

operation. The present subject necessarily carries our investigations no further than to the judiciary; and to but one single question relative to that department; that is, when and how those judicial salaries were ascertained and settled, which are required by the Declaration of Rights to be secured to the Chancellor and to the Judges during the continuance of their commissions.

A salary is a compensation for services rendered; it is the periodical payment of a certain value, in money, for work and labor done. The provision of the Declaration of Rights, which commands the Legislature to secure to the Chancellor and Judges their salaries, must have been predicated upon the capacity of the State to effect the security required. If no revenue could be raised, in money, no salary could be paid in money. And, if the money, **631** \* or the circulating medium of the country had no value; or a value continually fluctuating, and which it was impossible to ascertain, it would be impossible to fix and secure a salary of any value to any officer; since there was not any such money or standard by means of which any amount in value could be ascertained and secured. These propositions are self-evident.

The salaries of the Chancellor and Judges were not secured, as required by the Declaration of Rights, until the year 1785. The causes of their not being so constitutionally secured, before that period, were the fluctuation and depreciation of the circulating medium of the country; the actual poverty of the State; and the very greatly embarrassed condition of its finances. These facts shall be established; and it will then be shown, that the General Assembly, themselves, referred to those circumstances as the foundation of their reasons for not securing the salaries of the Chancellor and Judges, as they were required to do by Declaration of Rights.

During the first nine years of the Republic the salaries of the Chancellor and Judges were, none of them, ascertained and secured, according to the Declaration of Rights. They were all, alike, settled by annual appropriations, given at the pleasure of the Legislature; at first, by mere resolutions; and then by the bill for the payment of the civil list; and their amount varied according to the opinions of the Legislature, and the circumstances of the State. In the year 1777, soon after a Chancellor was appointed, it was directed, that a yearly salary should be paid to him at the rate of three hundred pounds current money. For the year 1778 he was to receive a yearly salary of seven hundred and fifty pounds common money. It was declared, that for the year 1779 he should be allowed twelve hundred and fifty pounds. For the year 1780 it was determined, that a salary of twelve thousand five hundred pounds per annum should be allowed the Chancellor. For the year 1781 his salary was fixed at six hundred pounds, to be