

amended constitution, for the nomination of a Secretary of State, expired with the 14th ult. and it was only with a view of preventing a collision with those whom the constitution has made my official advisers in reference to appointments to office, that I was induced to send you my message of the 14th ult, nominating Thomas Culbreth, Esq. to the office of Secretary of State. That nomination you were not pleased to advise and consent to. I deeply regret this decision on your part. It has deprived me of the efficient and valuable services of a gentleman eminently qualified for the discharge of the duties of the office to which he was nominated, and for whom a personal friendship of long standing, and official intercourse for years, had induced me to feel a marked and decided preference. The grounds, upon which the rejection of the nomination of Mr. Culbreth was made, are known only to yourselves. I knew him to be "honest," I knew him to be "capable," I knew him to be "faithful to the constitution," and I nominated him.

With great respect for the Senate, and without intending the slightest imputation, I must be permitted to express my astonishment and mortification at the course which they have seen proper to pursue. I did think it was due to the relations between that honorable body and myself, due to the individual whom yourselves had selected to administer the government of the State, that he should be permitted to make his own choice of the officer whom the constitution had made his intimate and confidential friend and adviser. But the Senate thought differently, and I must bow to their decision, which drives me to the necessity of making a second choice, and may drive me down to my last choice.

In the communication you sent me on the 14th ult, in reply to the one I had the honor to transmit to you on the same day, it seems to me that the Senate have evaded the question at issue, and assumed facts which are in dispute. It states "that the act of the General Assembly, passed at December session 1836, entitled, an act to amend the Constitution and Form of Government of the State of Maryland, *was confirmed* on the 13th of February last." and seeks to refute an argument which has never been urged by me, viz: that the simple engrossment of a law can give it any additional validity. It is my opinion that the act was *not* confirmed on the 13th of February last, but on the 28th of that month, when it received the final and consummate action of the Legislature, and I did not contend that the simple engrossment of a bill could add to its effect, but, that the action of the Legislature, passing the bill as an engrossed bill, was necessary to give it the validity of law. So far as Legislative practice avails in the settlement of this disputed point, I think it will be found, upon examination, that it sustains the position which I have taken.

On page 126 of the journal of the Senate, December session 1831, will be found a report, made to that body by Mr. Mayer, "on the pe-