

Delegates in 1778 as a means of meeting the difficulty in filling the positions. On October 10, 1801, the Governor appointed William Cooke, then of Baltimore County, and Richard Potts, of Frederick County, to fill the vacancies caused by the deaths of Judges Murray and Wright. Cooke was one of the ablest lawyers of the state, less known than he should be, perhaps because of his having been a loyalist and so not prominent during the Revolution. He declined the appointment; and Pinkney writing to him from London on August 8, 1803, expressed regret at his having done so. Richard Potts accepted. He too was one of the leading men of the state, had been a member of the convention which ratified the constitution of the United States, and of the Continental Congress, and a Senator of the United States from 1792 to 1796. Littleton Dennis, of Somerset County, was appointed to the place declined by William Cooke, and he accepted. A joint commission, not only to Judges Potts and Dennis, but to all the five judges, including the three appointed in 1778, was issued under date of November 3, 1801, but it must have become apparent then that joint commissions, with the order of precedence to be established by them, were suited only to the appointment of temporary bodies to be replaced in their entirety, and not to the appointment of permanent bodies, of members to be replaced one by one, for the device of a joint commission was never again used in the appointment of judges. Only Judges Potts and Dennis took oaths of office, on November 3, 1801.