

Mr. Bowie from the committee to which was referred the Executive message of the 20th inst, submitted the following report.

The advice and consent of the Senate being required by the constitution, in appointments to office, it is a necessary inference that the action of that body was designed to be independent of all considerations of fear or affection; that in the execution of that duty, Senators should regard only their obligations to the constitution and the State, extinguishing every private and personal influence.

Obdurate and painful as this principle often is in practice, it is the only protection against those unseen agencies which fester and corrupt the wisest forms of government, and pervert the most salutary laws. It is the vital principle of society, common to every department and officer of government, and every citizen of the State; which exacts justice of the one, and obedience from the other. While the Senate allow the utmost scope to this principle, in appreciating the acts of every other branch of the government, they think they are not arrogant in claiming it for themselves. In obedience to the high behests of duty, they know honest public functionaries must sometimes differ, (for none but the servile always concur,) yet while they lament the consequences which may result to others from this difference, they cannot acknowledge the necessity of vindicating an act, unquestionably within their constitutional prerogative.

Your committee deem it unnecessary to respond to that part of His Excellency's message which controverts the correctness of the positions assumed in the communications of the Senate of the 14th inst, because they consider the matter concluded by His Excellency's nomination, and the subsequent action of the Senate. The correspondence preceding the nomination, sufficiently develops the views of the Senate, and your committee perceive nothing in the message, which requires the Senate to review them.

His Excellency having desired the Senate to return certain nominations made under a law, which in his opinion, is not yet passed, (because it is not engrossed,) the Senate cannot object to His Excellency's exerting his undoubted right of differing from them in this respect, and though they do not admit the sufficiency of the reason, yet the committee advise that the nominations be returned with the accompanying message.

By the Senate, in Executive Session,

March 22, 1838.

To His Excellency the Governor:

The Senate have to acknowledge the receipt of your Excellency's communication of the 20th inst. Having, in the discharge of a constitutional duty, submitted to your Excellency their views of the time when the act entitled, an act to amend the Constitution and Form of Government of the State of Maryland, became operative; the Senate deem it unnecessary, further to press the consideration of