

CONSTITUTION OF MARYLAND.

A bill has passed the legislature of the state of Maryland, at its session just closed, to amend the constitution of that state. If again passed, by the next legislature, it will become a part of the constitution of the state, such being the process of amendment prescribed by the existing constitution.

For the following synopsis of the amendatory act, in which an important portion of our readers are seriously interested, we are indebted to the Baltimore Chronicle:

Sec. 1. Vacates the seats of the presents senators as soon as a new senate shall be elected, as provided for in this bill.

Sec. 2. The senate for 1838 to be composed of twenty-one members.

Sec. 3. The members of the senate for 1838, and forever thereafter, to be chosen, one from each county of the state and the city of Baltimore.— Their term of service to commence on the day now fixed by law for the meeting of the legislature, and continue for two, four and six years, according to classification. Qualifications of those who vote for senators the same as those who are entitled to vote for delegates, and the senators to be chosen by a plurality of votes. New election to be held in case of a tie. One-third of the senators to be elected every second year on the first Wednesday of October.

Sec. 4. Elections for senators to be conducted in the same manner as those for delegates.

Sec. 5. Senators to have all the qualifications of delegates, and the additional ones of being thirty years old, and having resided three years in the city or county from which they are chosen.

Sec. 6. Vacancies in the senate to be filled by a new election.

Sec. 7. The thirty-seventh article of the constitution repealed so far as it makes senators ineligible to offices of profit.

Sec. 8. Senators and delegates incapacitated from receiving any office which shall have been created, or the emoluments increased during the time for which they were elected, or of filling any office whilst a senator or delegate.

Sec. 9. At the election for delegates in 1838, and until after the census of 1840, the members of the house of delegates to be elected as follows:

<i>Western shore.</i>	<i>Eastern shore.</i>	
Baltimore city	5 Dorchester	4
Baltimore county	5 Somerset	4
Annapolis	1 Worcester	4
Anne Arundel	4 Cecil	3
Prince George's	4 Kent	3
Harford	4 Queen Anne's	3
Frederick	5 Caroline	3
Montgomery	4 Talbot	3
Carroll	4	—
Washington	4	—
St. Mary's	3 Eastern shore	27
Charles	3 Western shore	52
Calvert	3	—
Allegany	3	79
	52	

Sec. 10. After the promulgation of the census of 1840, and every second census thereafter, the representation in the house of delegates to be graduated as follows:

Every county having less than 15,000 inhabitants to elect three delegates.

Counties having 15,000 and less than 25,000 inhabitants to elect four delegates.

Counties having 25,000 and less than 35,000 inhabitants, to elect five delegates.

All counties having over 35,000 inhabitants, to elect six delegates.

The city of Baltimore to elect as many delegates as the largest county.

No county is to have a less number of delegates than is allowed by the ninth section, but the delegate now allowed to Annapolis not to be counted for Anne Arundel county.

Sec. 11. The city of Annapolis, after the election of 1837, to be taken as a part of Anne Arundel county in the election of senator.

Sec. 12. The general assembly to regulate by law the time, place and manner of holding elections, and to divide counties into election districts.

Sec. 13. Executive council abolished, office of clerk abrogated, and the whole executive power of the government vested in the governor, subject to the checks provided by this bill.

Sec. 14. The governor to nominate, and with the consent of the senate to appoint, all officers whose offices are created by law. This section not to interfere with the officers in commission when this law goes into operation, or to alter the tenure of their office.

Sec. 15. Governor to fill vacancies that may occur during the recess of the senate, by granting commissions that shall expire when a successor is appointed, or one month after the next regular session of the senate.

Sec. 16. Persons rejected by the senate not to be nominated to the same office a second time by the governor, unless the senate request him to do so. The governor cannot appoint a person, who has

been nominated to the senate and rejected, to the same office during the recess of the senate.

Sec. 17. A secretary of state to be appointed by the governor with the consent of the senate.

Sec. 18. If a vacancy occur in the office of governor, the general assembly, if in session, or, if not, at their next meeting, shall elect a person to fill such vacancy, and, until such election, the secretary of state to act as governor, or if the secretary fail to act, the president of the senate, or if there be no president the speaker of the house of delegates.

