

Act in any way touching upon, or exclusively embracing the subject was, by some unlucky mischance, huddled together at the close of the session, in a manner exceedingly unfriendly to calm deliberation and sound constitutional legislation upon a matter so vitally important.

These considerations, and the deep interest which the Chancellor has in having this great constitutional question fully determined, after the most mature deliberation, have induced him to embrace the earliest opportunity of laying before the General Assembly all those circumstances and arguments which might, in any manner, be likely to aid them in coming to a correct conclusion. The Chancellor is perfectly confident, that his case, so far as it respects himself only, will be heard and investigated with as much care, and as impartial a disposition to do him justice, as would be bestowed upon that of any other of the citizens of Maryland. But upon this occasion, from the peculiar and important nature of his case, he respectfully asks and hopes for more. He flatters himself, that every member of the General Assembly will bestow upon it that close attention which its important bearing upon the independency of the judiciary, upon the separation of the departments of government, and the great interests of the people so very strongly require. (b)

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(b) The injustice done to an individual is sometimes of service to the public. Facts are apt to alarm us more than the most dangerous principles, (*Junius Let. 41.*) The oppression of an obscure individual gave birth to the famous *habeas corpus* Act, 31 Car. 2, c. 2, which is frequently considered as another *magna charta*, (3 *Blac. Com.* 136.) In speaking of constitutional law, we, in this country, always refer to our written constitutions, or fundamental laws paramount to legislative Acts. This is a distinction which, as it has been truly said, is not likely to last long in States where the power of the Legislature, like that of the British Parliament, is omnipotent, (*Coop. Just.* 404.) In Maryland the great facility with which the Constitution may be altered gives to the General Assembly almost unlimited power in all respects; and particularly over the executive and judicial departments of the government; and produces too general an indifference to the existing provisions of the Constitution.

In the Virginia Convention of 1829, it was moved, that a clause should be inserted in the new Constitution providing "a mode in which future amendments shall be made therein," upon which John Randolph, among other things, said,

"I do not know a greater calamity that can happen to any nation, than having the foundations of its government unsettled. It would seem as if we were endeavoring to corrupt the people at the fountain head. Sir, the great opprobrium of popular government, is its instability. It was this which made the people of our Anglo-Saxon stock cling with such pertinacity to an independent judiciary, as the only means they could find to resist this vice of popular government. By such a provision as this, we are now inviting, and in a manner prompting the people, to be dissatisfied with their government. Sir, there is no need of this. Dissatisfaction will come soon enough. I foretell, and with a confidence surpassed by none I ever felt on any occa-