

ancestors in like cases," had recourse to precedent as well as to argument. In the English statute book they found the most unequivocal authority in favour of that *judicial independency*, to the benefits of which, they thus contended the colonists were fully entitled. By the famous English statute, passed in the year 1700, (13 *W. 3, c. 2,*) for the better securing the rights and liberties of the subject, it is enacted and declared in these words; "that judges' commissions be made *quamdiu se bene gesserint*, (during their good behaviour,) *and their salaries ascertained and established*; but upon the address of both Houses of Parliament, it may be lawful to remove them." (*h*)

(*h*) The Long Parliament, says the historian of the Commonwealth of England, deserves to be for ever held in grateful remembrance for the great improvements we derive from them in points most essential to the independence and freedom of man in society. Among which is that which relates to the tenure by which the judges, who are appointed to determine questions of law between man and man, and between the sovereign and the subject, hold their offices. One of the earliest decisions of that parliament was the vote condemning the judgment which had been given for the king in the matter of ship money. And shortly after, January 1643, the house of Lords appointed a committee to consider, among other things, of the judges holding their places *durante bene placito*. The next day they deputed seventeen of their body to present their humble desire to the king, that the twelve judges, and the attorney of the court of wards, might hold their places by patent, *quamdiu se bene gesserint*. They accordingly waited on Charles with their request; to which he signified his assent. Agreeably to this decision, in the petition of both houses of parliament presented to the king at Oxford, at the close of the first campaign of the civil war, they make it one of their demands, that the twelve persons whom they name for the office of judges, as well as all the judges of the same courts for the time to come, should hold their places by letters patent *quamdiu se bene gesserint*.—(*Godw. Com. Eng. b. 3, c. 29.*)

Immediately after the king had been put to death it was enacted by the Long Parliament, that the commissioners of the great seal should also hold their offices during good behaviour, (3 *Godw. Com. Eng. 11.*) But this important improvement as to the tenure by which the judges and chancellor were to hold their offices, was, on the restoration of Charles the second, entirely put aside, and nothing more said upon the subject until some time after the English revolution of 1688, when it was enacted by the statute of the 12 & 13 *W. 3, c. 2,* that the judges should hold their commissions during good behaviour; still however leaving the Chancellor to hold, as formerly, during pleasure.

In an opinion of the attorney and solicitor general D. Ryder, and W. Murray, given on the 22d of June 1753, to the commissioners of trade and plantations respecting an act passed by the General Assembly of Jamaica, providing, that all the judges of the supreme court of judicature of the island should hold their offices *quamdiu se bene gesserint*, they say, that "it directly affects the royal prerogative, in a point of great moment, and for which no occasion is pretended to be given, by the abuse of any power committed to the governor; or, if there had been any, it would be much more suitable to his majesty's honour and dignity, to reform it, by his own authority, fully sufficient for that purpose, in such manner, as to his royal wisdom should seem meet, than by the interposition of an act of Assembly; nor does it appear to