

exercised. It is perfectly manifest, that the executive, under this provision of the constitution, could not make an appointment to fill a vacancy in prospect only—one which might or might not occur. Yet such was emphatically the case of Mr. Lanman; he had been elected a senator in the congress of the United States from Connecticut; his term of service would expire on the third day of March 1825; by the call of the president it was made the duty of the senate to convene after that period. The vacancy would not occur until after that period. Yet the executive of Connecticut, on the 8th day of February 1825, appointed Mr. Lanman, although no vacancy happened. The event upon the happening of which a power was to be exercised, had not happened; how then could the executive of Connecticut make an appointment? How could the executive rightfully exercise a power, to be exercised only on the happening of an event, which event had not yet happened? The senate yields, without hesitation or reluctance, to the decision of the senate of the United States on the occasion referred to. It is plainly based on a fair and natural construction of the constitution. As to the case of one of the senators in congress from this state, his term of service will expire on the 3d day of March next. Should a special meeting of the senate be called by the president, a call not believed likely to be made, the event contemplated by the constitution will then have happened, a vacancy will have occurred during the recess of the legislature. Under such circumstances, can the power of the executive of this state to make a temporary appointment be doubted? Would it not be the right and the duty of the executive to make it? Can it be doubted that the senator thus appointed would be entitled to his seat in the august body to which he had been elevated? Surely not. The senate, after respectful consideration, is unable to perceive the force of the argument of your honourable body, or the applicability of the authority upon which it is founded.

The clerk of the house of delegates delivered a resolution in favour of James Maxwell, of Washington county.

Also a resolution providing for the payment of accounts for newspapers furnished the members of the legislature.

Which were severally read the first time and referred to the committee on ways and means.

Also a bill, entitled, An act for the relief of Charles Chandler, an insolvent debtor of the city of Baltimore.

Which was read the first time and referred to the committee on insolvent debtors.