

do not imagine will ever arise, whether the bill which they report be passed by this, or any succeeding legislature, or not. The defects existing in the present constitution are indeed believed to be many in number and of serious magnitude, but they would not, in the opinion of the undersigned, justify any proceeding that might place in danger the integrity and peace of the State, or diminish that respect for institutions legally ordained, which is the only safe basis of public virtue and tranquillity. The undersigned, in the performance of their duty, address themselves only to the good sense, candor and fair dealing of the House, satisfied that their opinions will receive from that tribunal a patient hearing, and ultimately, an equitable decision.

The undersigned think that the chief difficulty, in which this question is involved, arises from the fact that the historical information, lying within our reach, is overlooked. They will therefore briefly remark upon some of the peculiarities of the proprietary government, under which the affairs of Maryland were administered from 1632 to the beginning of the Revolutionary War.

The large character of the grant to Cæcilius Calvert has frequently been noticed. The undersigned refer to it at the present time, for the purpose of discussing the power, conferred by the seventh section upon the Lord Proprietor, of enacting laws of every description, whether relating to the public weal, or to the affairs of individuals, with the advice, assent and approbation of the freemen of the province, or the greater part of them, or of their delegates or deputies; who were to be called together for the framing of laws, as often as need should require. The undersigned do not intend to revive from the oblivion, in which they have long slumbered, the discussions of the question, whether it was intended by the Crown, that the freemen of the province should possess the right of advising with the proprietor only, or whether they by the true interpretation of the grant, were entitled to legislate jointly with him. It is sufficient for their purpose to show that this right of a voice in legislation, if it existed at all, was the right of the people of the province, without regard to local divisions of its territory. Under this system, and subject to this check and restraint only, the proprietary government went into operation.

It can easily be seen that, but for the provision made in the charter to Cæcilius Calvert, the freemen of the State would have had no protection from an arbitrary government, except what was furnished by the interference of the crown. This authority was somewhat too far removed to operate as an effectual restraint. In order, therefore, that the check imposed upon the proprietary government should amount to anything, we, judging at this day, are willing to give the most liberal construction to the words of the charter and to admit that the freemen of the province were entitled to exercise a joint legislative power with the Proprietary.

It is not necessary certainly to prove that, "by the freemen of the province," the charter meant to confer an equal right upon all who could claim this distinction, whatever might be their geogra-