

Not quite two years after the meeting of the second Colonial Congress, the United States declared themselves independent; and, in their Declaration of Independence, among the wrongs they charge upon the British king, and as one of "the causes which impelled them to the separation," it is alleged, that "he has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries."

After all these ample discussions and close investigations of the rights of the people, and after the publication of all these solemn acts, the convention of Maryland was convened, in the month of August, 1776, to establish a form of government for the State. The great field of politics had been fearlessly and diligently

us, that in the situation, and circumstances, in which this island, or the other American plantations, stand, it would be advisable, either for the interests of the plantations themselves, or of Great Britain, that the judges in the former should hold their places *quamdiu se bene gesserint*."—(2 *Chal. Opin. Em. Law*, 105.)

"The next general point yet undetermined, (said Governor Pownall in 1768 in speaking of the colonial governments,) the determination of which very essentially imports the subordination and dependence of the colony governments on the government of the mother country, is, the manner of providing for the support of government, and for all the executive officers of the crown. The freedom and right efficiency of the constitution require, that the executive and *judicial* officers of government should be *independent of the legislative*; and more especially in popular governments, where the legislature itself is so much influenced by the humours and passions of the people; for if they do not, there will be neither justice nor equity in any of the courts of law, nor any efficient execution of the laws and orders of government in the magistracy; according, therefore, to the constitution of Great Britain, the crown has the appointment and payment of the several executive and judicial officers, and the legislature settles a permanent and fixed appointment for the support of government and the civil list in general. The crown therefore has, *a fortiori*, a right to require of the colonies, to whom, by its commission or charter, it gives the power of government, such permanent support appropriated to the offices, not the officers of government, that they may not depend upon the temporary and arbitrary will of the legislature."

And again he says, "the point then of this very important question comes to this issue, whether the inconveniences arising, and experienced by some instances of misapplications of appropriations, are a sufficient reason and ground for establishing a measure so directly contrary to the British constitution: and whether the inconveniences to be traced in the history of the colonies, through the votes and journals of their legislatures, in which the support of governors, judges, and officers of the crown will be found to have been withheld or reduced on occasions, where the assemblies have supposed that they have had reason to disapprove the nomination,—or the person, or his conduct;—whether, I say, these inconveniences have not been more detrimental, and injurious to government; and whether, instead of these colonies being dependent on, and governed under, the officers of the crown, the sceptre is not reversed, and the officers of the crown dependent on and governed by the Assemblies, as the colonists themselves allow, that this measure renders the governor and all other servants of the crown dependent on the Assembly."—(*Pown. Adm. Colo.* 76, 78; *Smith's His. N. York*, 118; 1 *Pitt. His.* 126; 7 *Mass. His. Soci.* 129.)