

the people, is likely to continue, and even to be increased by a heavy accumulating interest upon a large debt, for which no funds are yet provided, and our quota of the continental debt and interest remains also unprovided for, the strictest economy in all our affairs is certainly become necessary; we therefore think that the salaries of the gentlemen of the council might be lowered to three hundred pounds each, the auditor-general three hundred and fifty pounds, and his deputy one hundred and fifty pounds; and the clerk of the council two hundred pounds; the treasurer's office, we are of opinion, may well be executed for six hundred pounds to the principal, out of which he might employ assistant clerks.

“We have another objection to the bill, more weighty than that already mentioned. The independency of the Judges is essential to the impartial dispensation of justice; this principle cannot be questioned, and is recognized by the Declaration of Rights; for, in pursuance of the principle that Declaration provides, ‘that salaries liberal, but not profuse, ought to be secured to the Chancellor and Judges during the continuance of their commission.’ Their salaries have hitherto been settled annually by the civil list bill; and consequently cannot be said to be secured to them during the continuance of their commissions.—It may not be improper to settle annually the salaries of officers annually chosen; nothing at least in our Constitution expressly militates against an annual regulation of the salaries of such officers; but an annual regulation of the Judges' salaries, is repugnant, as we conceive, to the letter and spirit of the Constitution, which meant that they should really be independent, and superior to every undue influence. In our judgment, *no influence over them would be more dangerous than that of the Legislature, arising from the hope of increas- **639** ing, or the apprehension of decreasing salaries; an influence of this kind would have a tendency to introduce the greatest evil in government, an accumulation and union in the same persons, of the legislative and judicial powers, so wisely and expressly proscribed by our Constitution.

“The perplexities and confusion of the times may apologize in some degree, for past inadvertency; for we are convinced, a deliberate violation of the Declaration of Rights was never intended by the Legislature in any point, much less in one so essential. However, as the enemy hath some time since changed an offensive into a defensive war on this continent, as now a regular and effectual administration of law and justice hath taken place amongst us, it is become the duty of the General Assembly to establish permanent salaries, and to secure a punctual and full payment of them to the Judges.

“We therefore deem it both expedient and necessary that a bill, distinct from the civil list bill, should originate in your House for that purpose; such a bill will meet with our ready concurrence;