

Mr. DORSEY moved to amend said section by striking out the words "Speaker of the House of Delegates," and substituting in lieu thereof "President of the Senate."

Some explanation as to the propriety of the amendment, passed between Messrs. DORSEY and GRASON.

The question was then taken, and

The vote stood ayes 31, noes 32.

So the amendment was rejected.

Mr. BRENT, of Baltimore city, moved to amend the said third section in the first line, by striking out the words "the Speaker of the House of Delegates," and inserting, "Secretary of State for the time being."

Mr. B. briefly explained the amendment.

Messrs. GRASON and SPENCER opposed it.

Mr. BRENT, not desiring, he said, to excite debate, and feeling no solicitude as to the adoption of the amendment, withdrew it.

Mr. DORSEY moved to amend the section by inserting before the word "votes" in the third line, the word "legal."

Mr. GRASON opposed the amendment as unnecessary.

The amendment was agreed to.

Mr. GRASON moved further to amend said section by striking out in the fourth line the words, "first Monday," and inserting in lieu thereof, "second Wednesday."

The amendment was agreed to.

And the third section, as amended was adopted.

The fourth section of the report was then read as follows:

Sec. 4. And if two or more persons should have the highest and an equal number of votes, then one of them shall be chosen as Governor by the joint ballot of the Senate and House of Delegates; and all questions in relation to the legality and number of votes given in the election of Governor, and in relation to the returns of said election, shall be determined by the House of Delegates.

Mr. DORSEY moved to amend said section by inserting after the word "Governor" in the fifth line, the words "his eligibility."

Some explanation followed on the part of Messrs. DORSEY, GRASON, JENIFER and CRISFIELD.

Mr. CRISFIELD moved as a substitute for said amendment to insert after the word "election," in same section and fifth line, these words, "and in relation to the qualifications of the persons voted for as Governor."

The substitute of Mr. CRISFIELD was rejected.

The question recurred on the amendment of Mr. DORSEY.

Further explanations passed on the part of Messrs. BRENT, of Baltimore city, GRASON, BOWIE, BROWN and DORSEY.

The question was then taken, and

The amendment of Mr. DORSEY was agreed to.

Mr. BRENT, of Baltimore city, then moved to amend said section by adding at the end thereof the following:

"And if the person receiving the highest number of votes should not be constitutionally eligible, then the Governor shall be chosen by the joint ballot of the Senate and House of Delegates."

Mr. GWINN offered as a substitute for said amendment, to come in at the end of said section, the following:

"And in case that the person receiving the highest number of votes, shall not be constitutionally eligible, it shall be the duty of the Governor for the time being, or in case of the vacancy of the said office, for the Speaker of the House of Delegates to issue writs for a new election."

The substitute was sustained by Mr. GWINN, and opposed by Mr. BRENT, of Baltimore city.

Mr. GWINN said he offered the amendment as a substitute for that of his colleague. (Mr. Brent.) The contingency provided for, was certainly remote, but if it required any notice in the Constitution, it was only right that the means adopted to remedy the evil should be in consistency with the spirit of the Constitution, on which it was engrafted. Until 1836, the Governor of Maryland was elected by the joint vote of the two Houses of the Legislature. This feature in the system was long opposed by all who thought that the people of the State should, by a direct vote, appoint the chief executive officer of the Commonwealth. He did not think it wise, when this result had been attained with such extreme difficulty, to adopt any provision, which would, in any contingency, defeat the good effects of a struggle so protracted, and place the Executive power in the hands of that body, from whose grasp it had been wrested with such difficulty.

If the amendment had contemplated only the case of a vacancy arising by death or resignation during the term, it would have been liable to great objection, but still, its advocates could then have argued the inutility of renewing an exciting contest for supremacy during the few remaining months of the official term. But the proposition now introduced, has no such justification. It is the case in which the people have, through fraud or misapprehension, been induced to cast their suffrage for one who was not constitutionally eligible, or have equally divided in their preferences for rival candidates. In such instances it would seem that there was paramount reason for permitting them to exercise again the privilege of which they had been defrauded, without aid, upon their part. Certainly, there is no justification for taking from them the privilege of correcting their mistaken confidence, or in case of an equal vote, of determining, in a more deliberate manner, their preference for one or the other of the two candidates who may have received their suffrages.

The only inconvenience resulting, would be the interregnum which would result. This could easily be provided for; and he had no objection