

back upon their late conduct with mingled astonishment and shame, and the most profound abhorrence of the wily, evil advisers by whom they were led astray.

As soon as the recusant electors had taken their course, it became the duty of the Executive, and indeed of all good citizens, to inform themselves of the constitutional and best means of defeating their designs, and supporting the constitution and government, and providing a remedy for their dereliction of duty. Upon examination of the constitution and form of government with this view, we found cause of increased admiration of the wisdom and forecast of the patriotic and eminent statesmen by whom it was framed. We found that they had not left it in the power of any unfaithful agents of the people, to destroy this work of their wise heads and pure hearts. They provided that "the General Assembly of Maryland" should consist of a Senate and House of Delegates, and for periodical elections of the members of each branch, without otherwise limiting the term of service of either. But although they had the forecast so to frame the provisions in relation to the elections of members of the Senate and House of Delegates, as to guard against the effects of improper conduct, or omissions of unfaithful agents, being to leave the state without a General Assembly, by leaving the term of service of the members of each House unlimited, otherwise than by the election of successors, yet it is manifest that they intended the people should have the power and means, and expected they would be exercised, of terminating the service of the members of the Senate every fifth year, and of the members of the House of Delegates every year. It was in this view, undoubtedly, that they provided for elections to fill vacancies in the Senate, "for the residue of the said term of five years."

If any support were necessary to this plain view of the provisions of the constitution, it is abundantly supplied by numerous judicial authorities and decisions, both English and American, in cases directly in point. In *Foote vs. Prowse, mayor of the town of Truro*, reported in *Strange*, page 625, "it was held, that the words, *annuatim eligende* (to be chosen annually,) were only directory, and that an annual election of them was not necessary to make an election in their presence good, and