

626 *after having conveyed an adequate idea of what should be the amount of the salary; and having imperatively directed that it shall be provided; and when provided, that it shall be secured; and then, to remove ambiguity, having designated the duration of that security; it would seem, that nothing was left for implication; and consequently, that nothing further was necessary to be said upon the subject. But, had the clause stopped at that point, it might have been asked, In what manner shall provision be made for the payment of this salary? Under the government just then abolished, judicial salaries were provided for in various ways. Sometimes “in such manner and at such time” as the Lord Proprietary; as the King; as the Parliament; as the Colonial Legislature, or as one of the branches of the Colonial Legislature thought proper to direct; and that too, in most instances, without the least “consideration of the circumstances of the State.”

But, this last provision has removed even this doubt, by expressly investing the Legislature with the power to create, or to set apart any particular fund, and to make appropriations, in such manner as *they may think proper, for the payment of this **627** peculiarly and clearly defined salary of a Chancellor or Judge. But, the amount of the salary being once designated by the General Assembly, whether by law, resolution, or in any other legislative way, that amount, so designated, is, by this Article of the Declaration of Rights, secured during the continuance of the commission; and nothing remains at the discretion of the Legislature but the mode of making provision for its payment.

If the correctness and utility of provisions, such as these, concerning judicial salaries, could be supposed to stand in need of any testimonials in their favor from actual practice; or, if their perspicuity could be made more clear by illustrative examples, the

Province, but under the Lord Proprietary's “hand and greater seal at arms,” like that of the commission to the Governor.—(*Coun. Pro. lib. N. folio 45.*)

The Chancellor of Maryland, therefore, cannot, according to the provisions of the form of Government of the State, be constituted by letters patent or a public commission in like manner as the other judicial officers of the State are constituted. But, when the office of Chancellor becomes vacant, the great seal is taken into custody and kept by the Governor; and when a person is appointed to fill the vacant office, he is constituted Chancellor by having his appointment recorded in the council proceedings, (*Const. Art. 26:*) and by having the prescribed oaths of office administered to him, by the Governor, at the time of delivering to him the great seal of the State, (February, 1777, ch. 5, s. 2; Votes & Pro. H. Del. 14th March, 1777.) The Chancellor's holding of a commission, therefore, must necessarily consist merely in the holding of the great seal under the authority of his appointment as recorded in the council proceedings; and thus, in this respect, and in point of form at least, it differs from all other commissions spoken of in the Constitution.