

recipro for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of delegates, and no more."

No amendment was offered to this section.

#### DUTIES OF THE GOVERNOR.

The following sections were then severally read, and no amendments offered thereto :

"Section 11. The governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the legislature."

"Section 12. He shall take care that the laws be faithfully executed."

"Section 13. He shall nominate, and by and with the advice and consent of the senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office."

Mr. BERRY, of Prince George's. I desire to offer an amendment to the eleventh section, so that the governor shall take command of the forces in the field.

The PRESIDENT. It is not in order without a reconsideration of the section, it having been passed by the convention.

Mr. STIRLING. I will move a reconsideration of the eleventh section for the purpose of enabling the gentleman from Prince George's (Mr. Berry) to offer his amendment. It is an extraordinary and absurd provision to put in the constitution, any way, and I shall vote to strike it out. To say that a man shall be commander-in-chief, and then not allow him to take command is perfectly absurd.

The question was then taken upon the motion to reconsider, and upon a division—ayes 24, noes 24—no quorum voted.

The question was again taken, and upon a division—ayes 28, noes 27—the motion to reconsider was agreed to.

#### GOVERNOR—MILITIA.

The eleventh section was then read, as follows :

"Section 11. The governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the legislature."

Mr. BERRY, of Prince George's, moved to amend the section by striking out the word "not," in the last clause.

The question being taken, the amendment was rejected.

Mr. SCOTT. I move to strike out all after the word "laws," as follows: "but shall not take the command in person without the

consent of the legislature." That will leave it optional with the governor to take command or not.

Mr. STIRLING. It does strike me that, particularly at a time like the present, this ought to be stricken out. I do not suppose that practically there will be any necessity for it. But if the governor of Maryland possesses qualifications for the place, and can do any good by appearing in the field at any time, I can see no reason why he should not do so. I do not see what you mean by saying that a man shall be commander-in-chief if he is not to be allowed to command. The President of the United States, under the constitution of the United States, possesses the power to take the command of the army, whenever he sees fit to do so. He is actually the commander-in-chief of the army. And I do not see why the governor of the State should be debarred from that privilege, except by consent of the legislature. I do not think it a matter of great importance; but it has always seemed to me to be absurd and novel. I do not find it in any of the constitutions of other States.

Mr. SANDS. I think this is a matter of greater importance than my friend chooses to consider it. What character of men do we usually make governors? West Point gentlemen? Men trained to arms? Certainly not. And yet it is proposed by striking out this portion of the section, to let any man ambitious of military honors, who happens to be at a time of insurrection or invasion, the governor of the State, though without a bit of military knowledge or capacity—to let him take the people of the State under his charge, and have them served as some of our poor unfortunate soldiers have been served under political generals. I, for one, am very much opposed to allowing any man, not a trained military man, to take into his hands the lives of my fellow-citizens. I think it is a very grave matter.

And this proposition might be open to other objections. We do not know what a selfish or ambitious man, with absolute civil and military power in his hands, might undertake to do. I think it was very wisely provided indeed, that the man who is exercising the executive functions of the State, should confine himself to its civil functions alone, and not interfere with the military.

Mr. STIRLING. Does not the constitution make him commander-in-chief?

Mr. SANDS. That does not mean that he shall take command in person; but that all necessary orders shall issue from the executive department; that he shall make his appointments, and do whatever is necessary to set the machinery in motion. But that a man having an unused hand to military matters should direct that machinery, is something that I for one cannot agree to for a moment. When men are put into serried ranks, I would put none in military command over