

either the Senate or the House of Representatives, might, at once, stop the salary of all the judges, or of any one of them, by refusing their assent to the whole or any part of that annual appropriation. And, consequently, all or any of those judges, might thus, by the negative of one branch, be deprived of his salary. The *appropriation*, for the payment of the chancellor's salary, under the act of 1798, had been made or renewed from time to time for twenty-four years previous to its being stopped by the sole negative of the House of Delegates, on the 26th day of February last. Is there any thing to prevent that from being done by one branch of the legislature of the Union, which has, thus, actually been done by one branch of the General Assembly of Maryland? It is impossible to draw a distinction between these two cases of the federal judges, and the State chancellor. They are exactly parallel and strongly illustrative of each other. Both of them, alike, conclusively show, that it is no less unconstitutional to withhold, or to diminish a judicial salary, by suffering a law to expire, than by an absolute and direct repeal of a legislative act. If the treasurer of Maryland conceives, as it appears he does, that the *appropriation* for the payment of the chancellor's salary, made by the act of 1798, has been discontinued, or suffered to expire; the two branches, and every member of the General Assembly are constitutionally bound to revive and renew the *appropriation* for that purpose, in some form or other.

There is, as we have seen, nothing to be found recorded in the votes and proceedings of the last session, which show, that it was the understanding and belief of either branch of the Assembly, that the act of 1792 was a permanent act, one which could not be constitutionally repealed, during the continuance of the chancellor's commission; and, that the act of 1798 was altogether temporary in its character, and might therefore be suffered to expire. But, let it be conceded, that such was the understanding of the Delegates. If this position is correctly understood, it amounts to no more than this: Where a salary is given to the chancellor by a law, which is not limited in duration, it cannot be constitutionally *repealed* for the purpose of diminishing that salary. If this be the position claimed by the Delegates, every

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the several judges shall commence from their respective appointments, and be paid at the treasury quarterly; and the act of the 14th of March 1794, ch. 6, which declares, that there be appropriated for the compensations granted by law to the chief justice, associate judges, district judges, and attorney general, forty-three thousand two hundred dollars.