

JOURNAL  
OF  
THE PROCEEDINGS  
OF THE  
SENATE OF MARYLAND,  
EXECUTIVE SESSION, AT DECEMBER SESSION, 1837.

*Relative to the appointment of a Secretary of State.*

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WEDNESDAY, March 14, 1838.

**Present** the same Senators as in Legislative session.

**The galleries** being cleared and the doors closed.

**On motion** of Mr. Jones,

**The following message** was read and adopted:

By the Senate, in Executive Session,

March 14th, 1838.

**To His Excellency** the Governor:

An act of Assembly, passed at December session 1836, entitled, an act to amend the Constitution and Form of Government of the State of Maryland, was confirmed by the General Assembly of Maryland, in conformity with the constitution, on the 13th day of February last. The 17th section provides—"that it shall be the duty of the Governor, within the period of one calendar month next after this act shall go into operation, and in the same session in which the same shall be confirmed, if it be confirmed, and annually thereafter, during the regular session of the Senate, and on such particular day, if any, or within such particular period as may be prescribed by law, to nominate, and by, and with the advice and consent of the Senate, to appoint a Secretary of State, who shall hold his office until a successor shall be appointed, and who shall discharge such duties and receive such compensation as shall be prescribed by law."

The Senate respectfully suggest to your Excellency, that the limit prescribed by the terms of the act as above recited, in which a Secretary of State shall be nominated and appointed will expire with the present day, and no nomination having yet been made by your Excellency of any person for that office, the Senate respectfully notify your Excellency that they are now in session, and are prepared to receive and act upon such nomination.

By order,  
Jos. H. Nicholson, clk.

The clerk accordingly communicated in person to His Excellency the foregoing message, with the following note,  
His Excellency, Thomas W. Veazey,  
Governor of Maryland:

Sir:—Inobedience to the instruction of the Senate, the undersigned herewith communicates to your Excellency a message, which the Senate this day adopted in Executive session.

He has the honor to be,  
Most respectfully,  
Your Excellency's obt. servt.  
Jos. H. Nicholson, Clk. Senate, Md.

Senate Chamber, 4 o'clock, P. M. March 14, 1838.

A message from the Executive being announced, the doors were opened, and Mr. John H. Culbreth, appeared at the bar of the Senate, and delivered the following communication from His Excellency the Governor, and then retired.

Executive Department,  
Annapolis, March 14, 1838.

Gentlemen of the Senate,

I have the honor to acknowledge the receipt of your communication suggesting that the limit prescribed by the terms of the act of Assembly, passed at December session 1836, and confirmed at the present session, for the nomination of a Secretary of State would expire with the present day, and notifying me that you were in session to receive and act upon such nomination as I may have to make for that office.

In reply, I have to regret a difference of opinion between myself and the gentlemen of your honorable body, in regard to this matter. The act referred to allows the Governor one calendar month after its confirmation, to make the nomination of Secretary of State; and although the action of the Legislature approving and confirming it was had on the 13th of February, the act as engrossed, was not confirmed until the 28th of the same month, the day from which, in my opinion, the limit alluded to, commences. Before the termination of the calendar month, beginning from the 28th of February, I shall

have the honor to present for your consideration a nominee for the office of Secretary of State.

With great respect,  
I have the honor to be,  
Your obt. servt.

THO. W. VEAZEY.

On motion of Mr. Brown,

The Senate proceeded to consider the nominations submitted in the message of His Excellency the Governor, dated on and transmitted to the Senate this day.

The question was put upon advising and consenting to the appointments, agreeably to the said several nominations, and determined in the affirmative, except the nominations for Somerset county, and for St. Mary's county, and the nomination of John B. Parish, to be a Justice of the Second District court in Kent county, vice Carl L. Strandberg, resigned; which, upon the suggestion of several Senators, were ordered to lie on the table.

On motion of Mr. Jones,

The message of His Excellency the Governor, dated on, and transmitted this day to the Senate, in answer to the message from the Senate, relative to the appointment of a Secretary of State, was referred to Messrs. Jones, Brown and Tidball.

On motion of Mr. Tidball,

He was excused from serving on said committee, and Mr Wright was appointed to supply the vacancy occasioned thereby.

