

not the slightest application to me, nor as far as I know, to those gentlemen to whom the gentleman's remarks were applied. We all considered the act unconstitutional, and the more we have thought of it, the more thoroughly have we been convinced it is so. I have heretofore expressed my views in regard to this matter, and have no design to repeat them.

Mr. DONALDSON regretted extremely, that it was out of his power to vote for the amendment offered by the gentleman from St. Mary's. (Mr. Blakistone.) He would do so with all his heart, if he could consistently with what he considered the obligations of the law under which the Convention assembled. His opinion had always been, and he had so declared in the early part of the session, that although he believed the law calling the Convention was in its inception unconstitutional, yet, having been ratified by the whole people, who had acquiesced in its provisions, and had chosen us as delegates under it, that law was necessarily in all its details the rule of our action. By its terms he believed himself strictly bound. It is true, the gentleman from Kent, (Mr. Chambers,) had advoted an entirely different theory.

Mr. CHAMBERS, of Kent, here interposed to say, that he ought to have stated in his remarks, that a class of gentlemen here held the theory of the binding effect of the law upon the Convention from subsequent ratification by the whole people, as advanced by his friend.

Mr. DONALDSON merely meant to say, that his opinion on that point remained unchanged, and he was therefore prevented from changing the terms of that law in regard to the submission of the form of a new Constitution to the people, or the number of votes which would be necessary for its adoption. If the Chancellor and Chief Justice of the State, in proclaiming that this law was passed by a majority of the legal voters of the State, only looked to the majority of the votes cast at the election, he considered that the Convention was bound to leave this latter part of the act to the same construction, and had no right to require any thing more than a majority of the votes cast.

Most gladly would he vote for the amendment, if he could; for so, in his opinion, should the law have been originally framed, and it seemed to him lamentable, that less than a majority of the voters actually resident in the State, should have the power to introduce important changes in the organic law of the State. Yet the act of Assembly under which we are assembled here, and which I believe was ratified in its terms by the people in the very act by which they elected us, has prescribed a different rule, and I have only to submit, hoping that all the voters of the State will be present at the polls to make their decision upon the work done here, or that at least the majority of the votes actually cast will produce the same result as would be produced by the fullest attendance.

The question was then stated to be on the amendment offered by Mr. BLAKISTONE.

Mr. HARBINE moved the previous question;

Which was seconded, and the main question ordered, viz :

On the adoption of the amendment of Mr. BLAKISTONE.

Mr. BLAKISTONE demanded the yeas and nays; Which were ordered, and being taken,

Were as follows :

*Affirmative*—Messrs. Chapman, Pres't., Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Brent, of Charles, Merrick, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour, Waters and Smith—35.

*Negative*—Messrs. Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Colston, Constable, Miller, McLane, Bowie, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—52.

So the amendment was rejected.

The question then recurred on the adoption of the article.

On motion of Mr. BLAKISTONE,

The three first clauses were severally read and adopted.

The question was then on the 4th clause of the article.

Mr. DORSEY moved that the question be taken by yeas and nays;

Which being ordered,

Appeared as follows :

*Affirmative*—Messrs. Chapman, Pres't., Morgan, Ricaud, Donaldson, Brent, of Charles, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Colston, Eccleston, Phelps, Constable, Miller, McLane, Bowie, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—60.

*Negative*—Messrs. Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, John Dennis, Williams, Hicks, Goldsborough, Tuck, Sprigg, McCubbin, Bowling, Fooks, Jacobs, Kilgour and Waters—24

So the 4th article was adopted.

Mr. WARE presented a memorial of the officers of the First Light Division of Maryland Volunteers, in relation to the organization of the militia of the State;