Sec. 19. Governor to be elected in 1837, to continue in office until a new election under this act.

Sec. 20. Governor to be elected by the people. He shall continue in office for three years, and be ineligible for a second term. The state to be divided into districts as follows, the governor to be taken from each of the districts alternately:

Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Somerset and Worcester, compose one district.

Saint Mary's, Charles, Calvert, Prince George's, Anne Arundel, (including Annapolis), Montgomery and Baltimore city, compose another district.

Baltimore, Harford, Carroll, Frederick, Washington and Allegany, compose another district.

The district from which the governor is first to be chosen to be determined by lot.

Sec. 21. The general assembly to regulate the time, place, manner, &c. of holding elections for governor, and the judges to send the returns to the secretary of state.

Sec. 22. The legality of votes for governor to be decided by the senate, and the person having the highest number of votes to be declared governor, his term of office to commence on the first Monday of January.

Sec. 23. No person elected governor eligible for a re-election the succeeding term.

Sec. 24. The elections authorised by this act to be held on the first Wednesday of October.

Sec. 25. In the elections for governor, Annapolis to be taken as a part of Anne Arundel county.

Sec. 26. The relation of master and slave not to be altered without the unanimous consent of two consecutive legislatures; and not then without a full restitution to the master for his property.

27. The city of Annapolis to continue the seat of government, and the place of holding the sessions of the court of appeals for the Western Shore, and the high court of chancery.

Sec. 28. Provides for the confirmation of this act.

The following is the report made by its chairman (*Charles Sterett Ridgely, esq.*) of the select committee appointed to inquire into the expediency of reporting a bill making it a high crime and misdemeanor for citizens to conspire against the constitution of the state:

The select committee to whom was referred the order to inquire into the expediency of reporting a bill making it a high crime and misdemeanor for any citizen or citizens of this state to plan, conspire or combine together, to alter, or change the constitution or form of government, otherwise than is established by that instrument and the laws of the land, and to affix such penalties as may be commensurate with this offence, beg leave to report:

That the subject committed to their care is of the gravest import, and should be treated with great moderation and prudence. If, on the one hand, we disregard it entirely, and affix no penalties to the offences alluded to, our government would be liable at every moment to be assailed by those who, from party zeal, personal ambition, or a spirit of radicalism, might seek to overthrow our institutions. On the other hand, while we design to fortify the state against such assaults, there is very great danger of running into the other extreme, and consolidating, in the hands of the executive, powers dangerous to civil liberty. We have more to fear from the latter than the former. Our institutions emanate immediately from the people, and are sustained and controlled by public opinion. Whenever the majority desire an important change, it will be accorded to them in a peaceful and constitutional mode. They have the right and the power to alter our forms of government whenever the ends of justice require it. Our constitution prescribes the mode by which it may be altered; and it may very justly be remarked, that whenever a majority of the people require a change, to promote the common good, it ought to and will be made. No danger is then to be apprehended from the great mass of the people.

But there is danger that a few evil disposed persons, actuated by motives of personal aggrandizement, ambition, or an innate fondness for tumult and disorder; or a party infuriated by the doctrines of some factious demagogue, may assail our institutions, and, unless restrained by the arm of power, might plunge the state and themselves in one common ruin. This is an evil that, in most instances,

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may safely be left to be corrected by public opinion. Recent events in this state have demonstrated that this is an effective remedy. A few months only have elapsed since a handful of men attempted a great revolution of our government, usurped to themselves the sovereignty of the state, and endeavored to substitute, in the place of the established authorities, a provisional convention, called without law, and with power to do any and every thing! What has been the result? The people have risen in their majesty, frowned indignantly on this unjustifiable attempt, and consigned the actors to a merited obloquy.

The failure of this attempted revolution is most gratifying to the patriot, and affords the most certain evidence that the people are capable of self-government, and may safely be trusted with the preservation of their own liberties. It has demonstrated the proposition that public opinion can control and defeat the evil designs of those who may attempt to overthrow our institutions, and has done more to establish civil liberty on a broad and sure foundation, than any event which has occurred since the Declaration of Independence.

