

of the terms "just liability," employed in the amendment of the gentleman from Harford, [Mr. McHenry.]

Mr. BOWIE said, he could well conceive, with the gentleman from Harford, that some legislation might be necessary to consummate an engagement already entered into, upon the faith of the State, in relation to these works of internal improvement. He was not ready at this moment to specify. There were a great many contingencies which might take place, rendering such an appropriation necessary; and the Convention should not impose restrictions upon the Legislature, which would prevent them, in the exercise of an honest discretion, from making such an appropriation, if it should be required.

Mr. B. renewed the demand for the previous question, but, with the consent of Mr. MERRICK, waived it.

Mr. GRASON made some remarks which will be published hereafter.

Mr. DONALDSON gave notice that he would, at the proper time, offer an amendment, [which was read, and will be found hereafter.]

Mr. DONALDSON said:

He hoped there was no doubt about the adoption of the amendment he proposed. He considered it essential for the purpose of making perfectly sure the fulfilment of the State's obligations. It was most probable, that we never should have to borrow for the purpose of paying the interest of the debt, at any quarter; but that such a necessity should occur, was by no means impossible, and in maintaining the State faith, there should never be any uncertainty. He had stated several times before, that on account of the great inequality of receipts and expenditure, at the different quarters, we might have a considerable surplus of revenue in the whole year, and yet a deficiency at a particular quarter. By the temporary failure of some of the public works, or by the occurrence of some unforeseen casualty, there might be a deficiency at some quarter of more than fifty thousand dollars, which was the extreme fixed in the article of the gentleman from Queen Anne's [Mr. George.] The treasurer now had the power, conferred by the Legislature, to make a loan for such a purpose, according to the actual necessity. He thought that power should not be abridged.

Mr. D. said, he had no intention of again arguing the propriety of restricting the Legislature, to the extent proposed in this article. That the Convention had settled in opposition to his views, whether wisely or not, would be hereafter seen. But he could not help remarking, that it seemed to him a mere mockery, to provide, as this article did, for levying a tax to pay off, in the course of fifteen years, a debt, which, in the aggregate, should not exceed one hundred thousand dollars. Such a debt could be paid off without taxation, in less than a year. Our annual surplus now, is more than three hundred thousand dollars. He supposed that it was contemplated to have all the financial machinery of a regular sinking fund, to absorb this immense sum of one hundred thousand dollars, in fifteen years; and until that was effected, we could not even re-build the State-

house, the Hospital, or the Tobacco warehouses, in case they should burn down. It really would be a great deal better, in his opinion, to take away entirely the power to borrow in any event, than to put such a provision as this, in our Constitution, which was now seriously proposed.

Mr. SPENCER. One word as to the term of fifteen years. The gentleman from Anne Arundel, seemed to regard this proposition as frivolous. So it would be in different circumstances. But the State of Maryland is largely in debt—to the amount of millions. If the State was out of debt, one hundred thousand would indeed be nothing. But this one hundred thousand dollars, when added to the millions already outstanding, helps to make the debt more onerous. He thought it right that the restriction should be inserted in the Constitution. The limitation of fifteen years had been fixed on, owing to the peculiar situation in which the treasury now stands.

The question was then stated to be on the amendment of Mr. McHENRY.

Mr. McLANE referred to the latitude of construction of which, in his judgment, the amendment was susceptible, and invited the gentleman from Harford, [Mr. McHenry,] to state what, in his view, this "just liability" was.

Mr. McHENRY replied that he could only answer for his own intention and object. These, he supposed, he had sufficiently explained, in the remarks he had before made. He referred again to the contingency of a revulsion, such as had occurred in 1837, when all the sources of revenue might be stopped. He also declared that he had in view the payment of any just claim against the State, whatever its extent might be.

Mr. McLANE felt himself less disposed, he said, to support the proposition under the explanation of its object made by the gentleman who offered it, than he had been before, and indicated his intention to vote against it.

Some explanatory conversation followed between Messrs. BOWIE and McLANE.

The question then again recurred on the amendment of Mr. McHENRY.

The yeas and nays were ordered.

The question was then taken and the result was as follows:

*Affirmative* — Messrs. Chapman, President, Blakistone, Kent, Hopewell, Ricaud, Lee, Chambers, of Dent, Donaldson, Dorsey, Wells, Randall, Weems, Merrick, Crisfield, Goldsborough, Bowie, Sprigg, Bowling, McMaster, McHenry, Schley, Fiery, John Newcomer, Davis and Smith—25.

*Negative*—Messrs. Sellman, Bond, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Dashiell, Hicks, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Fooks, Thomas, Shriver, Gaitner, Eiser, Annan, Sappington, Stephenson, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Prestman, Ware, Neill, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Shower, Cockey and Brown—45.

So the amendment was rejected.