Mr. Jones from the said committee, submitted the following report, which was read:

The committee to which was referred a communication from the Executive, in answer to a message from the Senate, informing him that the term in which the nomination and appointment of a Secretary of State, as prescribed by the constitution, may be made, will expire with the present day, report, that they have given to the communication that consideration, which the high authority from which it emanated justly demanded, and have concluded that, in the present state of their proceedings upon this subject, it will be proper for the Senate to reply to said communication by message. They therefore propose the following for the consideration of the Senate.

By the Senate, in Executive Session,

March 14, 1838.

To His Excellency the Governor.

We have received your communication of the present date, stating that the act of the General Assembly, passed at December session 1836, entitled, an act to amend the Constitution and Form of Government of the State of Maryland, and confirmed on the 13th of February last, did not, in your opinion, go into operation until after it was engrossed, on the 28th day of the same month; and also informing the Senate, that before the termination of the calendar month, beginning

from the 28th of February, you will present for their consideration a nominee for the office of Secretary of State. The Senate deeply regret the difference of opinion which exists between them and your Excellency, especially at so early a period of their co ordinate actions under the new provisions of the constitution in relation to appointments to office. The opinion, which they entertain, and which was expressed in their message of this morning, to your Excellency, is founded upon the constant practice of the Executive, and the repeated decisions of the courts of this State, ever since the adoption of the constitution. It has been uniformly maintained, that an act of the General Assembly becomes a law, immediately after its passage by both branches of the Legislature, although it may not be engrossed for many days after, and even although it may never be engrossed at all. The article of the constitution requiring that all bills passed by the General Assembly shall be engrossed before the signature of the Governor shall be attached thereto, it is respectfully suggested, was adopted out of abundant caution, in order to guard against errors in the writing, and to insert such amendments as might have been made to the original drafts in their passage through the two houses, and to secure a clear and unmutated copy of the laws after they had received the sanction of the General Assembly; but the mere fact of their engrossment does not give any greater validity to the acts, nor is it essential to their existence. The Senate would also respectfully remind your Excellency, that resolutions authorising the payment of money out of the treasury are constantly acted upon by the Treasurer previous to their being engrossed; and no doubt has ever yet been expressed by any one, so far as the Senate is informed, of the entire constitutionality of such action.

The Senate would further take leave to remark that your Excellency, by and with the advice of the late council, acted in conformity with the views above expressed, in the appointment of Tobacco inspectors, under an act passed at the present session, entitled, a supplement to an act to establish State warehouses in the city of Baltimore, previous to its engrossment. They would also respectfully refer to the fact, that your Excellency has this day nominated to the Senate, in a communication accompanying the one to which they are now responding, sundry persons to fill offices in Somerset county, under the provisions of an act of Assembly, entitled, a supplement to the act entitled, an act to establish magistrates' courts in the several counties of this State, and to prescribe their jurisdiction, so far as relates to Somerset county: the act was passed at the present session, and is not yet engrossed. It will be further observed by your Excellency, that no time is prescribed within which such nominations may be made, and that they are left in this particular, entirely at your discretion, whereas the 17th article of the Constitution and Form of Government, as amended, specifically requires that the Governor shall nominate, and by and with the advice and consent of the Sen

ate, shall appoint a Secretary of State, within one calendar month after the act in which the same is contained, shall be confirmed.

The Senate therefore, with all due respect, submit these views to the consideration of your Excellency, and hope that upon a review of the opinion expressed by your Excellency, you will be induced to change that opinion, and to nominate a person to the office of Secretary of State; and they further inform your Excellency that they will remain in session and be prepared to receive and act upon such nomination.

By order,

Jos. H. Nicholson, clk.

Mr. Tidball moved to strike out all that part of the proposed message which relates to the action had by the Governor, and by the Governor and the late council, upon acts of Assembly, passed at the present session.

The question was put and determined in the negative.

The question was then put upon assenting to the report and message; and determined in the affirmative.

Accordingly the said message was transmitted by the clerk in person to His Excellency the Governor, accompanied with the following note,

His Excellency, Thomas W. Veazey,  
Governor of Maryland:

Sir:—In obedience to the order of the Senate the undersigned has the honor to communicate to your Excellency the accompanying message, in reply to your message dated this day, in which you express your opinion as to the time when the act passed during the present session, confirming the act of December session 1836, chapter 197, commenced its operation.

The undersigned avails himself of the occasion to renew the assurances of the high consideration, with which he has the honor to be,

Your Excellency's obt. servt.

Jos. H. Nicholson, Clk. Senate, Md.

Senate Chamber, half past 8 o'clock, P. M. March 14, 1838.

