

provided for, declared, and defined ; as well according to its general character, as the meaning of each phrase and sentence ; let us now inquire what has been the operation of those constitutional provisions, and the actual practice under them, from the time the government of the Republic was organized, down unto the twenty-sixth day of February last, when the unhappy deviation complained of took effect.

It should be recollected, that soon after the commencement of our revolutionary struggle, the proprietary government of Maryland ceased to exist ; and, during a period of about two years, was succeeded by a government made up of mere voluntary associations ; of district and county committees, arranged, by common consent, under the superintendence of a General Convention and a Council of Safety. That by the direction of one of those conventions, a new convention was elected and assembled in August, 1776, "for the express purpose of forming a new government by the authority of the people only," who, in the name of the people drew up and adopted, "the Declaration of Rights, and the Constitution and form of Government of the State of Maryland." The manner in which this new government was organized, and when, and how its principles began to operate, should also be recollected.

The General Assembly, to be called together under the new constitution, and which met, for the first time, on the 5th day of February, 1777, was charged with the creation, and establishment of the executive, and judicial departments. The governor and council were elected on the 14th February, 1777, but did not qualify until the 20th of March following. After which, the Council of Safety, which had exercised both executive and judicial functions in cooperation with the General Assembly, was dissolved ; and, all its authority, except the power of banishment, was lodged with the newly formed executive. The Chancellor, the Judges of the General Court ; and of the Admiralty Court ; the Justices of the Peace, who formed the County Courts ; and the Attorney General, were appointed by the legislature on the 3d of April 1777. An act was passed declaring, that the courts of justice should be opened on the first of July in the same year ; but the Court of Chancery was not, in all respects, accessible to suitors until some time after. It was determined, at this first session of the Assembly, that the Court of Appeals should be constituted of *five* distinct judges, who, owing to the circumstances of the State, were not appointed by the legislature until the 12th of December,