

carried in this State, and such acknowledgment or proof taken or made in the manner directed by the laws of this State, and certified by any one of the said commissioners before whom the same shall be taken or made, under seal, which certificate shall be endorsed on or annexed to said deed or instrument aforesaid, shall have the same force and effect and be as good and available in law, for all purposes, as if the same had been made or taken before some one of the judges of the United States courts or of the courts of record of the several States."

It would be seen that the law merely authorized the Governor to name and appoint the commissioners, by and with the advice and consent of the Senate. He had no power, therefore, to appoint these commissioners. But suppose the Governor had construed the law wrong, that he had no power to make these appointments, he was not going to yield his opinion because gentlemen of the Convention thought differently. If the gentleman wished to fetter executive power, let the vote by which the article was adopted be reconsidered, and then they could consider whether restraints should be applied. He, (Mr. C.,) could then submit his amendment, which proposed that the Governor should have no power to appoint commissioners to take deeds, notaries public, or auctioneers, although the revenue of the State might be benefitted by it. The gentleman presupposed that the Governor of Maryland, having the power to make original appointments, would purposely make appointments and withhold the nominations, for the purpose of making temporary appointments. He, (Mr. B.,) did not think the Governor would do this. If the gentleman proposed an amendment free from exception, he would vote for it.

Mr. B. said that his purpose was to improve this class of cases. He had no other object, and repudiated any other object. If a law should be passed twenty-one days before the termination of a session; and if the Governor should be unable to make a nomination for the office to the Senate before it adjourned, then, by the gentleman's amendment the public interests were to be disregarded. If the gentleman would show him how he could restrict the Governor, and at the same time safely leave the offices unfilled, then he would vote with him after the adoption of the clause should be reconsidered; but he did not wish to see the public interests put in jeopardy. He wished to see the offices filled by temporary appointments rather than not filled at all. If they should have a Governor corrupt or negligent enough not to fill offices which had been created not more than twenty days before the termination of a session, or to fill offices authorized by permanent law, then the public interests were to be disregarded, and the offices left vacant, whatever might be the necessity of filling them, merely from an apprehension that the Governor might commit fraud.

His, (Mr. B.'s,) substitute only proposed that during a recess, when a vacancy should occur, or an original appointment is to be made for the first time, the Governor shall fill the vacancy and make the appointment.

Mr. DONALDSON said there were but few offices to which the remarks of the gentleman from Baltimore city, (Mr. Brent,) would apply, and to remedy an inconvenience in regard to them, it was proposed now to put all offices, great and small, in the hands of the Executive solely. The amendment indicated by the gentleman from Baltimore, would enable the Governor to fill all offices and keep them filled, in despite of the Senate, whose right of confirmation might become a nullity if the desire of usurpation and the boldness to usurp existed. He explained this and illustrated it by examples. In this he agreed with the gentleman from Somerset. And what was the inconvenience sought to be remedied? The present Governor, whether he had a constitutional right to appoint, in the recess of the Senate, commissioners to take acknowledgments of deeds, auctioneers and notaries public; on the ground that no vacancy in any such offices had occurred during the recess. By law, twenty auctioneers may be appointed, but it is seldom that the full number apply, and afterward, during the recess, some one or two may make application. The number of notaries public and of commissioners to acknowledge deeds is unlimited, and the necessity for some particular appointment develops itself during the recess. Now, in these cases, the practice of all our previous Governors had been to make such appointments in the recess, and the practical construction had been given to the Constitution that vacancies in such offices had occasioned when the appointments became necessary. Yet, if there is really any doubt, let the matter be set right by Act of Assembly, by which those officers were created. They were not officers designated in the Constitution, and the Legislature might make rules for their appointment, consistently with the old Constitution, and with the fifteenth section of the present report on the executive department. Mr. D. said he had no particular objection to the reconsideration, though he thought it hardly worth while; but if the section were reconsidered, he hoped the purpose of the gentleman from Baltimore might be carried out by an amendment less comprehensive and dangerous than that which he had already suggested.

Mr. GRASON remarked that some reference had been made to the course pursued by him. He had no recollection of having made any appointments of commissioners during the recess of the Senate. He always held the opinion that the Governor had not the power to make these appointments during the recess, and he certainly would not have made an original appointment after the adjournment of the Senate.

Mr. DONALDSON suggested that if there was any doubt on the subject, it would be better to reconsider the section and amend it.

The question "will the Convention re-consider the vote by which the said thirteenth section was adopted?" was then taken, and decided in the affirmative—ayes 32; noes 44.

So the vote was re-considered.

Mr. BRENT, of Baltimore city, then moved the following as a substitute for said section:

Sec. 13. In all cases where the Governor has