The clerk on his return to the Senate Chamber informed the Senate, that he had been charged by His Excellency the Governor, to deliver to the Senate the following sealed communication, which was accordingly delivered to the President, pro tem., and by him presented to the Senate, and read:

Executive Department,

March 14, 1838.

Gentlemen of the Senate,

In pursuance of an act entitled, an act to amend the Constitution and Form of Government of the State of Maryland,—I nominate Thomas Culbreth, (who has for twelve years acted in the capacity of Clerk to the Executive Council of Maryland, and who I well know, from my own personal observations during the four years I have been

associated with him in the Executive Department of the Government, possesses all the qualifications necessary to a correct and proper discharge of the arduous duties appertaining to the office,) to be appointed, with your advice and consent, to fill the office of Secretary of State.

I am, with great respect,  
Your obedient humble servant,

THO. W. VEAZEY

On motion of Mr. Brown,

The Senate proceeded to consider the nomination of Thomas Culbreth, to the office of Secretary of State.

The question was put,

“Will the Senate advise and consent to the appointment of Thomas Culbreth, to the office of Secretary of State, agreeably to the nomination?”

The yeas and nays were asked for, and on taking them they appeared as follows:

**AFFIRMATIVE.**

Messrs. Bruce, and Goldsborough,—2.

**NEGATIVE.**

Messrs. Ricaud, (Pres't. pro tem.) Beckett, Brown, Hambleton, Jones, Lee, Purnell, Tidball and Wright,—9.

So it was determined in the negative.

Mr. Jones submitted the following order; which was read and adopted:

Ordered, That the clerk be directed to inform His Excellency the Governor, that the Senate do not advise and consent to the appointment of Thomas Culbreth, as Secretary of State; and that he be further directed to inform His Excellency, that the Senate will remain in session to receive and act upon any other nomination he may be pleased to make for that office.

Accordingly, the clerk transmitted in person the foregoing order to His Excellency, accompanied with the following note; His Excellency, Thomas W. Veazey,

Governor of Maryland:

Sir:—In conformity with the direction contained in the accompanying order, I herewith transmit it to your Excellency,

And have the honor to remain,

Your Excellency's most obt. servt.

Jos. H. Nicholson, Clk. Senate, Md.

Senate Chamber, half past 10 o'clock, P. M. March 14, 1838.

The clerk on his return to the Senate Chamber, informed the Senate that he had discharged the duty required of him in the aforementioned order, by delivering the same to the Governor, and had been charged by His Excellency to say to the Senate, that he declined making this night, any other nomination to the Senate, for the office of Secretary of State.

The Senate continued in Executive session until half past 12 o'clock, A.M. when  
On motion of Mr. Brown,  
The Senate resumed the consideration of Legislative business.

THURSDAY, March 15, 1838.  
Quarter past 4 o'clock, P. M.

Present the same Senators as in Legislative session, and Mr. Kent. The galleries being cleared, the doors were closed. The proceedings of the Executive session of yesterday were read. The Senate continued in Executive session until 11 o'clock, P. M. when  
On motion of Mr. Tidball,  
The Senate resumed the consideration of Legislative business.

TUESDAY, March 20, 1838.

Present the same Senators as in Legislative session, and Mr. Bowie and Mr. Cottman. The galleries were cleared and the doors closed. The proceedings of the Executive session of Thursday the 15th inst, were read. The following message, which had been communicated to the Senate by the hands of Mr. John H. Culbreth, from His Excellency Governor Veazey, was read:

Executive Department,  
Annapolis March 20, 1838.

Gentlemen of the Senate,

I have the honor to acknowledge the receipt of your message, dated the 14th ult, informing me that you did not advise and consent to the appointment of Thomas Culbreth, as Secretary of State, and further informing me that the Senate would remain in session to receive and act upon any other nomination I may be pleased to make for that office.

The communication, which I had the honor to receive from you, dated on the same day with the one previously referred to, has failed to convince me that the limit of a calendar month, prescribed by the

amended constitution, for the nomination of a Secretary of State, expired with the 14th ult. and it was only with a view of preventing a collision with those whom the constitution has made my official advisers in reference to appointments to office, that I was induced to send you my message of the 14th ult, nominating Thomas Culbreth, Esq. to the office of Secretary of State. That nomination you were not pleased to advise and consent to. I deeply regret this decision on your part. It has deprived me of the efficient and valuable services of a gentleman eminently qualified for the discharge of the duties of the office to which he was nominated, and for whom a personal friendship of long standing, and official intercourse for years, had induced me to feel a marked and decided preference. The grounds, upon which the rejection of the nomination of Mr. Culbreth was made, are known only to yourselves. I knew him to be "honest," I knew him to be "capable," I knew him to be "faithful to the constitution," and I nominated him.

