

The difference between the propositions was this: The section proposed to be stricken out, guarded the appointing power, and secured to the Senate the full exercise of the authority conferred on it by the Constitution to pass on all appointments; the section proposed to be inserted, would enable a Governor, who might be so inclined, to concentrate in his own hands practically, the sole power of appointment, and destroy the power of the Senate.

The Convention should be careful how the appointing power was guarded; it was a power capable of infinite mischief in thoughtless or corrupt hands.

Mr. C. thought the question now to be decided was, whether the appointing power should be committed to the Governor, without limit or restraint; or whether the Senate should be secured in the exercise of a negative on his nominations, which all admitted was necessary and proper. He hoped the motion to reconsider would not prevail.

Mr. BRENT, of Baltimore city, proceeded to oppose the amendment submitted by the gentleman from Somerset, (Mr. Crisfield,) which he 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, whichever shall first occur."

He thought this amendment did not provide for all cases, it merely limiting the power of appointment to two classes—first, when a vacancy occurred during the recess, (and about this there could be no dispute, for it was contained in the old Constitution;) and, secondly, where a law should be passed creating offices within twenty days prior to the adjournment of the Senate. The amendment did not apply to cases where an office should be created more than twenty days before the adjournment of a session. The act of 1837 allowed the Governor to appoint commissioners out of the State, *ad libitum*, for the acknowledgment of deeds. He might appoint thousands of commissioners out of the State, but they would be new appointments and not vacancies to be filled. The amendment of the gentleman would not enable the Governor to make these appointments in the recess of the Senate, the necessity for which was now increased, as in future they were to have biennial sessions. It was very evident that the section would have to be amended to meet this class of cases. The Governor, under this section, would not even have the power of creating new auctioneers, though the revenue of the State might be increased thereby; and the Convention must very clearly see, that the vote by which the thirteenth section was adopted should be reconsidered. He wished to see whether this body would tie up the Governor as the

gentleman from Somerset proposed, or whether they would give him a large discretion, to act upon his responsibility to the State and to the power of impeachment.

The gentleman from Somerset anticipated that the Governor would fraudulently withhold his appointments until the Legislature should adjourn. If that functionary should withhold appointments purposely, to make temporary commissions; if he should do this from corrupt motives, he would be liable to impeachment, and he, (Mr. B.,) was prepared to vote for a clause to this effect. But he could not presume that the Governor would act in this way. The gentleman thought that some remedy should be applied. Reconsider the vote by which this section was adopted, and then let them consider what remedy was necessary.

Mr. CRISFIELD replied to the remarks of Mr. Brent. The thirteenth section, it was said, did not authorise to make appointments in the recess, to new offices which had been created more than twenty days before the adjournment. That was true; and he contended that it was not proper to give the Governor such power. So far as depended on him, no such power should be given to that officer. He wished to limit the power of the Governor, and guard against all abuses by requiring his nominations to be submitted to the action of the Senate at the earliest reasonable period. By the thirteenth section, as it now stood, twenty days were allowed the Governor in all cases of newly created offices, to submit to the Senate, for approval, the names of proper individuals to fill them; and this, considering the limited extent of the State, and the general acquaintance which the Governor usually has in every portion of it, was certainly ample time for him to examine the character, and acquaint himself with the fitness of every individual who desired any office within his gift. The limitations of the thirteenth section, were indispensable to secure to the Senate the just exercise of the power delegated to it by the Constitution. If the doctrine advocated by the gentleman from Baltimore city be true, what would be the result? If the Legislature should create an office on the first day of its session, the Governor would have three months nearly, in which he might make his selection and nomination of the individual proper to fill it; and yet for his own purposes, he might postpone the appointment till after the close of the session, and for two years defeat the action of the Senate, whose privilege and duty it was to pass on all appointments. Such would be the practical effect of the gentleman's views. Was the Convention prepared to sanction them? If it was, then he hoped some one would move that the power of the Senate, in this respect, be stricken out altogether, and absolute authority over appointments be given to the Governor. Let such a proposition be presented to the Convention, and let it be seen how many of that body would favor it.

Mr. C. said the gentleman from Baltimore city, [Mr. Brent,] contended that under the 13th section the Governor had no power to appoint