

ture then acted in special obedience to the command of that Article; but, it neither adds to, nor subtracts any thing from its force. It is the Article, not the Act, which binds every future Legislature. The whole force of the restriction, upon the discretionary power of the General Assembly, in this particular, arises from the operation of the constitutional provision; not from any thing that can be said in a mere legislative Act. It is very clear, therefore, that whatever expressions are to be found in any of the Acts, relative to the duration of the Chancellor's salary, are mere surplusage. Those laws are, so far, a mere dead letter; if they conform to the Constitution, it is well; if not, they are absolutely void.

The third and last point relates to the appropriation or provision for the payment of judicial salaries. As to this, there are no two ideas more clear, or more easily understood than the contracting of a debt, and the making provision for its payment. This distinction, as regards the public, between the obligation by which a debt is secured; and the appropriation to pay it, is a practical one, which has been, from the very beginning, interwoven with all our fiscal concerns. During our Revolution, the General Assembly were, in many instances, negligent of their appropriations, and made them too general and vague; but, at the close of the war, they were reminded of the importance of * having them distinct and specific, by the Intendent of the Revenue, who **657** said to them, in his report of the 14th of May, 1783, to the House of Delegates, that "as peace is now established, he begs leave humbly to suggest the propriety of appropriating all moneys in such manner, that the application and payment thereof cannot be mistaken by the treasurer." And, profiting by this intimation, the Legislature, in one of their Acts of that session, say, that "it is of singular consequence, that all and every appropriation should be executed agreeably to the order and intent of the General Assembly; and that the Assembly should be enabled, at each session, to judge of the state of said appropriations," &c. A multitude of instances might be adduced, from our statute book, of specific appropriations of particular funds, and of designated portions of the public moneys being applied to the payment of particular debts. The warm party controversies about specific appropriations, under the Federal Government, which once pervaded the Union, is within the recollection of every one.

But, as this distinction, between the contract, and the appropriation, has an important bearing upon the subject now under consideration; it is of "singular consequence," that it should be exemplified, illustrated, and fully understood, as regards judicial salaries. The General Assembly of November, 1785, secured the Chancellor's salary, according to the Declaration of Rights, during the continuance of his commission. And, in the before recited message of the Delegates to the Senate, of the 23rd of January of