interest, or to dispose of it as it pleases, with the single condition, that an equal amount be returned, when demanded, which experience has taught is not always done. To place, then, the public money in deposite, in bank, without restriction, is to give the free use of it, and to allow them to make as much as they can out of it, between the time of deposite and and disbursement. Have we such a right? The money belongs to the people, collected from them for specific purposes, in which they have a general interest, and for that only; and what possible right can we have to give such use of it to certain selected corporations? I ask for the provision of the Constitution that authorizes it. I ask, if we could grant the use, for similar purposes, to private associations or individuals? Or if not to them, to individual officers of the Government; for instance, to the four principal receivers under this bill, should it pass? And if this cannot be done, that the distinction be pointed out

If these questions be satisfactorily answered, I shall propound others still more difficult. I shall then ask, if the substitute should become a law, and the twenty five banks be selected, whether they would not in fact be the Treasury? And if not, I would ask, where would be the Treasury? But if the Treasury, I would ask, if public money in bank would not be in the Treasury? And if so, how can it be drawn from it to be lent for the purpose of trade, speculation, or any other use whatever, against an express provision of the Constitution. Yes, as express as words can make it. I ask the Secretary to read the 1st article, 9th section, and the clause next to the last.

"*No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*"

How clear! How explicit! No money to be drawn from the Treasury but in consequence of appropriations made by law;—that is, the object on which the expenditure is to be made, to be designated by law, and the sum allotted to effect it, specified; and yet we have lived in the daily and habitual violation of this great fundamental provision, from almost the beginning of our political existence to this day! It has prostrated and engulphed the very institutions, which have enjoyed this illicit favor, and tainted, above all other causes, the morals and politics of the whole country. Yes, to this must be traced, as one of the main causes, the whole system of excessive revenue, excessive expenditure, and excessive surplusses; and to them, especially the last, the disasterous overthrow of the banks and the currency, and the unexampled degeneracy of public and private morals, which have followed. We have suffered the affliction, may the blessing, which follows chastisement, when its justice is confessed, come in due season.

But I take a still higher ground. I strike at the root of the mischief. I deny the right of this Government to treat bank notes as money in its fiscal transactions. On this great question, I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions. In all instances, in which a National Bank has come in question, I have invariably taken my ground, that if the Government has the right to receive and treat bank notes as money, it had the right, and was bound under the Constitution, to regulate them, so as to make them uniform and stable as a currency. The reasons for this opinion are obvious, and have been so often and fully expressed on former occasions, that it would be useless to repeat them now; but I never examined fully the right of receiving, or made up my mind on it, till since the catastrophe in May last, which, as I have said, entirely separated the Government from the banks. Previous to that period, it was an abstract question, with no practical bearing; as much so as is now the constitutional right of admitting Louisiana into the Union. Things are now altered. The connexion is dissolved; and it has become a practical question of the first magnitude.

The mover of the substitute assumed as a postulate, that this Government had a right to receive in its dues, whatever it might think proper. I deny the position *in toto*. It is one, that ought not to be assumed and cannot be proved, and which is opposed by powerful objections. The genius of our Constitution is opposed to the assumption of power. Whatever power it gives is expressly granted; and if proof were wanted, the numerous grants of powers far more obvious and apparently much more safe to be assumed than the one in question would afford it. I shall cite a few striking instances.

If any powers might be assumed, one would suppose, that of applying money to pay the debts of the Government, and borrowing it to carry on its operations would be among them;—yet both are expressly provided for by the Constitution. Again, to Congress is granted the power to declare war and raise armies & navies; yet the power to grant letters of marque and reprisal and to make rules for the regulation of the Army and Navy are not left to assumption, as obvious as they are, but are given by express grant. With these and other instances not less striking, which might be added, it is a bold step to assume, without proof, the far less obvious power of the Government receiving whatever it pleases in its dues as money. Such an assumption would be in direct conflict with the great principle which the State Rights party, with which the Senator (Mr. Rives) classes himself, have ever adopted in the construction of the Constitution. But, if the former cannot be assumed, it would be in vain to attempt to prove that it has been granted, or that it is necessary and proper to carry any of the granted powers into effect. No such attempt has been made, nor can be, with success. On the contrary, there are strong objections to the power, which, in my opinion cannot be surmounted.

