

Treasurer of the western shore pay to each member of the senate and of the house of delegates, and their officers, who may be present, the sum of one dollar, which may be drawn respectively on the 15th inst. of the month of January, and on the 15th inst. of the month of February.

Which was twice read, assented to, and sent to the senate.

The bill, entitled, "An act for the relief of Charles Chandler, an insolvent debtor of the city of Baltimore," was read the second time, passed, and sent to the senate.

The clerk of the senate returned the bill, entitled, "An act for the benefit of James B. Dixon, former sheriff of Calvert county, endorsed 'will pass.'" Ordered to be engrossed. Also the bill, entitled, "An act for the relief of Charles Chandler, an insolvent debtor of the city of Baltimore," also the bill, entitled, "A supplement to the act, entitled, 'An act to incorporate the trustees of the public school in Middletown in Frederick county, passed at December session 1827, chapter 179,'" also the bill, entitled, "A further supplement to the act, entitled, 'An act directing the manner of serving out attachments in this province, and limiting the extent of them, severally endorsed 'will not pass.'" Also the resolution in favour of James Maxwell, of Washington county; also the resolution providing for the payment of accounts for newspapers furnished the members of the legislature, severally endorsed "assented to."

Ordered to be engrossed. And delivered a bill originated in and passed by the senate, entitled, "An act supplementary to the act, entitled, 'An act to direct the treasurer of the western shore to pay over to the judges of the orphans court of Caroline county, the donation given to the Hillsborough and Denton academies for the purposes therein mentioned; which was read and referred to Messrs. Hardestie, Burchenal and Charles; also a bill, entitled, 'An act relating to the jail of Baltimore city and county; which was read and referred to Messrs. Nicholas, Hunt and Turner.

Mr. Chapman from the committee on ways and means, submitted the following order:

Ordered by the house of delegates, That the reports and orders passed by the house on the 18th inst. upon the subject of resolutions No. 70, and 77, of December session 1827, be and the same are hereby rescinded, and that the treasurers of the western and eastern shores respectively, be and they are hereby required to transmit copies of those resolutions No. 70 and 77, of December session 1827, to the several officers mentioned therein.

Which was twice read and adopted.

The clerk of the senate returned the bill, entitled, "An act to repeal an act of assembly, entitled, 'An act to limit the time for taking appeals from magistrates' judgments, passed at December session 1829, chapter 236, and for other purposes, endorsed, 'will not pass.'" Also resolutions in favour of Isaac Hooper, of Calvert county, and Catharine Lane, of the city of Annapolis, severally endorsed, "assented to," and ordered to be engrossed. And delivered a bill, originated in, and passed by the senate, entitled, "An act vesting certain powers in the orphans court of Montgomery county; which was read and referred to Messrs. Harding, Gittings and Willson. Also a bill, entitled, "An additional supplement to the act of December session 1827, chapter 117, entitled, 'An act to regulate the issuing of licenses to traders, keepers of ordinaries, and others; which was read and referred to the committee on ways and means.

The clerk of the senate returned the bill, entitled, "An act to distribute the school fund of Montgomery county, endorsed 'will pass with the proposed amendments,'" which amendments were severally read the first, and by special order the second time, assented to, and the bill ordered to be engrossed. And delivered the following message:

By the Senate, February 24, 1831.

Gentlemen of the House of Delegates,

The senate have received your message, and in compliance with your request have re-considered the bill, entitled, "An act to distribute the school funds of Montgomery county, and have amended and passed it. The senate feel anxious to diffuse the blessings of education as generally as possible throughout the community, and solicitous to carry into effect the enlightened and just policy of the legislature upon this subject, it would be most gratifying to every lover of his country to witness the establishment of schools throughout every district of the state, so that the children of the indigent might participate in their advantages—that the "growing up population" might be enlightened—made acquainted with their own importance, and their rights in the community of which they are to become useful members. Believing that the diffusion of light and knowledge will promote the public happiness, and render durable the free institutions of the country, the senate regret the necessity that existed for the rejection of the bill referred to. The senate rejected the bill, as your honourable body is well aware, from no hostility to the general object—on the contrary many bills upon this subject had been passed, and it is believed not an instance has occurred of the rejection of such a bill by the senate containing proper provisions.

