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"THE END OF EVERY GOVERNMENT SHOULD BE THE WELFARE OF THE PEOPLE."

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—TERMS.—

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LAWS OF MARYLAND.

STATE DEPARTMENT,
Annapolis, April 14th, 1838.

In pursuance of authority contained in an order of the House of Delegates, I hereby direct the acts of Assembly passed at December session, 1836, entitled "an act to amend the Constitution and form of Government of Maryland," chapter 197, and the act, passed at the same session, entitled "an act providing for the appointment of Appeals for the Eastern and Western Shores, the Clerk of the Baltimore city Court, and the Register of Wills in the several counties of this State," chapter 224, and confirmed at the subsequent session, to be published once a week for three weeks successively in the following papers to wit:—

Republican and Gazette, Annapolis; Patriot; Chronicle, American, Transcript and Sun, Baltimore; and in all the papers published in the several counties of the State.

J. H. CULBERTH,
Secretary of State.

CHAPTER 224.

An act providing for the appointment of Clerks of the several County Courts, the Clerks of the Courts of Appeals for the the Eastern and Western Shores, the Clerk of Baltimore City Court, and the Registers of Wills in the several Counties of this State.

Section. 1 Be it enacted by the General Assembly of Maryland, That from and after the confirmation of this act, the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint the clerks of the several county courts the clerk of the court of appeals for the Western Shore, the clerk of the court of appeals for the Eastern Shore, the clerk of Baltimore city court, the register of the high court of Chanery, and the registers of wills throughout the State, and that the persons so appointed shall continue in office for and during the term of seven years, from the date of their respective appointments; provided nevertheless, that the person who shall respectively be in office at the time of the confirmation of this act as clerks of the several county courts, as clerks of the court of appeals, as clerks of the Baltimore city court, and as register of wills, shall not be subject in any respect to the operation of this act, until from and after the first day of February, and in the year of our Lord eighteen hundred and forty five.

Sec. 2 And be it enacted, That if this act shall be confirmed by the General Assembly of Maryland after the next election of delegates, in the first session after such new election, as the constitution and form of Government directs, that in such case this act and the alterations therein contained shall be considered as a part of the said constitution and form of government, to all intents and purposes, any thing therein contained to the contrary notwithstanding.

CHAPTER 197.

An act to amend the Constitution and Form of Government of the State of Maryland.

Section. 1. Be it enacted by General Assembly of Maryland. That the last senate shall end and be determined whenever, and as soon as a new senate shall be elected as hereinafter provided, and a quorum of its members shall have qualified as directed by the constitution and laws of this State,

Sec. 2. And be it enacted, That at the December session of the General Assembly of Maryland for the year of our Lord, eighteen hundred and thirty-eight, and forever thereafter, the chosen as hereinafter provided, a majority of whom shall be a quorum for the transaction of business.

Sec. 3. And be it enacted, That at the time and place of holding elections in the several counties of this State, and in the city of Baltimore, for delegates, to the General Assembly for the December ses- of the year eighteen hundred and thirty-eight, and under the direction of the same judges by whom such elections for delegates shall be held, an election shall also be held in each of the several counties of this State and in the city of Baltimore respectively, for the purpose of choosing a senator of the State of Maryland for and from such county or said city, as the case may be, whose term of office shall commence on the day fixed by law for the commencement of the regular session of the General Assembly, next succeeding such election and continue for two, four or six years according to the classification of a quorum of its members; and at every such election for senators, every person qualified to vote at the place at which a delegates to the General Assembly shall be entitled to vote for one person as senator; and of the persons voted for as senators in each of the several counties and in said city, respectively the person having the highest number of legal votes, and possessing the qualifications hereinafter mentioned, shall be declared and returned as duly elected for said county or said city, as may be; and in case two possessing the required qalifications shall be found on the final casting of the votes given, in any one of said counties or said city, to have an equal number of votes, there shall be a new election ordered as hereinafter mentioned; and immediately after the senate shall have convened in pursuance of their election under this act, the senators shall be divided in such manner as the senate shall prescribe, into three classes; the seats of the senators of the first clas shall be vacated at the expiration of the second year, of the second at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third thereof may be elected on the first Wednesday of October in every second year; and the elections shall be held in the several counties and city, from which the retiring senators came, to supply the vacancies as they may occur in consequence of this classification.

