

shall take place throughout the State, on the first Wednesday of October next, and on the same day every third year thereafter; and in case of a tie between two or more persons for said office, then, the Judge or Judges of the court having criminal jurisdiction in the county, Howard district, or city of Baltimore, in which said tie may happen, shall designate which of said persons shall qualify as Prosecuting Attorney.

On motion of Mr. SHRIVER, the report was ordered to be printed.

BASIS OF REPRESENTATION.

Mr. MERRICK said that it was his intention this morning to have made a report from the committee on representation. He desired, however, when he made it, that the other members of the committee should be present. He thought it was the intention of two or three of them to make independent reports. He should be glad to make his own sometime in the course of today, but should prefer delaying it until the other members of the committee should be in their seats.

The mode in which the report came in was somewhat peculiar, and for this reason he preferred that it should be made in the presence of the other members of the committee. He would suggest, therefore, that if they should not be in their seats before the Convention passed to the orders of the day, he should be allowed, at some period of the sitting, to move to suspend business, in order that the report might be presented.

Mr. HOWARD said he hoped that the Convention would accord to the Chairman of the committee, (Mr. Merrick,) the privilege making his report in the manner suggested. The committee had had frequent meetings, and had at last agreed to bring the subject matter of their deliberations before the Convention in a very imperfect shape, because it was the only mode in which the committee could accomplish the object. But it was an important mode. There were two minority reports, besides a partial report of his own, which, with that of the Chairman of the committee, would make four reports altogether.

The PRESIDENT suggested that the Convention would, without doubt, grant to the gentleman the privilege of making his report at any time during the day.

Mr. MERRICK. The report which it is my intention to make, is not a report in which the committee, as a committee, concur. It is a report which I, as chairman, shall make by the permission and authority of the committee—they having reserved the right to act upon it as they please.

It is only for the purpose of bringing the question before the Convention, according to the usual forms, that the report will be made.

Mr. SMITH could not see any good reason, he said, why the regular business of the Convention should be interrupted for the purpose of receiving this report.

The gentleman from Charles, (Mr. Merrick,) could now present his report, and the minority reports could be made whenever the gentlemen were present. In the meantime, the report of

the chairman of the committee would take the usual course. It was utterly impossible to understand reports which were read from the clerk's table, owing to the confusion in the Hall.

He, [Mr. S.] preferred that the gentlemen should hand in their reports, and that they should be printed. They could then be read and understood by the members. The question was a very important one, and this, he thought, would be the best course that could be adopted.

Mr. CHAMBERS, of Kent, now took his seat.

Mr. HOWARD, speaking for the other member, (alluded to by Mr. MERRICK,) and who was not at the moment in his seat, (Mr. Lloyd,) suggested that Mr. MERRICK should make his report.

Mr. MERRICK, acquiescing in the suggestion, said, he would present his report at this time—prefacing it with the remark that, after long and anxious deliberation, and comparison of views and arguments, the committee had found it impossible to concur by a majority, in any plan whatsoever. Aware of the difficulties which would embarrass the Convention, if they should come before it without some scheme as a basis of action, and should ask to be discharged from the further consideration of the subject, the committee had authorised him, as their too much honored chairman, to present a report which embodied simply his own views.

But, it came in, he repeated, by the permission and under the authority of the committee. At the same time, he was bound to say, that each and every member of the committee, (except himself,) had reserved to themselves the privilege of adhering to their several and respective views and opinions, and had directed him to say, that they desired the Convention not to hold them committed, individually or collectively, to any of the principles or details of the report. And it was solely for the purpose of bringing the subject in an orderly and regular manner, before the Convention, that the committee had authorised this report to be made.

The report which he now presented, varied from the scheme which he, himself, had formerly submitted, and had had referred to the committee on representation. But it varied only in this respect—that, upon further reflection, he had thought it would be well to provide for the representation of fractions in sundry counties. [Mr. M. explained.]

The result in the several counties varied from the result anticipated in the project and tables he had before submitted. This was attributable to the difference in what it was supposed would be, and what were now known to be the census returns.

Mr. M. now read the report as follows:

REPORT.

Section 1. The legislature shall be formed of two distinct branches, a Senate and a House of Delegates, which together shall be a complete legislature, and shall be styled the General Assembly of Maryland.

Sec. 2. The House of Delegates shall consist