With great respect for the Senate, and without intending the slightest imputation, I must be permitted to express my astonishment and mortification at the course which they have seen proper to pursue. I did think it was due to the relations between that honorable body and myself, due to the individual whom yourselves had selected to administer the government of the State, that he should be permitted to make his own choice of the officer whom the constitution had made his intimate and confidential friend and adviser. But the Senate thought differently, and I must bow to their decision, which drives me to the necessity of making a second choice, and may drive me down to my last choice.

In the communication you sent me on the 14th ult, in reply to the one I had the honor to transmit to you on the same day, it seems to me that the Senate have evaded the question at issue, and assumed facts which are in dispute. It states "that the act of the General Assembly, passed at December session 1836, entitled, an act to amend the Constitution and Form of Government of the State of Maryland, was confirmed on the 13th of February last," and seeks to refute an argument which has never been urged by me, viz: that the simple engrossment of a law can give it any additional validity. It is my opinion that the act was not confirmed on the 13th of February last, but on the 28th of that month, when it received the final and consummate action of the Legislature, and I did not contend that the simple engrossment of a bill could add to its effect, but, that the action of the Legislature, passing the bill as an engrossed bill, was necessary to give it the validity of law. So far as Legislative practice avails in the settlement of this disputed point, I think it will be found, upon examination, that it sustains the position which I have taken.

On page 126 of the journal of the Senate, December session 1831 will be found a report, made to that body by Mr. Mayer, "on the pe-

tion of Columbus O'Donnell, and the answer to it, of Frederick Dawson and John S. Gittings, &c." which distinctly asserts the opinion, that a bill which has passed both branches of the Legislature, but not engrossed and sealed, cannot be read as evidence before a court of justice. It will be found also, on reference to the journals of the Senate and House of Delegates, of December session 1835, that a bill for the promotion of Internal Improvement, passed both branches of the Legislature, but was afterwards, on a message from the Senate, reconsidered and amended. If it had been a law from the date of its passage, it could not have been reconsidered and amended, and could only have been affected by a repealing or supplemental law.

If the Senate were right in the position they assumed, that the amended constitution went into operation on the 13th of February, then it is respectfully suggested, that the limit expired on the 18th of March, the day before the receipt of the message from your honorable body, and the nomination of Secretary of State.

I shall have the honor, when the engrossed bill is passed, if it should be passed, entitled, a supplement to the act to establish magistrates courts in the several counties of this State, to make nominations for the offices required, and respectfully ask the return of the nominations which I have made for Somerset county, as they were made under the mistaken impression that the bill had been passed, and of course, made without authority.

I send herewith, for your consideration, a communication from the War Department of the United States,

And have the honor to be,

With high respect,

Your most obt. servt.

THO. W. VEAZEY.

On motion of Mr. Bowie,

The message received, and read this day, from the Governor, was referred to Messrs. Bowie, Jones and Cottman.

On motion of Mr. Tidball,

The Senate resumed the consideration of Legislative business.

THURSDAY, March 22, 1838.

Present the same Senators as in Legislative session.  
The galleries were cleared and the doors closed.

Mr. Bowie from the committee to which was referred the Executive message of the 20th inst, submitted the following report.

The advice and consent of the Senate being required by the constitution, in appointments to office, it is a necessary inference that the action of that body was designed to be independent of all considerations of fear or affection; that in the execution of that duty, Senators should regard only their obligations to the constitution and the State, extinguishing every private and personal influence.

Obdurate and painful as this principle often is in practice, it is the only protection against those unseen agencies which fester and corrupt the wisest forms of government, and pervert the most salutary laws. It is the vital principle of society, common to every department and officer of government, and every citizen of the State; which exacts justice of the one, and obedience from the other. While the Senate allow the utmost scope to this principle, in appreciating the acts of every other branch of the government, they think they are not arrogant in claiming it for themselves. In obedience to the high behests of duty, they know honest public functionaries must sometimes differ, (for none but the servile always concur,) yet while they lament the consequences which may result to others from this difference, they cannot acknowledge the necessity of vindicating an act, unquestionably within their constitutional prerogative.