Sec. 4. And be it enacted, That such election for senators shall be conducted, and the returns thereof be made, with proper variations in the certificate to suit the case, in like manner as in cases of elections for delegates.

Sec. 5. And be it enatcted, That the qualifications necessary in a senator shall be the same as are required in a delegate to the General Assembly, with the additional qualification that he shall be above the age of twenty-five years, and shall have resided at least three years, next preceding his election, in the county or city in and for which he shall be chosen.

Sec. 6. And be it enacted, That in case any person who shall refuse to act, remove from the county or city, as the case may be for which he shall have been elected, die resign, or be removed for cause, or in case of a tie between two or more qualified persons in any one of the counties, or in the city of Baltimore, a warrant of election shall be issued by the President of the Senate for the time being, for the election of a senator to supply the vacancy, of which ten days notice at the least, excluding the day of notice and the day of election, shall be given.

Sec. 7. And be it enacted, That so much of the thirty seventh article of the constitution provides that no senator or delegate to the General Assembly, if he shall qualify as such, shall hold or execute any office of profit during the time for which he shall be elected, shall be and the same is hereby repealed.

Sec. 8. And be it enacted, That no senator or delegate to the General Assembly, shall during the time for which he was elected, be appointed to any civil office under the constitution and laws of this State, which shall have been created, or the emoluments thereof shall have been increased during such time, and no senator or delegate, during the time he shall continue to act as such, shall be eligible to any civil office whatever.

Sec. 9. And be it enacted, That at the election for the delegates to the General Assembly, for the December session of the year of our Lord eighteen hundred and thirty-eight, and at each succeeding election for delegates until after the next census shall have been taken and officially promulged, five delegates shall be elected in and for Baltimore city, and one delegate in and for the city of Annapolis, until the promulging of the census for the year eighteen hundred and forty, when the city of Annapolis shall be deemed and taken as a part of Anne Arundel county, and her right to a separate delegation shall cease; five delegates in and for Baltimore county; five delegates in and for Frederick county, and four delegates in and for Aune Arundel county, and four delegates in and for each of the several counties respectively herein after mentioned, to wit: Dorchester, Somerset, Worcester, Prince George's, Harford, Montgomery, Carroll and Washington; and three delegates in and for each of the several counties respectively, herein after next mentioned, to wit: Cecil, Kent Queen Ann's, Caroline, Talbot, Saint Mary's, Charles, Calvert and Alleghany.

Sec. 10. And be it enacted, That from and after the period when the next census shall have been taken and officially promulged, and from and after the [illegible] of every second census thereafter, the representation in the House of Delagates from the several counties and from the city of Baltimore, shall be graduated and established on the following basis, that is to say, every county which shall have by the said census, a population of less than fifteen thousand souls, federal numbers, shall be entitled to elect three delegates; every county having a population by the said census of fifteen thousand souls, federal numbers, shall be entitled to elect four delegates; and every county having by the said census a population of twenty-five thousand souls, federal numbers, shall be entitled to elect five delegates; and every county having a population of upwards of thirty-five thousand souls, federal numbers, shall be entitled to elect six delegates; and the city of Baltimore shall be entitled to elect as many delegates as the county which shall have the largest representation, on the basis aforesaid, may be entitled to elect; provided, and it is hereby enacted, that if any of the several counties herein before mentioned, shall not, after the said census for the year eighteen hundred and forty shall have been taken, be entitled by the graduation on the basis aforesaid to a representation in the House of Delegates equal to that allowed to such county by the ninth section of this act, at the election of delegates for the December session of the year eighteen hundred and thirty-eight, such county shall, nevertheless, after said census for the year eighteen hundred and forty, or any future census, and forever thereafter, be entitled to elect the number of delegates allowed by the provisions of said section for the said session, but nothing in the proviso contained, shall be construed to include in the representation of Anne Arundel county, the delegate allowed to the city of Annapolis in the said ninth section of this act.

