

MISCELLANEOUS.

CHAPTER I.

THE REVOLUTION OF 1836— THE EIGHT MILLION BILL, &c.

The year 1836 was eventful in Maryland. The Session of the General Assembly which commenced on the 28th December, 1835, remained actively engaged in legislative duties, until the 4th of April, and then adjourned for some weeks, principally for the purpose of ascertaining the disposition of their constituents in regard to the propriety of passing or rejecting a bill in relation to Internal Improvements and ways and means for executing them, which had been framed after much deliberation and excited the deepest interest in its progress, and was discussed with much animation, a majority of the members being reluctant to assume for the State so vast a responsibility as it proposed, without more than common precaution.

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On the 22d May the body re-assembled, and during a session of a fortnight, finally matured and passed the bill alluded to. It proposed that three Commissioners to be appointed by the Executive, should proceed to borrow, either in Europe or this country, upon the best terms they could obtain, on the faith of the State, bonds or certificates of Stock, bearing an interest of six per cent, not redeemable in less than forty years, the sum of eight millions of dollars.

The commissioners were limited however not to negotiate, unless a premium could be obtained on said loan, which should not at least 20 per cent to the treasury. This premium was partly appropriated to the payment of the interest which should accrue on the loan for the first three years, and the residue together with the bonus receivable upon sundry new bank charters, and the total receipts from the various works of Internal Improvement effected by this bill, were appropriated as a SINKING FUND adequate to the discharge of the principal debt, before the expiration of the period for which it was to be obtained; and leaving the State thereafter

in possession of a large and lucrative stock.

The deep anxiety of the friends of Internal Improvements for the accomplishment of the vast undertakings which were to bring the emporium of Maryland into a fair competition with the cities of the Union, for trade and commerce, and especially for the sake of those stupendous undertakings which had already made considerable progress at the expense of the State and its Citizens, but were as yet unproductive because so far from being completed, was now apparently in a fair way to be gratified, and the certainty of the completion of those works hailed as the commencement of a new era of prosperity; when the whole scheme was unexpectedly arrested by a political incident which diverted for a time the attention of every member of community from all thoughts of *improvement* to the more immediate necessity of preserving the very existence of the Government itself.

The Administration of President Jackson, being about to close, the State of Maryland, as well as the rest of the Union, was much divided as to the

choice of a successor. The friends of the existing Administration supported the election of Martin Van Buren—the opposition advocated General William H. Harrison—each party was sanguine of success in Maryland, and upon the vote of Maryland, many supposed the election to depend, or at least, that an election by the primary electors might be won or lost.

To the excitement incident to the election of a President of the Union, was added on this occasion the deep interest which the people of Maryland always take in the election of a new State Senate, which, continuing as it did for five years, gave a decided inclination in the State Government, in favor of the party which succeeded in that election.

During the electioneering, the Administration party in this State, availed themselves with great effect, of the objections which a large body of the people in many of the counties, and more or less in all of them, felt to the State embarking in such extensive projects, and becoming so deeply involved, as had been adventured by the Whig Legislature of the preceding sessions.

For, although the opposite party had a full proportion participated in the measure, yet according to the well known practice of parties, the majority are always made accountable for all faults. The disaffection on the subject alluded to, went to such extent, that in St. Mary's and Charles counties, the election of Electors of State Senate was contested hardly at all upon the ground of politics, but between a Whig ticket of friends to Internal Improvement, and a ticket combining those of both parties opposed to the Internal Improvement bill—and that subject was the theme in the canvass.

Besides the Internal Improvement bill, the same party availed themselves of the unpopularity of the bill which had also passed the previous legislature by the joint efforts of both political parties, for indemnifying the sufferers by the mob which occurred in the city of Baltimore in August 1835, to which object the avails of the Auction Duties were applied until the amount should be discharged. This bill gave great offence in some sections of the State, and operated powerfully as an electioneering theme amongst certain classes in

Baltimore city and county.

The party which had associated in other directions, particularly in Frederick, Washington, Harford and Cecil counties, in favor of a Reform in the Constitution of the State, formed originally of members of both political parties, had now become of such considerable force as to be very much of an object for party politicians to avail themselves of in some way. It became obvious that, for the sake of success, they would be as likely to take sides and identify themselves with a party, as that a party finding itself alone unequal to its rival, would attempt a union with such powerful allies for the sake of increasing success. Some leaders of the Administration party were now extremely anxious to form this association in those counties in which Reform was most popular—in other sections the topic was kept out of view as much as possible.

These several considerations had great influence in the election of Electors of the State Senate, and contributed to reduce the large majority which the Whigs had at the previous election, to a mere majority. Twenty-one Whigs

and nineteen Administration men, were elected.

On the day appointed for the meeting of the College of Electors at Annapolis, the whole of the Whig members attended and qualified—but as the Constitution required that not less than twenty-four members should constitute a quorum for the election of a Senate, the minority, instead of attending the College, met at the City Hotel in secret convocation with some prominent men of the Administration party, and came to a determination not to attend, unless the twenty-one Electors would consent that they, the nineteen, should be allowed to name a majority of the Senate about to be elected.

The qualified Electors declined to receive any communication touching their duty, or the manner of its performance, from a body so unknown to the Constitution—and remained ignorant of the exact tenor of the proposition itself, until it appeared in the form of a manifesto in the Baltimore papers.

After remaining three days at Annapolis, the nineteen Electors separated, announcing in their manifesto, that they thereby resigned into the hands of

the people, the authority with which they had clothed them—and that as they considered that this course would terminate the existence of the Senate, and consequently, of the Constitution and the authority of all the officers of annual appointment, they suggest that a Convention, to consist of six persons from each county and city, should meet at the City of Annapolis on the 3d Monday of November, to continue all such appointments until a new Constitution should be formed by a Convention to be called for that purpose.

The predicament in which the people of the State so unexpectedly found their government, all the danger of impending anarchy and civil strife to which an attempt to carry out the proposed project would inevitably have led, was well calculated to arouse the community and although perhaps nine-tenths of the administration party, if their opinion had been consulted, previous to adopting such a step, would have disapproved of it, yet such is the influence of party association, that as the step was taken, and taken as a party measure, the great majority of the party determined to sustain it.

Time was hardly allowed for the news of this movement to reach the remote counties, before the election by members of the popular branch of the legislature came on, and afforded the people an opportunity of evincing their disapprobation. Only twenty, of the eighty delegates, were returned of that party, and all the electors of that party, who were candidates, were defeated.

Only one of the recusant electors JOHN S. SELLMAN, Esq., of Anne Arundel County, recognised this public expression so far as to meet the College. His colleagues, Wesley Linthicum, and Dr. Duvall, of Montgomery county published their determination to adhere to the course they had taken.

A second opportunity for an expression of public sentiment was afforded by the election of Electors of President and Vice President, which took place five weeks after the election of Delegates, and resulted in a signal defeat of the Administration party. The aggregate Whig majority in the State was 3,513.

Notwithstanding the openly avowed design of destroying the existing Constitution, and the attempt in several

and success in some, of the counties, to elect members to the suggested Convention, which was to assume authority over the Constitution as well as public officers, the Executive had refrained from issuing a Proclamation in this juncture of affairs, because the elections were so near at hand, that such a measure would have been denounced as an interference to affect the result. On the 6th day of November, the day succeeding the election, however, the Proclamation was issued, and the Legislature was directed to meet on the 21st of the same month, to provide for the exigency.

On the 15th however, WESLEY LINTHICUM, one of the recusant Electors for Anne Arundel co. published a notification of his intention to meet the College of Electors and qualify on the 19th. and inviting the other seceders to meet him at that time, and assist in electing a Senate.

On the 19th, Messrs. J. B. Thomas and George, the recusant Electors for Queen Ann's, and Mr. Fountain for Caroline, also entered the College, qualified, and the College immediately proceeded to elect a Senate.

The appointment of Commissioners

to negotiate the Internal Improvement loan, had meantime been postponed by the Executive, in consequence of those proceedings which not only threatened the peace and tranquillity, but the very existence of the State and consequently materially affected its credit.

The sensation which the proceedings of the minority Electors created, extended over the whole Union, from the certainty which was obvious to all, that if constitutional minorities cannot be held to their obligations by the force of public virtue, there must be an end at once to our Republican System. The successful example of a conspiracy of the character of the one attempted on this occasion would be resorted to by every disappointed faction, and endless turmoil would succeed, for the Constitution of the Union, and of every State in the Union would always be liable to such assaults. Happy for the Republic as well as for Maryland, was the promptitude with which the People themselves rallied on this occasion, and so signally rebuked the attempt.

CHAPTER II.

REFORM OF THE CONSTITUTION OF MARYLAND.

Public opinion could hardly have been more emphatically expressed in relation to the revolution attempted in September, 1836, by the nineteen recalcitrant Electors of the State Senate, than it was at the election which took place in October for Delegates to the General Assembly. Of the eighty members of which that house was composed, only twenty attached to the Van Buren party which had countenanced the measure, succeeded to seats, most of them by very small majorities, and some of them only by publicly disavowing the conduct of the recusants.

The Legislature therefore consisted of a Whig Senate, (unanimous,) and of a House of Delegates consisting of sixty Whigs and twenty Van Burenists.

The engrossing topic of the session was the contemplated Reform in the STATE CONSTITUTION.

The Van Buren members were much divided upon this question among themselves. In relation to their course as a party, some opposed any other project than that of assembling a Convention to form an entire new Constitution; others strenuously objected to that process and insisted upon Reform by the constitutional process. Again upon the extent of the proposed change they were widely at variance with others.— A number of private meetings were held with the view of adopting some expedient which would enable them to act together as a party, which resulted finally in their agreeing to disagree upon the subject.

Upon the General Assembly, constitutionally organized and empowered as a CONVENTION UPON THE CONSTITUTION, as is wisely provided by that instrument, now devolved the duty of deliberating upon the provisions of the Constitution, and of proposing such Reforms therein as would render it more acceptable to the people and better adapted to the altered condition of the State. They approached the subject with all that circumspection which should be observed when the

organic laws are about to be changed—and after several weeks temperate discussion, during which a full share of talent was exhibited in debate upon the several propositions submitted, two bills passed both branches with an unanimity which perhaps has seldom been witnessed upon any so important and difficult a subject in the deliberate assemblies of this or any other Republic.

The bills passed the Senate without one dissenting voice. In the House of Delegates the votes were FIFTY-NINE for, and FOURTEEN against the bills.— (Of the latter number seven were Whigs, viz: 1 from St. Mary's 2 from Charles, 1 from Calvert, and 1 from Worcester—the remaining seven were Van Buren men, viz: 1 from Charles, 1 from Calvert, 3 from Cecil and 2 from Allegany the members of which party divided 13 for, and 7 against the bill. The Whig members stood 52 for, and 7 against the bill.

REFORM PROPOSED.

The bills thus passed proposed entirely to remodel the Executive and Legislative departments.

EXECUTIVE DEPARTMENT.

The Governor, instead of being elec-

ted annually by joint ballot of both houses of the General Assembly. by this act was to be elected for three years by a general vote of the people, and is ineligible for the next term.

The State was divided into three Gubernatorial districts, of which the Eastern Shore counties constitute one; St. Marys, Charles, Calvert, Prince George's, Montgomery and Anne Arundel counties and the cities of Baltimore and Annapolis, constitute another; and the remaining counties of the State the other district; and from these districts, alternately, the Governor was to be chosen, adding to the qualifications heretofore required, that he shall have resided at least three years in the district, from which he may be elected.

The Executive Council was abolished, and all the Executive powers in future were to be exercised by the Governor, and in cases of important appointments by and with the advice and consent of the Senate—to whom however he was forbidden to re-nominate the same person when once rejected by them, except at their request.

