

in the recess, when appointments are to be made according to the discretion of the Governor, with or without limit as to number, and he [Mr. B.] had instanced commissioners under the act of 1837, to take acknowledgments of deeds out of the State, &c., and the case of auctioneers, notaries public, &c. The 13th section was the identical provision of the existing Constitution; and he had never heard a complaint until now, that the Governor could not make these appointments during the recess. He was not prepared to admit the construction of the laws referred to, given by the gentleman from Baltimore city, and he believed a different construction had always until now, prevailed in and out of the Executive department. These offices were created by law, not by the Constitution; and the law could prescribe the manner in which appointments to them should be made, whether by the Governor in the recess or not. It has always been conceded that the Governor could fill them during the recess; but if that was an enormous construction, the law could be changed at the next session of the Legislature. And it should be remarked too, that the people of Maryland, were little interested in this class of offices; appointments to them were made mostly for the benefit of the appointees, and as a privilege or a license to carry on the business to which they relate. The public interest would not suffer if no appointments could be made in the recess. But to obtain a mere ideal advantage, which at most benefits individuals, and not the public generally, to enable the Governor to make appointments under laws which may be changed next winter, appointments which in no sense effect the public interest, and that too, when every Executive which had preceded the present, had acted on a different construction, the gentleman from Baltimore city would give to the Governor, what would be destructive of the rights of the Senate, and practically would be an unlimited power over all appointments.

The gentleman had said, that he (Mr. C.) spoke as if the persons who might wield the executive power, were not to be upright men. Mr. C. must say, that he had no very exalted opinion of the purity of public men. All government was a satire on human nature, and was made necessary by the vices and ambition of men. He was not disposed to trust to the mere goodness of individuals. It was prudent to guard against every danger. He would, if he could, by positive restraints, render it impossible for men to do wrong. He could not assent to the opinion advanced by the gentleman, that the character of the person who might happen to be Governor, his purity and patriotism might safely be relied on, as a sufficient guaranty against the dangers apprehended. If this doctrine be true, there was no necessity at all for constitutional restraints. And he must be permitted to say, he was surprised to hear such sentiments promulgated. They were a remnant of the antiquated idea of the infallibility of rulers. They do not belong to this land, nor to this age; and espe-

cially they do not suit gentlemen, who claim to be *par excellence*, the friends of the people. He could not subscribe to them. He was not willing to trust to the character of any individual, however pure and exalted that character might be, as the only defence against the aggressions of power. He had always been taught to believe, and his experience justified the lesson, that the only security for popular liberty is to be found in the express requirements of a written Constitution. The gentleman has said something of impeachment; it is idle to talk of impeaching a Governor of one of the States of this Union. It was scarcely worth while to insert such an article in the Constitution. The power of impeachment never had been, and never would be successfully enforced against an individual occupying such an elevated and influential position. But the danger feared would be the legitimate result of the powers conferred upon him; and how could he be impeached for what the Constitution authorized him to do?

The power proposed to be given to the Governor, was a dangerous one, it was liable to be evaded, or perverted to a mischievous use, and he hoped, therefore, no reconsideration would be had for the purpose of adopting it; but if the section should be reconsidered, he would then offer an amendment, which in his opinion would accomplish every proper end, without encountering the dangers which threatened from the adoption of the gentleman's proposition.

Mr. BRENT proposed to answer the extraordinary position assumed by the gentleman from Somerset. Because that gentleman did not construe the Constitution as the Governors of Maryland had done, and because there was no necessity, in his opinion, for putting this doubt to rest, therefore, he thought that the vote ought not to be reconsidered. He would say, that this was a very extraordinary position. The gentleman had said that the practice, in the State of Maryland, had been for the Governor to make original appointments in the recess of the Senate. He, (Mr. B.) would say, that if there had been such practice, it had been erroneous, with all due deference to the better judgment of the gentleman from Somerset. Mr. B. asserted, that if any Governor, under the act of 1837, had, in the recess of the Senate, appointed commissioners of deeds out of the State, it was done in violation of plain law. What is the law? It was as follows: "Sec. 1. Be it enacted by the General Assembly of Maryland, That the Governor, by and with the advice and consent of the Senate, be and he is hereby authorised to name, appoint and commission one or more commissioners in each or such of the other States or territories of the United States, or in the District of Columbia, as he may deem expedient, which commissioners shall continue in office during the pleasure of the Governor, and shall have authority to take the acknowledgments and proof of the execution of any deed, mortgage, or other conveyance of any lands, tenements or hereditaments lying or being in this State; any contract, letter of attorney or any other writing, under seal, to be used or re-