

And the Resolutions as amended read the second time.

On motion, by Mr. Carroll,

The following report and resolutions were read :

REPORT.

The Committees, pursuant to the order of the General Assembly, have had in consideration the Executive communication which transmitted to the General Assembly the official notification from the Senate of the United States, that they have rejected the Senator elected from this State, Philip Francis Thomas.

The cause assigned by the Senate is, that Mr. Thomas had given aid and comfort to the rebellion, and was not entitled to take the oath of office.

This oath of office is a denial of having given such aid and comfort. The Act of Congress entitles and requires each Senator to take it; Mr. Thomas was certainly entitled to take it, if he could. He protested that he could take it, in sincerity and truth; he offered to take it, and the Senate would not allow him.

The only specific act found by their Committee of Investigation, was in giving one hundred dollars to a son going South during the war. The proof was clear that he gave it, not to induce his son to go, but because he could not prevent it, after earnest and anxious effort to prevent it.

On such grounds, a majority of the Senate have undertaken to put aside and nullify the election of a State.

None of the rights of the States is more important to them than the right of representation in the Senate of the Union. It is a vital part of the Constitution, guarded with peculiar care, alone, of all its provisions, made irrepealable and perpetual. The qualifications of the Senators are ascertained by clear and precise definition in the Constitution.

Congress has assumed to add others by legislative enactment; thereby to create disqualifications unknown to the Constitution, and abridge the constitutional freedom of election by the States. The entire right is now imperiled. The proof which the Statute prescribes, is rejected; and a majority in the Senate, denied by the Constitution any authority to expel a Senator, has assumed the powers to exclude him.

By such means a mere majority of small States may exclude from the Senate all the great States of the Union.

A great wrong is done in this proceeding to the State of Maryland, and to the Constitution of the United States.