

Mr. DENT. The Legislature might make some other city.

Mr. STIRLING. I suppose the word "city" might not be necessary anywhere. It might so happen that some city may become so populous as to make it necessary to erect it in a new county.

Mr. RIDGELY. Where do the Legislature get any such power?

Mr. STIRLING. They have exercised the power.

Mr. RIDGELY. The Legislature never has done it. The Constitution has made the new counties—Howard, Carroll, &c.

Mr. MILLER. If it is the sense of the Convention that the word "city" should remain in the section, then in order to make it uniform I move to insert the words "or city" after the word "county" in the clause which now reads—"and if not, then in the county from which, in whole or in part, the same may have been formed."

The question being taken upon the motion of Mr. MILLER, it was not agreed to, upon a division, ayes 22, noes 26.

Mr. MILLER. I move now to strike out the words "or city" in the sentence which now reads—"if such county or city shall have been so long established."

The motion was not agreed to.

No further amendment was offered to the seventh section.

Section eight was then read as follows:

"No member of Congress, or person holding any civil or military office under the United States, shall be eligible as a senator or delegate; and if any person shall, after his election as a senator or delegate, be elected to Congress, or be appointed to any office, civil or military under the Government of the United States, his acceptance thereof shall vacate his seat."

Mr. CLARKE. I believe section eight of this report agrees with the section as it stands in the present Constitution. But I move to amend this section by striking out all after the word "delegate" where it first occurs, and inserting the following:

"And no person shall, after his election and qualification as a senator or delegate, and during his term of office, be elected to Congress, or accept any office civil or military under the Government of the United States."

In proposing this change, it is not with the idea that we have any right to prescribe the qualifications of members of Congress or to prescribe to the General Government whom they shall appoint. The first portion of this section provides that—"No member of Congress, or person holding any civil or military office under the United States, shall be eligible as a senator or delegate." Suppose the people elect a person to represent them as a senator or delegate. The amendment I propose provides that after his election and qual-

ification he shall not be elected to Congress, and shall not accept any office under the Federal Government.

Mr. STIRLING. How will you enforce it?

Mr. CLARKE. The gentleman inquires how this provision can be executed. When a member elect qualifies, he swears to support the Constitution of Maryland; and he is thereby by his oath at once prevented from accepting any federal office. In that way the State will secure the services of the individual who has been elected as senator or delegate. That is the way in which the amendment will become operative. Now I will state the reason for the amendment:

The first clause of this section shows clearly that when a person is a member of Congress, or holds any office under the United States, the State does not desire to take him from the discharge of that duty to serve in the State Legislature as senator or delegate. Now I say the same rule ought to hold good in reference to the officers of the State. What is more common than this; that gentlemen who aspire to places in the Senate of the United States seek seats in the House of Delegates or in the other body, as a high road to an election to the United States Senate, if such an election is coming off. For several years past there has not been a senator elected to the Senate of the United States who has not been chosen from one House of the Legislature or the other.

I offer this amendment to obviate that difficulty. Those gentlemen do not come to the Legislature, when a senatorial election is to come off, for the purpose of discharging their duties in the Legislature with a view solely to subserve the interests of the State, but they come here with a view to electioneer among members, profiting in that respect by the opportunities they have over other gentlemen in the State—by little acts of courtesy here, and little acts of courtesy there, by the influence of their presence upon the spot; though I will not say by anything which gentlemen should not stoop to do; we all have heard, however, those charges abroad in the community. Now I desire to free the halls of legislation from all such scenes as those. We sometimes have three or four aspirants to the United States Senate upon this floor and upon the floor of the other house. I have seen here, as others have seen, this member directing his course here with that view, and so with other members. All the time there was a game going on, looking solely to the senatorial election. Now, when a man is elected to either branch of the Legislature, I want to have him come here with a view of serving the State, with no other or higher consideration to affect his course. I do not say it would affect his course knowingly to him, or that he would not be governed by regard for the interests of the State. But I want to remove this temptation from him,