

May 31st 1852.

The Governor this day received a message from the Senate informing him that they are of the opinion that no collector of tax is eligible to the Office of Justice of the peace, they therefore suggest that the nomination of Benjamin Sawsett of Montgomery County as a Justice of the peace be withdrawn and that some other person be nominated in his place.

Also this day commissioned George F. Price, Wood Corder at Principia and Perryville in Cecil County; and Henry S. McNamee, Notary Public for Allegany County.

Also this day received from the Senate the following communication:

By the Senate in
Executive Session May 31st 1852

Resolved that in the opinion of the Senate the Adjutant General of this State holds his Office by the same tenure as before the adoption of the present Constitution until his successor ^{is} qualified.

That this tenure being for life there is nothing in the Constitution, which expressly or by implication fixes the time for the appointment of the successor of the present incumbent, that it was not designed to submit the period thereof to the discretion of the Executive, and can therefore only be provided for by Legislative action.

Resolved that inasmuch as no provision on this subject has been made by law, that the nomination for Adjutant General made by the Governor cannot be considered or acted upon by the Senate and that the Secretary of the Senate communicate these Resolutions to the Governor.

By order
(Signed) C. Finckney, Secy.

Also this day the Governor sent the following communication to the Senate:

Executive Department
May 31st 1852

To the Senate

Gentlemen:- I have received and considered the Resolutions passed by your Honorable Body, declaring virtually that the present Adjutant General holds his Office by a life tenure, without previous legislative action. I owe it in respect to your Honorable Body, to say that, inasmuch as I cannot perceive that the Legislature has any power to enlarge, or diminish a Constitutional provision; and inasmuch as I am clearly convinced that the eleventh section of Article II, and the second section of Article IX justify and sustain the opinion that I am empowered to nominate a person for the Office of Adjutant General to hold his said Office pursuant to the provisions of the last said section, I shall feel it to be my duty, with the most perfect respect for the decision of your Honorable Body, to appoint an Adjutant General during the recess, in order that the Constitutional question may, if necessary, be tested before the Court of Appeals, the Tribunal constituted for such purposes.

E. Louis Lowe