Your committee deem it unnecessary to respond to that part of His Excellency's message which controverts the correctness of the positions assumed in the communications of the Senate of the 14th inst, because they consider the matter concluded by His Excellency's nomination, and the subsequent action of the Senate. The correspondence preceding the nomination, sufficiently develops the views of the Senate, and your committee perceive nothing in the message, which requires the Senate to review them.

His Excellency having desired the Senate to return certain nominations made under a law, which in his opinion, is not yet passed, (because it is not engrossed,) the Senate cannot object to His Excellency's exerting his undoubted right of differing from them in this respect, and though they do not admit the sufficiency of the reason, yet the committee advise that the nominations be returned with the accompanying message.

By the Senate, in Executive Session,  
March 22, 1838.

To His Excellency the Governor:

The Senate have to acknowledge the receipt of your Excellency's communication of the 20th inst. Having, in the discharge of a constitutional duty, submitted to your Excellency their views of the time when the act entitled, an act to amend the Constitution and Form of Government of the State of Maryland, became operative; the Senate deem it unnecessary, further to press the consideration of

those views upon your Excellency, especially, as they consider the question settled, for the present, by the nomination which was made by your Excellency under that act, and the subsequent proceedings thereon. Without intending to abandon the positions then assumed, the Senate have the honor to return the nominations referred to by your Excellency, they being still undisposed of, and not required to be made within any limited period.

On motion of Mr. Tidball,

The question was put on adopting the said report as distinct from the message, and determined in the affirmative

Mr. Goldsborough submitted the following resolutions, as a substitute for the message.

Resolved, That while the Senate see no cause in the communications of the Governor, of the 20th inst, to review the grounds of their decision, in relation to the time when a law becomes operative; yet, that the nominations for Somerset county, be returned, agreeably to the request of His Excellency.

Resolved, That the clerk of the Senate be required to furnish his Excellency with a copy of the foregoing resolution.

The question was put upon accepting the substitute, and determined in the affirmative.

The question was then put upon adopting the resolutions, and determined in the affirmative.

On motion of Mr. Cottman,

The Senate proceeded to consider the nominations contained in the Governor's message of the 14th inst, of certain persons to be justices of the peace for Somerset county, and for St. Mary's county.

The question was put,

"Will the Senate advise and consent to the said several appointments agreeably to the nominations?"

And it was determined in the affirmative.

The clerk accordingly transmitted the following note in person to the Governor.

His Excellency, Thomas W. Veazey,

Governor of Maryland:

Sir:—In pursuance of the requirement contained in the resolutions which I herewith transmit, and which were adopted this day by the Senate, I have the honor to return to your Excellency the following nominations, submitted to the Senate in your message of the 14th inst, and asked to be returned in your message of the 20th inst, to wit:— Jesse Walter, James Deason and John Rider, to be justices of the 1st district court of Somerset county.

Theodore G. Dashiell, Isaac Anderson and Robert Patterson, to be justices of the 2nd district court of Somerset county.

Levin Tyler, John S. Handy and Samuel S. Boggs, to be justices of the 3d district court of Somerset county.

I have the honor further to inform your Excellency, that the Sen-

etc advise and consent to the following appointments, agreeably to the several nominations submitted in your message of the 14th inst, to wit—Robert D. Robertson, Levin Ballard, (of Jarvis,) William H. Veasey, Robert Dashiell, Henry Kennerly, Seth Wilkins, Jonathan Spencer, Isaac Kennerly and William W. Maddox, to be justices of the peace of Somerset county, in addition to those now in commission James E. Crane, James E. Spencer, William L. Wheatley and William Alston, to be justices of the peace of St. Mary's county, in addition to those now in commission.

I have the honor to be, respectfully,

Your Excellency's obt. servt.

Jos. H. Nicholson, Clk, Senate, Md.

On motion of Mr. Tidball,

The Senate resumed the consideration of Legislative business.

WEDNESDAY, March 28, 1838.

Present the same Senators as in Legislative session.

The galleries were cleared and the doors closed.

The following message which had been received from His Excellency the Governor, by the hands of Mr. John H. Culbreth, was read:

Executive Department,  
March 28, 1838.

Gentlemen of the Senate,

I nominate John Charles Groome, as a suitable person to be appointed, with your advice and consent, Secretary of State.

I am with great regard,

Your obedient humble servant,

THO. W. VEAZEY.

On motion of Mr. Bowie,

The said message was referred to Messrs. Bowie, Jones and Cottman.

