

bly," and that will exclude any office coming from the executive, the general assembly, or the people.

Mr. STOCKBRIDGE. It is not in order to propose more than one amendment at a time, or I should have proposed more than I did propose. I did design, if the pending amendment was adopted, to propose a farther amendment. It seems to me that the amendment which I have proposed accomplishes precisely the object which I had in view. That is, that no senator or delegate shall, during the time for which he was elected, hold any office which may be created, or the compensation of which may be modified while he was such senator or delegate; nor shall he, so long as he may be such senator or delegate, hold any other office whatever. If he desires to hold any other office, which has not been created during his term, and which he had no hand in originating, then he must resign his position as senator or delegate, to remove the difficulty; just as in the case to which my friend has referred. Had this amendment been incorporated in the present Constitution, then the moment that person resigned, he was clearly competent to accept that appointment. It was not an office created while he was a senator or delegate, nor had the compensation or emoluments of that office been increased or diminished in any way during his term. The only question was whether he could accept the office at all during the time for which he had been elected to the Legislature; construing this phrase "said term," to mean "the whole period of time for which he had been elected."

Mr. MILLER. The object the gentleman from Baltimore city (Mr. Stockbridge) has in view, is accomplished by the thirty-fourth section of the bill of rights, which declares— "That no person ought to hold at the same time more than one office of profit, created by the Constitution or laws of this State."

Mr. STOCKBRIDGE. I wish to go as far as that provision of the declaration of rights goes. I do not see any propriety in excluding a senator or delegate, if his character and qualifications are such as to entitle him to a seat upon the bench of the Court of Appeals, or any other court, from being appointed by the Governor, if a vacancy occurs. And I think he is excluded, by a fair construction of this article as it now stands.

Mr. ABBOTT. Are judges appointed by the Governor?

Mr. STOCKBRIDGE. In cases of vacancy they are. Suppose a judge dies or resigns. A judge resigned in one of the districts, on the eastern shore, thereby creating a vacancy. A senator was appointed to fill that vacancy. The question arose, could he hold that appointment? I do not think he could, under a fair construction of this section. Now, I think the Constitution should be freed from

all doubts, and remove all occasion for this distorting of constitutional restrictions to meet special cases. I think it is demoralizing to public sentiment at all events. Let us have this provision as it should be, and then let us stand by it as we have it.

Mr. CHAMBERS. This proposition involves a principle of the highest importance. It has heretofore been thought that it was best to avoid any inducement upon the part of any member of the Legislature to make himself peculiarly acceptable to any of the powers of the government, to the executive department. This is now a very decided inroad upon that doctrine. It strikes me that there are quite candidates enough for any office that may become vacant, without going within the halls of legislation to find some person to occupy it. If there was a scarcity of candidates of that sort, then there might be some propriety in this amendment. But heretofore there has been no injury resulting to the community from this provision. I knew one instance very early in my experience, of a member elect to the Senate of 1832, who declined to accept the place in expectation of receiving, as he afterwards did receive, a judicial appointment, which he filled for many years most creditably to himself and most usefully to the State.

I do not think there is any propriety in undertaking now to make an encroachment upon a principle long sanctioned by time, and verified by experience, and its infraction being every day less and less necessary as a matter of convenience and discretion. With regard to the prohibition to hold any other office by appointment during the term for which they are elected, that is the whole scope of the section—I submit these few remarks, and will leave the matter to the committee who have reported this section. I only tender them my vote to support the principle which they have adopted. Let the halls of legislation be kept free from suspicion. I do not know that we are becoming much better, more virtuous, less susceptible to the allurements of office, than were those of former times. It does not appear to me that these are times when we should open the door more widely to matters of this kind. I, however, leave these matters to the committee who have reported this section. My own opinion is very decided that it is not expedient to encourage any species of illicit intercourse between the executive and legislative departments of the State.

Mr. STIRLING. I believe it is not in order to offer an amendment now.

The PRESIDENT. An amendment to the amendment is in order.

Mr. STIRLING. The one I desire to offer would hardly be applicable to the amendment now pending. I entirely agree with the view expressed by the gentleman from Kent (Mr. Chambers;) that certainly was the view,