AN ACT TO AMEND THE CONSTITUTION & FORM OF GOVERNMENT OF THE STATE OF MARYLAND.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the term of office of the members of the present 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, for the year of our Lord eighteen hundred and thirty eight, and forever thereafter, the Senate shall be composed of twenty one members, to be chosen as hereinafter provided; a majority of whom shall be a quorum for the transaction of business.

Sec. 3. And be it enacted, That the time and place of holding elections in the several counties in this State, and the City of Baltimore, for delegates to the General Assembly for the December session 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 he shall offer to vote for delegates to the General Assembly, shall be entitled to vote for one person as Senator; and of the persons voted for senator, 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 the case may be; and in case two persons possessing the required qualifications, 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; & 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 class, shall be vacated at the expiration of the second year; of the second class, 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 elections shall be held in the several counties and city from which the retiring senators come, 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 enacted, 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 preceeding 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 have been chosen as a senator, 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 as 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 or 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 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 an 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, five delegates, in and for Anne Arundel county, and four delegates in and for each of the several counties respectively, hereinafter next 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 hereinafter next mentioned, to wit: Cecil, Kent, Queen Anne's, Caroline, Talbot, St. Mary's, Charles, Calvert and Allegany.

Sec. 10. And be it enacted, That from & after the period when the next census shall have been taken, and officially promulged, and from and after the official promulgation of every second census thereafter, the representation in the House of Delegates from the several counties, and from the city of Baltimore, shall be graduated and establisded 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, and less than twenty-five 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, and less than thirty-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 Baltimor 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 hereinbefore mentioned, shall not after the said census for the year 1840, shall have been taken, be entitled by the graduation on the basis aforesaid to a representation in the House of Delegates equal to that all 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 this provision contained shall be construed to include in the representation of Anne Arundle 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 the 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 hereinafter 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 offices are or may be created by law, 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, in any manner, the validity of the commissions of such persons as shall be in office under previous executive appointment when this act shall go in operation, or to 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, which ever 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, on 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 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 gubernatorial district, from which the Governor for said term is to be taken, to be Governor for the residue of said term, in place of 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 shall 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, Q. 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 St. 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 the 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, Northwestern District; and the President of the Senate shall thereupon draw from the 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 provision of this section, and the persons 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 district, 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 persons 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 & 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 election for Governor, & 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 that the form of the certificates 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 addressed 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 Mondry of January next ensuing his election, or as soon thereafter as may be; and all questions in relation to the number or legality of the votes given for each and any person voted for as Governor, and in relation to the returns, 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 determined 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 shall act as Governor, shall be again eligible for the next succeeding term.

Sec. 24. And be it enacted, That the elections 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 year 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 a 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 law 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, agreeable 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.

COPY OF THE TREATY OF PEACE.

From the Floridian—Extra.

Tallahassee, March 14, 1837.

The Government Express has just arrived from the late seat of war, bringing the welcome intelligence that peace has again been restored to Florida. We hasten to lay before the public the following official copy of the treaty of capitulation.

We are happy to learn that Governor Call will not, in consequence of this cheering intelligence, relax his vigilance in protecting the frontier. A strong cordon will be maintained until the last Indian is beyond our limits. Indeed, it is to be expected that a few desperadoes, and espicially the Micasuky band, will still hold out notwithstanding the general capitulation of the nation. It is hoped that the counties, heretofore so prompt in the discharge of their duties, will forthwith furnish their quotas, and not leave a stain on their patriotism on the eve of a glorious termination of our difficulties.

CAPITULATON

Of the Seminole nation of Indians and their allies, by Jumper, Holatoochee, or Davy, and Yaholoochee, representing the principal chief Micanopy, and fully empowered by him, entered into with Major General Thomas S. Jesup, commanding the United States forces in Florida, this sixth day of March, one thousand eight hundred and thirty-seven.

Article 1. The chiefs above named, in behalf of themselves and the nation, agree that hostilities shall cease immediately, and shall not be resumed.

Article 2. They agree and bind themselves that the entire nation shall immediately emigrate to the country assigned them by the President of the United States, west of the Mississippi.

Article 3. Until they emigrate, they will place in the possession of the General commanding the troops, hostages for the faithful performance of their engagements.

Article 4. The Indians shall immediately withdraw to the south of the Hillsborough. Those found north of that river, and in a line drawn from Fort Foster due east from it to the ocean, wit hout permission of the General commanding, after the 1st of April, will be considered hostile.

Article 5. Major General Jesup, in behalf of the United States, agrees that the Seminoles, and their allies who come in and emigrate to the West, shall be secure in their lives and property; that their negroes, their bona fide property, shall accompany them to the West, and that their cattle and ponies shall be paid for by the United States at a fair valuation.

Article 6. That the expenses of the movement West shall be paid by the U. States.

Article 7. That the chiefs, warriors, and their families and negroes, shall be subsisted from the time they assemble in camp, near Tampa Bay, until they arrive at their homes west of the Mississippi, and twelve months thereafter, at the expense of the U. States.

Article 8. The chiefs and warriors, with their families, will assemble in the camp to be designated by the commanding general, as soon as they can; & at all events by the 10th of April. Yaholoochee will come in at once with his people, and the other towns will follow as fast as possible.

Article 9. Transports will be ready to take the Indians with their negroes off to their western homes.