If once admitted, it would lead by consequence to a necessary interference with individual and State concerns never contemplated by the Constitution. Let us, for instance, suppose that, acting on the assumption of the Senator, the Government should choose to select tobacco as an article to be received in payment of its dues, which would be as well entitled to it as any other product, and in which the Senator's constituents are so much interested Does he not see the consequences? In order to make its taxes uniform, which it is bound to do by the Constitution, and which cannot be done unless the medium in which it is paid is so, the Government would have to assume a general control over the great staple in question; to regulate the weight of the hogshead or package; to establish inspections under its own officers in order to determine the quality, and whatever else might be necessary to make the payments into the Treasury uniform. So likewise, if the still greater staple, cotton, be selected. The weight of the bale, the quality of the cotton, and its inspection would all necessarily fall under the control of the Government; and does not the Senator see that the exercise of a power that must lead to such consequences—consequences so far beyond the sphere assigned to this Government by the Constitution, must be unconstitutional? Nor does the objection extend only to these and other staple articles. It applies with equal, if not greater force, to receiving the notes of State Banks, as proposed by the substitute, in the dues of the Government and the management of its fiscal concerns. It must involve the Government in the necessity of controlling and regulating State banks, as this substitute abundantly proves, as well as the whole history of our connection with them; and it has been shown that banks are at least as far removed from the control of this Government as the cultivators of the soil or any other class of citizens. To this I might add another objection; not less strong, that for the Government to receive and treat bank notes as money in its dues, would be in direct conflict, in its effect, with the important power conferred expressly on Congress of coining money and regulating the value thereof: but as this will come in with more propriety in answer to an argument advanced by the Senator from Massachusetts, (Mr. Webster,) I shall now state his argument and reply to it.

He asserted again and again, both now and at the extra session, that it is the duty of the Government not only to regulate but to furnish a sound currency. Indeed it is the principal argument relied on by the Senator in opposition to the bill, which he says abandons this great duty. Now, if by currency be meant gold and silver coins, there will be but little difference between him and myself. To that extent the Government has a clear and unquestionable right by express grant; but if he goes farther, and intends to assert that the Government has the right to make bank notes a currency, which it is bound to regulate, then his proposition is identical in effect, though differently expressed, with that of the Senator from Virginia, (Mr. Rives,) and all the arguments I have urged against it are equally applicable to his. I hold, on my part, that the power of the Government on this subject is limited to coining money and regulating its value, and punishing the counterfeiting of the current coin, that is, of the coins made current by law, the only money known to the Constitution. It is time to make a distinction between money, or currency, if you please—between that which will legally pay debts, and mere circulation, which has its value from its promise to be paid in the former, and under which classification, bank notes as well as bills or promissory notes of individuals fall. These are all in their nature private and local, and cannot be elevated to the level of currency, or money, in the fiscal transactions of Government, without coming into conflict, more or less with the object of the Constitution in vesting the very power in Congress, which I shall now proceed to show

It will hardly be questioned, that the object was to fix a standard in order to furnish to the Union a currency of uniform and steady value, and was therefore united in the same sentence with the relative power, to fix the standard of weights and measures,—the objects being similar. Now, if our experience has proved any thing, it has amply shown that so long as the Government is connected with the banks, and their notes received in its transactions, as money, so long it is impossible to give any thing like stability to the *standard* of value; and that the power of coining and regulating the coins becomes in a great measure a mere nullity. Every dollar issued in bank notes, when it is made the substitute for money, drives out of circulation more or less of the precious metals; and when the issue becomes exorbitant, gold and silver almost entirely disappears, as our experience at this time proves. The effects are analogous to alloying or clipping the coin, as far as stability of standard is concerned; and it would be not less rational to suppose, that such a power on the part of individuals, would be consistent with a uniform and stable currency, to suppose the receiving and treating bank notes as a substitute for money by the Government, would be. The only check or remedy is to restrict them to their proper sphere, to circulate in common with bills of exchange or other private and local paper, for the convenience of business and trade. So far from such a course operating injuriously on the people, or from being liable to the charge of forming one currency for the people and another for the Government, as has been so often and with such effect repeated,—it is the very reverse. Government by refusing to receive bank notes, as it is bound to do, would in fact furnish a choice to the people, to take either money or notes at their pleasure. The demand of the Government will always keep a plentiful supply of the former in the country, so as to afford the people a choice, while the opposite would expel the money and leave no option to them but to take bank notes or worse, as at present.

