

As Congress cannot rightfully impose "*a duty*," in its literal sense, upon the Governor of a State, the legal effect of the section, in my opinion is, "that the certificate of the Governor of the State, under the seal of the State, countersigned by the Secretary of State of the State, addressed to the President of the Senate of the United States, certifying the election of a Senator according to the Act of Congress aforesaid, shall be received as evidence of such election."

The provision of the Maryland law upon this subject is found in section 75 of Article 35 of the Code of Public General Laws, viz: "The commission of such Senator shall be granted and executed in the form and manner heretofore usually practiced." This, of course, had reference to an election "by the joint ballot of both branches of the Legislature," under the 73d section of the said Article. I am of opinion that the legal effect of the Act of Congress of July, 1866, chapter 245, is to render null and void the said sections, 73 and 75, of Article 35 of the Maryland Code.

Doubtless the Governor will certify, as the General Assembly may request, any of its proceedings, of which he may be officially notified.

The General Assembly will judge of the expediency of providing by law for the issuing of such certificate of election, as is required by the Act of Congress.

I have the honor to be, very respectfully,

Your ob't servant,

ISAAC D. JONES,

Attorney General of Maryland.

Annapolis, Feb. 5th, 1868.

Which (the rules being suspended by unanimous consent) was read.

The Joint Resolution was then read a third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.	Guy,	Harig,
Stewart, Speaker,	Williams,	Markland,
Loker,	Smith, of Wor.,	Conway,
Coad,	Albaugh,	Syester,
Boyer,	Dutrow,	Coudy,
Hammond,	Wenner,	Rohrer,
Iglehart,	Bowlus,	Seibert,
Deale,	Maynard,	Riggs,
Dalrymple,	Byers,	Conley,
Mitchell,	Silver,	McCulloh,
Chapman,	Vandiver,	Kean,
Rose,	Brown,	Devecmon,