

course of argument. Is he prepared or willing to stand by the compromises in that Constitution? Is it right that he should require others to do that, which he himself is not ready to do? If federal numbers are to be adopted here because they are found in the Constitution of 1836 would not the same argument apply with equal force to the adoption of any other provision which it contains? Does the gentleman see and understand the extent of his argument?

But he says that federal numbers are adopted in the Constitution of the United States, and if right there, they will be right and proper in the Constitution of Maryland. He has referred to the slave population in different States, at the time the federal Constitution was adopted, and to the slave population in different parts of Maryland now, for the purpose of shewing that the same comparative disparity in number exists in Maryland, as did then in some of the States. And from this fact he has arrived at the very rapid, if not satisfactory conclusion, that federal numbers are as applicable to Maryland as they were to the States. That gentleman cannot certainly have forgotten the history of this feature in the Constitution of the United States. Does he not know that "federal numbers" in that Constitution was a compromise which went hand in hand with taxation? The one compromise could not have been adopted without the other. If he will refer to the "Madison papers," he will find that taxation and the proper basis of representation were among the most difficult and troublesome questions that came before the federal Convention. The views of many of its distinguished members widely differed as to the proper subjects of taxation, and the classes to be represented. Some claimed that all the property in the States should be made subject to taxation—others that houses and lands only should be, and others that the States should contribute their quota of taxes according to population.

In reference to the subject of representation, the white basis, gross population, the free population, the whites and slaves, excluding free blacks, all found their respective advocates. These two questions were finally compromised, and federal numbers agreed upon as the basis of both representation and taxation. Does the same reason exist for the adoption of federal numbers in the State of Maryland? Do gentlemen, who so zealously advocate them, propose that taxation and representation shall be united? I take leave to refer to the thirteenth section of the bill of rights, which this Convention has already decided to retain, and there I find the following language:

"But every other person in the State ought to contribute his proportion of the public taxes for the support of the government according to his actual worth in real and personal property."

This Convention has then decided that federal numbers are not to be made the basis of taxation. How, therefore, can it be claimed in settling this question of representation by itself, that because they have been adopted in the federal Constitution, they should also be adopted in the

Constitution of Maryland? *Cessante ratione, cessat et ipsa lex.*" The adoption of this basis here, would be fraught with injustice. It would be wholly unsupported by reason or a single scintilla of right. Gentlemen may call it a compromise, but it is no compromise. Look for a moment to its operation. But three-fifths of the slave population are to be represented, while the free negro is entitled to a full representation equally with the white man. What reason is there for placing him, in this respect, on a footing with the white man? Why should you give him a greater representation than the slave? Has he more political rights? Can you require him in time of war to enlist in your armies? Is he a better or a more serviceable person? Does he bring more into the treasury of the State, than the slave? No, sir. Why then this arbitrary distinction? Are the twenty-three thousand free negroes of Baltimore city, to be estimated in arranging representation, when the same number of slaves is to be counted but as thirteen thousand eight hundred? Is this doing justice to the Southern counties?

I care not to refer to the Constitutions of other States, to see whether or not they have adopted federal numbers. The gentleman from Prince George, (Mr. Tuck,) a few days since reviewed them with reference to this question. I fully concur in the views which he then expressed. For myself, I will say, that even if every State, south of Mason's and Dixon's line, had adopted federal numbers, I should still oppose them as strenuously and as earnestly as I now do. I am at all times willing to be guided by the experience and example of others, when they are founded in truth, but I cannot follow them where they lead to manifest error. That which is wrong cannot be made right because other States may have chosen to adopt it. Though old and common place, it is nevertheless true, that "two wrongs never made a right." In a word, I can see no reason for applying federal numbers to Maryland, and I trust that no system of representation will be adopted here, which is based upon them. If members are to be taken, let them be adjusted upon gross population. I will not detain you by an argument in favor of its claims upon your consideration. All the propositions which have been offered for the adjustment of this question, look either to that or to federal numbers. None has yet been offered looking to the white basis. If any should be, I am prepared to discuss its merits as compared with gross population, and shall then offer you the views, which have, at least, satisfied my own mind upon the subject.

The gentleman from Anne Arundel, [Mr. Dorsey,] has proposed to district the city of Baltimore. I will say in the outset, that I am decidedly in favor of it, most especially if she is to have an increased delegation. The gentleman from Allegany, [Mr. Weber,] has said, that he is in favor of districting the whole State, because it allows minorities to be represented, but he cannot go for it in the city of Baltimore alone. If it is right and just in the whole State, it would seem to me to follow as a necessary consequence