

of 1836. If so, it still left the question now to be considered, whether it was proper. But it was never practically so considered. The power to remove had never been exercised, but in the case of inferior officers, on complaint, and for misconduct, or incompetency. An attempt to exercise it, would have been visited by an indignant public sentiment. A deliberate introduction now of such a clause might possibly be regarded as an invitation, or at least an inducement, to exercise such an odious power, and lead to gross abuse.

He was not aware that any other portion of the bill had provided any adequate restraint upon the mischievous indulgence of this prerogation; of this, however, the chairman could inform the House. Some guard ought to be introduced.

Mr. GRASON said, that the gentleman from Kent, had commented on the power of the President of the United States, to make removal from office. That subject was discussed in the first Congress under the Constitution, and it was then decided, Mr. Madison concurring, that the power of removal, if not expressly limited, was incidental to the power of appointment. The gentleman from Kent, contended that it was now proposed to confer a new and dangerous power on the Executive, but if he had examined our present Constitution, he would have seen that this power had been conferred by the original provisions of 1776, and had never been subsequently modified. The power of removal properly belonged to the Executive, in relation to annual or biennial appointments, and if it did not exist in some branch of the government, public officers might retain their commissions, after they had notoriously betrayed their trust, or proved themselves incompetent to the discharge of their duties. He had, however, prepared an amendment for the purpose of obviating some of the objections of the gentleman from Kent.

The amendment was then agreed to.

Mr. GRASON then offered the following amendment, (suggested to him, he said, by the explanation of the gentleman from Kent, (Mr. Chambers,))

Amend the section by striking out all after the word "remove," in the fourth line, to the end of said section, and insert in lieu thereof the following: "all civil officers who are appointed biennially by the Governor and Senate."

Mr. PRESTMAN expressed his conviction that after the forcible views presented by the honorable Chairman of the Committee, the Convention would see the propriety of letting the section stand without further amendment, than the modification which the Chairman had prepared. On the subject of the doctrine of removal from office he dissented entirely from the view of the gentleman from Kent. The power of removal, he (Mr. P.) insisted had always been in the hands of the Governor. It was a power which every President of the United States exercised when he came into office. And if the power was not in the hands of the Executive, the effect would be that any subordinate must remain in office, whether he was able to perform the duties or not. Each of the political parties removed

persons of opposite sentiments from office, and the common excuse set up, when enquiry was made, was that it was for cause. He had seen men of the most respectable standing, of the highest class of business men, skilful and industrious, struck down, and removed, as it was alleged, for cause. He would say it was not for cause. The Councils of the city of Baltimore have been in the practice of removing their officers. They are all removable by the will and power of the Executive, and so it is throughout the country generally. And there was as much money too in the hands of the city officers, who have been removed, as can be found any where. He liked to see a strong Executive. It was not asking too much, to ask that either party should possess the power.

He objected to the principle of the gentleman from Kent. The power is not only sustained by the Constitution of 1836, but by the Constitution of the State of 1776, and he believed that when the gentleman from Kent looked back to that instrument, and saw what had been done by our ancestors, who are so much revered by that gentleman, that he would be induced to withdraw his objection. He (Mr. P.) was of opinion that the Governor ought to have the power to remove any incompetent persons. The abuse of the power is one thing, and the existence of it for wise purposes another. Those who to-day may be disposed to deny its very existence, will approve perhaps to-morrow of its exercise, under a flimsy pretence of *cause* to justify a political end.

Mr. CHAMBERS said, he had not discovered the precise point of his remarks, to which the gentleman from Baltimore city was opposed. He did not understand the gentleman to deny any one of his propositions. He did not know of any instance, in which the Governor of Maryland had removed a person from office.

Does the gentleman know of any case?

Mr. PRESTMAN replied that he did not at the moment call any case to his recollection. But every one knew that the existing government of the United States had removed many persons from office. He did know cases in Maryland where parties had been removed on account of incompetence in the performance of their duties. But removals of this kind did not grow out of the Constitution. The question we are discussing is as to the power, not its application.

Mr. CHAMBERS. If the Governor has ever removed an officer before the expiration of his term, on the ground of a difference in political sentiments, he was yet to learn the fact. With some acquaintance with the history of the State for the last forty years, he had no recollection of such a case. The power of removal, in the case of inferior officers, as a conservative power, was defensible. An officer might be found utterly incompetent, might become demented, or guilty of gross crime, and in such cases his removal might be very proper. The original Constitution gave the power of removal in cases where a civil officer was not appointed during good behaviour, but in the very next section, it provided that all such officers should be appointed annually. The