

of Appeals should not be deprived of the judgment of two members in cases appealed. The Chancellor withdrew from sitting on appeals from the Chancery Court, until, by the middle of the century, it became a regular practice for him to do so. The Maryland Gazette of October 28, 1773, contains a broad criticism of a system in which,

the same gentlemen are members of the Upper House, Councillors, and judges in the Provincial Court and the Court of Appeals, and looks forward at a time when the judges of our supreme court hold their commissions during good behavior, and are declared incapable of holding any place from government but their judicial stations, the income of which to be liberal.

The Governor had complete control over the tenure of office of judges, all holding office at his pleasure, and they came by reason of that fact to be spoken of sometimes as "minions of power," or "satellites". About the middle of the eighteenth century, however, it became the practice to continue the judges indefinitely, so that they did in fact, though not by legal right, hold office during good behavior. And during Governor Sharpe's administration, 1753 to 1769, efforts were made to insure bringing to the bench the strongest men possible. In 1768, a bill was prepared in the lower House, upon the recommendation of a committee, providing a high salaried Provincial Court of a chief justice and two associate justices, but the bill seems to have been crowded out from full consideration during the years intervening before the Constitution of 1776.⁴⁷ During those

47. Archives, Proc. Assembly, May 30 to June 1, 1768. Mereness, 252.