The office of Clerk to the Council was abolished, and a Secretary of State

substituted, to be annually appointed by the Governor, subject to the approval of the Senate.

In case of a vacancy in the office of Governor, the General Assembly were by joint ballot to proceed to fill the same for the residue of the term from the same gubernatorial district. Meantime, until it is so filled, the Secretary of State shall act as Governor, or in case of vacancy in that office, the President of the Senate, and should that be also vacant, the Speaker of the House of Delegates officiates as Governor.

The first election of Governor under this act was held on the 1st Wednesday in October 1838; lots were drawn to determine from which gubernatorial district the first and the second choice was to be made.

The term of his office commenced on the 1st Monday in January 1839, and continued for three years and until a successor was chosen and qualified.

LEGISLATIVE DEPARTMENT.

SENATE.—The terms of the old Senate expired so soon as a new Senate was elected and qualified under this Reform act, according to the Constitution and Laws of the State.

It was to be composed of twenty-one members—one to be elected by ballot of the voters in the city of Baltimore, and one in like manner in each county of the State.

The term of one-third of those first elected, expired in two years; one other third in four years; and the remaining third in six years; they were to be classified to that effect immediately on first assembling, and in such manner as the Senators should prescribe. Thus, one third of the body are to be elected every two years; and after the first terms expire, are to serve for six years, and are ineligible to re-election.

Vacancies are to be filled by a new election in the county or city, for the residue of the term.

HOUSE OF DELEGATES.—Until the new census of 1840 was officially promulgated, the House of Delegates consisted of a specified number.

After the official promulgation of the census of 1840, and after every second census thereafter, the ratio of representatives in the House of Delegates, was fixed according to the following basis:

Every county having less than 15,000 souls, federal numbers, 3 delegates.

Over 15,000, and less than 25,000, 4 delegates.

Over 25,000, and less than 35,000, 5 delegates.

Over 35,000, 6 delegates.

The city of Baltimore to have as many delegates as the county having the largest delegation.

The city of Annapolis shall cease to send a distinct delegation, and be hereafter incorporated as a part of Anne Arundel county.

ELECTIONS.—The first election of Governor, Senators and Delegates, under this act, took place on the first Wednesday in October, 1838; and all the elections thereafter were to be held on the first *Wednesday*, instead of the first *Monday* in October.

MASTER AND SLAVE.—The relation of master and slave in this state, shall not be abolished, unless a bill to abolish the same, shall be passed by a unanimous vote of the members of each branch of the General Assembly, be published at least three months before the next election of delegates to the General Assembly, and be confirmed by a like unanimous vote at the next regular session—nor then without suf

compensation to the master.

SEAT OF GOVERNMENT, &c.—Annapolis is secured as the Seat of Government, and the place for holding the sessions of the Court of Appeals of the Western Shore, and of the Court of Chancery.

Clerks of the County Courts, and Registers of Wills, and Register in Chancery.—By a bill, distinct from the foregoing, the Constitution was altered as to the mode of choosing and as to the term of office of those officers.

They were to be appointed by the Governor, by and with the advice and consent of the Senate, for the term of seven years.

Persons holding these offices at the time of this act were, however, excepted from its operation till 1845.

CHAPTER III.

FIRST ELECTION OF GOVERNOR—AND ARRANGEMENT OF DISTRICTS.

The first election, under the Reform Bill, when the Governor was elected by the people, took place on the 1st Wednesday in October 1838. William Grayson, Esq., of the Eastern Shore, was elected and qualified on the 1st Monday in January 1839 to serve for three years. His salary by the bill was fixed at \$4,200 per annum, and he was required to reside at the seat of government, where a furnished dwelling is provided by the State.

The first election in the Western District, by the people, resulted in the choice of Francis Thomas, Esq.; and the first election in the third district in the choice of Thomas G. Pratt, Esq.

GUBERNATORIAL DISTRICTS.

According to the provisions of the amendment of 1836, confirmed 1837, to the Constitution of Maryland, the State has been divided into three *Gubernatorial*.