

The request was refused, and he voted—No. Mr. BERRY. I desire to ask the gentleman from Prince George's (Mr. Clarke) whether the *American* does not flatly deny the charge made by the *Times*' correspondent, in the same paper from which he has read.

Mr. CLARKE. I am ready to answer the gentleman, if it is in order.

The PRESIDENT. Debate is not in order.

#### CIVIL OFFICERS.

Mr. KING submitted the following order:

*Ordered*, That the committee to consider and report respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers, inquire into the expediency of introducing a section in the new Constitution securing, to all persons who have been elected by the people to any office within the State, to hold the same unimpaired during the term for which they were elected.

Mr. STIRLING. What is it intended to do with reference to those offices which may be abolished in the Constitution? We have already directed this committee to consider the expediency of abolishing the office of Commissioners of Public Works. The two propositions are inconsistent, it seems to me. If the gentleman will amend this so as to except those offices which are altered or abolished by the new Constitution, I should have no objection to it.

Mr. DANIEL. It seems to me that a question like that will come in conflict with almost every committee appointed here, except the Committee on the Declaration of Rights. Almost every committee has under its charge the tenure of some office; and it seems to me that it would be competent for each to recommend what shall be the disposition made of the particular offices entrusted to it. This seems to me to interfere with the proper department of other committees, and therefore to be improper; and consequently I shall vote against it.

Mr. MILLER demanded the yeas and nays, and they were ordered.

The question being taken the result was—yeas 29; nays 32—as follows:

*Yeas*—Messrs. Goldsborough, President; Miller, Harwood, Henkle, Kennard, Stockbridge, Cushing, Thomas, Berry of Baltimore county, Ridgely, King, Smith of Carroll, Jones of Cecil, Earle, Scott, Edelen, Mitchell, Todd, Carter, Baker, Lansdale, Peter, Clarke, Marbury, Horsey, Negley, Smith of Worcester, Purnell, Murray—29.

*Nays*—Messrs. Greene, Hebb, Wickard, Robinette, Hatch, Stirling, Daniel, Abbott, Parker, Ecker, Swope, Wooden, Pugh, Noble, Keeser, Schley, Markey, Annan, Cunningham, Schlosser, McComas, Hopper, Russell, Hopkins, Sands, Sykes, Mulliken, Dellinger, Nyman, Mayhugh, Davis of Washington, Sney—32.

So the order was rejected.

Mr. BELT, when his name was called, said:

I ask the indulgence of the Convention to excuse me from voting. I am personally in the category of the persons referred to in the order, and I prefer to avoid the semblance of impropriety.

The request was granted.

Mr. HEBB submitted the following order:

*Ordered*, That the Committee on such Provisions and Ordinances as may be desirable to carry into effect amendments to the Constitution, inquire into the expediency of engrafting upon the Constitution a provision requiring, on the taking effect of the new Constitution, all officers thereby continued in office, before proceeding in the further discharge of their duties, to take the same oath or affirmation as required of officers appointed or elected under it.

Mr. LANSDALE. It seems to me that we labor under great uncertainty in voting for a provision of that kind. This Constitution has not been prepared, and we do not know what oath will be required by the new Constitution. It seems to me that we should be voting upon the subject in the dark, and therefore I should be compelled to vote—no. I move to lay the order upon the table, until we can know what oath will be adopted by the new Constitution.

The motion did not prevail.

Mr. HEBB. I think the gentleman misapprehends the purport of the order. It only instructs the committee to inquire into the expediency of such a provision. I see no reason why any person holding an office under the new Constitution should not be required to take the oath required by the new Constitution.

Mr. LANSDALE. I misapprehended the order.

Mr. CLARKE. If this Constitution should be adopted, and the present Constitution changed, would it not follow that any one holding office under the new Constitution must necessarily take the oath under that Constitution? I think the order is entirely unnecessary; for if he did not take the oath he would be acting without authority.

Mr. HEBB. I should think if he was in the office at the time the new Constitution goes into operation, he would not be required to take the oath, but could continue to hold the office without taking an additional oath.

Mr. STIRLING. The Governor in office at the time the present Constitution went into operation, was continued in office without being required to take any additional oath; so that it does not by any means follow from the adoption of a new Constitution that an officer continuing to hold his position would be required to re-qualify himself; and therefore I think it would be perfectly proper to provide that anybody continued in office should stand upon the same footing and abide by the same rules as others holding office under the Constitution.

Mr. CLARKE. I have not examined it, but