The senate expected the bill in question because its provisions were most unusual, and in the opinion of the senate in conflict with the provisions of the general acts of the legislature for the promotion of education. The state, in the appropriation of large funds for the support of public schools, designed that the diffusion of knowledge should be general—that the advantages of the system, should be extended to all—that the indigent in every part of the state should participate in these advantages—the children of the indigent in every part of the state being equally dear to her, she contemplated no invidious distinctions in the distribution of the favour. The bill, if rightly understood, adopted a different principle—it gave to a particular tribunal the power of diverting the stream—of intercepting its flow to deserving objects—of drawing religious, political, or other distinctions—of reporting, in a word, to another tribunal what persons are proper objects of its bounty. Can it be doubted that this power might, and in times of great excitement, would be abused—that political prejudice or religious bigotry would at times be gratified at the expense of justice, and against the intention of the state? Again, when this selection had been made as if to screen (which was undoubtedly not intended) those immediately concerned in the distribution of the fund from any measure for unjust partiality in the selection—or from the murmurs of those, whose children, although selected in the first instance, must yet be rejected, because the fund might be insufficient for the education of all, the commissioners were authorized to cast lots, and thus determine the matter. Was this right—was it possible thus to shield officers from responsibility to public opinion for errors of practice or of intention? The senate think it was not. Other objections existed to the bill, but it is deemed unnecessary at present to suggest them.

The senate in conclusion will only observe, in answer to a remark of your honourable body, that while the senate feel all proper respect for the people of Maryland, and cannot consent to act on this, or any other occasion, merely for the purpose of rejecting your acts.

Gentlemen of the House of Delegates,

The senate has received your message in relation to the election of a senator in the congress of the United States, and has leave to express the high sense entertained of the "Nationalist" referred to by the elaborate argument, and array of distinguished names which your honourable body has brought in review before it. The authority upon which the former is based, sanctions, as it is by such men, and especially by the sound and discriminating mind of the man who has been so properly elevated by the suffrages of a free people to the highest post in the government; and who long before his attainment of that elevated station, had filled the measure of his country's glory, will doubtless command the respect of all future legislators in the consideration of cases analogous in their circumstances to the one then decided. This analogy does not, however, exist between the case of Mr. Lanman, the case then decided, and the one to which you have reference. The constitution provides, that if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may fill such vacancies by temporary appointment. The power thus given is to be exercised on the happening of a certain event—it is conditional, and dependent on the taking place of that event—the happening of a vacancy by resignation, or otherwise, during the recess of the legislature. To justify the exercise of such a power, the event must have happened, the power could not otherwise be rightfully exercised. It is perfectly manifest, that the executive, under this provision of the constitution, could not make an appointment to fill a vacancy in prospect only—one which might or might not occur. Yet such was emphatically the case of Mr. Lanman; he had been elected a senator in the congress of the United States from Connecticut; his term of service would expire on the third day of March 1825; by the call of the president it was made the duty of the senate to convene after that period. The vacancy would not occur until after that period. Yet the executive of Connecticut, on the 8th day of February 1825, appointed Mr. Lanman, although no vacancy happened. The event upon the happening of which a power was to be exercised, had not happened; how then could the executive of Connecticut make an appointment? How could the executive rightfully exercise a power, to be exercised only on the happening of an event, which event had not yet happened? The senate yields, without hesitation or reluctance, to the decision of the senate of the United States on the occasion referred to. It is plainly based on a fair and natural construction of the constitution. As to the case of one of the senators in congress from this state, his term of service will expire on the 3d day of March next. Should a special meeting of the senate be called by the president, a call not believed likely to be made, the event contemplated by the constitution will then have happened, a vacancy will have occurred during the recess of the legislature. Under such circumstances, can the power of the executive of this state to make a temporary appointment be doubted? Would it not be the right and the duty of the executive to make it? Can it be doubted that the senator thus appointed would be entitled to his seat in the august body to which he had been elevated? Surely not. The senate, after respectful consideration, is unable to perceive the force of the argument of your honourable body, or the applicability of the authority upon which it is founded.

The senate nevertheless, is prepared to proceed at any hour this day, which your honourable body may appoint, to the election of a senator in the congress of the United States, to fill the vacancy which will take place on the third day of March next.

