

that session, they say, "If time will permit, we shall attempt to provide particular funds to secure the payment of the salaries established by our bill;" that is, by the Act of 1785, ch. 27. It appears, that after that bill became a law, which was on the 7th of February, 1786, "leave was given to bring in a bill to provide, and appropriate a permanent fund for the payment of the salaries to the Chancellor and Judges." But, it seems, as had been expected, there was not time, during that session, to provide a fund, as was proposed; and the subject was not called up again. By the third section of the Act of 1785, ch. 27, it was declared, that the salaries of the Chancellor and Judges should be paid "out of the surplus raised every year, until the General Assembly shall make other provision for payment." Thus, the constitutional obligation to pay the Chancellor his salary, during the continuance of his commission, is, most clearly and distinctly, recognized by the Acts of that session; and yet, the same enlightened legislators, no less \* clearly and distinctly, claim, recognize, and reserve  
**658** to the General Assembly a complete discretionary power over the appropriation, the mode of making provision for payment.

By the Act of 1792, ch. 76, it is declared, that the Chancellor's salary shall be paid to him "during the continuance of his commission." And, by the third section of the same Act, it is declared, that to "secure the punctual payment of said salary," certain taxes on proceedings in Chancery and in the land office should be levied and collected; and, if they should not bring into the treasury a sufficiency, "the deficiency should be made up out of any moneys in the treasury arising, or to arise from the sale of vacant lands." And then, by the fifth section, it is declared, that "the said taxes shall be collected and paid for five years after the end of the present Session of Assembly, and no longer." This, then, is a clear instance of the express constitutional continuance of the salary, and the actual limitation of the fund, out of which it was to be paid; of a salary given during the continuance of the commission, and of a temporary appropriation for its payment. (s)

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(s) This distinction between the duration of a Judge's salary and an appropriation for its payment, is also strikingly exemplified by the last Act of Parliament passed in the year 1760, (1 Geo. 3, c. 23,) in relation to the commissions and salaries of the English Judges: by which, after reciting, that the King had declared, that he looked upon the independency and uprightness of Judges as essential to the impartial administration of justice, as one of the best securities to the rights and liberties of his subjects, and as most conducive to the honor of his Crown; it was enacted, that the commissions of Judges should continue in full force during their good behavior notwithstanding the demise of the King; provided that it should be lawful for the King to remove any Judge upon the address of both houses of Parliament: And that such salaries as were settled upon Judges by Act of Parliament, and also such as should be granted to them by the King should be paid to