

644 * we wish you to return us the bills, that we may determine on them."

To this message from the Senate, the Delegates on the 23d of the same month made the following reply: "May it please your honours—This house have considered your message of the 19th instant, by James Lloyd, Esquire. We are very desirous of making a liberal provision for the Governor, the Chancellor, and the Judges; and wish the circumstances of our people would justify this House in acceding to the salaries proposed by the Senate. If time will permit, we shall attempt to provide particular funds, to secure the payment of the salaries established by our bill. It will always be in the power, as it will certainly be in the inclination of the Legislature, to make such alterations in the present salaries, as the ability of government will permit.

"As the Chancellor must necessarily have great trouble, from the number of disputes relative to the grants of lands, we are willing to make him compensation; and to add a clause to the bill for the civil list, allowing him the sum of——for the next year.

"This House will consent to limit the number of Judges in the Court of Appeals; and that when any vacancy may happen, the number shall not exceed three, until the abilities of the State will justify an increase of the establishment."

Soon after the sending of the last of these messages, on the 7th of February, 1786, the Act of 1785, ch. 27, received the assent of both Houses, and became a law. This is the first legislative act which secured to the Chancellor and Judges their salaries during the continuance of their commissions.

This review, which we have taken of the first nine years of the Republic, shows, that during the whole of that time, that provision of the thirtieth Article of the Declaration of Rights, which requires the Legislature to secure to the Chancellor and Judges their salaries during the continuance of their commissions, was waived. But the reason why it was so left dormant and inoperative, is most satisfactorily shown. The causes were imperative and uncontrollable; they amounted almost to a physical impossibility to give effect to that provision of the Declaration of Rights. Such causes have, at various times, been held to be an allowable excuse, for the widest departures from some of the most important provisions of the Constitution. Thus, in the year 1780, when this State was imminently threatened with being made the immediate seat of war, the Governor was invested with the dangerous power of **645** seizing any * persons he suspected of treachery to the country, and of having them tried and executed according to martial law. Nothing could justify, but the times seemed to excuse the measure. (*q*)

(*q*) June, 1781, ch. 12, and November, 1781, ch. 5, notes Hanson's Laws of Maryland. It seems that Maryland was not singular in thus leaving her