Sec. 11 And be it enacted, That in all elections for senators, to be held after the election for delegates, for the December session eighteen hundred and thirty seven, the city of Annapolis, shall be deemed and taken as part of Anne Arundel county.

Sec. 12 And be it enacted, That the General assembly shall have power from time to time to regulate all matters relating to the judges, time, place and manner of holding elections for senators and delegates, and of making returns thereof; and to divide the several counties into election districts, for the more convenient holding of elections, not affecting their terms or tenure of office.

Sec. 13 And be it enacted, That so much of the constitution and form of government, as relates to the Council to the Governor, and to the clerk of the council, be abrogated, abolished and annulled, and that the whole executive power of the government of this state, shall be vested exclusively in the Governor, subject nevertheless to the checks, limitations and provisions herein after specified and mentioned.

Sec. 14. And be it enacted, That the governor shall nominate, and by and with the advice and consent of the senate shall appoint all officers of the state whose officers are or may be created by law, and whose appointment shall not be otherwise provided for by the constitution and form of government, or by any laws consistent with the constitution and form of government; provided, that this act shall not be deemed or construed to impair any manner, the validity of the commissions of such persons as shall be in office under previous executive appointment, when this act shall go into operation, or alter, abridge, or change, the tenure, quality, or duration of the same, or of any of them.

SEC. 15. *And be it enacted*, That the governor shall have power to fill any vacancy that may occur in any such offices during the recess of the senate, by granting commissions which shall expire upon the appointment of the same person, or any other person, by and with the advice and consent of the senate to the same office, or at the expiration of one calendar month, ensuing the commencement of the next regular session of the senate, whichever shall first occur.

SEC. 16. *And be it enacted*, That the same person, shall in no case be nominated by the governor, a second time during the same session, for the same office, in case he shall have been rejected by the senate, unless after such rejection, the senate shall inform the governor by message, of their willingness to receive again the nomination of such rejected person, for further consideration, and in case any person nominated by the governor for any office, shall have been rejected by the senate, it shall not be lawful for the governor at any time afterwards, during the recess of the senate, in case of vacancy in the same office, to appoint such rejected person to fill the said vacancy.

SEC. 17. *And be it enacted*, That it shall be the duty of the governor, within the period of one calendar month next after this act shall go into operation, and in the same session in which the same shall be confirmed, if it be confirmed, and annually thereafter during the regular session of the senate, and on such particular day, if any, or within such particular period as may be prescribed by law, to nominate, and by and with the advice and consent of the senate, to appoint a Secretary of State, who shall hold his office until a successor shall be appointed, and who shall discharge such duties, and receive such compensation, as shall be prescribed by law.

SEC. 18. *And be it enacted*, That in case a vacancy shall occur in the office of governor at any time after this act shall go into operation, the General Assembly, if in session, or if in the recess, at their next session, shall proceed to elect by joint ballot of the two houses, some person, being a qualified resident of the [illegible] district from which the governor for said term is [illegible] to be governor the person originally chosen; and in every case of vacancy until the election and qualification of the person succeeding, the Secretary of State, by virtue of his said office, shall be clothed, *ad interim*, with the executive powers of government; and in case there shall be no Secretary of State, or in case he should refuse to act, remove from the state, die, resign, or be removed for cause, the person filling the office of president of the senate shall, by virtue of his said office, be clothed, *ad interim*, with the executive powers of government; and in case there shall be no president of the senate, or in case he shall refuse to act, remove from the state, die, resign, or be removed for cause, the person filling the office of speaker of the house of delegates shall, by virtue of his said office, be clothed, *ad interim*, with the executive powers of government.

SEC. 19. *And be it enacted*, That the term of office of the governor, who shall be chosen on the first Monday of January next, shall continue for the term of one year, and until the election and qualification of a successor, to be chosen as hereinafter mentioned.

