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Transition of Maryland from Colony to Commonwealth

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Transition of Maryland from Colony to Commonwealth.

I. Introduction. So epoch-making was the work of the Constitutional Convention of 1787, that we are apt to forget the gradual and careful working out of government in the separate colonies, which laid the foundations for the national government and crystallized the people's political ideas.

As an introduction to any historical or political study of Maryland, at least a slight knowledge of its' topography is necessary. The Potomac river is the southern boundary of Maryland and the Chesapeake Bay divides the state into two nearly equal parts, these two geographical divisions are, as well, somewhat of political and industrial divisions.

The interests of the people are industrial and commercial. They are a people of planters living on scattered plantations with only two large towns, Baltimore and Annapolis, which were always given especial political consideration. Owing to this scattering of the people on farms and plantations, the county was the political unit in Maryland as was the town in New England.

While Maryland cannot claim the distinction

due to Virginia, of leading the movement for American liberty; yet the insistence upon her colonial rights, conservative though it was, was also steady and unflinching. Quietly, yet with insistent determination the people resisted every infringement upon their unalienable rights; steadily, and with very little interruption on the part of the Crown's representative, they developed their revolutionary machinery which was later replaced by the new state government.

II. The Stamp Act Period.

The first revolutionary demonstrations were after the passage of the Stamp Act on March 22, 1765. Governor Sharpe avoided calling an assembly on the plea that a small pox epidemic rendered its meeting dangerous; so Maryland was without her official organ for protest. She was not, however, without a mouthpiece; the Gazette, the one newspaper of the Province, constituted itself the champion of the colonial rights as against those of the Crown, in taxation; its attitude throughout was one of uncompromising hostility to the measure.

On May 17th, 1764, it communicated its first intimation of the tax, and on April 18th, 1765, it announced its intention to suspend publication if the news of the passage of the act should be true. The following is the

announcement enclosed in reversed rules as a symbol of woe.

"This Gazette No. 1041 begins the twenty-¹Article from first year of its publication but alas! must soon ~~and~~ expire, at least for some time, if the melancholy and alarming account we have just heard from the northward prove true, that an act of Parliament is shortly to take place laying a heavy and insupportable Stamp Duty on all American Gazettes, &etc. & etc."² Gazette Scharf P.524, Vol.I.

The intelligence of the actual passage of the act was recorded in the following characteristic paragraph.

"Friday evening last between 9 and 10 o'clock, we had a very smart thunder-gust which struck a house in one part of the town. But we more thunder-struck, last Monday, on the arrival of Capt. Joseph Richardson, in the ship Pitt, in six weeks from the Downs with a certain account of the Stamp Act being absolutely passed."² ¹ Gazette quoted from Scharf.Vol.I. P. 525.

The stamp collector for the Province was one Zachariah Hood, a native of Maryland, a merchant of Annapolis; who being in England at the time of the passage of the act, and probably not realizing the storm it was to raise in America, accepted the appointment, much to

4.
his later discomfiture.

Governor Sharpe's letters at this time show the indignation of the Marylanders that a native of their own province should dare to accept so detestable office. In a letter to Calvert, dated August 16th, 1765, he says, "There is I perceive, by the last Philadelphia ^{2.} Maryland Archives Gazette, a Distributor of the Stamps appointed Vol. IV. Sharpe's also for this Province, but every Body seems Correspondence to be surprised how the Person there named P. 220. could make Interest to be nominated. You will see by the enclosed Papers that Pains are still taken in the northern Colonies to stir up the Inhabitants' Resentment against the Mother Country on Account of the Stamp Act and indeed I may say that in all the Colonies it seems to be considered in pretty much the same light." ^{3.}

A letter from London to a gentleman in Maryland announced the appointment:

We are credibly informed that Z----h "Scharf, Vol. I
H----d late a sojourning merchant of the City P. 525.
of Annapolis, in Maryland, but at present Z--h
H----d, Esq., at St. James's, had, for his many
eninent services to his king and country during
the late war, got the commission of Distributor
of Stamps in that Province. This gentleman's
conduct is highly approved of here, by all court-

oringing politicians since he is supposed to have wisely considered that if his country must be STAMPED, the blow would be easier borne from a native, than a foreigner, who might not be acquainted with their manners and institutions."

Into the midst of all this indignation came poor Mr. Hood to meet with a far more demonstrative greeting than he could possibly have dreamed of. The usual demonstrations of burning and hanging his effigy, by no means deterred Mr. Hood from the pursuit of his duty. When, however, a mob levelled to the ground the house he was preparing for the reception of a cargo of goods he had brought from England with him, his equanimity was shaken. There are two very interesting accounts of this action of the mob on Sept. second. One is given ⁱⁿ the usual facetious style of the Gazette.

" Monday morning last, a considerable number of people, Asserters of British American priveleges, met here, to show their ~~destation~~ ^{detestation} of, and abhorrence to, some late tremendous attacks on liberty; and their dislike to a certain late arrived officer, a native of this province. They curiously dressed-up the figure of a man, which they placed on a

Gazette Scharf
Vol. I. P.526

one-horse cart, male-factor-like, with some sheets of his paper in his hands before his face. In this manner, they paraded through the streets of the town, (Annapolis) till noon, the bells at the same time tolling a solemn knell, when they proceeded to the Hill; and after giving it the Mosaic law at the whipping post, placed it in the pillory, from whence they took it and hung it to a gibbet erected for the purpose, and then set fire to a tar barrel underneath, till it fell into the barrel. By many significant nods of the head, while in the cart, it may be said to have gone off very penitently." ^{5.}

The other, more serious account is found in a letter written by Gov. Sharpe to the Earl of Halifax, dated Sept. 5th, 1765:

