, broad enough to cover and protect not only his own person and place, but also the rights, interests and dignity of the whole, and of every part of old Maryland.

I am sorry, sir, that some more able champion did not undertake the task which I have so lamely performed, and I will close by reiterating the appeal with which I commenced. Do not, Mr. President, and gentlemen of the Convention, permit yourselves to be influenced by prejudices naturally consequent on the feeble and un-killful manner in which I have advocated this proposition. But weigh the subject upon its own merits, direct to its investigation the resources of your own minds, give heed to the lessons which the experience of other States, and the oracular wisdom of departed Statesmen teach; and finally, in forming your conclusion, permit no bias arising from present political associations or reminiscences of gone by party struggles, to warp your

judgment on deciding what, for weal or for woe, may affect you and your children's children.

The question was then stated to be upon agreeing to the amendment of Mr. McHENRY.

On motion of Mr. SHRIVER, the Convention was called.

On motion of Mr. JOHN NEWCOMER, all further proceedings under the call were dispensed with.

The question again recurring on the amendment of Mr. McHENRY,

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

*Affirmative*—Messrs Howard, Buchanan, Welch, Sherwood, of Talbot, Colston, George, Shriver, Biser, Annan, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Michael Newcomer, Anderson, Weber, Hollydy, Shower, and Brown—24.

*Negative*—Messrs. Chapman, Pres't, Morgan, Blakistoe, Hopewell, Ricard, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Ridgely, John Dennis, James U. Dennis, Dasliell, Williams, Hicks, Hodson, Goldborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, Dirickson, McMaster, Hearn, Stephen-son, Thawley, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters Sheer, Fitzpatrick, Smith and Cockey—41.

So the amendment was rejected.

Mr. Davis said that some time ago he gave notice that he would move to reconsider the vote by which was adopted the article moved by the gentleman from Baltimore county. (Mr. Ridgely,) regulating the fees of clerks and registers, making them salaried officers instead of being compensated by fees and perquisites. He now moved to take up this motion to reconsider, and would have done so before had the gentleman from Baltimore county been in his seat. That gentleman now being present, he would avail himself of this opportunity to call up the motion.

I object, (said Mr. D.,) to this article, because of the manner in which it was passed. The gentleman matures his plan, expresses his own views upon it, and then, under the operation of the previous question, calls upon us to vote without consideration, without discussion or without amendment. This course seems to me to defeat the very object for which we were sent here; namely, consultation with each other, advice, reflection and deliberation. I cannot, for one, quietly submit to the practical operation of an iron rule, which was intended for no such object, and which practically defeats the will of the people in calling this Convention.

Secondly, I want to hear the views of experienced lawyers as to the practical effect of this proposed change in the mode of compensating our clerks. It seems to me that it will operate as a premium to litigious persons to go to law. It is unfortunately the case that we have in almost every community, persons who are fond of disputes—fond of law—but who are deterred from going to law by its expense. But the mo-