

BY THE HOUSE OF DELEGATES, Dec. 1812.

*Gentlemen of the Senate,*

We have received your message proposing to adjourn on the 18th inst. The present crisis in our national affairs requires that the resources of the State should be husbanded, and having but little important business before us, all which may be concluded by that time, we are disposed to accede to your proposition.

The clerk of the senate delivers the bill entitled, An act to confirm an act passed at November session eighteen hundred and eleven, entitled, An act to alter the time of the meeting of the General Assembly of this State, and for other purposes, and the following message :

BY THE SENATE, Dec. 8, 1812.

*Gentlemen of the House of Delegates,*

We return you the bill, entitled, An act to confirm an act passed at November session eighteen hundred and eleven, entitled, An act to alter the time of the meeting of the General Assembly of this State, and for other purposes, and hope on reconsideration, you will agree to pass it. We understand the ground upon which the House of Delegates have refused their assent to the bill is, because an interregnum would thereby occur in the executive of the State; we beg leave to observe, that the constitution provides for the election of a governor and council annually, on the days therein mentioned; various instances have occurred wherein the governor and council have not been elected on the specified days, yet such elections, and the acts and doings of the executive in consequence thereof, have been considered valid and effectual, and we know of no inconvenience that has resulted to the State in consequence thereof; and we beg leave, (if you agree to pass the bill) to suggest the propriety of immediately passing a law, authorising and empowering the present executive to act as such, until the time appointed for electing a governor and council, agreeably to the contemplated change.

By order,

THOMAS ROGERS, CLK.

Which was read.

Also a communication from John Brewer, register of the land office for the western shore, covering an account of taxes received in his office from the 7th of December 1811, to the 7th of December 1812, and the treasurer's receipt for the same; and suggesting the propriety of repealing so much of the act of November session 1798, chapter 108, as requires the register of the land office to give copies from the rent-rolls and debt books under oath.

Which was read and referred to Messrs. Bowles, Plater and Perry.

Also a memorial from Jehu Chandler, printer to the State, with the following message and resolution:

BY THE SENATE, Dec. 7, 1812.

*Gentlemen of the House of Delegates,*

The memorial of the printer to the State which accompanies this communication, was presented to the senate a few days ago, and has been acted on as far as the constitutional powers of this body enable them to administer relief; that is, by expressing an opinion that the claims of the memorialist are well founded, both upon usage and principle, and are therefore deserving of relief by the exercise of legislative authority; they are well founded upon usage, because the late printer to the State, (his predecessor in office) and those who preceded him, were not only entrusted with, and compensated for the printing of the Laws and Votes and Proceedings of the General Assembly, but they were also employed and paid to execute every occasional demand, which might require the use of their professional services. This exclusive right of the printer to execute all the printing business of the State, seems to have been considered not only as incidental to his appointment, but as inseparably appendant to his office; for neither on appeal to the memory of those who now live, nor the strictest scrutiny into the Legislative annals of the State, will be found to furnish any one instance in which a separation has been made. Upon usage then we fell ourselves compelled to say, that the claims of the memorialist are well founded and entitled to consideration; upon principle we think they are equally so; we assume it as a position which cannot be denied, that upon the true construction of the constitution, the same degree of power which is requisite to create, is necessary to annul any act of Legislation, whether it be a bill or a resolution; we also think that every resolution passed by both branches of the Legislature, which is not limited in terms, or by the nature of the object for which it provides, continues in force until repealed by the same authority which called it into existence. In the case of the resolution in question, there is neither a limitation of time in express words, nor is it bounded in its operation, by the nature of the subject matter; such being the nature of the resolution, it appears to the senate, that it will continue in full force, until regularly repealed. That the memorialist is therefore still to be considered as the printer to the State, seems to this branch of the Legislature to admit of no doubt. He is moreover recognized and spoken of in express terms as printer to the State, in the law of the last session, providing a compensation for his services. If therefore he is still to be considered as invested with all the rights and privileges of this appointment, it is our opinion, (and we think the House of Delegates upon a full consideration of the subject will concur in that opinion,) that he is entitled, in the language of the resolution, to "print the Laws and Votes and Proceedings of the General Assembly, and perform such other services as have been usually performed by the printer employed by the State, or may be required by the Legislature or either branch thereof, or by the Governor and the Council." As therefore the printer to the State has heretofore been invariably employed to print every thing required by either branch of the Legislature, the conclusion seems inevitably to follow, that during his continuance in office, no other person can be appointed to perform any part of his duties, or participate his emoluments, without a manifest violation of his rights. Nor is it a consideration unworthy of notice, that by a division of the duties of the appointment, serious inconveniences may arise to the printer, whose arrangements preparatory to the session of the Legislature, were of course made with a view to the execution of his usual duties, and an expectation that his disbursements and expenditures so incurred, would be refunded and made good to him, by the compensation he would receive at the termination of the session.