

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 analogous 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-