

released them from all obligations. I say that that was a gross injustice to the State and to the individual. I do not desire to see that sort of regime continued in this State. I framed this amendment very hastily to meet this sort of legislation. I think we ought to have something of this kind somewhere in the Constitution, and it seemed to me that this was a fitting place for the incorporation of such a provision as this.

Mr. BARR. I desire to make one remark in reference to the musket part of this question. So far as the distribution of muskets was concerned, in a great portion of my section of the State, the fact was that roving bands of Federal soldiers, from the city of Washington, came through there and carried off forcibly, without warrant of law, all the muskets distributed there by the State.

Mr. STOCKBRIDGE. Do I understand the gentleman to say that prior to the passage of the act of May, 1861, roving bands of Federal soldiers from the city of Washington had taken arms from Prince George's county?

Mr. BARR. I say they eventually did. I do not know but it was done before that time. I think I am safe in saying that it was done before the passage of that act. If I remember rightly, in some cases the applications for relief, which led to that legislation, were based upon the facts that arms had been forcibly carried off. Soldiers went through there in the same way as they have subsequently gone through there, and without warrant of law, in violation of all law, have broken into houses, searched ladies' apartments—no place was too sacred for their presence—and wherever they found these arms have seized them and carried them off. What has become of those muskets we know not.

Mr. DENNIS. It strikes me that whether the amendment of the gentleman from Baltimore city (Mr. Stockbridge) be adopted or not, this is not the proper place for it. The Convention will see by looking at this twenty-sixth section that it is conferring special powers upon the House of Delegates. If I understand the object of the gentleman, it is to make an inhibition upon the Legislature. But the inserting of that provision here will not meet his purpose. This section provides that the House of Delegates shall inquire into and do so and so. I think his amendment will come in better in some subsequent setting, where the whole Legislature is under consideration.

The question was then taken upon the amendment of Mr. Stockbridge, and it was not agreed to.

No further amendment was offered to section twenty-six.

FILLING VACANCIES

Section twenty-seven was read as follows:

"In case of death, disqualification, resignation, refusal to act, expulsion or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a delegate or senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten days notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and in case of such resignation or refusal to act, being communicated in writing to the Governor by the person making it, or if such death occur during the legislative recess, and more than ten days before its termination, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said Speaker or President might have done during the session of the General Assembly; provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for delegates and senators."

Mr. CHAMBERS. I desire to inquire whether this is considered a perfect performance upon the part of the committee; if they understand their own work, this section now reads: "and in case of such resignation, or refusal to act, being communicated in writing to the Governor by the person making it," &c. There is some person looked to by this language, as the person making the communication to the Executive. But I would suggest to the committee whether they have carried out that idea. I am not aware of any reference to any person in this section to which the words "making it" strictly allude. Does it simply mean that any person can make the communication by letter and give notice to the Executive and cause him to act? I would suggest the propriety of striking out the words "making it" and insert some words that shall indicate the party by which the communication is to be made.

Mr. SCHLUB. It is exactly the phraseology of the present Constitution.

Mr. STRONG. The language of this section is not more felicitous, that is certain. But I think if the gentleman will look at it, he will find that it makes sense. The first part of the section provides, that in case of a vacancy in either house, while the Legislature is in session, the presiding officer of the house, in which the vacancy may occur, is to issue a warrant for a new election. The next part of the section is to provide for the case of a vacancy occurring when the Legislature is not in session; and in case of such resignation or refusal to act, being communicated in writing to