I have now shown how it is proposed to form the league of banks, and have presented the constitutional impediments that stand in the way. These are numerous and strong; so much so, that they ought to be irresistible with all, except the latitudinous in construction; but I cannot expect they will produce their full effect. I know too well the force of long entertained impressions, however erroneous, to be sanguine—how strongly the mind rebels against the expulsion of the old and the admission of new opinions. Yet, in this case, where we clearly see how gradually and silently error crept in under the disguise of words, applied to new and totally different ideas, without exciting notice or alarm; and when we have experienced such deep disasters in consequence of parting from the plain intent and meaning of the Constitution, I cannot but hope that all who believe that the success of the Government depends on a rigid adherence to the Constitution, will lay aside all previous impressions, taken up without reflection, and give to the objections their due weight.

I come now to the next point, to show how this league is to be revived or stimulated to life. Till this can be done, the substitute, should it become a law, would be a dead letter. The selection is to be made from specie paying banks. None but such can receive the public deposites, or have their notes received in the dues of the Government. There are none such now. The whole banking system lies inanimate: and must be vivified before it can be reunited with the Government. No ono is bold enough to propose an union with this lifeless mass. How then is the vital spark to be revived? how the breath of life, the Promethean fire, to be breathed into the system anew, is the question. This is a task.

The mover tells us, that it must be the work of the Government. He says that it is bound to aid the banks to resume payments; and for that purpose ought to hold out to them some *adequate inducement*. He tells us, that they have been long preparing and had made great efforts, but can go no farther; have rolled the round, huge rock almost to the summit, but unless the Government put forth its giant arm, and give the last push, it will recoil and rush down the steep to the bottom, and all past labor be lost. Now, what is this adequate inducement? What this powerful stimulus, which it is proposed the Government should apply, in order to enable the banks to accomplish this herculean task?—The substitute shall answer.

It proposes to fix the 1st of July next for the period of resumption; and as the inducement to resume, it proposes to select twenty-five of the most respectable and solid, out of the resuming banks to be the depositories of public moneys, and the fiscal agent of the Government, as has been already stated. It also proposes, and this is the stimulus, the essence of the whole,—to make the notes of such banks as may resume on or before that day exclusively receivable in the public dues. Here is a *quid pro quo;* something proposed to be done, for which something is to be given. We tell the banks plainly, if you resume, we, on our part, stipulate to make twenty five of you our fiscal agents and depositories of the revenue; and we further stipulate that those who resume by the time fixed, shall have the exclusive priviledge *for ever* of having their notes receivable in the dues of the Government, in common with gold and silver. If the banks perform their part, we shall be bound in honor and good faith to perform ours. It would be a complete contract, as obligatory as if signed, sealed, and delivered. Such is the inducement.

The next question is, will it be adequate? Yes, abundantly adequate. The battery is strong enough to awaken the dead to life; the consideration sufficient to remunerate the banks for whatever sacrifice they may be compelled to make, in order to resume payment. It is difficult to estimate the value of these high privileges, or prerogatives, as I might justly call them. They are worth millions If you were to enter into a similar contract with an individual, I doubt not, that he could sell out in open market for at least thirty, forty, or fifty millions of dollars. I do then the mover the justice to say, that his means are ample to effect what he proposes. As difficult as is the work of resumption,—and difficult it will turn out to be when tried,—the inducement will prove all sufficient. But the resumption, however desirable, may be purchased too dearly; and such would prove to be the case, should the project succeed. Not only is the offer too great, but the mode of effecting it is highly objectionable. Its operation would prove not less disastrous than the bargain has been shown to be unconstitutional, which I shall now proceed to establish.