Mr. Merrick submitted the following message:

Gentlemen of the Senate,

We have received your message of this morning stating the readiness of your honourable body to proceed at any hour this day to the election of a senator to fill the vacancy which will take place in the senate of the United States on the third of March next. Satisfied with your conclusion, we waive the argument, and propose to proceed forthwith.

Which was twice read, assented to, and sent to the senate.

Mr. Blakistone submitted the following message; which was twice read, assented to, and sent to the senate:

By the House of Delegates, February 24, 1831.

Gentlemen of the Senate,

We propose with your concurrence, to appoint a joint committee of the two houses to wait on his excellency the governor, and request his attendance in the senate chamber at 7 o'clock this evening, to sign and seal the laws. We have appointed Messrs. Blakistone and M'Mahon to join such gentlemen as may be appointed by your house.

The clerk of the senate delivered a bill, originated in, and passed by the senate, entitled, "An act to incorporate the American Colonization Society; which was read and referred to Messrs. Brawner, Steele and Nicholas. Also the bill, entitled, "An act relating to the jail of Baltimore city and county; also resolutions in favour of Elizabeth Dawkins, of Calvert county, and Mary Simpson, of Allegany county, severally endorsed, "assented to." Ordered to be engrossed. Also a resolution originated in, and passed by the senate, relative to the publication of certain laws; which was read and referred to Messrs. Teackle, Thomas of Queen-Anne's and Moores.

And the following message:

Gentlemen of the House of Delegates,

We concur with you in the propriety of proceeding forthwith to the election of a senator in congress. Messrs. Forrest and Harrison are appointed to join the gentleman named by your house body, to count the ballots.

By order, L. Gassaway, Clk.

Which were severally read.

On motion by Mr. Teackle, the house proceeded to ballot for a senator to represent this state in the senate of the United States. The ballot box being prepared, the ballots were deposited therein, sealed up, and delivered to the committee of the house of delegates, appointed to meet the committee of the senate, to count the ballots, who retired to the conference room, and after some time returned and reported, that there were seventy-three votes cast, of which Ezekiel F. Chambers received fifty-three votes, and that there were twenty blank ballots.

Whereupon, Resolved, That Ezekiel F. Chambers, Esq. do, and he is hereby declared to be a senator to represent this state in the senate of the United States.

Mr. Chapman submitted the following resolution, which was twice read, assented to, and sent to the senate.

Resolved by the General Assembly of Maryland, That the governor do, and he is hereby requested, to issue a commission in the usual form, to the honourable Ezekiel F. Chambers, as a senator to represent this state in the congress of the United States, for the term, from the third of March next, until the 3d day of March, 1832.

The clerk of the senate delivered the following message:

February 24th, 1831.

Gentlemen of the House of Delegates,

The senate having fully considered the message despatched from your honourable body, in relation to the proposed amendments to the constitution, and the new proposals to terminate the present session this day.

We accede to your message proposing to invite the governor to attend in the senate chamber at 7 o'clock this evening, to sign and seal the laws. We have appointed Messrs. Smith and Thomas, to join the committee appointed by your house.

Mr. Blakistone submitted the following message; which was read, assented to, and sent to the senate:

By the House of Delegates, February 24th, 1831.

Gentlemen of the Senate,

We acknowledge the receipt of your message proposing to close the session this evening, and accede thereto.

By order, G. O. Brawner, Clk.

The house then adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The house met.

Mr. Brawner made a favourable report upon the bill from the senate, entitled, "An act to incorporate the American Colonization Society."

The said bill was then read the first, and by special order the second time, passed, and returned to the senate.

On motion by Mr. Blakistone. Ordered, That when this house adjourns, it stands adjourned sine die.

A deputation from the senate being announced, Messrs. Thomas and Herbert, members of that body, appeared within the bar of the house, and informed the speaker, that his excellency the governor, was attending in the senate chamber, and requested the attendance, of this house to see him sign and seal the laws.

The speaker left the chair, and attended by the members of this house went to the senate chamber, and there presented the engrossed bills to the governor, who signed the same, and affixed the great seal thereto, in the presence of both houses.

The speaker, with the rest of the members, returned and resumed the chair.

The house adjourned until the first Monday of October next.

By order, George C. Brawner, Clk.

LIST OF LAWS

Passed at December Session, 1830.

