

manifest and necessary consequence of its being secured, is, that the amount, once specified, may be increased, but cannot be diminished. A salary, being a particular amount or sum of money, to be secured, must be so in every part and for the whole:—It must be preserved entire, without the least subtraction or diminution; otherwise, it cannot, in any sense, be said to be secured. But, a salary may be increased indefinitely; because no addition can, in any way, impair the security of any amount which had been previously given. Let us illustrate this by example.

The Legislature, in 1785, secured to the Chancellor a salary of six hundred and fifty pounds, and, in 1792, they increased his salary to nine hundred and fifty pounds, which they, in like manner, secured to him. Now, it is obvious, that the addition of the three hundred pounds necessarily left the security of the six hundred and fifty pounds, which had been previously given, wholly unimpaired; that salary was still, in every sense, secure; since it is certain, that the greater always includes the less. But suppose the salary given, in 1785, had been nine hundred and fifty pounds; and, in 1792, it had been reduced to six hundred and fifty; it is manifest, that such a reduction would have been a violation of the security of the salary of nine hundred and fifty pounds. Hence it is clear, that the Legislature are under a constitutional obligation to give a salary; that it is perfectly discretionary with them to determine, in the first instance; or, while the judicial office is vacant; or, when it shall become so; what shall be the amount of the salary; and, that when they have determined the amount, they cannot render it insecure by withholding it altogether, or in any manner diminishing its value. The legislative discretion over the amount of the Chancellor's salary is, thus, partially restricted and controlled. The * Assembly may fix it, at any amount; **656** but, when fixed, although it may be increased; it cannot be, in any manner, diminished, to the prejudice of any Chancellor, during the continuance of his commission.

This restriction, as to duration, which prevents the diminution of judicial salaries, if it were indefinite, might possibly, become the means of accumulating the most serious burthens upon the State. But, it is not indefinite; it has been expressly limited to the period during which the officer holds his commission; which is, in effect and at most, no more than during the short period of the latter years of the life of a single individual. It is declared, that the salary of the Chancellor shall be secured to him during the continuance of his commission. This restriction, upon the legislative authority, in this particular, is complete, absolute, and entire. No mere legislative Act can either invigorate or enfeeble the force of this, or any other constitutional provision. The recital of the thirtieth Article of the Declaration of Rights as in the Act of 1785, ch. 27, may be considered as a declaration, that the Legisla-