" I am very sorry to have such a reason ^{4.} Maryland for troubling your Ldp., but it is my Duty to Archives Vol. III. inform you that the Proceedings of a great Gov. Sharpe's number of the People in this Province since Correspondence the Person said to be appointed Distributor P. 221. of the Stamps for Maryland arrived here gives me too much room to apprehend they will endeavor to prevent the Stamp Act having its intended Effect. Your Ldp. will, I presume, long before this can reach you have received

an Account of the late riotous Proceedings of the Populace of Boston and other Places in the Northern Colonies on account of that new Act of Parliament, and will not therefore, I suppose, be surpris'd at receiving similar accounts from other Parts of North America nor at my telling your Ldp. that the Inhabitants of this Province incited by their Example or actuated by the Same Spirit were not satisfied with expressing their Indignation against their Countryman, Mr. Hood, the Distributor, by hanging or burning him in effigy, but having in the night of the second Instant Assembled to the number of three or four hundred in or near this place, pulled down a House which he was repairing for the Reception of a Cargo of Goods that had, it seems, imported for Sale. Being very uneasy and much terrified at the contemptuous Treatment he had since his return from England, met with from his former Acquaintances and the violent Proceedings of the Populace, who really are not to be restrained on this Occasion without a Military Force, Mr. Hood intimated to me that if I thought his Resigning the Office would reconcile his Countrymen to him, and would advise him to take that Step, he would even do so, but as I could not take upon myself to give him

such Advice and both he and his Relations doubted whether he could while the Ferment continued be safe in mine or any other House in the Province, he has retired for a few weeks to New York."

On the sixth of Sept. Gov. Sharpe accordingly wrote to General Gage of New York telling of the disturbance in Maryland and bespeaking protection for Mr. Hood until the storm should subside. Hood accordingly went to New York and sought shelter in the fort. The New York Sons of Liberty, however, conceived the plan of causing him to resign his commission. Nov. 28th a body of them waited upon him at the fort and obtained from him the resignation he was by no means sorry to give. The glad news was sent to Maryland in a letter which of course appeared in the Gazette with a copy of the following oath taken by Hood:

Maryland
Archives Vol. III
"Sharpe's
Correspondence"
P.222.

Gazette Sharp
Vol. I. P.530

"I do hereby, with the utmost cheerfulness and willingness promise to resign the said office of distributor of the Stamps, and do without any equivocation or mental reservation declare, that I never will, directly or indirectly, either by myself or any other person, serve in said office; nor in any way or manner contribute to the execution of the Stamp Act either in Maryland, or in any other part of

his Majesty's Territories in America, and ardently hope and wish that this last act and deed will excuse me in the opinion of my countrymen for my former conduct." This formal declaration was solemnly sworn to before Justice Samuel Smith of New York.

About this time, Sept. 10th, a petition signed by the practising lawyers of the province was submitted to Gov. Sharpe asking him to call the long delayed meeting of the Assembly; Gov. Sharpe's account of this is found in a letter written by him to Calvert on Oct. 2nd. Fearing that policy forbade a longer delay the Governor conceded their request and called the Assembly.

Maryland Archives Vol. III. "Gov. Sharpe's Correspondence"

Sept. 23rd, the Assembly met in a revolutionary frame of mind, bound upon expressing the indignation they had, officially, so long been obliged to suppress. They immediately took into consideration two letters from Massachusetts, one of June 13th, 1764, from Messrs. James Otis, Thomas Cushing, Oxenbridge Thacher, Thomas Grey, Edward Sheaffe, a committee appointed in the Massachusetts House of Representatives. The letter declared that, "The House of Representatives of his Majesty's province of Massachusetts Bay at the session of the General Assembly in May last, being

P.230

informed of the late Act of Parliament, relating to the sugar trade with foreign colonies, and the resolutions of the House of Commons relating to the Stamp duties and other taxes proposed to be laid on the British Colonies; were humbly of the opinion, that these measures have a tendency to deprive the colonies of some of their most essential rights, as British subjects, and as menacing particularly the right of assessing their own taxes and being free from any impositions but such as they consent to by themselves or representatives & etc."

"Scharf.
vol. I.
P. 534.

The second letter was from the Speaker of the House of Representatives of Massachusetts, dated Boston, June 8th, 1765, proposing "a meeting as soon as may be of committees from the Houses of Representatives or Burgesses of the several British colonies, on this continent, to consult together on the present circumstances of the colonies, and the difficulties to which they are and must be reduced by the operation of the acts of parliament for levying duties and taxes on the colonies, and to consider of a general and united dutiful, loyal, and humble representation of their condition, to his majesty and the parliament, and to implore relief." The letter further suggested New York

"Scharf.
vol. I. P. 635.

as the place for this meeting and the date, the first Tuesday in October, adding that Massachusetts had already chosen delegates.

In answer to this request Maryland appointed as her deputies:

William Murdock.

Edward Tilghman.

Thomas Ringgold.

instructing them "to join in a general and united dutiful, loyal, and humble representation to his Majesty & etc." ^{12.} Sept. 28, Mr. Murdock, chairman of a committee appointed to draw up a declaration of rights and privileges, reported the following resolutions:

"I. Resolved, unanimously, That the first adventurers and settlers of this province of ^{13.} Maryland brought with them and transmitted to their posterity, and all other his Majesty's subjects, since inhabiting in this province, all the liberties, privileges, franchises, and immunities, that at any time have been held, enjoyed, and possessed by the people of Great Britain.

"II. Resolved, unanimously, That it was granted by Magna Carta and other good statutes of England, and confirmed by the Petition and Bill of Rights that the subjects should not be compelled to contribute to any tax talliage, aid

13. Scharf
vol. I.
P.P. 587-8.

or like charges not set by common consent of Parliament.

- 'III. Quotes from the charter granted to Lord Baltimore promising that they shall have the right to consent to taxes laid upon them, giving a list of prohibitions upon the Crown.
- "IV. Resolved, That said Charter is declaratory of the Constitutional rights and priveleges of the freemen of this province.
- 'VI. Resolved, unanimously. That it cannot, with any degree of truth or propriety, be said that the freemen of this province of Maryland are represented in the British Parliament.
- 'VII. Resolved, unanimously, That his Majesty's liege people of this ancient province have always enjoyed the right of being governed by laws, to which they themselves, have consented, in articles of taxes and internal polity; and that the same hath never been forfeited or in any way yielded up, but hath been constantly recognised by the King and people of Great Britain.
- "VIII. Resolved, That it is the unanimous opinion of this house that the representatives of the freemen of this province in their legislative capacity together with the other parts of the legislature, have the sole right to lay impositions and taxes on the inhabitants of

this province and c-----and that the laying, imposing, levying, or collecting of any tax on or from inhabitants of Maryland, under color of any other authority, is unconstitutional and a direct violation of the rights of the freemen of this province." ^{13.}

Charles Garth was appointed to lay the grievance of the province before the home government, and a protest was sent to the governor for having delayed the meeting of the Assembly. At the request of the Assembly itself, it was prorogued until the first of the following November.

