

not know what effect that argument might have had upon other members, but to his, [Mr. S's.] mind, it was conclusive, that this was an office created simply by law, and not known to the Constitution. This was an attempt to introduce an office unknown to it. The State agents were the mere creatures of the law, and were created in consequence of the State having embarked its means in joint stock companies. The State was perfectly competent to make and unmake those agents.

Now, was the office of a State agent like the office of a judge or sheriff, or like the other offices known to the Constitution. It was an office of temporary duration, and an attempt was made to give it perpetuity by inserting it in the Constitution. There seemed to him to be no valid reason why the Convention should introduce into the Constitution an office which might not last as long as that instrument, and which it was more than probable would end in fifteen or twenty years. He had resisted this project, which had just been acted upon, because he thought this subject could properly be confided to the body from which it emanated, and that the further and future regulations of the powers and duties of those agents might be safely confided to the same body that brought them into existence. But the Convention had decided otherwise. It had decided that those agents of the State should be elected by the people. He had no objection to their being elected by the people, provided it was the wish of the people themselves, as he had stated when he had the honor of addressing the Convention before. He had no objection to that feature, but he did object to putting in the Constitution an office which would not last as long as the Constitution, and which by its nature and duties was necessarily temporary. And with a view that the Convention should reconsider their vote, he would read, by way of argument, the following as reasons for the reconsideration.

The proposition, as the Convention would perceive, contained the same requirements with those in the plan adopted, but restricted the number to three and looked to the principle of economy and retrenchment, and not to the creation of a new office, but to the retrenchment of one existing. At present we had five State agents at one hundred dollars each a year. He wished the number to be reduced—first, as a measure of retrenchment, and next, because the body would act with more celerity than on the plan adopted, which constituted a board of four, because, upon a division, the treasurer of the State must be sent for to arrive at a definite conclusion. It was to be apprehended that very great inconvenience would ensue, as the treasurer must be present to decide any difference of opinion among the four State agents. Difference of opinion would necessarily result from the very constitution of the board, consisting, as it probably would, of two whigs and two democrats. He would not dilate on the subject as he had fully expressed his sentiments in arguing against the proposition before. But, as he had already said, this office was tem-

porary—it was not to run the course of the Constitution, because, we knew that the State of Maryland might hereafter do what she had already attempted to do, sell out her interest in the public works. In addition to that, she might transfer her stock of the Chesapeake and Ohio canal company, to the various counties of the State. By a provision of the Act of 1840, it was stipulated that when a certain period of time should have arrived, the stock of this Chesapeake and Ohio canal company, owned by the State, should be transferred to the different counties of the State and the city of Baltimore, in proportion to the amount paid in by each. There was another reason, and it was this, that when the State debts were paid off, there would be no necessity for the exercise of the proposed duties of those agents. But, certainly, in the event of the stock being transferred to the several counties, the duties of the agents would instantly cease, as each county would vote its own stock. These were the reasons why he was opposed to inserting in the Constitution, as he had stated, an office which was necessarily limited in its duration. He preferred that the power should be lodged with the Legislature, which could mould the system to every exigency.

Mr. RIDGELY said, he would ask the gentleman from Washington, (Mr. SCHLEY,) a single question. If he understood his objection to the bill which had passed the House, and which he now desired to have reconsidered, it was based upon the fact that the office of commissioners of the public works now created by the Constitution, was, in its nature, merely temporary, and that, therefore, it was improper to make it a constitutional appointment. Now, the proposition read by the gentleman, which he intends to offer as a substitute, should the motion to reconsider prevail, embodies in the Constitution fixed districts, from each of which, one of these commissioners shall be taken, and thereby necessarily gives constitutional permanence to the office. How then does he obviate the objection which he has urged against the bill as passed?

Mr. GWINN moved to lay the motion to reconsider on the table.

Whereupon,

Mr. SCHLEY demanded the yeas and nays,

Which were ordered,

And being taken, resulted as follows:

*Affirmative*.—Messrs. Dorsey, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Chambers of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Fiery, Neill, John Newcomer, Harbinc, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

*Negative*.—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Bond, Brent of Charles, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Bowie, Tuck, Sprigg, McCubbin, Bowling, Di-