

sions of the government are removed, and every check and balance, intended to guard and protect the rights of persons and of property, against the wayward and inordinate passions and designs of the few, shall be wholly destroyed.

The House of Delegates are the peculiar guardians of the treasury of the State. They alone appoint the treasurer, who holds his office at their pleasure. Hence it is obvious, that any person or officer, whom they may order their treasurer not to pay, will not be paid; no matter who he may be, or what may be the merits of his claim. In such case, the Delegates need not resort to any expedient or indirect movement to attain their object. It is only necessary, that they should boldly and firmly give the order: and, if their treasurer hesitates, the same majority who gave the order,

**669** can at once remove him and appoint a more subservient \* officer. (u) If a House of Delegates, capriciously, and without any just cause, were to refuse to make the necessary appropriation for the payment of the salary of the Chancellor or a Judge; the neglect, or the wrong might be corrected in the course of one year, or by the next election; but if the Senate, at the commencement of their term, were in like manner, to refuse their assent to the making, renewing, or continuing a provision for the payment of a judicial salary; the officer must either resign or remain unpaid

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(u) "The executive, in our Governments (said Mr. Jefferson in March, 1789,) is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the Legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in its turn; but it will be at a remote period. I know there are some among us, who would now establish a monarchy. But they are inconsiderable in number and weight of character. The rising race are all republicans."—(2 *Jeff. Cor. Lett.* 191; *Coop. Just.* 438.)

By the Act of 1824, ch. 125, the treasurer of the Western Shore was authorized to pay over annually to the managers of the Washington Monument Lottery, all the surplus that should be received from the State lotteries over and above the net sum of twelve thousand dollars, until the debts then due should be paid and the monument completed; provided that the managers should relinquish their right to draw any lottery under the authority previously granted to them. The relinquishment was accordingly made as required. After which the propriety of continuing this adjustment or contract with the managers being under the consideration of the General Assembly, and before they had come to any determination upon the subject, the House of Delegates alone, passed the following order:

"Ordered, That the treasurer of the Western Shore be and he hereby is required to withhold payment under the Act of December Session, 1824, chapter 125, during the continuance of the present session of Assembly."—(*Jour. House Del.* 8th February, 1827.)

But perhaps not feeling altogether confident of the propriety of this order, on the next day a joint resolution in the same words was passed and sent to the Senate for their assent. The matter seems to have been afterwards adjusted, for nothing further appears to have been done in this way.