

expired, a temporary appointment by our State Executive may by the precedent then set, be determined to be invalid, and the State left unrepresented, until the Legislature shall be convened anew.

The case referred to, is that of Mr. Lanman of Connecticut, which may be found in the Senate Journal of eighteen hundred and twenty four and five, page two hundred and eighty one, two and three.

The appointment was made on the eighth day of February preceding, because to give to Connecticut a representation in the Senate at the session then called, it was necessary that it should be made, in anticipation of the vacancy.

The legislature of Connecticut was not then, nor until long afterwards in session.

This would seem to have been a case entirely within the provision of the constitution above recited, and strictly analogous to that which will be presented, should this legislature now omit to fill the vacancy, and the Executive make a temporary appointment. It cannot be pretended that any State law does or can exist here or elsewhere, effectual to control or alter the provisions of the federal constitution. Yet we find the majority of the Senate refusing to admit Mr. Lanman to his seat; and in the roll of that majority we find the powerful names of Messrs. Berrien, Branch, Eaton, Lloyd, Van Buren and Jackson. We are utterly at a loss to account for such a decision, unless it was predicated upon the idea that the "happening of vacancies," was to be understood as meaning vacancies by death, resignation or other casualty, not to be foreseen and provided for by the Legislature.

We are however forcibly admonished by that decision, that it is our duty to make provision in time for a case now clearly foreseen, and not leave the State unrepresented in the Senate, or her representation assailable by new constructions of the constitution. We therefore again earnestly invite your honorable body to appoint some convenient day in this session, to elect agreeably to law, a Senator to represent this State in Congress after the third of March next.

By order,

G. G. Brewer, Cl'k.

By the House of Delegates,

February 12, 1831.

Gentlemen of the Senate,

The public business has accumulated to such an extent, and their remaining important measures yet to be acted on, which at the period of our proposal to your honorable body, we