

parison will afford one, among the many proofs, that might be adduced.

In the Colonial Declaration of Rights of the 14th October, 1774, among other things, it was declared, “that the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.” By the third Article of the Declaration of Rights of this State, it is declared, “that the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances.”

This coincidence, of sense and language, could not have been merely accidental; it therefore proves, that those several antecedent declarations of the rights, and of the independence of the people of this country, were the sources whence many of the provisions of the Maryland Declaration of Rights were almost literally taken; that the complaints of the grievances, arising from a dependent and subservient judiciary, as expressed in the previous Declarations of 1765, of 1774, and of 1776, were then actually before the Maryland Convention; and, that the judicial independency, spoken of in our Constitution, was intended to be analogous to, but more perfect, than that specified in the English statute of 1700, which had become so well understood, and was so solemnly and generally approved. In a word, it is manifest, from all the public acts, discussions and circumstances of those times, that the thirtieth Article of our Declaration of Rights must be regarded as the condensed expression of those opinions and principles, relative to judicial independency, to establish and sustain which all united America fought, bled and triumphed.

Such is the history of this provision of our Declaration of Rights, relative to judicial independency. Let us now attentively consider \*the article itself; first as relates to its general character, and then analyze and investigate its several parts. The **618** Article is in these words:

“That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore, the Chancellor and all Judges ought to hold commissions during good behavior; and the said Chancellor and Judges shall be removed for misbehavior, on conviction in a Court of law, and may be removed by the Governor, upon the address of the General Assembly; pro-