

Which was read, and

Referred to the committee on the Militia.

On motion of Mr. WATERS, it was

Ordered, That it be entered on the journal that Mr. DAVIS has been called home by the indisposition of a member of his family.

On motion of Mr. McLANE,

The Convention resumed the consideration of the report submitted by him on the 1st of February, as chairman of the committee on the Treasury Department.

The question pending before the Convention, yesterday, was on the amendment offered by Mr. BOWIE, to strike out the word "Comptroller," in the first article, and also to strike out the words "chosen by the qualified electors of the State at each election of members of the House of Delegates, and shall receive an annual salary of three thousand dollars, also of," and insert in lieu thereof the following:

"Who shall be the Governor of the State for the time being, and."

Mr. DORSEY remarked, that the first act of Assembly relating to this subject was the act of 1834, chapter 279, section 1, which provided that the interest of the debt should be paid by the commissioner of loans, at the city of Baltimore. He admitted that that law was not a Constitutional provision under the article of the Constitution of the United States, which declared that no law should be passed by any State impairing the obligation of a contract. If a State could not pass such a law, a Convention could not pass such a law. But that law had reference to the public faith, and ought not to be changed but on urgent necessity; the stock may have been subscribed for, or purchased in reference to the law, and under the belief that the interest was to be paid in the city of Baltimore. He then read the act of 1837, chapter 52.

In regard to the constitutional obligations of the Constitution of the United States, (continued Mr. D.,) not to impair the obligations of a contract, one of the stipulations which this contract made, was that the interest should be paid at the office of the commissioner of loans in the city of Baltimore. If they had a right to change that, they had a right to change all the terms of the contract; you may make the sterling bonds, the interest whereof is now payable in London, payable at the city of Annapolis. In support of his argument Mr. D. then read the act of 1839, ch. 12, section 12.

[THE CHAIRMAN'S hammer here fell, Mr. DORSEY'S time having expired.]

Mr. BOWIE cared not what provision they engrafted, placing the entire control of the treasury under the supervision of the Comptroller and Treasurer; it would have nothing to do with the acts of Assembly now in force in relation to the payment of the interest on the public debt which the gentleman had read, and placing a particular portion of the department under the supervision of particular officers. It would not repeal one, except so far as the issuing of bonds might be regulated by these acts of Assembly, and placed under the control of the commissioner of loans. The ob-

ject of this bill, as he understood, was to place all this matter under the supervision of the comptroller and treasurer.

Mr. HOWARD only wished to say, in addition to what the gentleman from Prince George's had said, that with regard to constitutional obligations, if it was a part of the contract that the dividends were to be payable in Baltimore city, the comptroller would have them there paid.

Mr. BOWIE. I say that it does not repeal an act of Assembly.

Mr. HOWARD concurred with the gentleman; and thought that it would still leave the contract in force. There was no stipulation in this bill that the comptroller should pay the interest here in Annapolis. It only said that he should keep his office here, as the treasury of the United States was kept at Washington, and pensions were paid all over the United States. In that the obligation to keep the office here did not imply that the dividends should be paid here or anywhere else. If, therefore, there was an obligation imposed upon the State of Maryland to conform to these bonds, that obligation passed over to the comptroller, and he was bound to do the same thing. Therefore, the objection of the gentleman from Anne Arundel was not sustained. He did not understand whether the gentleman meant to say that the substitution by the State of one officer for another officer, would be a violation of the contract so far as to impair its obligation.

If the gentleman meant to say that, then he, (Mr. H.,) thought it would be exceedingly difficult to maintain such a proposition in a legal argument, for it would be a mere change of officers, leaving all the laws in force and maintaining the obligation of a contract. He had never seen a decision of the highest tribunal of the land that would carry the doctrine so far as that—that the mere change of an individual to perform a certain duty was a violation of a contract to impair an obligation. He would only say that the gentleman from Anne Arundel county, (Mr. Randall,) in addition to what had been said by the gentleman from Prince George's, (Mr. Bowie,) satisfied him completely that there was an absolute necessity to pass this bill, for the purpose of throwing additional guards around the treasury. He did not know whether gentlemen had ever examined the treasurer's books; he examined them some years ago, with the aid of the treasurer, and he could not understand them. He doubted whether any member of this body could understand them, without two or three day's training—so that the treasurer might mistify the books, and it would never be found out. He hoped they would pass this bill.

Mr. DORSEY in addition to the acts of assembly he had referred to before, read the act of assembly passed in 1847, chapter 21.

He said that he understood, and he did not think it could be construed differently, that if this law should pass, it would abolish the office of commissioner of loans. All the duties of that officer would be transferred to the seat of government, in the city of Annapolis, with no other office of that description, and the comptroller