

Brown, of Kent
Wallis
Stewart
Hood
Reynolds
Dalrymple
Hicks
Steele
Wright
Biles
Edelen
Thomas of Q. A.

M'Kinstrey
Montgomery
Moore
Amos
Watters
Charles
Hardcastle
Jones
Kershner
Merrick
Willson
Ridgely—30

Mr. Merrick submitted the following message; which was read, and ordered to lie on the table.

By the House of Delegates,

February 11th, 1831.

Gentlemen of the Senate,

We again invite your attention to the subject of the vacancy, which, on the third of March next, will occur in the representation of this state, in the senate of the United States.

However clearly the constitution of the United States may seem to have provided, 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 appointments," we find in the history of the extra session of the senate, held on the fourth of March eighteen hundred and twenty-five, great reason to apprehend, that after the term of service of our present senator, General Chambers, shall have 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 twenty four and five, page two hundred 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