

your own use. In that case, carrying out the analogy, he should be paid for it by you; but he should not be paid for it by you, when you, sitting as a judge, have simply decided that mine was the paramount right. Can a thing be plainer than that? That is just the difference between these two cases. We interfere with no right when we adjudge that the right of another claimant is paramount to that of the claimant in possession.

But this is not entirely relevant to the point before us, which is the maintenance of superannuated slaves, or those infirm and unable to take care of themselves. Is there not sufficient legislation upon that subject? Is there not sufficient power in the hands of the legislature to control that? We have always had in the State of Maryland persons who were paupers, unable to take care of themselves. "The poor ye have with you always." We have provided for them. The powers of the legislature have been found ample. They are ample still. The amount or extent of the difficulty which will arise from the enactment now before us it is impossible to determine. It may be great; it may be small. This convention, sitting here at this time, with the future all unexplored and untried, without the power of absolute foreknowledge or omniscience, cannot assume to measure the extent of the evil that may arise. I think it is wisest, therefore, to leave the hands of the legislature untied in this matter. They have in point of fact the authority to provide by general law for the maintenance of paupers, if paupers are found in the State; and to decide how they shall be disposed of. If there be children, if there be vagrants unable to take care of themselves, the laws as they exist are sufficient to control the subject amply; and if not, the legislature has power to revise them, to abridge any part of them, to add to them, to modify them. The power of the legislature over this subject, without the adoption of any section like that before the convention, is full and ample. Why, then, this effort to pass it? I see no utility in it. It cannot do any good, and may hamper the legislature. I shall therefore vote against the section offered.

Mr. PUGH called the previous question.

Mr. BERRY, of Prince George's, demanded the yeas and nays upon sustaining the previous question, and they were ordered.

The question being taken, the result was—yeas 41, nays 26—as follows:

*Yeas*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hoffman, Hopkins, Hopper, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Sneary, Stirling, Swope, Sykes, Thomas, Todd, Wooden—41.

*Nays*—Messrs. Berry, of Prince George's, Blackiston, Bond, Brown, Chambers, Crawford, Dail, Davis, of Charles, Dent, Duvall, Edelen, Hollyday, Horsey, Jones, of Cecil, Jones, of Somerset, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith, of Dorchester, Stockbridge, Valliant, Wilmer—26.

As their names were called,

Mr. STOCKBRIDGE said: Having been accorded the privilege of addressing the convention, I cannot of course deny to others the privilege accorded to me; and I shall therefore vote "no."

Mr. VALLIANT said: I am very desirous of voting for the amendment as proposed by the gentleman from Anne Arundel (Mr. Miller.) I desire, however, before voting for it, to have an opportunity of submitting an amendment to strike out the word "shall," and insert "may." I do not desire to bind the legislature. I therefore vote "no."

The call for the previous question was sustained.

The question being stated upon the adoption of the amendment submitted by Mr. MILLER:

Mr. BERRY, of Prince George's, demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 24, nays 43—as follows:

*Yeas*—Messrs. Berry, of Prince George's, Blackiston, Bond, Brown, Chambers, Crawford, Dail, Davis, of Charles, Dent, Duvall, Edelen, Hollyday, Horsey, Jones, of Somerset, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith, of Dorchester, Valliant, Wilmer—24.

*Nays*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones, of Cecil, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Wooden—43.

As their names were called,

Mr. THOMAS said: I vote "no" upon this proposition for two reasons; first, because I conceive that the legislature has already the power to provide for what is intended to be provided for by this section; secondly, because I believe the legislature has already exercised that power, and there is sufficient legislation to meet all the provisions of this section.

Mr. VALLIANT. I am sorry I have so frequently to explain my vote. I shall vote differently from the majority in this case, for I shall vote for the section as embracing my views precisely. The words "if necessary" which I overlooked, leave this, as I desired to leave it, to the discretion of the legislature. The statement of the gentleman from Balti-