

for five years, before it would be in the power, even of the people, to correct a procedure.

All the Judges under the Federal Government are precisely in the same predicament, in relation to Congress, that the Chancellor of Maryland is, in relation to the General Assembly of the State, under the Act of 1798. None of the various Acts of Congress, which ascertain and fix the salaries of the Judges of the United States, in the Acts themselves, make any appropriation of money for the payment of those salaries. The appropriation, for that purpose, is always made by separate laws; and is uniformly included, as one of the distinct items, in the annual appropriation Acts passed by Congress.^(v) Hence, * either the Senate or **670** the House of Representatives, might, at once, stop the salary of all the Judges, or of any one of them, by refusing their assent to the whole or any part of that annual appropriation. And, consequently, all or any of those Judges, might thus, by the negative of one branch, be deprived of his salary. The appropriation, for the payment of the Chancellor's salary, under the Act of 1798, had been made or renewed from time to time for twenty-four years previous to its being stopped by the sole negative of the House of Delegates, on the 26th day of February last. Is there anything to prevent that from being done by one branch of the Legislature of the Union, which has, thus, actually been done by one branch of the General Assembly of Maryland? It is impossible to draw a distinction between these two cases of the Federal Judges, and the State Chancellor. They are exactly parallel and strongly illustrative of each other. Both of them, alike, conclusively show, that it is no less unconstitutional to withhold, or to diminish a judicial salary, by suffering a law to expire, than by an absolute and direct repeal of a legislative Act. If the Treasurer of Maryland conceives, as it appears he does, that the appropriation for the payment of the Chancellor's salary, made by the Act of 1798, has been discontinued, or suffered to expire; the two branches, and every member of the General Assembly are constitutionally bound to revive and renew the appropriation for that purpose, in some form or other.

There is, as we have seen, nothing to be found recorded in the votes and proceedings of the last session, which show, that it was

(v) Take for example the Act of Congress of the 23d September, 1789, ch. 18, which, without any reference to the Constitution or to the continuance of the judicial salaries, merely declares, after specifying the amount to each, that the allowance to the several Judges shall commence from their respective appointments, and be paid at the treasury quarterly; and the Act of the 14th of March, 1794, ch. 6, which declares, that there be appropriated for the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney-General, forty-three thousand two hundred dollars.