

Hon. J. Thompson Mason having appeared and delivered a communication from his Excellency, Governor Whyte,

On motion by Mr. Fields,

The Senate proceeded to Executive Session.

The Hon. J. Thompson Mason appeared and delivered the bill relating to Hancock, in Washington county, with the Governor's objections thereto:

EXECUTIVE DEPARTMENT,

Annapolis, March 29, 1872.

*To the Senate:*

I respectfully return, without my signature, to the Senate, in which House it originated, a bill entitled "An Act to repeal section one hundred and sixty-one, of Article twenty-one, of the Public Local Laws, titled 'Washington County,' sub-titled 'Hancock,' and to re-enact the same with amendments, and to add sub-sections."

This Act vests in the Burgess of the town of Hancock judicial power to act as a Justice of the Peace, which is inconsistent with and contrary to the provisions of the Constitution.

Section 1 of Article IV. of the Constitution defines the officers in whom the judicial power of the State is lodged, and among them Justices of the Peace are included. The manner of their selection is also provided for, and the Legislature has no power either to elect a Justice of the Peace or to vest his power and judicial authority in any other officer of their creation.

The decision of the Court of Appeals, in the case of the Mayor and City Council of Hagerstown vs. Deckert, 32 Maryland Reports, 383, settles this question. I am, therefore, compelled to return this bill without my approval, that it may have the more mature consideration of the General Assembly.

WM. PINKNEY WHYTE.

The consideration of which,

On motion by Mr. Claggett,

Was postponed.

On motion by Mr. Tuck, it was

Ordered, That the Night Sessions shall not be confined to local or private bills, but any business may be considered and passed upon.

The Clerk of the House of Delegates appeared and delivered the following bills:

The House bill entitled an Act to direct the Northern Central Railway Company to station flagmen at certain crossings.