The offer will have a double effect. It will act as a powerful stimulus to resumption, but will act at the same time with equal force to excite a struggle among the banks, not only to resume themselves, but to prevent others from resuming. The reason is clear The advantage to each will increase, as the number of the resuming banks decreases; and of course, the great point of contest among the strong will be to restrict the proffered prize to the smallest number. The closer the monopoly the greater the profits. In this struggle, a combination of a few powerful and wealthy banks, the most respectable and solid, as designated in the substitute, will overthrow and trample down the residue. Their fall will spread desolation over the land. Whatever may be the fate of others in this desperate contest, there is one, in relation to which no doubt can be entertained: I refer to the United States Bank of Pennsylvania, a long name and a misnomer; and which, for the sake of brevity but with no personal disrespect to the distinguished individual at the head, I shall call Mr. Biddle's bank. That at least, will be one of the winners—one of the twenty-five to whom the prize will be assigned. Its vast resources, its wealth and influential connexions, both at home and abroad, the skill and ability of the officer at its head, and, what is less honorable, the great resource it holds, in the notes of the late United State Bank, of which more than six millions have been put into circulation, in violation, to say the least of a trust, constituting more than five-sixths of all its circulation, and which it is not bound to pay,—with the still greater amount on hand, making in the whole more than twenty six millions, and which may be used the same way, if not prevented, would place it beyond all doubt among the victors He starts without proper weights, and will lead the way from the first. Who the others may be is uncertain, this will depend mainly upon his good will and pleasure. It may be put down as certain, whoever they may be, that they will be powarful and influential, and not unfavorable to his interest or aggrandizement. But the mischievous effect will not be limited to this death like struggle, in which so many must fall and be crushed, that otherwise might weather the storm. The forced resumption, for such it will be in effect, would be followed by wide spread desolation. It is easy to sink to suspension, but hard to return to resumption. Under the most favorable circumstances, and when conducted most leisurely and cautiously, the pressure must be severe; but, if coerced or precipitated by bankrupt laws or temptations such as this, it will be ruinous. To make it safe and easy must be the work of time. Government can do but little. The disease originates in excessive indebtedness, and the only remedy is payment or reduction of debts It is estimated, that when the banks suspended payments, the community was indebted to them the enormous sum of $475,000,000. To reduce this within the proper limits, is not the work of a few days, and can be but little aided by us. The industry and the vast resources of the country, with time, are the only remedies to be relied on for the reduction; and to these, with the State Legislatures, and the public opinion, the resumption must be left. To understand the subject fully, we must look a little more into the real cause of the difficulty.

(CONCLUSION IN OUR NEXT.)

ATROCIOUS MURDER.

A crime of the darkest dye, which is calculated to excite feelings of indignation, grief and horror throughout our country, has been committed by one of the Representatives of the people in Congress, in the WILFUL and DELIBERATE MURDER of one of his fellow representatives. [Balt. Gazette.

We omit the correspondence which passed between Messrs. Cilley and Graves previous to the duel, as well as that of the seconds We can perceive nothing in the correspondence on the part of Mr. Cilly calculated to wound the honor of Mr. Graves. For through out the whole correspondence he only acted as a highminded and honorable man. From beginning to end he declared that "in declining to receive the note of Mr. Graves, purporting to be from Col. Webb, he meant no disrespect to Mr. Graves, because he entertained for him the highest respect, and the most kind feelings; but that he declined to receive the note because he chose not to be drawn into any controversy with Col. Webb.' —[Easton Whig.

Shortly after the hour of 3 o'clock, P M the rifles were loaded in the presence of the seconds; the parties were called together—they were fully instructed by Mr. Jones as to their position, and the words twice repeated to them, as they would be, and as they were, delivered to them, in the exchange of shots After this they were ordered to their respective positions, the seconds assumed their places, and the friends accompanying the seconds were disposed along the line of fire to observe that each obeyed the terms of meeting. Mr. Jones gave the word distinctly, audibly, and in regular succession, and the parties exchanged shots without violating in the least a single instruction. They both missed.

