

lyday, Mitchell, Miller, Morgan, Ridgely, Schley, Smith, of Dorchester, Stirling, Stockbridge—20.

Nays—Messrs. Abbott, Annan, Barron, Cushing, Dail, Davis, of Charles, Davis, of Washington, Dennis, Ecker, Galloway, Hatch, Hopkins, Hopper, Johnson, Jones, of Somerset, King, Larsh, Lee, Markey, McComas, Mullikin, Murray, Nyman, Parker, Pugh, Russell, Sands, Scott, Wickard, Wooden—30.

The amendment was accordingly rejected.

Mr. DAVIS, of Charles, moved to amend by adding to section twenty-one the following:

“Provided all salaries and compensations shall be paid in specie or its equivalent, at the option of the officer.”

The question being taken, the amendment was rejected.

No further amendment was offered to section twenty-one.

INELIGIBILITY TO OFFICE.

Section twenty-two was then read as follows:

“No senator or delegate, after qualifying as such, notwithstanding he may thereafter resign, shall, during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased during such term, or shall, during said term, hold any office, or receive the salary or profits of any office under the appointment of the Executive or General Assembly.”

Mr. STOCKBRIDGE. I move to amend this section by striking out the latter portion of it, as follows:

“Or shall, during said term, hold any office, or receive the salary or profits of any office under the appointment of the Executive or General Assembly.”

I submit this amendment under the belief that this section, as it will stand if so amended, will be sufficiently broad to cover the evil at which the restriction or prohibition upon the members of the General Assembly is aimed. It will prohibit any person, being a member of either branch of the General Assembly, from legislating to create any office, or to increase the salaries or profits of any office, in order that he may be benefited by it; while it will not restrain the Executive from appointing a man to a position for which he may happen to be particularly qualified, and which may have previously existed, in which a vacancy may have occurred. For example, a lawyer of eminence is a member of either branch of the Legislature. A vacancy, it may be unexpected at the time of his election, occurs in the judiciary of the State, and the Governor sees fit to appoint him to fill that vacancy. Under the article, as it now stands, he cannot be designated by the Executive to that place.

This provision is very similar to the provision in our present Constitution. I do not know how it was done; yet it has so happened that by disregard or forgetfulness of the Constitution, persons have been appointed to vacancies of that kind that have occurred. Certainly it was not in accordance with this provision of the Constitution. I do not think there is any object to be secured by retaining this clause, and I think it desirable to strike it out.

The question being taken upon the amendment of Mr. STOCKBRIDGE, it was rejected.

Mr. MILLER. As the Convention has just refused to strike out this last clause, I would like to inquire of my friend, the chairman of the committee (Mr. Schley,) what construction the committee places upon this section as it now stands. They have made a change in the provision of the present Constitution upon this subject, by substituting in the first clause the words, “whole period of time,” for the word “term,” while in the last clause the words “said term” are used. I would like to inquire whether according to the construction which the chairman of the committee puts upon the words “said term,” they mean “the whole period of time for which he has been elected.”

Mr. SCHLEY. That was clearly the intention of the committee. The words “said term” evidently relate to what has been said before; “the whole period of time for which he was elected” is the “term” meant here.

Mr. MILLER. I agree that that would be my construction of the language as it stands here. But some change may be necessary, in order to avoid a difficulty mentioned in a debate which took place here last winter upon the appointment to office of a person who was a member of the General Assembly.

Mr. SCHLEY. The words “such term,” or “said term,” refer to the whole period of time for which a member of the General Assembly may be elected.

Mr. CHAMBERS. What other term does the gentleman from Anne Arundel (Mr. Miller) suppose was referred to? There is but one term mentioned in the section.

Mr. MILLER. I would call the attention of the gentleman from Kent (Mr. Chambers) to a similar provision in the present Constitution, as follows:

“No senator or delegate, after qualifying as such, shall, during the term for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased during such term, or shall, during said term, hold any office or receive the salary or profits of any office, under the appointment of the Executive or Legislature.”

Now, what was the construction put upon this provision of the Constitution by eminent lawyers of this State? They went to the extent of saying that a senator in the Legisla-