In the meantime, the stamped paper had arrived in the H. M. Sloop of War "Hawke", but the stamp agent having resigned there was no person to take charge of it, no place to keep it, and so strong a feeling against the use of it, that the paper was never landed. Now arose a new complication, there was no stamped paper in the province, business could not be legally carried on without it, what was to be done? The Frederick County Court answered the question: the magistrates, declaring that it would interfere with the proper course of justice if any notice were taken of the Stamp Act (which had never been legally transmitted to them), in full court, "unanimously resolved and ordered,

that all business and process of that court should be transacted in the usual manner without the stamps, and that such proceedings should be good and valid." "The clerk of the court taking exception to this high-handed procedure refused to make the entry, having, of course, excellent legal grounds for his objection, as the action of the court was, to say the least, extra legal. He was promptly suppressed, however, and ordered committed to prison for contempt of court, "whereupon he submitted, was discharged, and proceeded on business as formerly."

"Scharf.
vol. I. p. 541

"Scharf.
vol. I. p. 541.

This action of course received the commendation of the Maryland Gazette, which, though it was announced as expiring on Oct. 10th, with unusually black type and a death's head for a stamp, as symbols of woe, appeared in apparition on Dec. 10th. On the sixteenth of the same month the action of the Frederick county court was recorded in true Gazette style:

"The Stamp Act having received a mortal wound by the hands of justice, on Saturday last, gave up the ghost, to the great joy of the inhabitants of Frederick County. The lifeless body lay exposed to public ignominy until yesterday, when it was thought proper,-----
to bury it."

"Scharf Vol. I.
P. 542.

There follow also several columns of similar matter relating to the line of march of the funeral cortege & etc. Indeed as far as Maryland was concerned the Stamp Act was dead; it had never been put into operation and after a few more demonstrations, the province settled down into comparative quiet; the Act itself was repealed Mar. 18th, 1766.

III. Change in Administration. July 5th, 1769, Gov. Sharpe, who had successfully weathered the Stamp Act storm, yielded his place to Gov. Eden who had been appointed to the office July 14th, 1763. "Art. by Steiner in

Sir Robert Eden the new Governor was a young man, not yet twenty-eight years of age, he was of good family by birth, and he had married Caroline Calvert, daughter of Charles, fifth Lord Baltimore and sister of the sixth and last Lord Baltimore. This replacing of Sharpe by Eden was a clear case of nepotism, Sharpe had in no way been unsatisfactory, in fact he had discharged his duties to province, Crown, and proprietor with the most scrupulous honor. He had to be sacrificed, however, to make a place for Lord Baltimore's young relative. The choice was not such a poor one as might have been expected under the circumstances; for, though young, Sir Robert Eden possessed

John's Hopkins University Studies. Vol. XVI.

plenty of good sense, and, besides, had a most engaging manner which quickly won him friends; he is described as "easy of access, courteous to all and fascinating by his accomplishments." From the first this gave him a place in the social affairs of the colony, of which, indeed, Eddis, an English officer then in Maryland, and a dear friend of Eden's wrote; "hospitality is the characteristic of the inhabitants," and "party prejudices have little influence on social intercourse."

Eden's attitude toward the Assembly was conciliatory, he hoped for nothing more than an amicable arrangement which should best serve the interests of both province and Crown; this is shown in the tone of his first address to the Assembly.

IV. Further trouble with England. The obnoxious Stamp Act repealed, England again asserted her right to tax the colonies by laying a tax on glass, paper, painter's colors, tea & etc. The colonial Assemblies, declaring that they alone had the right of taxation refused to receive these articles, thus escaping the necessity of paying the duty on them. Here one sees very plainly, the southern characteristic mentioned by Eddis; for, although on terms of friendship and even

of intimacy with the governor in private, nevertheless, in their official capacity, the members of the Assembly were unflinching in their refusal to pay the tax England was imposing on them, and also, in spite of Eden's advice to the contrary, to receive the shipload of goods sent over under the Act.¹⁸ Finally in 1770 the tax was removed from everything except tea; this was perhaps a greater trial than the tax on any of the other articles and indignation simmered. Finally the Boston Tea Party, which led to the closing of Boston's port Mar. 31st, 1774, once more fanned the smoldering fires of rebellion into flames. Massachusetts's circular letter met with ready sympathy from her sister colonies.

¹⁸
Steiner.
J. N. U. Studies
vol. XVI.

V. The Beginning The revolutionary movement in Maryland of the Revolutionary Movement. began in the counties, each holding meetings of the citizens and passing non-importation and non-exportation agreements and resolutions of sympathy for Boston. To a set of resolutions of this sort, adopted by the Annapolis city meeting May 26th, was added the following:

"Resolved:

That Messrs. John Hall, Charles Carroll, Thomas Johnson, Jun., William Paca, Matthias Hammond, and Samuel Chase, be a

"American Archives Series IV.Vol.I PP.352-4

Committee for this city to join with those who shall be appointed for Baltimore town, and other parts of this Province, to constitute one general Committee, and that the gentleman appointed for this city immediately correspond with Baltimore town, and other parts of this Province, to effect such an Association as will best secure American liberty." ^{14.}

This was the first call for the Maryland Convention, other counties quickly followed suit. ¹⁵ *Baltimore* County in the resolutions passed May 31st, suggested that the convention Archives S.IV. be held at Annapolis. Very similar resolutions were passed by ²² *Deer Anne's* ²³ *May 30th*, by ²⁴ Kent Co. June 2nd, by Hartford ²⁵ June 11th, by ²⁶ Anne Arundel ²⁷ June 4th, and Charles Co. June 14th, set the date for the meeting June twenty-second. The addition to these committees of deputies who were to represent the counties in the provincial convention, each county also appointed a local committee of correspondence to keep in touch with the other counties.

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- 21. p. 366-
- 21. p. 366-7
- 22. p. 379.
- 23. H. 412-3.
- 24. H. 326-7.
- 25. p. 409.

a. The first Convention.

On June 22nd, 1774, the first revolutionary convention of Maryland met. It was a Con- body of men chosen by popular meetings in the ventions of counties having no legal sanction. However, Maryland 1774 the last Assembly which ever met in the -5-6 P.3-5

Province had been dissolved two months before, so the Convention was the only representative body in the province and did not have to share honors with the regular Assembly as in many colonies. There were present in this convention ninety-two members representing the counties, and in addition the two cities Annapolis and Baltimore. The preliminary matters of business, electing officers and regulating the manner of voting were quickly disposed of; Matthew Tilghman was chosen chairman, and John Duckett clerk, the voting was to be by counties, each having one vote.

Of the men who composed this first Con-²⁶ Scharf Vol. II. vention, Scharf says: "Never was there a body P. 157. of men selected from the people of Maryland, more distinguished for intelligence, integrity, and purity of purpose." ²⁶ The discussion was upon the Boston Port Bill and the bill to send criminals to other counties or to England for trial. The following series of resolutions were adopted:

"I. Resolved. That the said Act of Parliament,²⁷ Conventions and bills, if passed into acts, are cruel and of Maryland oppressive invasions of the natural rights P. 3-4. of the people of Massachusetts Bay as men, and of their constitutional rights as English subjects, and the said Act, if not repealed,

and the said bills, if passed into acts, will lay a foundation for the utter destruction of British America, and therefore that the town of Boston, and the Province of Massachusetts are now suffering in the common cause of America.

"II. Resolved, That it is the duty of every colony in America to unite in the most speedy and effectual means to obtain a repeal of said acts, and also of the said bills if passed into Acts."

"III. Resolved, That it is the opinion of this committee, that if the colonies come to a joint resolution to stop all importation from, and exportation to, Great Britain, until said Acts or bills, & etc.-----, be repealed, the same will be the most speedy and effectual means to obtain a repeal of said act or acts, and preserve North America and her liberties.

"X. Resolved, That Matthew Tilghman, Thomas Johnson, Jun., Robert Goldsborough, William Paca, and Samuel Chase, Esqrs., or any two or more of them, be deputies for this province, to attend a general congress of deputies from the colonies, at such time and place as may be agreed on to effect one general plan of conduct, operating on the commercial connection of the colonies with the mother country, for the relief of Boston and preservation of

American liberty; and that the deputies for this province immediately correspond with Virginia and Pennsylvania, and through them, with the other colonies, to obtain a meeting of the general Congress, and to communicate, as the opinion of this Committee, that the twentieth day of September next will be the most convenient time, and the city of Philadelphia the most convenient place, for a meeting, which time and place to prevent any delay, they are directed to propose."

"XI. Resolved, unanimously, That this province will break off all trade and dealings with that colony, province, or town which shall decline or refuse to come into the general plan which may be adopted by the colonies.

"XVI. Resolved, That the deputies for this province, upon their return call together the committees of the several counties, and lay before them the measures adopted by the general Congress." ^{27.}

The important work of this first convention was, therefore, the appointment of deputies to the general continental congress of deputies from the thirteen colonies, and giving to these deputies the right to call a second convention. ✓

27. The Maryland
tea party.

In the fall of this same year, before the

meeting of the second convention, there occurred the Maryland version of the Boston Tea-Party. ²¹American The Brig "Peggy Stewart," having on board, Archives Series "seventeen packages containing two thousand IV. Vol.I. three hundred and twenty pounds of that detest-PP.885-6. able Tea," arrived at Annapolis, early in October. The Committee of Anne Arundel County investigated the matter and found that the duty had been paid by Anthony Stewart, one of the owners of the Brig. They called a meeting of the people and the unanimous decision of this body was that the tea should not be landed. A committee of twelve was appointed to prevent the landing of the tea. An adjourned meeting called before it, James and Joseph Williams and Anthony Stewart, who offered to destroy the tea and make such *concessions* as might be satisfactory to the Committee and people assembled. The offer was accepted, the tea burned, and the following acknowledgement entered in the Maryland Gazette:

"We, James Williams, Joseph Williams, and Anthony Stewart, do severally acknowledge that we have committed a most daring insult and act of the most pernicious tendency to the liberties of America. We, the said Williams's in importing the Tea, and said Stewart in

paying the duty thereon, and thereby deservedly incurred the displeasure of the people now convened, and all others interested in the preservation of the constitutional rights and liberties of North America,-----do ask pardon for the same, and we solemnly declare, for the future, that we never will infringe any Resolution by the people for the salvation of their rights, nor will we do any act that may be injurious to the liberties of the people; and to show our desire of living in unity with the friends to America, we do request this meeting, or as many as may choose to attend, to be present, at any place where the people shall appoint, and we will there commit to the flames, or otherwise destroy, as the people may choose, the detestable article which has been the cause of our misconduct."

"Anthony Stewart."

"Joseph Williams,"

"James Williams." 28.

c. The Second
Convention.

The second convention²⁹ met November twenty-first with only fifty-seven deputies present,²⁹ Conventions of the officers were the same as before. The Maryland P.6 report of the deputies to the General Congress was heard and unanimously approved; and the following resolution was adopted:

"Resolved, That every member of this meeting

will, and every person in the province ought, strictly and inviolably to observe, and carry into execution, the Association agreed upon by said Continental Congress."^{29.}

Then as the attendance was small the convention adjourned to meet December eighth, and a letter was sent to the counties urging a full attendance on that date.

a'Adjourned
Session.

On December eighth, then,^{30.} the adjourned session of the second convention was convened with eighty-five members, and John Hall in the chair. The report of the deputies was again read and approved as before and the resolution given above again passed. Resolutions were then passed for the regulation of trade and the encouragement of home manufacture. Then the convention did something which was a step out of their province as a mere convention and into that of a government; their first real act as a "de facto" government. Rather interesting is the resolution which accomplishes this:

*31 Conventions
of Maryland
pp. 7-10.*

"Resolved, unanimously, That a well regulated militia, composed of the gentlemen, free-holders, and other freemen, is the natural strength and only stable security of a free government, and that such a militia will relieve our mother country from any expense in our protection and

defense; will obviate the pretence of a necessity for taxing us on that account, and render it unnecessary to keep any standing army ever dangerous to liberty in this province."

31. Convention
of Maryland
p. 8.

Then follow a long series of regulations regarding the organization, officers, and equipment of this militia.

Another interesting measure taken by this convention was the appointment of seven of the best known men in the convention as a committee of correspondence, any three of them empowered to act.^{31.} To this committee was given the power to call the next convention to meet on the twenty-fourth of April next at Annapolis, "unless before that time American grievances should be redressed." That last clause shows that at this time they had no idea of being anything but a temporary means of expressing the will of the people as the governor, by continued prorogations, kept their regular assembly from meeting.

32. p. 10.

Deputies to the Continental Congress were appointed and instructed as follows:

"To consent and agree to all measures which Congress shall deem necessary and effect-^{33.}ual to obtain redress of American grievances."

33. p. 10.

After some final arrangements concerning the

publication of the resolutions & etc. the convention adjourned.

d. The Third
Convention

Just after the battle of Lexington had opened actual armed resistance against England, the third ^{34.} convention of Maryland met at the call of the provincial committee of correspondence April 24th, 1775. The interest caused by the news of Lexington is shown by the increased attendance, the largest number which had yet assembled. Tilghman resumed the chair at this meeting and Gabriel Duvall was appointed clerk to relieve John Duckett of his duties. One of the earliest entries in the proceedings of this convention is the following interesting declaration:

"Resolved, unanimously, That his Majesty, King George, the Third, is the lawful and rightful King of Great Britain and the dominions thereunto belonging, and that the good people of this province do owe, and will bear faith and true allegiance to our said lawful and rightful King, as the sovereign, constitutional guardian and protector, of the rights of all his subjects."^{35.}

A committee was appointed to communicate with the Philadelphia Committee of Correspondence, asking about a proposition for cutting

34. Convention
of Maryland
ref. 11-16

34; p. 11-

off New York from the rest of the Middle States and a letter was read from Newport narrating the events at Lexington.

The same gentlemen named as deputies to the Continental Congress by the last convention were continued with similar powers by this. The sum of six hundred pounds was recommended to be raised by subscription in the various counties to pay the expenses of the delegates to the Continental Congress. The money was apportioned among the counties and two gentlemen, one from the western shore, Mr. Charles Wallace of Annapolis; and one from the eastern shore, Mr. ~~Thomas~~ Ringgold of Chestertown were appointed to receive the money.

Footnote.

Maryland is divided in two nearly equal parts by the Chesapeake Bay, and the two parts are distinct politically and industrially. Cecil County at the head of the Bay is just in the middle.

On the west shore are: Hartford Co., Baltimore Co., (with the city of Baltimore), Anne Arundel (with the city of Annapolis), Frederick, Prince Georges' Calvert, Charles and St. Marys'.

On the east are the counties of Kent, Queen Anne, Talbot, Caroline, Dorchester, Somerset and Worcester.

There were some further military regulations, and provision was made for calling another convention May 22, unless an

earlier or later day be appointed by the deputies to the Continental Congress.

e. Fourth Convention.

July 26th, 1775, saw the opening of the ^{3b}Conventions Fourth Convention with an attendance of 141 of Maryland members and the same officers as before. PP.17-18

The effect of the military movement in the north is seen in the action taken immediately upon assembling.

"The Association of the Freemen of Maryland," was unanimously adopted. ³¹This association declared it justifiable to repel force by force and to repel the British troops thus defending their rights and liberties, it pledged the members of the association to themselves and to America. Any person refusing to sign after ten days was to have his name reported to the county committee of observation and by them returned to the next convention for action. There follows along series of military regulations providing as before for organization, equipment, exercise, drill etc., also an appropriation to encourage the manufacture of salt-petre and the erection of a powder mill. ^{3f}p.31. ³⁷p. 17-

A very important constitutional step was taken in this convention. A committee of sixteen persons, eight from each shore, were chosen by ballot to be styled the Council of Safety of Maryland.

These men were to:

- A. Be re-elected at each convention.
- B. One half to be inelegible for re-election.
- C. To be empowered to draw on the treasure of either shore for bills of credit issued by Convention and referred to Convention for payment.
- D. To have charge of the militia.
- E. To call a convention before the day appointed if necessary.
- F. To take oath of secrecy.

39. p. 25.

This was the revolutionary executive.^{37.} In addition two treasurers^{38.} were appointed, one from the eastern and one from the western shore to have charge of the finances. Also they provided for the election of a committee of observation in each county by the free-holders and other freemen having a^{39.} estate of forty pound sterling or qualified by law to vote for burgesses, voting to be under the inspection of the respective delegates of the convention.^{40.}

These committees of observation were to^{41.} P. 29. carry into effect the resolves of Congress and the province convention concerning non-impotation and exportation. Each committee of observation in each county was to choose by ballot five of their members to be a committee

of correspondence for their county. They took charge of local affairs in their county and chose other local officers necessary for carrying on business.

Courts were to settle disputes which admitted of speedy settlement and those which did not were to stand as they were until more settled times and proper means of re-opening them should exist. No new civil action to be commenced. ^{41.}

~~41.~~ →
←

Deputies were appointed to the Continental Congress and the third Tuesday of March was set for the meeting of the next provincial convention which might be called before that date by the council of safety.

