

Mr. CHAMBERS said it struck him that some difficulty might occur. He took it for granted that the intention of the Convention was, that the appointments made by the Governor *ad interim*, should cease with the termination of the session. The difficulty on his mind was, that this provision went to continue in office the person appointed by the Governor, not only until the end of the session, but until another appointment should be made. Of course, this was only the suggestion of the moment. So far as he could, at this moment, appreciate the object of the gentleman from Queen Anne's, (Mr. Grason,) he, (Mr. C.,) doubted whether the language of the fourteenth section controlled the language of the thirteenth. In other words, he thought it was doubtful whether the fourteenth section would correct the mischief of the thirteenth.

Mr. GRASON said that he had, in the first instance, misunderstood the enquiry of the gentleman from Kent, (Mr. Chambers.) He, (Mr. G.,) now thought that there might be a difficulty which the fourteenth section would not, as he had at first supposed, sufficiently meet. He thought that an amendment should be made to that section. There was now a general provision in relation to all appointments, that the incumbents should continue in office until their successors should be appointed. The object had been to prevent detriment to the public interests from interregnums, whether arising from the refractory temper of the Governor or the Senate, or both.

Mr. CRISFIELD said he had very imperfectly heard the remarks of the gentleman from Queen Anne's, (Mr. Grason,) but it seemed to him, (Mr. C.,) that under the section as it now stood, the Senate might, under some circumstances, be precluded from any participation in the appointing power. He supposed such a case, and asked how such a provision would work? Such a case might occur. Under the old constitution it was specially guarded against.

Mr. C. read the fifteenth section of the act of 1836, (amendatory of the constitution,) as follows:

"The Governor shall have power to fill any vacancy that may occur in any such offices during the recess of the Senate, by granting commissions 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 Senate, which ever shall first occur."

This provision, he, [Mr. C.,] thought, was much less liable to lead to mischief than the section. He had no doubt that the object of the gentleman from Queen Anne's, (Mr. Grason,) was precisely the same as that contemplated in the act of 1836.

He thought that the section as it stood, might be perverted—that it was open to doubt and misconstruction, and might be construed to give to the Governor the exclusive power of appointment. To obviate this difficulty, he would offer

an amendment which was substantially a copy of the act of 1836.

The PRESIDENT, *pro. tem.* The gentleman must move to reconsider before he can offer his amendment.

Mr. CRISFIELD then moved to reconsider the vote of the Convention just taken on the thirteenth section, to enable him to move the following as a substitute for said section.

The amendment of which Mr. C. intended to offer, if the motion to reconsider should prevail, was then read as follows:

"The Governor shall have power to fill any vacancy that may occur during the recess of the Senate, in any office to which the Governor has the power of appointment, 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 Senate which ever shall first occur."

Mr. GRASON compared the section with the amendment as offered by the gentleman from Somerset, [Mr. Crisfield.] and argued that it was not open to the exceptions taken against it by that gentleman. Its object simply was, to guard against vacancies. There were some offices which it was extremely important should not be left vacant.

Mr. SPENCER could not see the difficulty in this section which his friends on the other side saw in it.

He gave his construction of it, and submitted that by looking at the bill in all its parts—by comparing the effect of one section upon the other, (noticing specially the twelfth, thirteenth, and fifteenth,) it would be found that every object had been attained.

Mr. CHAMBERS, of Kent, dissented from the construction put upon the amendment by the gentleman from Queen Anne's, (Mr. Spencer,) and submitted that the language of the section did not carry out the idea of the committee: and he suggested that the whole difficulty might be obviated by inserting after the word "office" in the fifth line, the words "which ever shall first occur."

Mr. GRASON replied to the objections taken by Mr. CHAMBERS, and expressed the opinion, that, it was scarcely possible that the mischievous results which that gentleman supposed might occur from the adoption of the section could be realized.

He, [Mr. G.,] was not disposed, however, to be tenacious in a matter of this kind.

Mr. CHAMBERS, of Kent, remarked that the amendment he had indicated, could, at least, do no harm.

Mr. GRASON supposed a case in which injury to the public service might result from the amendment, and insisted on the importance of some provision guarding against vacancies which might occur from a collision between the executive and the Senate. It was not likely that such cases would occur often; but it was well to guard against the possibility of them.