SEC. 20. *And be it enacted*, That at the time and places of holding the elections in the several counties of this State, and in the city of Baltimore, for delegates to the General Assembly for the December session of the year eighteen hundred and thirty eight, and before the same judges by whom the election for delegates shall be held, and in every third year forever thereafter, an election shall also be held for a governor of this State, whose term of office shall commence on the first Monday of January next ensuing the day of such election, and continue for three years, and until the election and qualification of a successor; at which said election every person qualified to vote for delegates to the General Assembly, at the place at which he shall offer to vote, shall be entitled to vote for governor, and the person voted for as governor shall possess the qualifications now required by the constitution and form of government, and the additional qualification of being at least thirty years of age, and of being and of having been for at least three whole years before, a resident within the limits of the gubernatorial district from which the governor is to be taken at such election, according to the priority which shall be determined as hereinafter mentioned. that is to say, the State shall be, and the same is hereby divided into three gubernatorial districts as follows: the counties of Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Somerset and Worcester shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the Eastern District; the counties of Saint Mary's Charles, Calvert, Prince George's, Anne Arundel, inclusive of the City of Annapolis, Montgomery, and Baltimore City, shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the Southern District; Baltimore, Harford, Carroll, Frederick, Washington and Allegany counties, shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the North-western District, and for the purpose of determining the respective numbers and order of priority of said districts in the same session in which this act shall be confirmed, if she same shall be confirmed as hereinafter mentioned, and on some day to be fixed by concurrence of the two branches, the speaker of the house of delegates shall present to the president of the Senate, in the Senate chamber, a box containing three ballots of similar size and appearance and on which shall severally be written, Eastern District, Southern District, North-western District, and the president of the senate shall thereupon draw from said box the said several ballots in succession, and the district, the name of which shall be written on the ballot first drawn, shall thenceforth be distinguished as the first gubernatorial district, and the person to be chosen governor at the election first to be held under the provisions of this section, and the person to be chosen at every succeeding third election for governor forever thereafter, shall be taken from the said first district; and the district, the name of which shall be written on the ballot secondly drawn, shall thenceforth be distinguished as the second gubernatorial district, and the person to be chosen governor at the second election to be held under the provisions of this section, and the persons to be chosen at every succeeding third election for governor forever thereafter, shall be taken from the said second district, and the districs, the name of which shall be written on the ballot thirdly drawn, shall thenceforth be distinguished as the third gubernatorial district, and the person to be chosen governor at the third election to be held under the provisions of this section, and the person to be chosen at every succeeding third election forever thereafter, shall be taken from the said third district; and the result of such drawing shall be entered on the journal of the senate, and be reported by the speaker of the house of delegates on his return to that body and be entered on the journal thereof, and shall be certified by a joint letter to be signed by the president of the senate and the speaker of the house of delegates, and be addressed and transmitted to the Secretary of State, if appointed, and if not, as soon as he shall be appointed, to be by him preserved in his office.

SEC. 21. *And be it enacted*, That the General Assembly shall have power to regulate, by law, all matters which relate to the judges, time, place and manner of holding elections for governor, and of making returns thereof, not affecting the tenure and term of office thereby; and that until otherwise directed, the returns shall be made in like manner as in elections for electors of President and Vice President, save the form of the certificate shall be varied to suit the case; and save also that the returns, instead of being made to the governor and council, shall be made to the senate; and be addresred to the president of the senate, and be enclosed under cover to the secretary of state, by whom they shall be delivered to the president of the senate at the commencement of the session next ensuing such election.

SEC. 22. *And be it enacted*, That of the persons voted for as governor, at any such election, the person having, in the judgment of the senate, the highest number of legal votes, and possessing the legal qualifications and resident as aforesaid, in the district from which the governor at such election is to be taken, shall be governor, and shall qualify in the manner prescribed by the constitution and laws, on the first Monday of January next ensuing [illegible] as soon thereafter as number or legality of the votes given for each and any person voted for as governor, and in relation to the qualifications of the persons voted for as governor, shall be decided by the senate; and in case two or more persons, legally qualified according to the provisions of this act, shall have an equal number of legal votes then the senate and house of delegates, upon joint ballot, shall determine which one of them shall be governor, and the one which, upon counting the ballots, shall have the highest number of votes shall be governor, and shall qualify accordingly.