Notwithstanding public opinion may be relied on to maintain the integrity of the constitution, and finally to defeat any attempt to overthrow it, it cannot be relied on to check every petty outbreaking or sudden attack. These, though they cannot be ultimately successful, may do incalculable injury; and it is therefore necessary that the executive arm of the government should be strengthened to curb their violence. Occasions will rarely, and it is to be sincerely hoped, will never occur, when they will be necessary; but still the executive should have them within their reach when it may be proper to resort to their use. Constant preparation for defence is the surest safeguard from attack. Those who postpone the hour of arming till the enemy have charged will always be sure of defeat. It is the part of wisdom to prepare for danger; hence the necessity of investing the executive, if they do not already possess them, with the proper means of maintaining the supremacy of the laws.

Happily for us, our fathers, with wisdom and forecast, provided the means of averting the dangers apprehended by the order of inquiry. They invested the government which they established with ample powers to maintain itself, and effectually check the outbreakings of licentiousness, or the bold and dangerous schemes of ambition. A hasty review of the means in force for the more perfect administration of government will serve to show that the objects contemplated by the order are already satisfied.

In the constitution and laws which they ordained, we find that the governor, with the advice of his council, may embody the militia, and when embodied shall have the direction thereof; may suspend militia officers for a limited time; may suspend or remove any civil officer not appointed during good behavior; may suspend or remove any regular officer of the land or sea service; may convoke the general assembly when the public service requires it; and may exercise all the executive powers of government according to the laws of this state. These powers are deemed sufficiently ample to protect from sudden aggression any portion of the state. With power to convoke the legislative department of the government whenever, in their opinion, the public service requires it, no serious danger is to be apprehended, unless we suppose that the executive will not be vigilant of duty.

Our bill of rights, too, adopted the common law, or so much of it as may be found applicable to our condition. And a part of the common law is the law of *conspiracy*, which it is believed, affords ample penalties for all offences contemplated by the order. The court of appeals of this state have, in the case of the state *vs.* Buchanan, decided "That every conspiracy to do an *unlawful act*, or to do a lawful act, for an illegal, fraudulent, malicious or corrupt purpose, or for a purpose which has a tendency to prejudice the public in general, is, at common law, an indictable offence, though nothing be done in execution of it, and no matter by what means the conspiracy was intended to be effected." To combine to alter or change the form of government in a mode unknown to the constitution, is an unlawful act, and is clearly embraced as an indictable offence in the common law doctrine of conspiracy, thus explicitly and comprehensively laid down by the highest court of judicature in the state. Nor need the end of the combination be accomplished before its actors are liable to punishment. "The act of conspiring," say the court, "is made the substantive offence, by the nature of the object intended to be effected." Thus a combination formed, having for its object an overthrow of the government, without having executed its designs, is an indictable offence at common law.

But our ancestors were not content to leave the punishment of offences of this grave character to the common law only, which, at the date of our constitution, was, in this state, not strictly defined; but they, who toiled to establish that instrument, and who best knew its value—they, who were superior to every improper motive, and animated alone by virtue and patriotism—they recorded upon our statute book, immediately after founding the government, penalties, which they deemed necessary for attempts to overthrow it.

The act 1777, chap. 20, sec. 5, is in these words: "That if any subject or inhabitant of this state shall, by any work, open deed, writing, printing or other act, persuade or excite any of the inhabitants of this state to resist the present government thereof, by force; or to oppose, or in any manner obstruct, with force, the execution of any of the laws of this state, such person, being convicted, thereof in the general court, shall be fined not exceeding two thousand pounds current money; and be imprisoned not more than two years, at the discretion of the court." This act is still in force, and will be found adequate to the punishment of all offences which may endanger our constitution.

Having presented this hasty review of the powers of the executive, of the common law relative to conspiracies, and of our own statutes, which are believed to be sufficient for the suppression and punishment of the offences apprehended; and entertaining a high sense of the virtue, intelligence and patriotism of the people, and a firm and unshaken reliance on the conservative power of public opinion, the committee are unanimously of opinion that no further legislation on the subject referred to them is at this time necessary. They therefore pray to be discharged from the further consideration of the order. All which is respectfully submitted.

C. S. RIDGELY, *chairman*,  
J. H. CULBRETH,  
WM. H. TUCK,  
J. W. CRISFIELD,  
THOS. H. HICKS,  
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