

in any instance, they could scarcely do so, unless they were also to corrupt the juries, who are always inclined to favour the liberty of the subject, and have, as it were, a negative in the executive part of government.

Contemporary Printed Pamphlet Md.Hist.Soc. p. 20

Query 14th. "Who sit as judges in a superior court of judicature? Do not the ministerial officers of inferior courts? or, in other words, do not several clerks of the County Courts preside as judges in the Provincial Courts? and are not most of the other judges composed of men who enjoy other offices under the Proprietor? Is there an instance of such absurd, to say no worse, distribution of power under any government whatever, as, that the servant of an inferior court should sit as judge in a superior one? Are not these judges too dismissible at pleasure?"

Answer. The judges of the Provincial Court, being eight in number, are appointed by commission from the Governor, under the great seal, to continue during pleasure: they are gentlemen of as good estates, and unexceptionable characters, as any in the Province; one of them is a member of the council, who for many years practiced in the courts of law; four of them have no offices whatever under the Proprietor; and two of them are clerks of counties, or keepers of the county records; the business of which offices, however is entirely transacted by their deputies; so that there is not any great impropriety in their sitting in a superior court (as I conceive) with six other judges; nor are they treated with less respect on account of the offices they hold in their counties. Why does not the legislature provide a sufficient gratuity for such persons in so eminent, useful, and necessary an employ, essential to the very being and support of property? It behoveth all governments to maintain the judges and ministers of justice, in such a manner that they may be under no undue influence; and to have a vigilant eye upon their proceedings. No doubt their office ought to be *quamdiu bene se gesserint*, and to have sufficient salaries annexed to it, to keep them free and independent of power. All those intrusted with supreme authority and power; all countries ought, in duty to the Proprietor and themselves, and in gratitude for so essential a point, to enable him, as supreme head, to settle sufficient rewards on the administrators of justice. Those in supreme authority, as Sir Walter Raleigh observes, "are to make choice of good men, and being chosen, to hold them in good reputation, so as the ordinary course of justice may proceed; for otherwise great disorder, contempt, and general confusion will ensue thereof." Provincial judges, so circumstanced in Maryland, would secure to the people good judgment both in law and equity, especially as their judgments are subject to appeal to our Sovereign. Can a country have a greater blessing than a right administration of justice? But to return to the Querist; was the case as above related, some of the most eminent lawyers would

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