- (Continued.)
43. An act to authorise the commissioners of Cecil county to build a bridge and open a road in said county.
 44. An act for the relief of William Clare, former collector of the tax for Calvert county.
 45. An act authorising the commissioners of the Town of Havre-de-Grace in Harford county, to build a wharf in the river Susquehanna at the termination of St. Clair street, otherwise known as Brown's Point in said town.
 46. An act further to provide for the payment of future instalments of the State's subscription for stock, of the Baltimore and Ohio Rail Road, or Chesapeake and Ohio Canal Companies.
 47. An act for the relief of Susanna Reeder, of Saint Mary's county.
 48. An act supplementary to the act passed at December session 1824, chapter 162, empowering the levy court of Harford county, in their discretion, to build a bridge over Deer Creek in said county.
 49. An act to authorise the Baltimore and Susquehanna Rail Road Company, to construct a lateral rail road to Westminster, and for other purposes.
 50. An act for the surrender of the charter of Baltimore college.
 51. An act to provide for the building of a bridge over the Patuxent river, at the place called The Fork of Patuxent.
 52. A supplement to an act, entitled, "An act for the relief of Adelaide V. Lowe, of Frederick county, passed at December session 1822, chapter 100."
 53. An act for the revaluation of real and personal property in Montgomery county.
 54. An act to authorise and require the levy court of Kent county, to levy a sum of money for the enlargement and repair of the offices of clerk of the county and register of wills.
 55. An act to prevent gaming.
 56. An act directing the manner of advertising trespassing estrays.
 57. A supplement to the act to divorce Rebecca Wilson and James Wilson, passed at December session 1829, chapter 223.
 58. An act to alter and repeal so much of the tenth section of an act passed at December session 1829, chapter 87, as far as relates to the eastern shore.
 59. An act to authorise and empower the commissioners of Cecil county, to levy a sum of money, and rebuild a bridge over Big Elk Creek in the village of Elkton, on the road leading past the site of the old market house towards Warwick in said county.
 60. An act to confirm a deed of manumission therein mentioned.
 61. An act to provide for the erection of a bridge over Antietam creek, on the road leading from Sharpsburgh to Harper's Ferry, in Washington county.
 62. An act to authorise Mary Lyon to lease the real estate of her infant children.
 63. An act authorising Michael Sinnott, of Harford county, to hold certain real estate.
 64. An act to establish a house of refuge for juvenile delinquents.
 65. An additional supplement to the act, entitled, "An act relating to insolvent debtors in the city and county of Baltimore."
 66. A supplement to the act, entitled, "An act to incorporate the Potomac manufacturing company of Maryland."
 67. An act to alter and change the name of James Stephen Thompson, to Henry Saint James Linden.
 68. An act to authorise John D. Daniels, of the City of Baltimore, to lease certain property therein mentioned.
 69. An act to fix the compensation of jurors in Kent county.
 70. An act relating to certain books and records in the county of Baltimore.
 71. An act to incorporate the Warren manufacturing company.
 72. An act for the benefit of Milo Mason, of the army of the United States.
 73. An act to explain the second section of the act, entitled, "An act to provide for the support of schools in Queen Anne's county, and to withdraw the funds from the Central Academy."



ANNAPOLIS

Thursday, March 10, 1831.

Communicated for the Maryland Gazette.

I observe, Mr. Editor, that one of the acts of the Maryland Legislature, (I mean the majority,) was to meet in solemn convocation, on the 24th inst. to inaugurate the GRAND NATIONAL CAUCUS, to be held in Baltimore next December, to nominate a candidate for the Presidency, in opposition to the venerable and distinguished man who is placed at the head of affairs. This meeting, however, is not to be held in the county of Washington, and Solomon Dickson, from the county of Talbot, to represent them in the contemplated national caucus. This majority, as a matter of course, have appointed Joseph Merrick, from the county of Washington, and Solomon Dickson, from the county of Talbot, to represent them in the contemplated national caucus. This majority, as a matter of course, have appointed Joseph Merrick, from the county of Washington, and Solomon Dickson, from the county of Talbot, to represent them in the contemplated national caucus. This majority, as a matter of course, have appointed Joseph Merrick, from the county of Washington, and Solomon Dickson, from the county of Talbot, to represent them in the contemplated national caucus.

CORNPLANTER

POPULAR EDUCATION.

