

ment of the sum specified by either of those Acts as the amount of the Chancellor's salary.

But, it may be said, that this discretionary power, as to appropriations for the payment of judicial salaries, virtually gives to the Legislature a control over the whole subject. To a certain degree, this must be admitted. Legislatures are under an imperfect, not a perfect obligation to make appropriations for the payment of such salaries; or in other words, they are morally and religiously obliged to obey the Constitution. They are morally bound by their duty to their country; and they are religiously bound by their promissory oaths, which they take before they can be submitted to their seats. But, the obligation, thus imposed upon them, is not a perfect one; because, they cannot be personally coerced by any superior power, as by a Court of justice, to comply with that obligation. Legislators, who violate the Constitution, may incur the displeasure of the people; they may feel their moral dignity somewhat lessened and disturbed; and they may have some very annoying and compunctious visitings of conscience. But the force of the imperfect obligation, \*imposed upon them, will end there. The injured citizen may complain, but he can do more than com- **668**  
plain; he will be without redress.

The salary claimed by the present Chancellor is a debt due to him from the State. The law of 1798 has ascertained its amount, and the Declaration of Rights has declared it shall be secured to him; and further, that it shall be secured to him during the continuance of his commission. It is a debt due to him from the State, and continually growing due to him, during that period of time—and the State is as much bound to pay that debt, in one form or other, as it can be bound to pay any debt whatever. The State cannot now be sued; nor could its property, like that of a tardy or a fraudulent debtor, at any time be taken and sold to pay its debts. The Legislature have the strength, the physical power to disregard the Constitution; to wrong an individual; to refuse to appropriate money to pay a debt; to refuse to make provision for the payment of a salary. But to do so is contrary to, and a violation of their moral, their religious, and their constitutional obligation.

Each legislator has, like every other citizen, a deep interest in the preservation of the Constitution in all its perfection and integrity. Institutions, that ceases to command respect, are soon treated with contempt, and become exposed to the assaults of every rude intruder—one violation sanctions another; and every breach, however small, weakens the political edifice; one constitutional pillar after another may be loosened from its base until all are tumbled into ruins. That which is now the case of the Chancellor may soon become the case of every Judge in the State. From one department ruin may be visited upon another, until all the divi-