

acts of Tench Tilghman, as Major General of the Second Division of Maryland Militia," and the petitions protesting against the same, beg leave to report, that we dissent from the majority report of said Committee.

The said Tench Tilghman received from the Governor of the State a commission of Major General on the 27th of July, 1860. Article 68, section 10, of the Code, declares that any person who shall decline or neglect to take and subscribe to the oath, as prescribed by the Constitution, within thirty days after receiving his commission, shall be deemed to have refused acceptance of said office; and as it is evident, from the endorsement on the commission of the said Tench Tilghman, that he qualified before a Justice of the Peace on the 1st day of October, 1860, and before the Clerk on the 23rd of April, 1861, it is evident that the office was vacant before said Tilghman qualified before the Justice of the Peace. By the Constitution of the State, section 11, the power to appoint all military officers is vested in the Governor, with the advice and consent of the Senate. We therefore recommend that the bill do not pass.

S. J. BRADLEY,

JOHN G. STONE.

Which was read.

Mr. McKaig moved that the majority report be concurred in.

Mr. Stone moved as a substitute:

The concurrence in the minority report.

On motion of Mr. Franklin,

A call of the Senate was ordered, when the following Senators answered to their names:

Messrs. Blackistone, Duvall, Dashiell, Franklin, Goldsborough, of Talbot; Heckart, Kimmel, Lynch, McKaig, Miles, Smith, Stone, Townsend, Watkins, Whitaker—15.

The Sergeant-at-Arms returned, and reported that he had notified the absent Senators that their attendance was required at the Senate chamber.

The question was then taken upon the minority report, as a substitute for the majority.

The yeas and nays being demanded, appeared as follows:

AFFIRMATIVE.

Messrs. Goldsborough, of Talbot;
Kimmel,

Smith,
Stone—4.