

The clerk of the senate delivers the bill to authorise the levy court of Washington county to levy a sum of money for the purposes therein mentioned, endorsed, "will not pass." The further additional supplementary act to an act, entitled, An act for regulating the mode of staying executions, and repealing the acts of assembly therein mentioned, endorsed, "will pass with the proposed amendments;" which amendments were agreed to, and the bill ordered to be engrossed. The resolutions in favour of Samuel Brown and Frederick Green, severally endorsed, "dissented from." The resolution in favour of Frederick Green, John Brewer, Thomas Rogers and the reverend Mr. Wyatt, the resolution relative to the Penitentiary, and the resolution relative to mounting a field-piece in Liberty-town, severally endorsed, "assented to." And the engrossed bills from No. 1 to 14, inclusive, endorsed, "read and assented to."

The house adjourns until to-morrow morning 8 o'clock.

SATURDAY, June 10, 1809.

THE house met. Present the same members as on yesterday. The proceedings of yesterday were read. The clerk of the senate delivers the following message:

By the SENATE, June 9, 1809.

*Gentlemen of the House of Delegates,*

WE have received the message transmitted by your house on the subject of the election of a senator of the United States; and as you appear to have relinquished every idea of making such election during the present session of the general assembly, we should not again have intruded upon your notice, but that from the tenor of your communication we are apprehensive you have not rightly understood, or duly appreciated, the conduct and motives of the senate on this important and interesting occasion.

A sense of respect due to a co-ordinate branch of the legislature, and a reasonable deference to the wishes and opinions of the immediate representatives of the people, will, we trust, ever characterise the present senate of Maryland.

It was with pleasure we found that no diversity of opinion existed as to the imperative nature of the constitution of the general government, which directs that the vacancy in the representation of this state in the senate of the United States should be filled at the present meeting of the general assembly; but this pleasure was converted into unfeigned regret when we discovered, that the house of delegates had rejected our proposition to proceed to an election in the usual manner, and had determined that no election should be held but in a way and under a principle of their own suggestion, foreign and unknown to the constitution, the laws and the usages of the legislature of this state. To the rejection of this innovation the senate were urged by the most cogent and impressive reasons. They considered, that by the plan of election proposed by your house no election could ever be had, unless both branches of the legislature, in a separate and distinct vote, should select the same character as their senator; an instance of unanimity in selection rarely occurring, and never to be met with where any difference of political opinions exist in the two houses of the general assembly. That this mode of election, in the conflicts of party, must inevitably eventuate in a total failure of this state's representation in the senate of the union, and if pursued by either of the United States, may be followed by a dissolution of the general government. That it is a measure not only foreign and unknown to our constitution and laws, but is in direct repugnance to the views and designs of their framers, in every instance where an election is to be made by both branches of the legislature, is too clearly manifested to be doubted or misunderstood. By the 25th article of the constitution of Maryland, a governor is directed to be chosen by both houses of the general assembly; the mode of election prescribed is a joint ballot. By the 26th article the council to the governor are directed to be chosen by the same authorities; the mode of election prescribed is a joint ballot. By the 27th article the delegates to the old confederative congress from this state are directed to be chosen by both houses of assembly; the mode of election is a joint ballot. By the 41st article a register of wills for each county is directed to be appointed by the senate and house of delegates; the mode of election is a joint recommendation or ballot. By sundry acts of assembly the two branches of the legislature are authorised to appoint directors in several of the incorporated banking institutions; the mode of election is a joint ballot. In fine, it may be stated, without the fear of contradiction, that in every instance, either under the constitution, the acts of assembly or the usages of the legislature, where the election of an officer is to be made by the vote of both houses, the invariable mode of election has been a joint ballot.

After the hue and cry which has been raised against the senate of Maryland, "so remotely elected, and so constituted as the senate is," we were not a little surprised at the new and momentous power offered us by the other branch of the legislature, by which, in one of the most important subjects on which the legislature can be called upon to act, eight members of the senate are enabled to defeat or control the united voices of eighty members of the house of delegates, the immediate representatives of the people at large, and by which eight members of the senate may, during a term of five years, prevent the election of a senator of the United States, in opposition to the unanimous voice of the people of Maryland. The adoption of such a principle, the possession of such a power by the senate, we view as repugnant to the genius and spirit of our republican constitution, and an alarming infringement on the rights of the people.

The house of delegates will bear in mind, that the first proposition for the election of a senator was made to them by the senate; that this proposal offered no new or unusual mode of election, but was the same which had