

673 * co-ordinate branch of the General Assembly; as “trustees of the public.” They would learn, with suitable and becoming modesty, without opposition or inquiry, to register the edicts of the “immediate representatives of the people;” and the Judges, holding their commissions only during good behavior, would be taught to rely more on the extent, and the power of their family connections, and the number of their friends among “the immediate representatives of the people,” than upon their temperate habits and honorable deportment; upon the skill and diligence with which they discharged their official duties; and upon the constitutional safeguards with which they were surrounded.

Legislative assumptions of original or appellate judicial power would be applauded as commendable efforts to reach the justice of the case; poetical imaginations would be taken for historical facts; and the most incoherent verbiage, respecting the true intent and meaning of the great charter of our rights, would be contemplated with approbation, as eloquent commentaries, founded in the soundest sense and the closest logic. Contracts might be impaired; individual rights might be legislated away, from haste, from mere ignorance, or a worse cause. And it would be in vain for the citizen to seek, or to expect justice, from a dependent, interested, and intimidated judiciary. The theories of our Constitution might remain; but, in practice, its principles would be destroyed. The Judges of our Republic would not, as under the colonial establishment, be reduced to a subserviency to a foreign king; they would not be subjected to precisely the same kind of corrupting judicial dependence, so strongly denounced by the sages of the Revolution; but in principle, the subserviency to which they would be subjected, would be the same: and in practice, no less pernicious and absolutely hostile to the temper and spirit of our Constitution. Our Government would, in a short time, cease to be a Government of divisions, and restrictions of power; of checks and balances; and, losing every other feature, would become, at once, a Government consisting altogether of a House of Delegates elected annually.

But, there is not, nor there cannot be, any just foundation for these painful forebodings, these gloomy anticipations. The aberrations of the day are not proofs of the waywardness of the times; nor is the conduct of a house, characteristic of a branch of the General Assembly of the State. The people of Maryland are not unmindful of the principles of their fathers. There is a mass of integrity and sound sense among them which no “trustee of the

674 * public” can elude, or will dare openly to defy and insult. The people constitute that august American tribunal, in the last resort, before which every case may be brought, and whose final determination is altogether irresistible.