

a knowledge of that fact. The term of office under the new Constitution will be four instead of six years as at present, they will necessarily be contracted two years. He hoped this rapid progress of reform would have at least some system in it.

Mr. THOMAS, after reverting to what he had said, remarked that he had said he sat there prepared to vote for the new appointment or new election of every officer under the Governor, where was changed materially that branch of the government of which he constituted a part. He had said that the difference in tenure as to the Senators under the old constitution and the new created inseparable obstacles to the continuing in office of those elected last fall. It would be seen that there were to be twenty-two Senators under the new constitution to be divided into two classes, one class being elected for two and the other for four years. Under the old constitution there were twenty-one Senators, who were divided into three classes. The Senators of one of these classes were to hold for two, the Senators of another class for four, and of the third class for six years. Now, are we to say that a part of these Senators shall hold for two or four years, when they were elected for six? The effect of such a proceeding would be to set aside the popular will and substitute for it the will of this Convention. However, there was another broader ground than all that in the new duties we proposed to devolve upon the legislative branch of the government. We are about to call upon the Legislature to new model the whole system of law, not only to digest, but probably to collate and codify them. We propose that the Legislature shall appoint commissioners for that purpose. And he would ask, was it right, when they were about to change and enlarge the powers of the Legislature, that we should take from the people the power to make a new choice of their representatives to one branch of that Legislature, especially when it is recollected that the people can with very little inconvenience elect new Senators at the same time when they elect Delegates to the General Assembly?

If we do not adhere to a general principle that is to be acted on in all cases when the Convention came to the judiciary branch of the government, we shall be embarrassed by propositions to discriminate by selecting one class of judges to hold over, while another class are to be dismissed.

In attempts to conform our personal inclination to what might be considered our public duty, we shall encounter difficulties. He preferred to act upon the general principle that every branch of the government which was new modeled should be put into operation by new appointments and new elections.

Mr. DONALDSON said, that in order to test the sense of the Convention on this question, he would move to strike out the words "Senators and," in the first line of the third section. It seemed to him that the gentleman from Queen Anne's (Mr. Grason) must have forgotten that the term of the new Senators was to be four

years instead of six, as under the present constitution. The gentleman from Frederick (Mr. Thomas) had argued that we had no right to change the tenure of the Senators elected, by shortening their terms in the least; yet that gentleman is in favor of entirely displacing them by the adoption of this constitution. If we have the power by our action, when sanctioned by the people, to deprive the Senators elected of the whole term for which they were elected, it surely follows that we may deprive them of part of the term. The arrangement may easily be made, by which the proper rotation can be produced, if the disposition to make it exists. In regard to the Senators last chosen, he would call to mind that they received the suffrages of the people of the counties after the Convention was called, and after the election of the members of the Convention had taken place. They were elected for six years, and we may well suppose them to have been selected with special reference to the duties they might have to perform in carrying out the legislation required by the adoption of a new constitution. We are bound to presume that these Senators are competent to fulfil their duties, and that they accurately represent the wishes and interests of their constituents, from whom they have freshly come. Is there any reason to suppose that a new election would insure an abler representation? And is there any good ground for requiring a new canvass to be gone through, with all the expense and excitement which would be the inevitable result? He could see no sound objection to such a plan as he had suggested, and he hoped that his amendment would prevail. If it did, he would then propose such a classification of the present Senate as would effect the purpose desired, unless some other gentleman would, by anticipation, relieve him from the duty.

Mr. HOWARD demanded the yeas and nays, which were ordered and taken, and were as follows:

*Affirmative*—Messrs. Chapman, President, Morgan, Blakiston, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, of Kent, Jenifer, Dickinson, Sherwood, of Talbot, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, Wright, Dirrickson, McMaster, Hearn, Jacobs, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Fiery, John Newcomer, Davis, Kilgour and Waters—42.

*Negative*—Messrs. Howard, Buchanan, Bell, Welch, Colston, McCullough, Grason, Thomas, Shriver, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Michael Newcomer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith and Shower—22.

So the amendment was adopted.

Mr. SELLMAN, when his name was called on the yeas and nays just taken, asked to be excused from voting on the amendment, which was agreed to.

Mr. BOWLING, when his name was called on