Mr. Estrope,

I was highly gratified by reading in your last paper, the brief statement and appeal to the public, by the Editors and Governors of the Ohio State University. Indeed, the only great thing that has happened for good since they have not raised more at length on the subject which the public owe to their own and a noble institution. The attention of the people of Maryland is beginning to be drawn on the importance of educating their own children on their native soil, and the simultaneous movement on the part of all her Colleges, to establish a common system, which is to be carried out, in the most judicious manner, through the aid of the State, and the aid of the people, is a most laudable and delightful of the progress of science, which the arduous and aspiring mind seeks, with the most refined and taste could wish to enjoy.

in parts, but it is believed by every judicious mind, that the University of the State, in dependence on a little honourable expenditure for us, and might not be able to yield any longer to the operation of any but a sort of necessity. No doubt that we have the power to make our institutions as perfect as those of any State in the Union, and until that shall be done, we shall see but little change in our mode of education. It is said that from our numerous students from this State, going to study abroad, chiefly at the North, and the amount of money thus sent in other States by the citizens of this State, would go very far towards defraying the current expenses of any College of Arts and Sciences, if it is provided that these avails would supply any deficiency in the means of our Colleges.

We already have a sufficient foundation in this State, which may be built up into a most noble and honourable University, and it is in our hands. I must repeat it, then, a statement by the Governors of Br. devoted to the public a complete course of study, to be conducted by faithful men, devoted to the business, cannot fail to interest the classes of persons for whom it is intended. It is in the power of the State, not however, as things now are, by blighting the hopes of the other classes of the community, who wish their own, too, to equal advantages. If the State would allow her Colleges, it would be needful to suggest even the expedient, which in no one can suggest, without explanation. Still, however, the evil exists, and in some way, to be remedied. It is to be expected, notwithstanding, that we shall forego the privileges of doing that which they can for their sons, by giving the most ample means of instruction, in reason and justice demand is, that if the patronage of the State can come here, equal advantages with those purchased abroad, at such sacrifices, and encouragement should be given to permanency and success to the College which we have already founded.

Visitors of Br. Jour's have every reason to go on as they began; and they respect upon their excellent foundation, a structure that will become the pride of the land. And, what is more, they may be themselves, that the public will not their efforts to go unaided or unrequited. They have provided for a course of instruction which is confidently pronounced to be complete as that pursued in any College in the country, whether at the North, or in the South. They have secured the services of a competent Faculty, to carry their system to full and successful operation. And, my object, at present, Mr. Editor, is to draw the attention of your readers to the subject. On some future occasion my leisure will permit me to go into this matter at large, to show by what considerations all classes should feel impelled to sustain and to produce praiseworthy exertions for the public good. My present purpose will be gained, if the public mind shall be drawn to the vital interests embraced in the above mentioned communication. It is well known that the minds of students resorting to the North, are being declining of late years. The colleges of the Southern States have learned the policy, which they will ultimately retain the business of education under their own supervision, and especially to their own resources, the demand for primary and elementary instruction, in movements have caused the diminution of contributions to the North, to be sensibly felt. And shall Maryland be behind her neighbours in the necessity of providing for her own? It would be a deep injustice to the people of the State, who were of uncommon talents, and had the capacity to plan and execute, one of the noblest deeds for the dignity and advancement of the State, that was ever originated in a free and republican. And if any one will but take time to study the charter of Br. Jour's, will discover ample evidence of all this. What is more, it is the scorching element of strife, in a disastrous period, had not through the vicinuity which they planted around, we should now have had no occasion to look beyond the bounds of Maryland in a most useful and delightful of the progress of science, which the arduous and aspiring mind seeks, with the most refined and taste could wish to enjoy.

ONE OF THE PEOPLE.

Having received the letter addressed to the Editor, by fifty two members of the Ohio State University, with his reply, I feel it my duty to publish it, and to express my sympathy with the cause which they have taken up. I feel that the cause of education is a cause which should be supported by every citizen of every State. I feel that the cause of education is a cause which should be supported by every citizen of every State. I feel that the cause of education is a cause which should be supported by every citizen of every State.

Resolved, That the General Assembly of Maryland, do, and he is hereby requested, to issue a commission in the usual form, to the honourable Ezekiel F. Chambers, as a senator to represent this state in the congress of the United States, for the term, from the third of March next, until the 3d day of March, 1832.

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