By this time the revolutionary convention in Maryland had become a government in fact though it had not yet assumed the form of government. The convention had by this time become a "de facto" legislature and had created the "de facto" executive in the committee of safety and also had provided for the local revolutionary governments. The remaining step, the legislative form was adopted by the fifth ^{42.} Convention which met, December 7, 1775. Up to

42. P. 39-121.
Z

F. Fifth Con- this time the convention had passed merely
vention. resolutions now it adopted the parliamentary
form and passed bills---it had become a "de facto"

government in form as well as power.

Even the entrances in the Journal show a difference here, they follow more closely the form of legislative records than before.

The fifth convention opened with fifty members present, the same officers in the chairs and for the first time an oath of secrecy was administered to the clerk and the messengers. In ~~with~~ line with this an order was passed early in the session that the proceedings of the convention be kept secret until ordered published. Appropriations of two-hundred pounds were made to build a jail⁴³ and of three hundred pounds "to be advanced to Edward Parker⁴³ P.40 upon his giving bond with good security, for⁴⁴ P.72 the delivery of the value of two hundred pounds in good, strong, merchantable linen cloth, manufactured in this province, on or before the first day of November next, of such quality as he may be directed, and at such prices and rates as this and a future convention shall allow."⁴⁴ A committee was appointed to promote the manufacture of salt-petre and the committee of safety empowered to advance a loan for the erection and working of a powder mill. There were also military provisions and regulations for discipline etc.

The fact that even now with all the

revolutionary action there had been in the colony, there was no thought of a separation from England but merely the desire to maintain their rights and obtain redress of grievances ^{45,} P82-83 is shown by the restrictions given the deputies appointed by this convention to the Continental Congress. ^{45,}

"As we think it our greatest happiness to be thus firmly united to Great Britain, we think ^{46,} P.83 proper to instruct you that should any proposition be happily made by the Crown or Parliament that may lead to or lay a rational and probable ground for reconciliation you use your utmost endeavours to cultivate and improve it into a happy settlement and lasting amity, taking care to secure the colonies against the exercise of the right assumed by parliament to tax them and to alter and change their charters, constitutions and internal polity & etc."

"We further instruct you that that you do not without previous knowledge and approbation of the convention of this province, assent to any proposition to declare these colonies independent of the Crown of Great Britain, nor to any proposition for making or entering into alliance with any foreign power & etc.----- and should a majority of the colonies in Congress against such your judgment, resolve to declare

these colonies independent of Great Britain etc.,
 -----we instruct you immediately to call the
 convention of this province, and repair thereto
 with such proposition and resolve, and lay
 the same before the said convention, for their
 consideration, and this convention will not
 hold this province bound by such majority in
 Congress, until the representative body of
 this province in convention assent thereto." ^{46.}

Furthermore there was entered with the
 minutes of the convention at the close of the
 session a declaration expressing still further
 this feeling saying that there was no hostility
 toward England nor England's King but a desire
 for peaceful union grounded upon just recog-
 nition of their rights, expressing also their
 great attachment to the constitution of England,
 their affection and loyalty toward the house P.120
 of Hanover. In fine, their position is summed
 up in the last paragraph.

"That as they consider their union with
 the mother country upon terms that may insure
 to them a permanent freedom, as their highest ^{47.} P.120
 felicity, so would they view the fatal necessity
 of separating from her, as a misfortune next
 to the greatest that can befall them!" ^{47.}

VI. The Inter-

Up to this time, the attitude of Governor

cepted Letters. Eden had been conciliatory and only kind feeling

existed between Eden and the Convention. In ⁴⁸Steiner in a letter to Lord Dartmouth, the governor describes his position thus: J.H.U. Studies Vol.XVI.

"It has been my endeavor, by the most soothing measures I could safely use, and yielding to the storm, when I could not resist it, to preserve some hold of the helm of government, that might steer, as long as should be possible, clear of those shoals which all here must sooner or later, I fear, get shipwrecked upon." Just at this time, however, Eden made a mistake. He felt that, perhaps, there were a sufficient number of thoroughly loyal people in Maryland to stem this tide of revolution, at which he was becoming alarmed; this opinion he expressed in a letter to Lord Dartmouth. Sir George Germaine, a man apparently lacking in tact, had, however, succeeded Lord Dartmouth as Secretary of Colonial affairs. To Germaine, therefore, came this letter, written to Lord Dartmouth; this was the beginning of the trouble. Although Eden had advised extreme caution, Germaine paid no heed to the warning, but answered in terms which could not fail to arouse suspicion against Eden. He thanked the governor for his useful information and promised to keep his letter a profound secret, adding: ⁴⁹J.H.U. Studies

"An armament, consisting of seven regiments and a fleet of frigates and small ships, is now in readiness to proceed to the Southern Colonies, in order to attempt the restoration of legal government in that part of America." This armament was bound either for North Carolina, or Virginia; in case it should go to the latter, Germaine writes: "it may have important consequences to the colony under your government, and, therefore, you will do well to consider of every means by which you may, in conjunction with Lord Dunmore, give facility and assistance to its operations."⁴⁹ Of course this looked like conspiacy against the peace and liberty of Maryland and Virginia especially, as there came with this letter of Germaine's an offer of pardon to all who should cease resistance. These letters were sent to America in the care of Mr. Alexander Ross, who was captured on his way from Philadelphia to Virginia, and forced to give up the letters. The letters were sent to Williamsburg to governor Lee, who, after consultation with the Council of Safety of Virginia decided to send copies of the letters to the Continental Congress and to the Baltimore Committee of Observation. In a letter to Purviance, the chairman of the Baltimore Committee, Lee advises

the arrest of governor Eden, promising to answer to Congress for the arrest. The convention not being in session at the time, the matter should have come before the provincial Committee of Safety, a committee of three, Messrs. Carroll, Hall, and Paca were chosen to wait upon governor Eden. They asked to see the letter, to which Germaine's letter was the reply; Eden, however, did not have it in his possession. Failing to get a sight of the original letter, the committee asked the governor to give them his parole not to leave Maryland until the convention should meet. Eden promised to send them his answer in a few days.

