

has no power to fill any office which was vacated during the session, in the recess.

Mr. McLANE contended that where any vacancy is found to exist in the recess, the President fills it in the recess.

Mr. CHAMBERS did not mean his remarks to apply to a certain class of appointments which come under a new system of laws.

Mr. McLANE replied that this was the very class to which this exercise of power bears reference. The practice of the General Government as he had stated it, is in accordance with a construction put on the power, and sustained by the ablest statesmen and writers in the United States, and arises from the necessity of the case. And it had led to no ill results, but exclusively to good. And, he asked, why would not gentleman profit by the lessons of experience! Why deny to the Governor of the State, the same power which the United States Constitution gives to the President of the United States. Why should we throw out of our institutions that privilege which has been found indispensibly necessary in the administration of the General Government? Cases of great emergency may arise, and you deprive the Governor of the power to act as the necessity of the cases demands, lest a fraud should be perpetrated. The gentleman from Kent supposes that under this section an appointment made in the recess may continue until the end of the session, or a new appointment is made. He presumed the original section did not mean this, but only until the Senate should appoint. It was never intended that he should hold to the end of the session, but only until there is a new appointment. If there is ambiguity, he was willing to adopt any language which would remove it.

Mr. CHAMBERS repeated what he had before said, as to the practice under the Constitution of the United States. Certainly General Jackson in the plenitude of his power, had largely advanced upon any previous practice. But he did not admit the propriety of his new precedents. He never did and never could approve the re-appointment of Mr. GWYNN, after his nomination had been once rejected, and on a second nomination laid on the table. But a manifest difference was to be noticed between the condition of the United States, and the State of Maryland. The vast extent of the former might require a large part of a session of Congress, to pass away after a vacancy had occurred, before a knowledge of the fact could reach the President. The Senate may have adjourned in the *interim*. In that case, for all practical purposes, the vacancy did occur in the recess, that is to say, when the President first became informed of it. In Maryland such a thing was not to be expected; with the facilities for rapid communication, it was scarcely possible. But why further discuss this question? There was doubt expressed, therefore, he assumed there was room for doubt. A very few words would remove it, and make it as plain as a pike-staff. Why then this unwillingness to change a letter, a cross or a dot?

Mr. GRASON and Mr. CHAMBERS mutually explained.

The question was then taken on the amendment of Mr. BRENT, of Baltimore, (as accepted by Mr. Crisfield.)

No quorum voted.

A long conversation followed on points of order.

The question was then again taken on the said amendment.

But no quorum voted.

Mr. PRESSTMAN moved that there be a call of the Convention.

The motion was not insisted upon, a quorum having been ascertained to be present.

The question on the amendment was then again taken, and it was rejected.

The question then recurred on the adoption of the thirteenth section, as amended.

Mr. GRASON offered as a substitute for said section, the following:

"Section 13. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to fill said office, whose commission shall continue in force till the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur, and the nomination of every person thus appointed during the recess or of any other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature."

Some conversation passed between Messrs. CHAMBERS, of Kent, and GRASON, arising out of a change in the phraseology suggested by the former gentleman.

The question recurred on the substitute of Mr. GRASON.

Mr. CHAMBERS, of Kent, moved to amend the said substitute, by adding the words he had suggested to Mr. GRASON,) as follows:

In the first line, after the word "vacancy," insert the words "may happen."

The amendment of Mr. CHAMBERS, by ayes 28, noes 27, was agreed to.

The question recurred on the adoption of the substitute of Mr. GRASON.

And it was adopted.

And the section, as amended, was adopted.

Mr. THOMAS, by permission of the Convention, withdrew the amendment offered by him on Saturday, the 8th instant, to the fifth section of the report, and substituted the following:

"The State shall be divided into four districts. Allegany, Washington, Frederick, Carroll and Baltimore counties, to be the first; St. Mary's, Charles, Prince George's, Anne Arundel, Howard and Montgomery counties, the second; Baltimore city the third; Harford and the eight counties on the Eastern Shore, the fourth district."

MOTIONS TO RECONSIDER.

Mr. CHAMBERS, of Kent, gave notice of his intention to move a reconsideration of the twenty-second rule for the purpose of introducing the following amendment: