

and Judges ought to be secured, and that the Legislature could not constitutionally diminish or withhold them at pleasure. But the Delegates, it seems, could not be persuaded, that the State then had it in its power, or could raise the funds to secure those salaries as required by the Constitution. These messages need no comment. Yet it will be well to recollect, that some of those, who approved those messages, had been themselves distinguished members of that Convention which framed the Constitution.

At the November Session of 1783, this subject was again taken up, and a committee appointed by the House of Delegates, "to consider what arrangements might be necessary and proper with regard to the civil establishment;" who reported, "that the Chancellor, the Judges, and other officers on the civil establishment holding commissions during good behavior, ought to be rendered independent by having salaries annexed to continue during their continuance in office," which report was concurred with. In consequence *of which the same committee made a further report to the House, specifying sundry articles as being, in **641** their opinion, "proper objects of taxation for establishing permanent funds, for the payment of moneys that become due on the civil list." But on the second reading of this report, the laying of taxes on the proceedings in Courts of law and equity, which was considered as the most productive of the ways and means for raising the proposed fund, was rejected; and the aggregate of the residue not being sufficient for the payment of the civil list, the whole project failed. Hence, owing solely to the declared inability to provide funds, the judicial salaries were again settled for the current year and no longer.

At the next session leave was given, in the House of Delegates, to bring in a bill to establish a permanent fund for the payment of salaries to the Chancellor and Judges, during the continuance of their commissions; and a bill was accordingly reported to the House; but it seems to have been virtually superseded or negatived by the civil list bill, in which, as reported, the salaries of the Chancellor and Judges were to have been secured to them, "during the continuance of their commissions;" but, those words were stricken out on the second reading, by a majority of only one vote, and the bill was thus passed, bestowing the judicial salaries "for the current year only." At this session the propriety of giving to judicial salaries the requisite constitutional security had been introduced and pressed upon the attention of the General Assembly by the intendent of the revenue in the conclusion of his report, in which he says, "Permit an old servant to recommend to your most serious consideration, the increasing of the Chancellor's and the Judges of the General Court's salaries. The present allowance will not support them, whilst provisions and other necessaries continue at their present prices. Your lives, liberties and properties,