After which, Mr. Wise called upon the friends generally to assemble and hear what was to be said. Upon the assembling of the friends, Mr. Jones inquired of Mr. Wise whether his friend (Mr Graves) was satisfied? Mr. Wise immediately said in substance:—"Mr Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honour; cannot Mr. Cilley assign some reason for not receiving at Mr. Grave's hands, Col. Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?" Mr. Jones replied, in substance:—"Whilst the challenge is impending, Mr. Cilley can make no explanations." Mr. Wise said in substance: "The exchange of shots suspends the challenge, and the challenge is suspended for the purpose of explanation." Mr. Jones thereupon said he would see Mr. Cilley, and did go to him. He returned, and asked Mr. Wise again: "Mr. Wise, do I understand aright that the challenge is suspended?" Mr. Wise answered: "It is" Mr. Jones was then about to proceed, when Mr Wise suggested that it was best, perhaps to give the explanation or reason in writing. Mr. Jones then said, in substance: "Mr. Wise, if you require ME to put what I have to say in writing, I shall require you to put what you have said, and may say, in writing." Mr. Wise replied: "Well let us hear the explanation beforehand, as it may not be necessary to put it in writing." Mr. Jones then proceeded, as he now thinks, substantially to say: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from Col Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he now does, the highest respect and the most kind feelings; but that he declined to receive the note, because he chose not to be drawn into any controversy with Col. Webb." Mr. Wise thinks this answer of Mr. Jones was, in substance, as follows:—"I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from Col. Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he does now, the highest respect and the most kink feelings; but my friend refuses to disclaim disrespect for Col. Webb, because he does not choose to be drawn into an expression of opinion as to him" Such is the substantial difference now between the two seconds, as to this answer of Mr. Jones The friends on each side, with the seconds, then retired from each other to consult upon this explanation. After consultation Mr. Wise returned to Mr. Jones and said: "Mr. Jones, this answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent." Much conversation then ensued between the seconds and their friends, but no nearer approach to reconciliation being made, the challenge was renewed, and another shot was exchanged in a manner perfectly fair and honorable to all parties. After this, the seconds and the friends again assembled, and very similar conversation to that after the first exchange of shots again ensued. Mr. Jones then remarked: "Mr. Wise, my friend in coming to the ground, and exchanging shots with Mr. Graves, has shown to the world, that in declining to receive the note of Col. Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to render satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here. To this, Mr. Wise replied in substance: "Mr. Jones, Mr. Cilley has already expressed his respect for Mr. Graves in the written correspondence, and Mr. Graves does not require of Mr. Cilley a certificate of character for Col. Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Col Webb." These words of Mr. Wise, Mr. Jones recollects, and Mr. Wise thinks he added the words: "Mr. Graves only insists that he has not borne the note of a man who is not a man of honor and a gentleman."

After much more conversation, and ineffectual attempts to adjust the matter, the challenge was again renewed; and whilst the friends were again loading the rifles for the third exchange of shot, Mr Jones and Mr. Wise walked apart, and each proposed to the other anxiously to settle the affair. Mr. Wise asked Mr. Jones "If Mr. Cilley could not assign the reason for declining to receive the note of Col. Webb; that he (Mr. Cilley) did not hold himself accountable to Col Webb for words spoken in debate?" Mr. Jones replied that 'Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate' Mr. Wise then, according to his recollection, asked Mr Jones whether 'Mr. Cilley would not say, that in declining to receive the note of Col. Webb, he meant no disrespect to Mr. Graves, either *directly* or *indirectly?*' To which Mr. Jones replied affirmatively, adding, 'Mr. Cilley entertains the highest respect for Mr Graves, but declined to receive the note, because he chose not to be drawn into controversy with Col Webb. After further explanatory conversation, the parties then exchanged the third shot, fairly and honorably, as in every instance. Immediately previous to the last exchange of shots, Mr Wise said to Mr. Jones, 'If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance.' To which Mr. Jones replied, 'After this shot, without effect, I will entertain the proposition.

After Mr. Cilley fell, Mr. Wise, for Mr. Graves, expressed a desire to Mr. Jones to see Mr. Cilley, Mr. Jones replied to Mr. Wise My friend is dead;' and went on to Mr. Graves, and told him that there was no objection to his request to see Mr Cilley. When Mr. Jones approached Mr. Graves, and informed him that his request should be granted, Mr. Graves inquired, 'How is he?' The reply was, 'My friend is dead, sir.' Mr. Graves then went to his carriage. Mr. Wise inquired of Mr. Jones, before leaving the ground, whether he could render any service, and tendered all the aid in his power. Mr Wise and Mr. Jones concur that there were three shots exchanged.

Such is the naked statement of all the material facts and circumstances attending this unfortunate affair of honor, which we make in justice to our friends, to ourselves, to all concerned, to the living and to the dead; and it is made for the only purpose of allaying excitement in the public mind, and to prevent any and all further controversy upon a subject, which already is full enough of woe. We have fully and *substantially* stated wherein we agree and disagree. We cordially agree, at all events, in bearing unqualified testimony to the fair and honorable manner in which this duel was conducted. We endeavored to discharge our duties according to that code under which the parties met, regulated by magnanimous principles, and the laws of humanity.—Neither of us has taken the least exception to the course of the other, and we sincerely hope that here all controversy whatever may cease. We especially desire our respective friends to make no publication on this subject. None can regret the termination of the affair more than ourselves, and we hope again that the last of it will be the signature of our names to this paper, which we now affix.

GEO. W. JONES.
HENRY A. WISE.

From the Republican Citizen.

ALTERATIONS OF THE CONSTITUTION.

In conformity with our promise of last week, we publish an abstract, of the alterations made in the Constitution, by the confirmation of the Reform bill.

The first section declares, the present Senate, to be dissolved upon the election, of a new Senate according to the mode prescribed in the bill.

2nd 3rd 4th. 5th. 6th. 7th. and 8th.—Provide for the election of one Senator, from each county of the State, and the city of Baltimore, on the same day of election for Delegates, by persons qualified to vote for Delegates. In case of a tie, a new election is to be held. After the election, the Senators to be divided in such manner, as the Senate may prescribe into three classes. The seats of the first class, to be vacated at the expiration of the second year, the second at the expiration of the fourth year, and the third at the expiration of the sixth year, so that one third of the Senate, will be chosen every two years. The qualifications of eligibility, are that he shall be over the age of twenty-five, and have resided for at least three years, next preceeding his election in the county or city, in, and for which he is to be chosen. In case of refusal to serve, death, removal, or any cause producing a vacancy, a warrant of election is to be issued by the president of the Senate, and at least ten days notice, given of the election to fill the vacancy—A Senator is not prevented from holding or executing any office, of profit during the term, for which he was elected, except such as have been increased, during the term; but he is not eligible to any civil office, during the time he continues to act as Senator.

Sec. 9th. and 10th.—Apportion the representatives, as follows: Baltimore city five, Annopolis one, (until the next census is taken in 1840, when she is merged in Anne Arundel county,) Baltimore county five, Frederick county five, each of the following counties four, Anne Arundle, Dorchester, Somerset, Worcester, Prince Georges, Harford, Montgomery, Carroll, and Washington, and three Delegates each to Cecil, Kent, Queen Annes, Caroline, Talbot. St. Marys, Charles, Calvert, and Allegany. This apportionment is to be continued, until after the next census (1840,) when the representation is to be graduated, in the following manner. Every county which shall have a population of less than fifteen thousand souls, federal numbers shall be entitled to three Delegates—having fifteen, and less than twenty five thousand, to four—twenty five and less than, thirty five thousand, to five—and all having a federal population, of upwards of thrity five thousand, to six—The city of Baltimore to be entitled to an equal representation, with the largest county.—The graduation to be fixed, and determined upon the present scale, every second census after the year 1840.

Sec. 12th—Declares the power of the Legislature, to regulate all matters, relating, to judges, places, and times, of holding elections, of making returns thereof, and dividing the counties, into election districts.

Sec. 13.—Annuls the provisions of the old Constitution, for the appointment of Governor and Council, abolishes the Council, and declares the whole Executive power of the Government of the State, to be vested in the Governor, subject to the checks and limitations, afterwards specified.

Sec's. 15 to 21.—Are relating to the election and elegibility of the Governor, the mode of his election, and the division of the State, into Gubernatorial districts. The Governor has the power of appointing all officers of the State, whose offices are created by the Law, and are not otherwise provided for by the Constitution, by and with the advice and consent of the Senate—and to fill vacancies that may occur during the recess of the Senate, to expire one month after the meeting of the Legislature unless confirmed by the Senate. He is forbidden to nominate the same person again, after being rejected by the Senate unless at the request of that body—nor can he during the recess of the Senate, appoint that person to office. Within one calendar month after the confirmation of the bill, and annually thereafter, it is the duty of the Governor to nominate, and by and with the consent of the Senate, to appoint a Secretary of State, who shall hold his office until a successor is appointed, and discharge such duties, and receive such compensation as the law may prescribe.

In case of a vacancy in the office of Governor, the General Assembly if in session, if not at their next session, are to choose by joint ballot some eligible person from the same gubernatorial district, from which the Governor for said term was taken, to serve the residue of the term. The Secretary of State, until the appointment is made, to serve as Governor ad interim. In case of a refusal on his part, or that office also being vacant, then the president of the Senate is to act as Governor—& if any thing should occur to prevent him serving, the duty then devolves on the Speaker of the House of Delegates. The term of office is to commence on the first Monday of January, next succeeding his election, and to continue for the space of three years. The State is divided into three Gubernatorial districts, from which the governor is to be alternately chosen. For the purpose of determining the priority of districts from which the first and second governor, is to be selected, the Speaker of the House of Delegates, &