

dent and Secretary, to make the following communication to your Excellency:

At that meeting, there was informally laid before the Board a copy of an order recently passed by the honorable House of Delegates, which recites that, by the Act of 1827, Ch. 205, incorporating the Hospital, it is provided that said Hospital shall be managed by a Board of Visitors therein named, consisting of one person from each county, and eleven from Baltimore city; and that in case of the death, refusal to accept, resignation or removal from their respective counties or city, of said Visitors, the fact shall be certified by the Secretary of said Board to the Governor, and such vacancies filled by persons to be by him appointed; and the order then proceeds to request your Excellency to furnish to said House "a list of the persons now constituting the said Board—said list to show the respective residences of said Visitors, and the date and manner of their appointment, and also what vacancies, if any, exist in said Board." As your Excellency has intimated a wish to be informed of the facts of the case, the Board have instructed us fully to state them, so far as their own knowledge enables them to do so.

It is proper, however, that we should, in the first place, call the attention of your Excellency to the construction which, by said order of the House of Delegates, is given to the charter of the Hospital, as it differs in material and important respects from that which has been always given and acted on by the Board since their incorporation, thirty years ago.

The order of the House of Delegates, recites only the first part of the 5th section of the charter, and entirely omits the latter part, which the Board consider very important, and explanatory of the whole section. The language of the concluding portion of the section is as follows:—"If, *after* the election of President, Vice-President, Secretary and Treasurer, as is hereinbefore first directed, said President, Vice-President, Secretary and Treasurer, or *any of said Visitors*, shall *die, resign, remove from the city of Baltimore or counties*, respectively as aforesaid, or in conformity to the by-laws, and regulations which said President and Visitors may make and ordain, be removed from their several respective places, then an *election* shall be held to supply their places, for the residue of the term respectively, according to the rules, regulations and by-laws which may be made therefor." The construction which the Board have always placed on the charter is, that if *before* the first election of President, &c., a vacancy had occurred, such vacancy should have been reported to the Governor and by him be filled; but that whenever any vacancy occurs *after* such first election, then it is to be filled, not by the Governor, but by an election held by the Board.