SEC. 23. *And be it enacted*, That no person who shall be elected and act as governor, shall be again eligible for the next succeeding term.

SEC 24. *And be it enarted*, That the election to be held in pursuance of this act, shall be held on the first Wednesday of October, in the year eighteen hundred and thirty eight, and for the election of delegates on the same day in every yerr thereafter, for the election of governor on the same day in every third year thereafter, and for the election of senators of the first class, on the same day in the second year after their election and classification, and on the same day in every sixth year thereafter; and for the election of senators of the second class, on the same day in the fourth year after their election and classification, and on the same day in every sixth year thereafter; and for the election of senators of the third class, on the same day in the sixth year after their election and classification, and on the same day in every sixth year thereafter.

SEC. 25. *And be it enacted*, That in all elections for governor, the city of Annapolis shall be deemed and taken as part of Anne Arundel county.

SEC. 26. *And be it enacted*, That the relation of master and slave, in this State, shall not be abolished unless a bill so to abolish the same, shall be passed by a unanimous vote of the members of each branch of the General Assembly, and shall be published at least three months before a new election of delegates, and shall be confirmed by a unanimous vote of the members of each branch of the General Assembly at the next regular constitutional session after such new election, nor then, without full compensation to the master for the property of which he shall be thereby deprived.

SEC. 27 *And be it enacted*, That the city of Annapolis shall continue to be 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. *And be it enacted*, That if this act shall be confirmed by the General Assembly, after a new election of delegates, in the first session after such new election, agreeably to the provisions of the constitution and form of government, then and in such case, this act, and the alterations and amendments of the constitution therein contained, shall be taken and considered, and shall constitute and be valid as a part of said constitution and form of government, any thing in the said constitution and form of government to the contrary notwithstanding.

CHAPTER 84.

An act to confirm an act, entitled, an act to amend the Constitution and form of Government of the State of Maryland, passed at December session, eighteen hundred and thirty six, chapter one hundred and ninety seven.

Be it enacted by the General Assembly of Maryland, That the act entitled, an act to amend the constitution and form of Government, of the State of Maryland passed at December session, eighteen hundred and thirty six, chapter one hundred and ninety seven, be and the same is hereby ratified and confirmed.

RETRENCHMENT

A tale of other climes, but suitable to the present times.

Cut your coat according to your cloth, is an old maxim and a wise one; and if people will only square their ideas according to their circumstanstances, how much happier might we all be! If we only would come down a peg or two in our notion, in accordance with our waning fortunes, happiness would be always within our reach. It is not what we have or what we have not, which adds or subtracts from our felicity.—It is the longing for more than we have, the envying of those who possess that more, and the wish to appear in the world of more consequence than we really are, which destroy our peace of mind, and eventually lead to ruin.

I never witnessed a man submitting to circumstances with good humor and good sense, so remarkably as in my friend Alexander Willemott. When I first met him, since our school days, it was at the close of the war: he had been a large contractor with government for army clothing and accoutrements. and was said to have raised an immense fortune, although his accounts were not yet settled. Indeed it was said they were so vast, that it would employ the time of six clerks for two years, to examine them, previous to the balance sheet being struck: As I observed he had been at school with me, and, on my return from the East Indies, I called upon him to renew our old acquaintance, and congratulate him upon his success.

"My dear Reynolds, I am delighted to see you. You must come down to Belem Castle. Mrs. Willemot will receive you with pleasure, I'm sure. You shall see my two girls."

I consented. The chaise stopped at a splendid mansion, and I was ushered in by a crowd of liveried servants. Every thing was on the most sumptuous and magnificent scale. Having paid my respects to the lady of the house, I retired to dress, as dinner was nearly ready, it being [illegible] seven o'clock. It was eight before we sat down. To an observation that I made, expressing a hope that I had not occasioned the dinner being put off, Willemott replied, "on the contrary, my dear Reynolds, we never sit down until about this hour.—How people can dine, at four or five o'clock, I cannot conceive. I could not touch a mouthful."

