

result was, that the Governor could only remove officers, who were annually appointed, and these were of his own appointment. There was no danger of removal for political opinion in such a state of things; and in point of fact, as far as he was informed, removals had only occurred in the case of justices of the peace and officers of that grade, who had been subject to charges for incompetency or misbehaviour.

He had heard, that at one time, the question was mooted, whether the Governor, under the amendments of 1836 had power to remove clerks and registers, who had been appointed by his predecessors, and whose term of office had not expired. But the attempt was not made and he supposed never would be made, because he thought no Governor would subject himself to the just and universal indignation which such an attempt must incur. He submitted to the gentleman, and to the house, whether any one act could be imagined, which would occasion greater excitement or greater odium throughout the length and breadth of the State, than that of an edict of the Governor, revoking the commissions of the clerks and registers, granted by his predecessor, for no other reason but that of a difference in political opinion.

He was aware, that in the Federal government, officers had been removed on such grounds. With regard to a certain class of officers such as those representing the Government abroad and others necessarily intrusted with the confidence of the Executive, in the discharge of such duties as were political in their nature, it might be necessary. We had no such class in the State.

It was true, that when the Government was wielded by the powerful arm of General Jackson, appointments were revoked, as well as made, from party considerations. Some of the best and wisest men in the nation resisted the power, and denied it to be found in the spirit of the Constitution. But there was no appeal from his decisions. It had ultimately grown into familiar practice, and it was now pursued, as much by one party as the other. In this respect he believed they were pretty much alike.

He trusted never to see any such practice introduced into Maryland. As he wished never to live under such a dispensation, so he must refuse his assent, to any provision in the Constitution, which, by recognizing such a power, seems to invite its exercise. We now know how it has been elsewhere abused, and therefore how it may be here abused. He hoped a consideration of the subject would induce the Convention to shape the provision in such a way, as to secure officers, who were competent, faithful, useful, and acceptable to the community, from being sacrificed, merely because their best and honest convictions led them to adopt a particular class of political opinions.

Mr. PRESSMAN replied,

That some of the ablest statesmen in the Union, had maintained the right of the Executive to make removals from office. He then referred to the advocacy of that doctrine by Mr. Calhoun, then opposed to the administration, in the case

of the removal of Mr. Duane from the cabinet. Under all parties from the beginning of the federal government, by the elder Adams, Jefferson, &c., down to this day, the power of making removals from office has been exercised.

As to the State of Maryland, the removals have not been very numerous, but the power has never been doubted.

He then called the attention of the gentleman to the case of Col. W. R. Stewart, of Baltimore city, who was removed from the office of commissioner of lotteries, and stated at some length the particulars of that removal.

The gentleman from Kent has demanded to know when this power was exercised—neither of us have command of the files of the Executive Chamber at this moment. He did not doubt an examination would sustain his position.

Mr. JENIFER said:

It was too late at the present day to charge upon one party or the other, removals from office without cause. He believed it had long been conceded, if not a fixed fact, that political reasons are sufficient.

He did not think that either his friend from Kent, (Mr. Chambers) or from the city of Baltimore, (Mr. Pressman,) eloquent as they both were, would succeed in reversing the principle which had been in practice ever since it had been proclaimed, and just acted on by a distinguished functionary in a sister State, [Governor Marcy, of New York, who happened at this moment to be within the bar of the Convention.]—"That to the victor, belonged the spoils."

The question was then taken on the amendment of Mr. GRASON,

And it was agreed to.

The section as amended was then adopted.

The seventeenth section was then read as follows:

Sec. 17. The Governor may convene the legislature or the Senate alone, on extraordinary occasions; and whenever from the presence of an enemy, or from any other cause, the seat of government shall become an unsafe place for the meeting of the legislature, he may direct their sessions to be held at some other convenient place.

No amendment having been offered,

The section was adopted.

The eighteenth section was read,

No amendment having been offered, was adopted in the words following:

Sec. 18. He shall from time to time, inform the legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

The nineteenth section was read as follows:

Sec. 19. He shall have power to grant reprieves and pardons, (except in cases of impeachment) and to remit fines and forfeitures for offences against the State; but shall in every case in which he exercises this power, report to either branch of the legislature, whenever required, the petitions, recommendations and reasons, which influence his decision.

Mr. DORSEY moved to amend said section by