

chosen by the same authorities; the mode of election prescribed is a joint ballot. By the 27th article the delegates to the old confederative congress from this state are directed to be chosen by both houses of assembly; the mode of election is a joint ballot. By the 41st article a register of wills for each county is directed to be appointed by the senate and house of delegates; the mode of election is a joint recommendation or ballot. By sundry acts of assembly the two branches of the legislature are authorised to appoint directors in several of the incorporated banking institutions; the mode of election is a joint ballot. In fine, it may be stated, without the fear of contradiction, that in every instance, either under the constitution, the acts of assembly or the usages of the legislature, where the election of an officer is to be made by the vote of both houses, the invariable mode of election has been a joint ballot.

After the hue and cry which has been raised against the senate of Maryland, "so remotely elected, and constituted as the senate is," we were not a little surprised at the new and momentous power offered us by the other branch of the legislature, by which, in one of the most important subjects on which the legislature can be called upon to act, eight members of the senate are enabled to defeat or control the united voices of eight members of the house of delegates, the immediate representatives of the people at large, and by which eight members of the senate may, during a term of five years, prevent the election of a senator of the United States in opposition to the unanimous voice of the people of Maryland. The adoption of such a principle, the possession of such a power by the senate, we view as repugnant to the genius and spirit of our republican constitution, and an alarming infringement on the rights of the people.

The house of delegates will bear in mind, that the first proposition for the election of a senator was made to them by the senate; that this proposal offered no new or unusual mode of election, but was the same which had been pursued, without interruption or change, from the first formation of the general government to the present day, a period of more than twenty years.

It may also be worthy of remark, that of the three members delegated by the state of Maryland to the general convention which ratified the constitution of the United States, two, (namely, the honourable James M'Henry and Daniel Carroll,) were members of the general assembly at the time of the first election of senators to congress, and that the mode of election then adopted has been followed by the legislature, without innovation or change, until the present session of assembly.

The senate were not influenced in their determination respecting the election of a senator of the United States by a spirit of party, by a partiality or dislike to any individual, or by a prophetic anticipation of the senate's "being determined to confine the choice to a particular individual, and to compel you to re-elect him, and him alone, against whom it is known that in your house, and throughout a majority of the counties, there exist great and insuperable objections," as you have been pleased to suggest, but the permanent interests of the state, the safety of the general government, the protections of the rights and privileges of the people, and the dangerous and inconvenient tendency of the contemplated change, are the grounds on which the senate have adhered to their proposition first made to the house of delegates.

The senate are actuated by the same spirit of liberal, just and mutual accommodation and candour, which is professed by your honourable body, and are and ever will be ready to confer with the other branch of the legislature on any matter which can with propriety become a fit subject of conference between them; and should the house of delegates inform us, that they are willing to proceed to an election in the usual way, we are prepared to appoint a committee to interchange sentiments with such committee as you may think proper to appoint, on the characters which shall have been put in nomination by the two houses.

We trust the house of delegates will credit our assurances, when we inform them, that nothing is more foreign from the views of the senate, than a wish to exercise an undue control over the immediate representatives of the people of Maryland.

By order,

T. ROGERS, clk.

The president laid before the senate the following communication from the secretary of the senate of the United States.

IN SENATE OF THE UNITED STATES, MONDAY, MAY 29, 1809.

The president laid before the senate a letter from Mr. Smith, of Maryland, as follows:

SIR,

THE Legislature of Maryland having at their last session declined to appoint a senator to represent that state in the senate of the United States from and after the third day of March of the present year, and the Executive of the state having conferred on me that honour, by an appointment which, in conformity to the constitution, was limited in its language to the next meeting of the legislature of Maryland. I have to state to you, for the information of the senate, that this meeting will take place on the fifth day of June, as by the governor's proclamation will appear: And I have therefore to request that you will be pleased to lay this case before the honourable the senate for their determination as to the question, Whether an appointment under the executive of Maryland, to represent that state in the senate of the United States, will or will not cease on the first day of the meeting of the legislature of Maryland:

Respectfully, I have the honour to be, Your ob. Serv.

S. SMITH.

The Vice-President of the United States.

Washington, May 29, 1809.