

that session, and another act, chapter 15, designated the times of opening the courts; the first session of the Court of Appeals was to be on the first Tuesday in October, 1777, and the court was to hold a term thereafter on the first Tuesday of every May and October. The lower house, or House of Delegates, appointed a committee to consider and report in what manner the judges of the Court of Appeals should be constituted, and upon the report of that committee voted, on March 28, 1777, that the court should be composed of five judges, three of them to be judges of that court exclusively and to be selected by joint ballot of the two houses of the Assembly, and the other two to be taken from the Chief Justice of the General Court, the Chancellor, and the Judge of the Court of Admiralty, eliminating in each case the officer from whose court the appeal might be taken. The Senate agreed in all except the association of trial court judges to sit on appeals, and on the next day proposed that all five judges should be elected, by joint ballot, to the Court of Appeals exclusively, stating that it was in their opinion of the highest importance that the appellate court be kept entirely distinct from the trial courts. The House of Delegates replied on March 31 that they agreed but that they would follow strictly the directions of the constitution, and prepare and submit a list of officers, to be followed by a joint ballot of both houses if there was any disagreement on the list. There was no difficulty, apparently, in preparing a list of all other officers, but on April 1, 1777, the House of Delegates sent word to the Senate that it was dif-