

FRIDAY, February 14, 1851.

The Convention met at eleven o'clock.

Prayer was made by the Rev. Mr. GRAUFF.

The Roll was called, but no quorum was present.

Mr. JOHN NEWCOMER moved that there be a call of the Convention—which was ordered.

And the roll of the members having been again called—and a quorum being present,

On motion of Mr. JOHN NEWCOMER, all further proceedings on the call were dispensed with.

The Journal of yesterday was then read and approved.

The PRESIDENT, *pro tem.*, laid before the Convention a communication from the clerk of Kent county court, in obedience to the order of the Convention of the 15th of November, which was read, and, on motion of

Mr. RICAUD, was referred to the committee on the Judiciary.

MOTIONS TO RE-CONSIDER.

There being no morning business before the Convention,

Mr. THOMAS called up the motion, of which he had yesterday given notice, so to amend the twenty-first rule of the Convention as to provide that motions to re-consider might be made by any member of the Convention, and not, as at present provided, by members alone who had voted with the majority.

The amendment having been read,

An explanation of its object was made by Mr. THOMAS.

The proposition was opposed by Mr. DORSEY, and sustained by Messrs. PHELPS and THOMAS.

After which the question was taken, and the amendment, by ayes 38, noes 20, was agreed to.

THE LEGISLATIVE DEPARTMENT.

The PRESIDENT, *pro tem.*, announced the special order of the day, being the report heretofore made by Mr. JOHNSON, Chairman of the Committee on the Legislative Department.

BIENNIAL SESSIONS.

The section under consideration at the hour of adjournment yesterday, was the second section of the report as amended.

And the question immediately pending was on the amendment proposed by Mr. SPENCER, to add at the end of the said second section the following:

"But the Legislature shall have the right to provide by law for annual sessions."

Upon this question Mr. SPENCER was entitled to the floor.

Mr. HOWARD called for the reading of the section and of the amendment—which were read.

Mr. SPENCER said his object in moving an adjournment on the day previous, was to give time to consider the amendment which he had offered. It was then late in the day, after three o'clock, and, notwithstanding he considered the question an important one, he was unwilling then to detain the Convention by an argument on the question.

He was in favor of biennial sessions, because the people of the State had so determined, and we had no evidence that a change in public sentiment had taken place.

He was of opinion, that for a few years, there would exist a necessity for annual sessions. If the Constitution, which we are now modeling, shall be accepted by the people, then it will necessarily follow, that we shall require the best wisdom of the State to legislate on the subject, and frequent sessions of the Legislature for a few years. The Constitution will embrace principles; the Legislature which is to follow, must carry out the details. Under such circumstances, he was in favor of leaving a discretion over the subject in the Legislature. Hence, it was, that on yesterday he advocated, for the present, annual, leaving it to the Legislature to provide for biennial sessions. He thought that this discretion might be safely reposed in the Legislature, the peculiar tribunal of the people. If we provide in the Constitution for biennial sessions only, and leave no discretion over it any where, then the people of the State might be put to great inconvenience, growing out of the operations of the new government; to remedy this, he offered his amendment to provide for biennial sessions, but as the Convention indicated, by its vote, a preference for biennial sessions, he had offered the one now under consideration. He offered it under the most solemn conviction, that it would prove a shield of defence in case of an emergency, when delay in legislation would be attended with great public inconvenience. If it is opposed, it can only be because we are afraid to trust the representatives of the people. We shall abridge their power, so as to prevent them from altering the Constitution, and it is not likely that the people will exercise the power, for some years to come. In the meantime, great exigencies may arise which may require prompt legislation. Some discretion must be reposed in the Legislature, on a question so important.

It is said that it will be used as a political hobby. There need be no such fear. There is much better ground to apprehend that the Legislature will be afraid to provide for annual sessions even in case of a necessity, than they would recklessly resort to them. Men are more apt to support popular than unpopular measures.

Mr. RANDALL suggested to the gentleman from Queen Anne, (Mr. Spencer,) to add to his amendment, the words "and shall have the power to change the times of the meeting of the Legislature."

Mr. R. said, it was his intention to vote in favor of the amendment of the gentleman from Queen Anne, though he, (Mr. R.), should prefer it with the addition he had suggested. He should vote for it, because he thought that neither annual nor biennial meetings of the Legislature, ought to be a matter of permanent constitutional law. He thought that the suggestion made yesterday, that a clause should be inserted in the Constitution, providing exclusively for annual sessions, might be productive of injurious consequences. Such, also, he, (Mr. R.) believed would be the case, by providing in the Constitu-