

EXECUTIVE COUNCIL ¹⁰

February 14–November 10, 1777 ¹¹

Charles Carroll, Sr. (Dcl)	John Rogers	John Contee (Dcl)
Josiah Polk	Edward Lloyd	Thomas Sim Lee (E)
Jame Brice (E, Dcl)		Joseph Sim (E)

¹ The Constitution of Maryland, as framed by the Ninth Convention, provided for two distinct legislative branches, a Senate and a House of Delegates. The House of Delegates consisted of four representatives from each of the eighteen counties and two delegates from both Annapolis and Baltimore Town. House members, elected *viva voce* served one year terms. A popularly chosen electoral college, comprised of two men from each county and one from both Annapolis and Baltimore Town, elected members of the Senate, who served five-year terms. The method of selection was by ballot, with the electoral college choosing fifteen senators—nine from the Western Shore and six from the Eastern Shore—either from their own number or from the population at large. The Senate, unlike the House, had constitutional authority to fill its own vacancies. The Senate and House, collectively termed the General Assembly, was directed to meet annually on the first Monday of November and more frequently if necessary.

The Constitution mandated that the governor and a five member Executive Council be selected by joint ballots of both houses of the legislature. The governor and Council served one-year terms, but they could be reelected. The governor, however, could serve no more than three successive terms, and he was ineligible to occupy that office again until four years after his last gubernatorial term.

The Ninth Convention directed that special elections be held in November and December of 1776, and that the first General Assembly convene in Annapolis in February 1777. The Council of Safety adjourned for the last time on March 20, 1777, the day on which the first governor and Council qualified; the Assembly dissolved the Council of Safety by resolution two days later.

² It is presumed that Hands declined to serve, and that Hooper (first name not given in the proceedings, but probably Henry) was chosen in his place. There is no record in the proceedings of either Hand's refusal or Hooper's election, but the Eastern Shore's delegation of six senators would be accurately accounted for by this presumption. After Hooper declined on April 12, 1777, William Hindman was elected to complete the Eastern Shore roster.

³ Mackall was discharged on February 19, 1777, because he was not a resident of Calvert County at the time of his election.

⁴ Banning was declared ineligible because he was a field officer at the time of the election. He was discharged on February 12, 1777, and Thomas was chosen to replace him. Banning was later reelected and qualified on April 10, 1777.

⁵ Speaker Wooton was granted a leave of absence because of the indisposition of his brother. Thomas was chosen to replace him as speaker on March 13, 1777.

⁶ After hearing depositions regarding the election of delegates from Somerset County in which it was reported that "a number of men armed with fire arms, to the amount of thirty, and a number with sticks and spears fixed in the end of them, came from several parts of said county, to the place of election," the Lower House declared the election void on March 5, 1777. Four new delegates were elected on March 19, 1777, three of whom were qualified on March 27. The fourth delegate, John Stewart, a field officer at the time of election, was ruled ineligible and discharged.

⁷ The assignment of the Committee of Claims was to "examine and adjust all claims against the state, inspect and examine the books of account of the board of accounts, . . . accounts of the disposition and loan of all public monies, . . . accounts against the Continental Congress," and the journal of accounts.

⁸ The assignment of the Committee on Manufactories was to "receive all petitions and proposals for the establishment of manufactories and to consider and devise the best ways and means of promoting trade and commerce" within the state.

⁹ There is no evidence that the Loan Office joint committee or the Committee on Laws to Expire functioned during the second session.

¹⁰ Charles Carroll and John Contee declined to serve on the Executive Council in February 1777 soon after their election. Contee cited the smallpox epidemic in Annapolis and his fear of contracting the disease in his letter dated February 24. Lee was elected to replace Carroll on March 26, and Brice to replace Contee on April 16. Brice, however, declined to accept the seat, and Sim was elected on April 19 in his place.

¹¹ Term in office for the Executive Council is stated from the day of election to the day before the election of the succeeding group. Although this first Council was elected on February 14, it did not begin to function until March 20, the day that the governor and three of its members qualified.