

Mr. Brown thought not. He would remark, that if a Convention was not called in 1860, as provided for by the amendment of the gentleman from Queen Anne's, (Mr. Spencer,) there could not be a Convention, at any rate, till 1870, at which time the relative power of the city of Baltimore, in regard to the rest of the State, would have changed. She had already four more representatives than the largest populated county in the State. But, suppose there should be no Convention till 1880, then by this amendment the basis of the Convention, if called, would be altered for the then representation of the two Houses of the Legislature.

Mr. GWINN observed that his objections were radical objections, which could not be altered by a change of phraseology. He denied that this Convention had the power or right to declare what basis should be adopted by the next Convention. You could not dictate or instruct a Legislature to be held ten years hence; and, if he was to be a member of it, he should no more regard the command than if it was so much waste paper.

Mr. THOMAS said, the gentleman from Prince George's, [Mr. Bowie] had declared that he could see no possible difference between the proposition pending and the other decided by the Convention.

Now, he, [Mr. T.] thought there was a distinction in favor of the one yet to be acted on. There was a difference. This article we proposed to incorporate, would harmonise with another important section already adopted. That article declared that no money shall be taken from the State treasury except by an appropriation made by law. He did not pretend to give the precise language of it. One of his objections to the substitute of the gentleman from Baltimore, [Mr. Brent.] had had its origin in the fact that it proposed to authorise the Governor of Maryland to take money from the treasury. The Governor was nothing but an individual citizen, clothed temporarily with certain authority. He was no wiser, no more patriotic by being clothed with authority than when he went into office. He would not give power of that character to an individual in or out of office.

When they were going to the State treasury, and to appropriate the money of the State, surely it was the representatives of the people alone that could touch the people's funds. So cautious and circumspect were the Convention in that respect, that they had adopted an article forbidding the Governor to enter into a contract to pay fees to counsel whom he might employ to protect the interest of the State. They could not allow the Governor of Maryland to appropriate the sum of five hundred dollars to enable him to pay counsel fees for extra assistance to the Attorney General; and had made it his duty, in certain emergencies, to call in the aid of counsel, but the counsel so employed were to be paid by the Legislature. He, [Mr. T.] was not present when that article was adopted. If present, he would have voted in the majority. Now, in reference to the two propositions, so far as regards the great question of popular rights, he could not for the soul

of him see any distinction between them. If this Convention, in the Constitution, made it the duty of the Governor of Maryland to take the sense of the people—whether he liked it or not—he would discharge the duty desired at his hands. He, [Mr. T.] had no fears of that. But could we suppose that the House and the Senate would be more recreant to their duty than the chief magistrate himself? If the Legislature was not to be trusted, who was to be trusted? He would not make it discretionary in the House, or the two Houses of the General Assembly, as to taking the sense of the people—he would make it imperative upon them.

These were some of the reasons why he preferred the last proposition to the first. He went heart and hand in favor of the proposition for taking the sense of the people periodically, whether in ten or twenty years—but he preferred ten; but he greatly preferred to make the Legislature the agents, that they might pass all the laws required for the execution of such a trust.

And then in pursuance of the order heretofore adopted, the Convention took a recess until four o'clock, p. m.

## EVENING SESSIONS.

FOUR O'CLOCK, P. M.

The Convention met,

And on calling the roll, it being ascertained that a quorum was not present,

Mr. SPRIGG, at ten minutes past four o'clock moved the Convention adjourn,

And that the question be taken by yeas and nays.

The yeas and nays were ordered and appeared as follows:

*Affirmative*—Messrs. Chapman, Pres't, Donaldson, Randall, Sprigg and Neill—5.

*Negative*—Messrs. Blakistone, Ricaud, Dorsey, Sellman, Howard, Welch, Ridgely, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Eccleston, McCullough, George, McMaster, Hearn, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, John Newcomer, Michael Newcomer, Davis, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Shower and Brown—43.

So the Convention refused to adjourn.

Mr. BRENT, of Baltimore city, moved the Sergeant-at-Arms be sent with the mace after the absent members in the city to enforce their attendance.

On motion of Mr. BLAKISTONE,

The Convention was called.

On motion of Mr. JOHN NEWCOMER,

Further proceedings under the call was dispensed with.

Mr. RICAUD submitted the following resolution:

*Resolved*, That this Convention will hereafter sit from ten o'clock, a. m., until four o'clock, p. m.

Which was read.