

I think, of the whole committee, without any exception. This provision was designed to prohibit a member of the Legislature from receiving any appointment to the executive or the general assembly. And to avoid the difficulty of construction which has heretofore occurred, they desired to do it in such a form that it would be entirely clear. But there is some doubt in regard to the construction of this last clause, arising not from the word "term," but about the expression "to hold any office." I know the view was taken last winter that the expression "hold any office" was different from the expression "receive any appointment." And as the man did not hold the office of judge until after he had got himself out of the senate by resignation, it was held that it was not in opposition to the Constitution. And the expression "whole term" was held to mean, the time for which he acted.

I will, therefore, move at the proper time, to strike out the last clause of this section, and insert the following:

"Or shall, during the whole period of said time, be appointed to any civil office by the executive or the general assembly."

I will not offer it now, because it is antagonistic to the amendment now pending; and if that amendment is adopted there will be no use in my submitting the one I have indicated.

The question was then taken on the amendment of Mr. STOCKBRIDGE, to strike out the words "said term," and insert the words "time he shall continue to be a senator or delegate;" and it was rejected.

Mr. STIRLING. I now submit the following amendment to section twenty-two:

Strike out the words—"or shall, during said term, hold any office, or receive the salary or profits of any office under the appointment of the executive or general assembly," and insert the following:

"Or shall during said whole period of time be appointed to any civil office by the executive or general assembly."

I desire to make but one or two remarks upon this amendment. I do not think it proper to allude to some things that took place last winter, because it gave me great pleasure then to see the gentleman placed upon the bench that was placed there. And so far as my opinion was concerned at that time, upon a not very deliberate reading of the section I will admit, I came to the conclusion that this clause did not prohibit that appointment. But it strikes me now that such an appointment ought to be prohibited. If you appoint a member of the senate to any office, it places the colleagues of that member in a peculiar position. It is almost impossible to get them to reject him, because they have every inducement to act, not according to their sense of duty, but their sense of social fellowship. In the first place, it offers an inducement to

the Legislature to forward the interests of one of its own members, if they have an office to give. And in the next place, it enables the executive to purchase the co-operation of a member of the general assembly, and obtain his support to certain measures, by promising him an appointment to office. It is perfectly well known that under the administration of Mr. Buchanan, at least three members of Congress changed their votes on the Lecompton bill, and all three of those members received appointments to office from that administration. I think such appointments ought to be prohibited, and that the executive ought not to be allowed to go into the general assembly to seek appointees to office. I want to prevent any resignation to obtain office, and therefore I offer this amendment.

Mr. CHAMBERS. I rise to add but one single remark to what has been already said. We are legislating here for all the people of the State. Is it right, is it proper, when vacancies in office occur, to give the members of the Legislature the advantage which they necessarily have, by constant intercourse with the executive. A member is here the whole winter in constant intercourse with the executive, while other people quite as well qualified in every way have no such opportunity. It is unjust to the people of the community at large, and utterly against every principle which I think ought control the character of the members of the Legislature. I hope this amendment will prevail, so as to effectually prevent any such thing in future.

The question being taken upon the amendment of Mr. STIRLING, it was adopted.

No further amendment being offered to section twenty-two, sections twenty-three and twenty-four were read, as follows:

#### MISCELLANEOUS.

"Section 23. Each House may punish by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; *provided* such imprisonment shall not, at any one time, exceed ten days.

"Section 24. The members of each House shall in all cases, except treason, felony, or other criminal offence, be privileged from arrest during their attendance at the session of the General Assembly, and in going to and returning from the same, allowing one day for every thirty-five miles such member may reside from the place at which the General Assembly is convened."

Mr. STOCKBRIDGE. I move to strike out section twenty-four, for the simple reason that I think it is nonsense as it now stands. Since the abolition of imprisonment for debt in this State, there is no arrest under our law