

cil board. But if they ever expressed their apprehensions at formal meetings, they voiced these misgivings aside and not as part of the daily business. The moral seems clear. We cannot expect every official record to carry on its face evidence of the uppermost concerns of the age.

Yet we should not, therefore, dismiss these records as barren or as having little relevance for a reconstruction of the times. The State Council had fairly well defined functions, at least they seemed clear enough on paper. Members performed in camera their allotted duties. And in performing these they began the process of refining what at first sight seemed clear mandates, but which in implementation proved to contain many ambiguities, many unforeseen gaps. In other words this institution—the State Council—set about building from a blueprint. The procedure, this adaptation to realities, is as old as institutions themselves and can tell us a great deal about the direction the currents were flowing.

To be specific, the State Council originated from articles XXV and XXVI of a document entitled “A Declaration of Rights, and the Constitution and Form of Government agreed to by the Delegates of Maryland, in free and full convention assembled.” The full title must be remembered if we are to understand what the councillors mean when they say occasionally the “Constitution” or more frequently the “Form of Government.” They are not referring to the first part, the bill of rights or declaration of rights prefixed to most revolutionary state constitutions in the form of articles. The reference is to the second part which contains articles outlining the offices and functions of all branches of government. Article XXV of this part provided for the election of the governor on the second Monday in November by joint ballot of the upper and lower houses of the legislature. Article XXVI similarly provided for the election of councillors by joint ballot on the second Tuesday in November. To qualify for office a councillor had to be twenty-five years of age and have a freehold in land and tenements valued at £1000 current money or greater. Together the governor and councillors made up the State Council. The governor presided at meetings and had a vote. In his absence the senior councillor (“the first named of the council”) presided (Article XXXIV).

The powers of the State Council were considerable, more extensive in some ways than those of its predecessor, the defunct proprietary council. But, unlike the older proprietary council the State Council had no legislative functions during sessions of the general assembly.

In principle members of the State Council were separated from the legislative process by specific provision in the Form of Government prohibiting them from sitting in either house of the assembly. Confronted with the choice of performing purely executive duties as councillors or, on the other hand, of representing their neighbors and making the laws, two members chose the role of delegate. In November 1785 John H. Stone resigned his seat on the State Council to sit in the House of Delegates as representative from Charles County. A year later William Paca made the same decision. His exact words point up the choice he was making: “I do hereby resign my seat as a member of the Council and Executive.”