The dinner was excellent, and I paid it the encomiums which were its due.

"Do not be afraid, my dear fellow—my cook is an artiste extraordinaire—a regular Cordon Blue. You may eat any thing without fear of indigestion. How people can live upon the English cookery of the present day, I cannot conceive. I seldom dine out for fear of being poisoned. Depend upon it, a good cook lengthens your days, and no price is too great to ensure one."

When the ladies retired being alone, we entered into friendly conversation. I expressed my admiration of his daughters, who certainly were very handsome and elegant girls.

"Very true; they are more than passable," replied he. "We have had many offers, but not such as to come up to my expectations. Baronets are cheap now-a-days, and Irish lords are nothings; I hope to settle them comfortably. We shall see. Try this claret; you'll find it excellent, not a headache in a hogshead of it. How people can drink port, I cannot imagine."

The next morning he proposed that I should rattle round the park with him. I acceded, and we set off in a handsome open carriage, with four gays, ridden by postillions at a rapid pace. As we were whirling along, he observed, "In town we must of course drive but a pair, but in the country I never go without four horses.—There is a spring in four horses which is delightful; it makes your spirits elastic, & you feel that the poor alimals are not at hard labor. Rather than not drive four I would prefer to stay at home."

Our ride was very pleasant, and, in such amusements, passed away one of the most pleasant weeks that I ever remembered.—Willemott was not the least altered—he was as friendly, as sincere as open-hearted, as when a boy at school. I left him, pleased with his prosperity, and acknowledging that he was well deserving of it, although his ideas had assumed such a scale of magnificence.

I went to India when my leave expired, and was absent about four years. On my return, I inquired for my friend Willemott, and was told that his circumstances and expectations were greatly altered. From many causes, such as a change in the government, a demand for economy, and the wording of his contracts, having been differently rendered from what Willemott had supposed their meaning to be, large items had been struck out of his ballance-sheet, and, instead of being a millionaire, he was now a gentleman with a handsome property. Belem Castle had been sold, and he now lived at Richmond, as hospitable as ever; and was considered a great addition to the neighborhood. I took the earliest opportunity of going down to see him.—'Oh, my dear Reynolds this is really kind in you to come without invitation. Your room is ready, and bed well aired, for it was slept in three nights ago.—Come—Mrs. Willemott will be delighted to see you."

I found the girls still unmarried, but they were yet young. The whole family appeared as contented, and as happy and as friendly as before. We sat down to dinner at six o'clock; the footman and the coachman attended. The dinner good, but not by the *artiste extraordinaire* I praised every thing.

"Yes," replied he, "she is a very good cook; she unites the solidity of the English. with the delicacy of the French fare, and, altogether, I think it a *decided improvement*, Jane is quite a treasure." After dinner he observed, "Of course you know I have sold Belem Castle, and reduced my establishment? Government have not treated me fairly. but I am at the mercy of commissioners; and a body of men will do that, which; as individualls they would be ashamed of.—The fact is, the odium is borne by no one particular, and it is only the sense of shame which keeps us honest, I'm afraid.—However, here you see me with a comfortable fortune, and always happy to see my friends, especially my old schoolfellow. will you take *port* or claret.—The port is very fine and so is the claret. By-the-by, do you know—I'll let you into the family secret; Louisa is to be married to a Colonel Willer—an excellent match. It has made us all happy."

[illegible] drove out in an open carriage as before, but in a charriot with a pair of horses.

"These are handsome horses," observed I.

"Yes," replied he, "I am fond of good horses; and, as I only keep a pair I have the best. There is a certain degree of pretensions in four horses, I do not much like; it appears as if you wished to overtop your neighbors."

I spent a few very pleasant days, and then quitted his hospitable roof. A severe cold, caught that winter, induced me to take the advice of the physicians, and proceeded to the south of France where I remained two years. On my return, I was informed that Willemott had speculated, and had been unlucky on the Stock Exchange; that he had left Richmond and was now living at Clapham. The next day I met him near the Exchange.

"Reynolds I am glad to see you.—Thompson told me that you had come back. If not better engaged come down to see me; I will drive you down at four