

true construction of the provisions of the Constitution relating to this subject would seem to be settled by the decision of the Court of Appeals in the case of *Owens vs. Cantwell*, 14 Md., 215.

That case arose under the Constitution of 1851, and involved the question whether the power to appoint a person to fill a vacancy in the office of Justice of the Peace was conferred upon the Governor alone, or required the concurrence of the Senate. The decision turned upon the construction of sec. 19, Art. IV., which was very similar in its terms to 5th sec., Art. IV., of the present Constitution. It provided that "*in the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve until the next regular election of said officers.*"

The Court decided that the power of appointment was vested in the Governor alone, and that the concurrence of the Senate was not required.

I respectfully refer to the case itself for a more full exposition of the Court's decision, which appears to me to be strictly analogous and altogether conclusive of the present question.

I shall be gratified to have an immediate expression of the views of the Senate, that the appointment may be made without further delaying the business of the Circuit.

ODEN BOWIE.

Which was read, and, on motion by Mr. Snyder,

Said communication was referred to the Committee on Judicial Proceedings, with instructions to report at their earliest convenience.

On motion by Mr. Snyder,

The Senate proceeded to the consideration of Executive business, and, after a time, resumed the consideration of Legislative business.

The Senate adjourned.