

port adopted by the general assembly of the state of Missouri, on a report and resolution of the legislature of Georgia, on the subject of the constitutional power of Congress to appropriate money to aid the colonization society; which was read and referred to the consideration of the house of delegates.

The resolution in favour of Isaac Hooper, of Calvert county, was read a third time by special order, dissented from, and returned to the house of delegates.

On motion of Mr. Smith, the senate reconsidered the bill, entitled, An act relating to the jail of Baltimore city and county.

On motion of Mr. Smith, the said bill was then recommitted.

Mr. Heath offered the following message, which was read the first time and laid on the table.

By the Senate,

February 24th, 1831.

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 takes leave to express the high sense entertained of the "obligation conferred" 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, sanctioned 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 undoubtedly command the respect of all future legislators in the consideration of cases analagous 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 referred. 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