The Continental Congress, meanwhile, having read the letters, sent them by Lee, directed Mr. Hancock to write to the Council of Safety of Maryland, asking that Eden's person be siezed. Purviance, although he had no authority in the matter, fearing lest the governor escape, ordered a boat prepared and filled with armed men. If the governor's boat was seen, it was to be overtaken and searched, and Eden, Smith or Ross, ^{if they} should be on board, were to be siezed and taken to Baltimore. All this before the expiration of the time the governor had asked for, for consideration. Eden did not attempt to leave

the province, but, on the other hand, when the time for his answer to the committee came, he sent a courteous note, refusing; while governor of the Province to give his parole; thus virtually making himself a prisoner. He practically threw himself upon the mercy of the Convention.

"As your convention is to meet shortly, they shall find me here and willing to continue ^{to} American acting in the same line I have hitherto done, Archives IV. so long as Maryland can reap any peaceful 4-963. Benefits from my Service." He also asked that *Quoted by Steiner* if he should find it necessary to leave the *p. 107.* province, his peaceful departure be not impeded.^{to} The Council of Safety returned a courteous answer, the tone of which showed the very great respect and esteem in which the governor was held. Congress then wrote to the Baltimore Committee saying that they thought it best that the persons of Ross and Eden be siezed. Copies of this letter were sent to the Maryland Committee of Safety and to Virginia. The Maryland Committee was very angry. Congress had insulted them by dealing with a local body instead of directly with them; furthermore, Congress had no right, so they thought, to interfere in a matter they had already settled as they thought best. Very cool, though very

polite, was the letter they sent to Congress in reply, declining to take any action upon directions, until the Convention should meet. Just at this time, Eden, out of appreciation for the kindness and consideration with which he had been treated, voluntarily gave his parole until the meeting of the Convention.

a. Sixth
Convention

May 8, 1776, saw the Convention again in ^{51.} Conventions session with the Charles Carroll in the chair. of Maryland On Monday, May thirteenth, a resolution was ^{51.} P.125-162. passed giving the Council of Safety or any other committee the power to subpoena witnesses when necessary. In the afternoon session, the Convention resolved itself into a committee of the whole with Mr. Peater in the chair, to consider the matter of the intercepted letters. The matter was discussed, thus, until Friday May twenty-fourth, when the committee of the whole reported the following resolutions:
"Resolved: That it is the opinion of this Con- ^{52.} P.150-1. vention, that the Council of Safety of this Province, upon the subject of the late intercepted letters to governor Eden, duly and properly exercised the powers delegated to them.
"Resolved, That it is the opinion of this Convention that upon the evidence before them of the correspondence which his excellency, governor Eden has, from time to time, held

with the administration, it does not appear that such correspondence has been with an unfriendly intent, or calculated to countenance any hostile measures against America,-----

 "Whereas, -----the governor must, if he remains in the exercise of the powers of government, fulfill and execute the instructions of the administration "(contained in Germaine's letter)" or hazard the displeasure of the king, which it can not be expected he will do.---

^{53.} Conventions of Maryland P.151

And whereas, by an act of the Assembly of this province, the powers of government, in the absence of the governor, devolve upon the president of the Council, and therefore the governor's departure cannot occasion a dissolution or suspension fo the present established form of government within this province, which this Convention doth not think ought now to be changed, "(referring to a recommendation from Congress that they adopt a form of government suited to the exigencies of the situation)" therefore:

"Resolved, That it be signified to the governor, that the public quiet and safety, in the judgment of this Convention, require that he leave this province, and that he is at full liberty

to depart peaceably with his effects." ^{53.}

The tone of respect and kindness, shown in these resolutions and the letter which accompanied them to the governor, testified to the desire, on the part of the Convention to make the necessary severance of the governor's relations with the colony as easy and pleasant as possible.

The interference of the Continental Congress and of Virginia in the affair with governor Eden had roused great indignation in Maryland; and, after reprimanding Purviance for the part he had taken, the Convention passed it's "hands off" resolution:

7/21
1/3 D P.141

"Resolved, unanimously, That the people of this ^{54.} P.141 province have the sole and exclusive right of regulating the internal government and police of this province." ⁵⁴ The remainder of the resolutions express the people's right to decide upon the form and character of their own government.

Another step was taken by this Convention toward the organization of the Judiciary. A committee was appointed to devise the establishment of a court of admiralty.

After this Convention, and before the meeting of the next, governor Eden issued writs of election for the long disused and almost

forgotten assembly.

VII. Begin-
ning of the Com-
monwealth.

June 28, 1776, the Convention met, and almost its first act was to order that these writs be disregarded.

55.
p. 165-206.
Z

a. Seventh
Convention.

Three days later they voted to rescind the instructions given to the delegates in Congress, and instead of these instructions, instruct them to:

56.
P. 176.

1. Join in a Declaration of Independence.
2. Join in making foreign alliances.
3. Adopt measures necessary to the liberties of America.

The regular work of government went on until July third without any further movement toward independent self-government. On the afternoon of that day, the following resolution was passed:

57.
P. 184

"Resolved, That a new convention be elected for the express purpose of forming a new government by the authority of the people only, and enacting and ordering all things for the preservation, safety, and general weal of this colony."

Then follow the directions for voting, franchise and so forth. The voting was to be viva voce, the qualifications for representatives were, residence for a year, freehold, and twenty-one years of age. Military men

57
P. 184
Z
58
p. 40 personal

and those who had been convicted of being "enemies of the liberties of America," were disqualified. The apportionment was four representatives for each county, except in Frederick County, which had four for each district; and Baltimore City and Annapolis each had two representatives.

The franchise was given to those who had a fifth acre freehold or an income of forty pounds a year, and in Annapolis to owners of a town lot, to those possessing an income of twenty pounds or having worked five years at a trade. The election was to be held on the first of August and the Convention to meet on the twelfth. Judges of the election were appointed each of whom was to take an oath not to permit any one, not qualified according to the rules just established, to vote for the representatives.

They then elected, by ballot, nine persons to serve as a committee of safety to take charge of affairs until the intended convention should make other arrangements. After fixing the day of their dissolution, August first, they proceeded with their other regular business, continuing in session until July sixth, when they adjourned.

