

nominated, and to approve or reject him; but their decision should be fairly regulated by their opinion of the character and qualifications of the individual presented. Should the Senate, at any time, adopt the principle that, whenever a majority of that body happens to prefer another, they will reject every nomination made until the President fall back upon their favorite, it would be a plain usurpation of the constitutional prerogative of sole nomination, and thus the whole power of appointment would be rendered nugatory. If this right of the President to nominate be conceded, and, in the case of an appointment to a military office above the rank of *Colonel*, he be not bound to make the selection according to seniority of rank, then the Senators must rest their assent or dissent to the nomination on the criterion of the character and qualifications of the individual actually nominated. They may reject him, but neither the merit nor rank of any other person can confer on the Senate a power to appoint that other to the office in question, since the President will still have the right of selection, and may again and again nominate agreeably to his preference and judgment.

If, in the case of the nomination of General Wool, the claims of his admitted *seniors*, Atkinson and Brady, were passed over, it is irresistibly to be inferred that his nomination was confirmed upon the principle of the right of the President to make a selection of a Brigadier, without regard to rank, and from the absence of well founded objections to the character and competency of the *nominee*.

I have thus, sir, stated to you, for the satisfaction of the House of Delegates, the precise "circumstances," in point of fact, and the constitutional authority under which the President made and the Senate confirmed the nomination of General Wool,—so far as I am at liberty to unfold them, and as I understand them. Now, sir, if to know the reasons or motives, which actuated the President of the United States, in making that nomination, or the several members of the Senate, in confirming it, shall be still desired by the honorable House of Delegates of Maryland, or the reasons why the former did not nominate to that vacant place in the Army, our distinguished fellow citizen, General Towson, I think I have offered most respectfully for their consideration irrefragable proof that no reasonable expectation can be entertained that, in my peculiar position, as a Senator of the United States, I can be in any manner further instrumental in affording to them such information.

Had I declined making to you, the authorised interpreter of the wishes of the House of Delegates, any answer, and poised myself upon my own just sense of the independence of the Senate of the United States, of the authority which the Legislature of any State may assume to exercise, of inquiring into its proceedings, I might have been deemed fastidious towards the honorable body, in whose name you have proceeded; and I do not fear that by any such degree of compliance as that, to which I have limited myself, I shall incur the imputation of having in the least compromit-