

Contemporary Printed Pamphlet Md.Hist.Soc.

probably be, from time to time, induced to quit their practice, and go on the bench; but as these judges are at this time allowed nothing for their attendance and trouble, except about eight shillings sterling a day for the time the courts sit, or sixteen pounds a year, (payable at the pleasure of the General Assembly, perhaps once in seven years) no gentleman, that has any practice as a lawyer at the bar, will chuse to qualify as a judge; nor is it, as I am informed, without some difficulty, that other gentlemen of capacity are prevailed upon to act. These judges are likewise under the obligation of a similar oath with that taken by the Justices; and all matters of fact in this court also are tried by juries chosen by ballot, out of persons that are summoned from the several counties; it is not probable then that any partiality should, in this court, be shewn to the Proprietor, his Lieutenant-governor, or any of his council; nor can the author of the *Queries* mention a single instance of such partiality.

Query 15th. "Who presides as Chancellor? Does not the Governor for the time being? Is he, from the nature of his office, more independent than the rest of the judges? Is his extensive knowledge in jurisprudence the notive for advancing him to this important station; or rather, is it not an office annexed to that of Governor, whatever may have been his former profession? Should such a one, whose education has been no ways suitable to so exalted a character, call in the sages of the law to his assistance, who are they? Are they not gentlemen of the Proprietor's council, perhaps advocates at the bar, who, as has been before observed, have very lucrative offices, and are created or annihilated, both as members of the council, and of the Upper House of Assembly, solely by his will and pleasure?"

Answer. As the Governor in most, if not in all the crown governments, is Chancellor, so is the proprietor's Lieutenant-governor in Maryland: when he pleases, he may call to his assistance any gentlemen of the law, who do not practise in that court, and he generally does so; and as many decrees have been given by the present Chancellor, and only one, I am informed, appealed from in the course of more than ten years, it must be presumed that the parties were satisfied, and the determinations agreeable to justice, equity, and good conscience.

Query 16th. "In case of appeal from either of the two former courts, who constitute the Court of Appeals? Do not the Governor and his council? Is it probable, that a decree in Chancery will be reversed in this court, where not only the Chancellor himself, but even the same sage assistants in the law, preside as judges? or will any man, who is a judge of the human heart, and acquainted with all its passions and imperfections, determine property to be very secure, where such enormous powers are lodged in the hands of a junto, who may possibly, in future ages, forget the noble ends for