

filed in his office under the several bounty laws of the State, and also any that may be filed in his office without permission of law, for payment.

Mr. Miller, from the Committee on Judicial Proceedings, submitted the following :

The Committee on Judicial Proceedings to whom was referred the communication from his Excellency, the Governor, presenting "for the consideration of the Senate, the question of the construction of the Constitutional provisions relating to the mode of filling the vacancy of the office of Chief Judge of the Sixth Judicial Circuit, occasioned by the death of Judge Nelson," beg leave to report :

That the Committee have carefully examined the several provisions of the Constitution, having reference to this subject, and can find no provision therein which gives certain and express power to the Senate to control an appointment of this character by way of advice and consent. If the 10th and 11th sections of Article 2, grant any such power by implication, the Committee think this is removed by the terms of the 5th section of Article 4, which appears to be very strong and clear in its language. Section 5, of Article 4 of the Constitution of 1864, did expressly provide for the advice and consent of the Senate in filling such vacancies. The Committee think, had it been the intention of the framers of the Constitution of 1867 to continue this power in the Senate, it would have so provided, inasmuch as they did give the power of confirmation or rejection to the Senate, by section 40 of Article 4, in the case of appointments to fill vacancies in the office of Judge of the Orphans' Court. The Committee are also further confirmed in the opinion herein expressed, by the case of *Cantwell vs. Owens*, reported in 14th Maryland Reports: this case appearing to the Committee very conclusive upon the point involved in the Governor's communication.

All of which is respectfully submitted,

J. M. MILLER, *Chairman*.
 JAS. H. GROVE,
 W. KIMMEL,
 G. FRED. MADDOX,
 DANL. M. HENRY.

Which was read and adopted.

On motion by Mr. Miller, it was,

Ordered, That the Secretary of the Senate transmit to his Excellency, the Governor, a copy of the Report of the Committee on Judicial Proceedings, in reference to the question