But, upon the present occasion, it is that portion of the provisions of this Article, relating to judicial salaries, which alone claims

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was not merely, that those Judges were permitted to take fees from suitors, for that was then allowed to almost all the Judges of the colonies; but that those fees, being taken from the property condemned by themselves, gave an undue bias to their minds, and the authority to take them operated as a continual temptation to condemn where there was no sufficient cause.

Under the Provincial Government of Maryland a great variety of fees were allowed and directed to be paid to the Chancellor, which must have formed a very considerable portion of the annual emoluments of his office.—(1715, ch. 25, s. 2; 1763, ch. 18, s. 88.)

After the Declaration of Independence, the General Assembly recite, that "whereas it is inconsistent with the Declaration of Rights, that the Chancellor or Judge of the Admiralty should take fees or perquisites of any kind; and it is apprehended, that private individuals who have business done for them in the Chancery Court or Court of Admiralty, or who may have the great seal affixed to any patent commission, or other paper, for their benefit, should pay for the same;" and then enact, that certain fees in Chancery, and for the great seal, should be paid, and that the register should every half year pay the same to the treasurer for the use of the public. (October, 1777, ch. 13; November, 1779, ch. 25, s. 22.)

It is remarkable, that the fees collected under this law should always have been accounted for as so much money arising from seals and taxes; that fees thus levied should have been at all times regarded by the English authorities as taxes which formed a part of the public revenue, (*Smith's Wea. Nat. b.* 5, *c.* 1, *pt.* 2; *Warrington* v. *Mosely*, 4 Mod. 320;) that the people of Maryland in their then late controversy with Governor Eden, respecting his claim of settling these same kind of fees by proclamation, should have insisted, that they could be considered in no other light than as taxes; and yet, that in the passage of this law, directing them to be collected and paid into the treasury for no avowed or conceivable political purpose, it should not have occurred to them, that this partial mode of taxation was in direct violation of that Article of the Declaration of Rights which declares, "that the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of Government; but every other person in the State ought to contribute his proportion of public taxes, for the support of Government, according to his actual worth, in real or personal property within the State; yet fines, duties, or taxes may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community."—(*Sloane* v. *Pawlett*, 8 Mod. 18; *Vattel*, *b.* 2. *s.* 240, 252.)

Under the clause, which declares, that no Chancellor or Judge ought to receive fees or perquisites of any kind, it is evident, that at least as regards them, justice must be administered gratis, however much or improperly it may be otherwise encumbered with costs and expenses. But, as has been said, it was not so much to diminish the expense, as to prevent the corruption of justice, that the Judges were prohibited from receiving any present, or fee from the parties. For, upon the impartial administration of justice depends the liberty of every individual, the sense which he has of his own security. In order to make every individual feel himself perfectly secure in the possession of every right which belongs to him, it is not only necessary, that the judicial should be separated from the executive power; but that it should be rendered as much as possible independent of that power.