

unfortunate decision, for he much desired an appointment to the Supreme Court of the United States, and when a seat was left vacant by Judge Samuel Chase's death in 1810, Smith was passed over with the explanation that he had been too long out of the practice and study of the law.⁴ He was made Secretary of State in 1817. James Tilghman of Queen Anne's County, who had been Chief Justice of the old second judicial district since its organization under the act of 1790, was offered the position of Chief Judge of the new second district, and accepted. He, too, had been a member of the Council of Safety in 1776, and of the convention of 1788. John Thomson Mason, of Washington County, who was looked upon as among the ablest lawyers of the State, was offered the position of Chief Judge of the fifth district, but he declined it, as he had declined other professional offices.⁵ He had retired from practice. William Polk, of Somerset County, who had been Chief Justice of the old fourth district for three years, was selected for the new fourth district, and accepted.

To fill the place declined by Duvall, Richard Sprigg, of Prince George's County, who had been Chief Justice of the old first district during the year 1802, and after that Associate Judge of the General Court, was selected, and accepted. He had also been the first Chancellor under the state government, for a year from 1777 to 1778. In

4. This was the seat to which Gabriel Duvall was appointed. Warren, *Supreme Court in U. S. History*, I, 423.

5. President Jefferson had offered him the position of Attorney General of the United States, but he had declined it. John Thomson Mason (2d), *Life of John V. L. McMahon*, 116 note.