

and unknown to the constitution, shall be filled, or if expedient, to fill them by an act of assembly. In this construction the courts of law have silently acquiesced, and this construction is supported by the proceedings of the house of delegates upon this subject in 1808 and in 1809, wherein it will be found that a bill for the election by the people of the justices of the levy courts in the several counties of this state passed by large majorities.

The objection that justices of the levy courts are judicial officers within the meaning of the constitution is wholly untenable, to obviate it it is only necessary to remark, that it is not indispensably obligatory to elect justices of the peace to be members of the levy courts, and that the character of their duties neither embraces the exposition of the laws nor the administration of justice; therefore,

RESOLVED, That it is the sense of this house that the general assembly of Maryland has a constitutional right and power to authorise, by law, the free and independent voters of this state to elect the persons who shall exercise the authority, and perform the duties, now confided to and enjoined upon the justices of the levy courts in the several counties of this state."

The yeas and nays being required, appeared as follow :

A F F I R M A T I V E.

Messrs	Neale	R Hall	M'Pherson	Jackson	Frazier	Handy	Gaither	Hilleary	
	Barber	Ireland	Randall	Arnold Jones	Stewart	Quinton	Abram Jones	J Bayard	
	Gardiner	Rogerson	Bayly	Dennis	Herbert	Owen	Wharton	A Browne	25
	Comegys								

N E G A T I V E.

Messrs	C Hall	Spencer	Moffitt	Mackubin	Burgess	Swearingen	Willis	Martin	
	Harris	Wainwright	Physick	Boyle	P Blake	Cockey	Jump	Bowles	
	Welch	Eccleston	Groome	Miers	Schley	Archer	P Bayard	T Hall	
	Marriott	Bennett	Bowie	Emory	Brooke	Davis	Bland	Downey	35
	Stevens								

So it was determined in the negative.

The question was then put, That the house concur with the said report? The yeas and nays being required, appeared as follow :

A F F I R M A T I V E.

Messrs	C Hall	Spencer	Moffitt	Mackubin	Burgess	Swearingen	Willis	Martin	
	Harris	Wainwright	Physick	Boyle	P Blake	Cockey	Jump	Bowles	
	Welch	Eccleston	Groome	Miers	Schley	Archer	P Bayard	T Hall	
	Marriott	Bennett	Bowie	Emory	Brooke	Davis	Bland	Downey	33
	Stevens								

N E G A T I V E.

Messrs	Neale	R Hall	M'Pherson	Jackson	Frazier	Handy	Gaither	Hilleary	
	Barber	Ireland	Randall	Dennis	Stewart	Quinton	Abram Jones	J Bayard	
	Gardiner	Rogerson	Bayly	Arnold Jones	Herbert	Owen	Wharton	A Browne	25
	Comegys								

So it was resolved in the affirmative.

On motion by Mr. Bowie, Leave given to bring in a bill, entitled, An act to alter and abolish all such parts of the constitution and form of government of this state as prevent the judges of the levy court from being elected by the people. ORDERED, That Mr. Bowie, Mr. Herbert, Mr. Bland, Mr. Physick and Mr. T. B. Hall, be a committee to prepare and bring in the same.

The clerk of the executive delivers the proceedings thereof, accompanied by a letter from his excellency the governor.

Mr. Bland delivers the following report :

THE committee to whom was referred the memorial of William Kilty, chancellor of this state, together with a work accompanying the same, entitled, "A report of all such English statutes as existed at the time of the first emigration of the people of this state into the same, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England or Great-Britain, and have been introduced, used and practised, by the courts of law or equity, and also all such parts of the same as may be proper to be introduced and incorporated into the body of the statute law of this state," have taken the same into consideration, and report;

Your committee, on reviewing the chancellor's report, were soon satisfied that they would do much injustice to a work so extensive in its object, and evidently of such complicated and various research, if they were, from a hasty survey, to undertake accurately to delineate its merits or fully to lay before the house its utility and importance; they have therefore thought it most adviseable to present the house with a brief sketch of its nature and extent, under a full conviction that the report itself, in proportion as it is scrutinised and examined, will be found to be no less honourable to the author, than extensively useful to the people of Maryland.

It appears that the chancellor has diligently explored the dark forest of British statutes from magna charta, passed in the reign of Henry 3d, down to the 13th George 3d, comprehending a period of more than five hundred years. When your committee called to mind the number of ponderous volumes of statutes which the British legislators have piled together, that those statutes are in different languages, and are the productions of a people who have, within that space of time, gradually advanced from a state of the rudest barbarity to a high degree of civilization, luxury and vice, they were at once struck with the magnitude and difficulty of the work,