

the power by the Constitution or laws, to make any appointment to office, or in case any vacancy shall occur during the recess of the Senate, in any office to which the Governor has the power of appointment, he shall have the power in the recess of the Senate, to make such appointment or fill such vacancy by granting a commission which shall expire upon the appointment of the same person or any other person, by and with the advice and consent of the Senate, to the same office, or at the expiration of one calendar month ensuing the commencement of the next regular session of the Legislature, whichever shall first occur."

The substitute having been read.

Mr. CRISFIELD said, that before the question was taken upon it, he believed it would be in order to perfect the original proposition.

The PRESIDENT, (*pro tem.*) assented.

Mr. CRISFIELD then moved to amend the original thirteenth section by adding at the end thereof, the following:

"And the Governor may in the recess of the Senate, appoint and commission, subject to the limitations aforesaid, an additional number of such officers as are authorised by any law existing at the time of the appointment, which in its terms do not limit the number of such class of officers or of which the number limited has not been filled."

Mr. BRENT, of Baltimore city, said, it seemed to him that the amendment was the same as his own.

Mr. CHAMBERS, of Kent, (addressing himself to Mr. BRENT, of Baltimore city,) enquired, whether the gentleman was not satisfied that, under the language of his amendment, the Executive officer might forbear to make appointments. He, (Mr. C.,) did not know that any Governor would be guilty of such misconduct, but did the amendment of the gentleman from Baltimore city, [Mr. Brent,] guard against it? If the amendment of the gentleman from Somerset, [Mr. Crisfield,] met this objection, why did not the gentleman from Baltimore city also guard against it?

Mr. BRENT, of Baltimore city. Let the amendment of the gentleman from Somerset, [Mr. Crisfield,] be again read.

The amendment having been again read—

Some explanations as to its object and effect followed, on the part of Messrs. McLANE, CRISFIELD, and CHAMBERS, of Kent.

Mr. HOWARD suggested that the object of the amendment of the gentleman from Somerset, [Mr. Crisfield,] was reached by the twelfth section which had been adopted.

Some conversation followed on a point of order, between Mr. SPENCER and the PRESIDENT [*pro tem.*]

Mr. SPENCER said, he should be compelled to vote against the section altogether, because, if amended as proposed by the gentleman from Somerset, [Mr. Crisfield,] if the Governor were to discharge his duty and were to make a nomination to the Senate within one calendar month

after the commencement of the session, and the Senate should happen not to confirm the appointment, or should postpone action on the nomination,—no matter how important it might be that the office should be filled—there would be a vacancy.

Mr. CRISFIELD desired to ask the gentleman from Queen Anne's, [Mr. Spencer,] a question. Was not the section as amended, on his [Mr. C.'s] own motion, so far as the commentary of the gentleman was now concerned, in the same words as those of the existing Constitution?

Mr. SPENCER replied in the affirmative.

Mr. CRISFIELD enquired then, whether any such difficulty as that to which the gentleman referred had ever existed under the present Constitution?

Mr. SPENCER said, he had listened to the question with proper respect, as he always should to any enquiry which gentlemen might think proper to submit to him, in reference to any remarks he might make. But, in reply to the enquiry of the gentleman, he, [Mr. S.,] would ask, whether any man could have contemplated that ten years ago, the Legislature would have violated its imperative and sworn duty so far as to fail during the whole session to elect a Senator of the United States? And now when he, [Mr. S.,] pointed out a defect in the proposition which might lead to serious difficulty, the gentleman met his objection by asking him whether this was not a copy of the provision of the old Constitution. He, [Mr. S.,] was not to wait until such a case had arisen. If he could see any contingency in which a difficulty might arise, it surely was right and proper that the Convention should provide against it. He did say with all respect to the proposition and to the mover of it, that it did not place things in a better condition than that in which they were under the provision as reported from the committee. On the contrary, he thought it was worse.

Mr. CRISFIELD explained the object and operation of his amendment.

Mr. BRENT, of Baltimore city, moved as a substitute for said amendment, the following, to come in at the end of said thirteenth section:

"And in all cases whereby existing laws or any law hereafter to be passed, there are appointments to be made according to the discretion of the Governor, with or without limit as to number, then in such case, the Governor may in the recess of the Senate, grant temporary commissions as aforesaid."

Mr. BRENT said, this amendment would meet all the difficulties which had been suggested.

Mr. CRISFIELD said, that so far as he could understand the amendment from merely hearing it read, he had no objection to it. He would ask that the amendment, as now offered by the gentleman from Baltimore city, (Mr. Brent,) and the whole section might be again read.

They were accordingly read, whereupon

Mr. CRISFIELD said he would accept the amendment of Mr. BRENT, as a substitute for his own proposition.