August 14, 1776, the convention,⁵⁹ which Conventions of

was to draw up the constitution met with the same officers who had officiated in the preceding convention.

In one respect this convention fulfills the requirements of a constitutional convention, inasmuch as it was chosen for the express purpose of drawing up the constitution. It failed, however, to meet the other requisite, that it should attend to nothing else; for this convention not only drew up the constitution but also carried on the regular government at the same time.

On August fifteenth, the convention adopted its rules, some of which are very interesting, for instance, that no one should speak more ^{79.} PP.216-17 than once on any debate unless accorded express permission by the convention; that fines should be imposed for non-attendance, and for bearing arms in the convention. Forty-five members were required to be present for the passage of any important measure. ^{59.}

Saturday August seventeenth, the convention ^{60.} P.220 passed a resolution sustaining the action of the Continental Congress in declaring independence. ^{60.} On motion of Mr. Samuel Chase, a committee was elected by ballot to draw up a bill of rights and a plan of government.

The committee consisted of the President, Mr. Tilghman, Mr. Carroll barrister, Mr. Paca, Mr. Carroll of Carrollton, Mr. Plater, Mr. Samuel Chase, Mr. Goldsborough.

On August twenty-seventh, the bill of rights was read and ordered printed for the consideration of the members; September seventeenth, it, with the plan of government was ordered printed and several copies sent to each county. ^{61.}

The bill of rights was discussed by the convention, along with its other business until November third, when it was passed with its ^{62.} P.311 amendenents. ^{61.} Inmost respects this bill of rights resembles closely that passed by Virginia some time before. It has some clauses, however, which do not occur in the Virginia bill:

1. The adoption of the common law of England. -
2. Prolubitions of:
 - a. Bills of attainder.
 - b. Quartering of troops.
3. Permission granted to the legislature to tax people for the support of relegims organizations.
4. People's right to petition guaranteed.

The bill also voices the contract theory of government, and declares that the people of the state have the sole right to regulate its internal government and police.

Other provisions were for:

1. Trial by jury.
2. Frequent elections.
3. Executive and legislative responsibility.
4. Consent to taxation by people taxed.

It prohibited besides the two things mentioned above:

1. "Expost facto" laws.
2. General warrants.
3. Standing armies.
4. Titles of nobility.

Five days after the adoption of the bill of rights on November eighth the Constitution with its amendments was adopted.

63.
P. 349

The Legislature was bicameral, consisting of a Senate and a House of Delegates.

The election for the House of Delegates was to be the first Monday in October, by acclamation instead of by ballot. There were to be four representatives from each county and two each from Baltimore and Annapolis. To be qualified to be a representative a man had to be freeman, twenty-one years old, have as five-hundred pounds freehold, and have re- < x
sided a year in the county. To be qualified as an elector, a man must be a freeman, have a fifty acre freehold or an income of thirty pounds, be twenty-one years old, and have resided

one year in the district. There were two exceptions to this general rule. In Annapolis, all, who were qualified to vote for burgesses, might vote for representatives to the provincial legislature. The qualifications in Baltimore were the same as those for the county, but no inhabitant of the city was to vote for county representatives also, unless owning besides his town property, fifty acres outside the town limits.

Maryland originated a new plan in the manner of choosing her Senate, the system of the electoral college. This college was to be composed of two persons from each county qualified to be a representative of the county, to be chosen by the inhabitants of the county, who were qualified to vote for county representatives. These electors were to choose fifteen Senators, nine from the west shore and six from the east, either from their own number or from the people at large. The requisite qualifications were, twenty-five years of age, one thousand pounds, and three years residence in the state.

The two houses had the usual legislative powers, being equal in all things except the origination of money bills, ^{which originate in the} but it ^{Lower House.} may not add to a money bill any clause foreign to the bill

since the Senate must either accept or reject a money bill, and has no power to amend it. The Assembly was to meet annually on the first Monday in November.

The Executive was to be single, a man of twenty-five years of age, five thousand pounds income, and five years residence in the state. He was to be chosen by indirect election, by a joint ballot of both houses of the Legislature, the ballots to be examined by a joint committee of both houses. If the vote was a tie, the choice was to be lot. The Executive was to serve not more than three years in succession, and then to be ineligible for four years.

There was also to be a council of five men, whose qualifications were to be the same as those for Senators.

With the consent of this Council, the Executive might embody the militia, direct the forces, and command in person, should the council so direct, also appoint the chancellor, judges, justices, attorney-general, and army and navy officers. Acting alone the executive could grant reprieves and pardons, except where the law prevented, and should the two houses of the Legislature not be able to agree upon a day for adjournment, he may set the day. He had no veto power.

The Judges were appointed by the governor

with the consent of the Council, and held office during good behavior.

There were to be three courts, the provincial or general court, consisting of "three persons of integrity and sound judgment in the law," a court of admiralty, and one of chancery. From each of these there was an appeal to the court known as the Court of Appeals, whose decision was to be final and conclusive.

The amending clause of this Constitution is one of the most interesting of those in the early constitutions. The amendment was to come up at some regular session of the Legislature like an ordinary bill and be passed by a two-thirds vote of both houses. Then it was to be published for the perusal of the people at large. After a new Legislature had been chosen the amendment was to be taken up again at the first session, and if passed again by a two-thirds majority of both houses was to stand as an amendment. — ?

The Constitution was never submitted to the people, but the elections provided for by this Convention were duly held and the Constitution went into effect at the appointed time. The Council of Safety held the reins of government during the interim between the close of this convention and the meeting of

the first Legislature under the New Constitution.

VIII. Con-
clusion.

The action in Maryland was a slower, more gradual evolution than in almost any other colony. Freed from the very beginning, from the danger of interference on the part of the regular Assembly, and being the only representative body in the colony, the Convention was able to gradually develop.

Nowhere was the evolution less broken by violent conflict and outbreaks. Though much more conservative than Puritan Massachusetts and Cavalier Virginia, Maryland when once started toward revolutionary government, steadily and determinedly kept its course, arriving in due time and with no precipitation, at independence. Maryland is a typical example of the gradual almost imperceptible changes from loyalism to revolution and finally to independence.

2