

immediately antecedent occurrences in our own country would furnish the most ample exposition of their bearing and tendency; and the most unanswerable proofs of their utility and value. The Colonial Congress of 1774, that most illustrious body of men, deliberately and solemnly declared to their then king, that in the Colonial Courts of admiralty justice had been perverted, because the Judges were "empowered to receive their salaries and fees from the effects condemned by themselves;" and they further declared, that the administration of justice, in the Colonial Courts of common law, was no less partial and impure, because the Judges of those Courts had been "made entirely dependent on one part of the Legislature for their salaries, as well as for the duration of their commissions." And, among the causes which impelled us to the separation from the mother country, it is charged, that the king had made the Judges dependent on his will alone for "the amount and payment of their salaries."

These are some of the great lessons of our Revolution. They were among the axioms deemed unquestionable in those times. It had been sorely and deeply impressed upon the minds of all the people of America, that a dependent Judge was the fit instrument of an oppressor; that an independent Judge was a proper and necessary guardian of a freeman's rights; that Judges, like other men, were frail, and always found to be entirely subservient to those on whom they were dependent for their salaries, and their bread; and that wise and salutary laws were a mockery, without firm and impartial Judges to administer them.

Having thus traced the origin, history, and nature of the security of judicial salaries; and having carefully considered that Article of the Declaration of Rights in which their security is particularly \* provided for, declared, and defined; as well according to its general character, as the meaning of each phrase **628** and sentence; let us now inquire what has been the operation of those constitutional provisions, and the actual practice under them, from the time the government of the Republic was organized, down unto the twenty-sixth day of February last, when the unhappy deviation complained of took effect.

It should be recollected that soon after the commencement of our Revolutionary struggle, the Proprietary Government of Maryland ceased to exist; and, during a period of about two years, was succeeded by a government made up of mere voluntary associations; of district and county committees, arranged, by common consent, under the superintendence of a General Convention and a Council of Safety. That by the direction of one of those conventions, a new convention was elected and assembled in August, 1776, "for the express purpose of forming a new government by the authority of the people only," who, in the name of the people drew up and adopted, "the Declaration of Rights and the Constitution and