Article 10. Micanopy will be one of the hostages. He is to visit the commanding general, and will remain near him until his people are ready to move.

Article 11. All the advantages secured to the Indians by the treaty of Payne's Landing and not enumerated in the preceding articles, are hereby recognised and secured to them.

Signed at Camp Dade on the 6th of March, by General Jesup *and four of the principal Chiefs.*

AN EXPERIMENT.

Every one can try the experiment lately mentioned by the author of Light and Vision; and, as it is a very curious one, and simple, we advise all those who would "dissipate dullness and give them a shove," to try it. "The thoughts cannot change unless the eye ball moves," says this writer; if, therefore, we wish to recall any object, such as an apple, a child, a tree, or a river, we cannot, even in thought, look from one to the other, as the eye would in reality when these objects were present, without the visible change in the eye.

If the eye ball be held by the thumb and finger perfectly quiet for a few seconds at a time, we find that we cannot recall to our thoughts the image of the thing, however ready the will may be to assist us. For example, let any one recall to his memory a tree full of fruit, and then press his finger against the ball of the eye, near the nose, and whilst the eye thus for a moment is left still, no image of the tree and fruit can be presented to the mind. If we would revive in the mind the relative position and appearance of houses along in a row, as they are joined in a street, we shall find that the eye ball is obliged to move just as it would if we were actually looking at them.

The rationale of these phenomena, hitherto unobserved, appear to be according to the author of this interesting work, that internal portions of the optic nerve must move or our thoughts cannot move, or that the motion of external organs is requisite for the contemplation internally of any external object. When there is no eye ball the optic nerve must move with every conception of external objects. This, though unnoticed by the writer, may, we think, appear very obvious by observing the eye-balls of the blind during mental operations and particularly when recalling ideas of certain external things.—*N. Y. Star.*

We see repeated attempts in the opposition press to make the impression that unkind feeling exists among the members of the Cabinet, and ever and anon it is proclaimed, that a repugnance between Mr. Forsyth and Mr. Kendall threatens an explosion! It is all silly, scandalous gossip. We know that Mr. Forsyth entertains a just sense of the high qualifications of Mr. Kendall for the station he occupies, and the latter appreciates properly the genius which adorns the State Department.

The last Journal of Commerce brings a letter from its correspondent, which says, "*Mr. Kendall has not been voted out of the Cabinet.*" This is old news, for the date of it. The attempt was made to vote him out before the Senate was thoroughly reformed, and his bitter enemies in that body could raise only seven votes against him.—Washington Globe.

From the N. Y. Mercantile Advertiser.

LATE FROM EUROPE.

SPAIN.

Bayonne, Feb 1.—Colonel Sane, the Commandant at Hernant, writes under date of 20th ult., that an attack is daily expected on the life of St. Sebastian.

Colonel Sarsdale's command were in the neighborhood of Pampeluna, on the 30th Jan. and had been amply provisioned to march on to Tolosa.

PORTUGAL.

A wanton attempt had been made on the life of Prince Ferdinand, the husband of the Queen of Portugal, on his return from Ajudapark, by a Frenchman named Mercier, but he was not injured.

FOR THE AURORA.

TO ROSE.

The star that gilds life's morning sky
Smiles sweetly o'er thee now;
And flowers around thy path way lie,
And garlands crown thy brow,
Which shade their wealth of rich perfume
Mid ringlets trembling like a plume,
And a deep witchery soft and bright,
Is floating in thine eyes this night.

Thy soul is music.—Not a tone
That charms the silver sea,
When Heav'n is bending calm and lone,
And night airs wander free
Through spirit cords, that unseen thrill,
Can with such magic sweetness fill
My heart with rapture—or unseal
The bliss that only *love* can feel.

Holy and pure, thy angel smile
Is mirror'd o'er my dreams,
As ev'nings first shrin'd goldon isle
Sleeps on her shadow'd streams;
And o'er my thoughts thy vision floats
Like melody of spring bird notes,
When the glad *Halcyon* gently leaves,
Her plumage on the bright blue waves.

I cannot gaze on aught that wears
The beauty of the skies,
Or aught that in life's valley shares
The glow of Paradise;
I cannot look upon a star,
Or cloud, that seems a seraph's car,
Or any form of piety,
Unmingled with a thought of thee.

When evening's stars rest beautiful
Upon the roses' cheek,
And the mild weary zephyrs lull,
Or softest cadence speak;
There's one "*lone bird*" that loves to fling
His song upon the incensed wing,
Of folded bud and op'ning flower,
Where silence weaves her moon lit bower.

And so to thee my dearest Rose,
I pour my lay of love,
Whilst thy sweet mem'ry 'round me flows,
And skies are bright above
With countless gems, that seem to bloom
Like heavenly blossoms o'er the tomb,
Which in unbreathing stillness night
Has hung around Day's throne of sight.

Feb. 20th 1837. G. E. R.

It is stated in a late French Journal, that during the recent awful ravages of the cholera in Naples, a rumor was spread through the city that a certain apothecary, by consulting some ancient and unknown books, had discovered a remedy for the vomiting and purging which prevail in that disease. The result was, that his house was frequently by such immense crowds of suffering and affrighted individuals, that it was necessary to place a guard at his door to preserve order, and prevent some from being crushed to death.

Canal Laborers.—One thousand German laborers are on their way to this country to work on the James river and Kenhawa canall.