

explored in every direction; and the soundest and most approved political axioms were laid before that convention. It appears, that none of those principles and solemn acts, in which their fellow-citizens had taken a deep interest, were overlooked, or suffered to escape their attention—of which the following comparison will afford one, among the many proofs, that might be adduced.

In the Colonial Declaration of Rights of the 14th October, 1774, among other things, it was declared, “that the *respective* colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization; and which they have, by experience, *respectively* found to be applicable to their several local and other circumstances.” By the third article of the Declaration of Rights of this State, it is declared, “that the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances.”

This coincidence, of sense and language, could not have been merely accidental; it therefore proves, that those several antecedent declarations of the rights, and of the independence of the people of this country, were the sources whence many of the provisions of the Maryland Declaration of Rights were almost literally taken; that the complaints of the grievances, arising from a *dependent and subservient judiciary*, as expressed in the previous Declarations of 1765, of 1774, and of 1776, were then actually before the Maryland convention; and, that the *judicial independency*, spoken of in our constitution, was intended to be analogous to, but more perfect, than that specified in the English statute of 1700, which had become so well understood, and was so solemnly and generally approved. In a word, it is manifest, from all the public acts, discussions, and circumstances of those times, that the *thirtieth* article of our Declaration of Rights must be regarded as the condensed expression of those opinions and principles, relative to *judicial independency*, to establish and sustain which all united America fought, bled, and triumphed.

Such is the history of this provision of our Declaration of Rights, relative to *judicial independency*. Let us now attentively consider