

article did not say so. After the elections were held, the qualifications would take place.

Mr. CHAMBERS replied that the difficulty would still occur.

Mr. BOWIE referred the gentleman to the fourth section.

Mr. CHAMBERS. When does the election take place?

Mr. BOWIE. When the terms expire.

Mr. CHAMBERS. Then we would have to do what we ought not to do. We would elect Senators instead of the people—there is the difficulty.

If they should take any session, he cared not which, there would be some members of the Senate who would, with that session, have to serve out their time. The lots were to take place; the names were to be placed in a hat, and the first name drawn out, would entitle the person to serve four years, although it might be a member whose term would expire in one year.

That would not be right, they would not in such case be elected by the people, and for the time they were to serve. But there was a perfectly easy remedy. The classification should be for two or four years, and they should be qualified by a provision that no Senator should serve for a longer time than that for which he was elected. A Senator should not be put into the class which could not extend the time for which he was elected. They would thus give the Senator the term for which he contracted to serve.

Mr. THOMAS made some further remarks.

Mr. DONALDSON said :

That no formal arrangement had been entered into by opposite parties in the House, in regard to this matter. What had been alluded to was an understanding between the gentleman from Queen Anne's, (Mr. Grason,) himself, and one or two others. The remarks of the gentleman from Frederick, (Mr. Thomas,) had brought out a point which was not new to him, [Mr. D.] The gentleman was perfectly correct in saying that such a difficulty existed as he had point out; he, Mr. D., saw it when then the subject first came up, and therefore readily assented to a postponement, that some scheme might be devised for carrying out his wishes. He had afterward, in fact, drawn up in detail, a section, making what seemed to him a proper arrangement; but had laid it aside after the conference with the gentleman from Queen Anne's, preferring that that gentleman should introduce a proposition, in order that the settlement of the terms of the Senators now in office should not seem to wear a party aspect. Mr. D. said, that he, as well as the gentleman from Frederick, deprecated any plan which continued any Senators beyond the terms for which they were elected; but he disagreed entirely with that gentleman in his idea that there was no practical arrangement which would not have that effect. He thought he could propose a very simple plan, which would at once be admitted to be free from the objections urged. It was true, as the gentleman from Frederick had said, that, as the term of one-third of the present Senators expired in the fall of 1852, if

the present Senate were all continued in office for the next two years, the term of this one-third would be lengthened. But he, Mr. D., had prepared an amendment to be appended to the third section, which would obviate the difficulty. He proposed that one-third of the old Senators, being those elected in 1846, should go out at once, and new ones be elected in their place next fall; and then if the Convention adopted the amendment to the fourth section proposed by his friend from Kent, [Mr. Chambers,] the arrangement would be complete, and yet the term of no Senator would be prolonged beyond the time for which he was originally elected.

Mr. D. then moved to amend the third section by adding at the end thereof:—"but an election for Senators shall be held in the year 1851, in Howard county, and in all those counties in which Senators were elected in the year 1846.

Mr. BOWIE moved to amend said amendment by striking out all after "Howard county," to the end of said section.

Mr. BOWIE was of the opinion that as the Constitution now stood, every person elected a Senator for six years would serve till the expiration of that term. If he were a judge, he would construe this Constitution as relating only to all future elections to be held for four years, after the Senators sitting under the old Constitution should have served out their terms. The classification began only after those had served out terms. He wished to carry out the provisions of the old Constitution by permitting Senators to serve their terms out, but that all new elections hereafter should be for four years.

Mr. SPENCER moved the previous question, which was seconded, and the main question ordered, viz. on the adoption of the amendment of Mr. BOWIE.

Mr. BOWIE moved that the question be taken by yeas and nays, which being ordered, appeared as follows:

*Affirmative*—Messrs. Welch, Bowie, McCubbin, Fooks, Kilgour and Brewer—6.

*Negative*—Messrs. Chapman, Pres't., Blakistone, Dent, Lee, Chambers of Kent, Donaldson, Wells, Randall, Kent, Howard, Bell, Chandler, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, Miller, McLane, Tuck, Sprigg, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Thawley, Hardcastle, Gwinn, Stewart of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Cockey and Brown—64.

So the amendment was rejected.

The question then recurred on the adoption of the amendment offered by Mr. DONALDSON; and, being taken, it was

Determined in the affirmative.

The third section was then adopted as amended.

Mr. CHAMBERS, of Kent, moved to amend the