

In the state of Maryland, there has never been any law, nor any fixed resolution of the legislature, prescribing the manner of electing senators....The mode has always been regulated by a special message between the two houses, applying only to each particular election. In some of the states, it is well known, that at different periods different modes have prevailed. Where there is no legislative provision on the subject, the constitution of the United States having said, that the senators shall be chosen by the legislature, it would seem that this, like all other legislative acts, was to be the concurrent act of the two branches of the general assembly. We admit, that the legislature may vary the mode of election in any form they please, but in this case, where there has been no general regulation permanently establishing the mode, the senate must also admit, for they are certainly too intelligent not to know, that the mode now pursued by the house of delegates is constitutional and right.

Being impressed with a firm and perfect conviction of our own rectitude, and having made overtures in a style of equal candour and moderation, we must suppose, that the senate are too reasonable to expect that their views are to be exclusively indulged, the rights of this house entirely abandoned, and that a body, so remotely elected, and now constituted, as the senate is, on an occasion so important, and in certain respects so extraordinary, as the present, ought and are imperiously to control and overrule the will of the people, expressed through their immediate delegates, the recent depositories of the public confidence, and the constitutional guardians of every popular privilege....The senate surely cannot expect of us so flagrant a departure from the path of fidelity; and, while we regret they should continue insensible to the consequences of their own inflexible design, we are in some measure consoled by the consciousness, that having repeatedly attempted ourselves, as far as could be, to conciliate and adjust this untoward difference, if these attempts shall have altogether failed, no blame can attach to a majority of this house, nor can they be considered in any degree responsible.

Which was read the first and second time, and the question put, That the house agree to the same? The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Messrs	Hebb	Grahame	Edmondson	Frazier	Herbert	Bennett	Hughlett	Veatch
	Blakistone	P Stuart	Bayly	Dennis	Beall	Baer	Young	Hilleary
	Hopewell	Chapman	Gale	Griffith	Hayward	J H Thomas	Carroll	M'Mahon
	Reynolds	Dorsey	Cottman	Page	Wilson	Sappington	Gaither	Tomlinson
	Blake	Parnham	Ennalls	Perrie	T N Williams	J Thomas	S Thomas	Reid
	Ireland							

N E G A T I V E.

Messrs	Angier	Belt	Randall	Mitchell	Boyle	Scott	Davis	Bland
	Brice	O Williams	Brown	Porter	Hopper	Forwood	Bayard	Gabby
	Welch	Merriken	Stevens	Veazey	Spencer	Streett	Willis	Downey
	Moffitt	Stansbury	Kerr	Muir	Wright	Sanders	R Steuart	Bowles
	Hodges	Harryman	Seth					

So it was resolved in the affirmative.

The following message was read the first and second time, and agreed to.

By the HOUSE of DELEGATES, June 8, 1809.

Gentlemen of the Senate,

WE regret that the bill for the preservation and distribution of the vaccine matter for the use of the citizens of this state, was rejected by your house.

The object of one thousand dollars, annually, for the period contemplated in this bill, can bear no proportion to the immense benefits that must flow to the citizens of Maryland from the proposed institution. It seems at this day generally admitted, that vaccination is a certain preventative against infection derived either from the natural or inoculated smallpox, and that the remedy is not only certain, but totally exempt from danger.

To distribute, therefore, free from individual expense, to the remotest corners of the state, a constant supply of the genuine vaccine matter, must eventually exclude all the miseries that would flow from the introduction and extension of the natural smallpox. Perhaps the senate are not aware of the fact, that in some countries several persons have died with this fatal disease, having before been inoculated with spurious vaccine matter.

The author of the proposed plan seriously avers, that less than the contemplated sum will not be a reasonable compensation for the expenses of the institution, and the labour necessarily requisite completely to effectuate the object. We therefore return you the bill, and request your reconsideration thereof.

By order,

J. BREWER, clk.

Mr. Veazey, from the committee, delivers to the speaker a bill, entitled, An act to incorporate a company for making an artificial road from the town of New-Castle, in New-Castle county, to the line of this state, in the route or direction to French-town, on Elk river, in Cæcil county, in the state of Maryland, and to extend the same artificial road from thence, by the nearest and best practicable course, to French-town, on Elk river, in Cæcil county, in the state of Maryland; which was read, and referred to the next general assembly.

Mr. Boyle, from the committee, delivers to the speaker the following report:

THE committee appointed on the memorial of Frederick Green report, that they have taken the same into consideration, and are of opinion that the request of the memorialist ought to be allowed; they therefore submit the following resolution: