

costs of protest, and the said treasurer is hereby directed to pay the said bills of exchange, interest and costs of protest, at the par of exchange.

With respect to that branch of the subject relative to the accounts of Mr. Chase, as agent for the state, the committee pray further time to report thereon.

All which is submitted.

By order,

G. HOWARD, clk.

Which was read.

ORDERED, That the printer to the state strike one hundred copies of said report for the use of the general assembly.

Mr. Stephen, from the committee, delivers to the speaker the following report :

THE committee to whom was referred the leave to bring in a bill, entitled, An act to provide for the election of the justices of the levy courts by the people of the several counties of this state, report, that they have taken the same into consideration, and are of opinion, that as the appointment of all civil officers is expressly vested by the constitution in the executive department of the government, that the powers of the ordinary legislature are not competent to divest this constitutional right in any other manner than that prescribed by the form of government for making amendments or alterations in the same. Your committee are aware that at the period of the adoption of the present constitution of Maryland, the powers now exercised by the levy courts were vested in the justices of the several counties of this state, but as the constitution was framed and adopted to regulate the future proceedings of government, and not to provide exclusively for the then state of things, your committee are of opinion, that the broad and comprehensive language of the constitution referring the appointment of all civil officers, except as is therein excepted, to the governor and council of the state, fully and unequivocally embrace as well the power of appointing to such civil offices as then existed, as those that might thereafter be created to meet the occasional exigencies of the country. Your committee further report, that it is provided by the forty-eighth section of the constitution and form of government, "that the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices," together with sundry other officers therein enumerated, which provision of the constitution, your committee are of opinion expressly delegates the right of appointing the justices of the levy courts to the governor and council of the state. Your committee beg leave further to observe, that they are impelled to report against the leave referred to them, from a conviction that it is inconsistent with the fundamental laws of the state, and the explicit provisions of that instrument, which is the commission of the government derived from the people, and which should ever be maintained inviolate, as the charter of our liberties, and the best pledge of our future happiness. For the voice of the people in the exercise of their political sovereignty, your committee entertain the most sacred veneration and respect; they believe that the powers of the government can no where be so safely deposited as in their hands, but when the people themselves, in their sovereign power and capacity, have solemnly declared, in the most important act which freemen can perform, (the establishment of a government for themselves,) that this power shall be vested in the executive body of our state magistracy; when they have moreover explicitly declared, by the same instrument, that no principle thereby established shall be subject to be altered, changed or abolished, unless the law so to do shall pass the general assembly, and be published at least three months before a new election of delegates, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election; when these principles have been thus solemnly asserted and established, your committee are of opinion, that it would be inconsistent with the tenor of their commission, and would transcend the limits of their authority, as established by the people in the constitution of the state, to provide for the election of the justices of the levy court in the manner contemplated by the leave referred to your committee.

By order,

C. GIBSON, clk.

Which was read.

ORDERED, That the printer to the state strike one hundred copies of said report for the use of the general assembly.

On the second reading of the report on the petition of John Sterrett, and others, of Cæcil county, the same was amended by striking out the resolution contained therein and by inserting the following :

RESOLVED, That the chancellor on application, in writing, by, or on behalf of, any of the said purchasers be and he is hereby authorised, in a summary way, to inquire into the several facts above stated, and if it shall appear to him equitable and proper that the said purchasers of the Widow's Lot should have refunded to them the several sums of money so by them stated to have been overpaid, or any part thereof, it shall and may be lawful for the chancellor to decree, that the treasurer of the western shore shall refund to them respectively, or their assigns or representatives, legally entitled to receive the same, the money so by them stated to have been overpaid, or such part thereof as shall be in the said decree mentioned; and the said treasurer shall pay, out of any unappropriated money in the treasury, the several sums which shall by the decree of the chancellor be directed to be paid to the said purchasers respectively, their assigns or legal representatives.

The report being read throughout, the same was concurred with, and the resolution assented to.

Mr. Bayard, from the committee, delivers to the speaker the following report :