On motion of Mr. Tidball,

The Senate resumed the consideration of Legislative business, and after being some time engaged therein, the Senate again resumed the consideration of Executive business.

Mr. Bowie from the committee to which was referred the Executive message, nominating a Secretary of State, submitted the following report,

Which was read and concurred in.

The committee to which was referred His Excellency's the Gov-

ernor's message, of the present date, nominating a Secretary of State, have considered the same, and respectfully report:

The 17th section of the act entitled, "an act to amend the constitution and form of government of the State of Maryland, providing that it shall be the duty of the Governor, within the period of one calendar month next after this act shall go into operation," &c. "to nominate, and by, and with the advice and consent of the Senate, to appoint a Secretary of State," is to be construed as directory to the Governor, on a compliance with which, in point of time, the validity of the appointment does not absolutely depend.

The act concerning the State at large, and designed for the public good, especially in its organic provisions, should, according to the most enlightened authorities, be construed liberally, and so as to make it efficient in all its parts. The nominating power being solely in the Governor, no authority or means exist, by which any nomination can be precipitated earlier than His Excellency wills; and being at liberty constitutionally to defer it until the last moment of the calendar month, when it is made, it must be presumed, the Senate are invested with all the power of considering, examining, debating and rejecting, as if the nomination had been made on the first day of the calendar month; otherwise their advisory duties would not be performed with fidelity or benefit to the State; whence your committee conclude, that if a nomination of Secretary of State be made at the last point of time, preceding the expiration of one calendar month, after the passage of the law, the Senate are not thereby precluded from holding the same under consideration after the time was passed, or as long as they think the public good requires. If they may do this, they may reject after the calendar month, and upon the rejection being notified to the Governor, His Excellency is entitled to nominate again during the session of the Senate.

His Excellency having originally nominated within one calendar month after the passage of the law confirming the act referred to, as construed by the Senate, your committee consider that he so far complied with the provisions of the constitution as to authorize the present nomination. But if such nomination had not been made within one calendar month after the passage of the law, your committee should advise that the nomination be confirmed.

The office being created for the public good, it cannot be presumed the Legislature contemplated that object should be frustrated by an omission of the Executive; particularly as there is no provision for such a contingency. Your committee find themselves sustained in this construction, which might at first sight seem extreme, by judicial decisions in analagous cases, of the highest respectability. Your committee consider this construction entirely consistent with the previous course of the Senate in relation to this subject. While the period limited by the constitution for the first nomination was yet unexpired, the Senate deemed proper to remind His Excellency of the constitu-

tional provision, being persuaded His Excellency would desire to fulfil it, both in letter and spirit, and that the public good required the office should be filled as early as convenient. An unfortunate difference of opinion occurred between His Excellency and the Senate with regard to the time of the operation of the law, by which the office was created. This being waived, a nomination was made, to which the Senate did not advise and consent: a second nomination is now made in consequence of the disagreement of the Senate to the first, and your committee recommend that the Senate concur therein,

All which is respectfully submitted.

On motion of Mr. Ricaud,

The Senate proceeded to the consideration of the nomination of Secretary of State.

The question was put,

"Will the Senate advise and consent to the appointment of John Charles Groome, to the office of Secretary of State, agreeably to the nomination?"

And it was determined unanimously in the affirmative.

On motion of Mr. Ricaud,

It was ordered, that the clerk informed the Governor, that the Senate do advise and consent to the said appointment.

Accordingly the clerk transmitted the following note in person to the Governor.

His Excellency, Governor Veazey,

I have been directed by the Senate to inform your Excellency, that the Senate advise and consent to the appointment of John Charles Groome, to be Secretary of State, agreeably to the nomination submitted in your message, dated this day, by the hands of Mr. John H. Culbreth.

I have the honor to remain,

Most respectfully,

Your obt. servt.

Jos. H. Nicholson, Clk. Senate, Md.

On motion of Mr. Jones,

The Senate resumed the consideration of Legislative business.

It was ordered, that the injunction of secrecy be removed, in relation to all the proceedings of the Senate in Executive session, and that the clerk be directed to have 100 copies of so much thereof, as relates to the appointment of Secretary of State, printed for the use

Senate.

On motion of Mr. Jones,

The Senate resumed the consideration of Legislative business.

Attest,

JOS. H. NICHOLSON, Clerk.

THURSDAY, March 29, 1838.

Present the same Senators as in Legislative session.

The galleries were cleared and the doors closed.

On motion of Mr. Ricaud,