

from the 28th of February, you will present for their consideration a nominee for the office of Secretary of State. The Senate deeply regret the difference of opinion which exists between them and your Excellency, especially at so early a period of their co ordinate action under the new provisions of the constitution in relation to appointments to office. The opinion, which they entertain, and which was expressed in their message of this morning, to your Excellency, is founded upon the constant practice of the Executive, and the repeated decisions of the courts of this State, ever since the adoption of the constitution. It has been uniformly maintained, that an act of the General Assembly becomes a law, immediately after its passage by both branches of the Legislature, although it may not be engrossed for many days after, and even although it may never be engrossed at all. The article of the constitution requiring that all bills passed by the General Assembly shall be engrossed before the signature of the Governor shall be attached thereto, it is respectfully suggested, was adopted out of abundant caution, in order to guard against errors in the writing, and to insert such amendments as might have been made to the original drafts in their passage through the two houses, and to secure a clear and unmutated copy of the laws after they had received the sanction of the General Assembly; but the mere fact of their engrossment does not give any greater validity to the acts, nor is it essential to their existence. The Senate would also respectfully remind your Excellency, that resolutions authorising the payment of money out of the treasury are constantly acted upon by the Treasurer previous to their being engrossed; and no doubt has ever yet been expressed by any one, so far as the Senate is informed, of the entire constitutionality of such action.

The Senate would further take leave to remark that your Excellency, by and with the advice of the late council, acted in conformity with the views above expressed, in the appointment of Tobacco inspectors, under an act passed at the present session, entitled, a supplement to an act to establish State warehouses in the city of Baltimore, previous to its engrossment. They would also respectfully refer to the fact, that your Excellency has this day nominated to the Senate, in a communication accompanying the one to which they are now responding, sundry persons to fill offices in Somerset county, under the provisions of an act of Assembly, entitled, a supplement to the act entitled, an act to establish magistrates' courts in the several counties of this State, and to prescribe their jurisdiction, so far as relates to Somerset county: the act was passed at the present session, and is not yet engrossed. It will be further observed by your Excellency, that no time is prescribed within which such nominations may be made, and that they are left in this particular, entirely at your discretion, whereas the 17th article of the Constitution and Form of Government, as amended, specifically requires that the Governor shall nominate, and by and with the advice and consent of the Sen