

sion. This, the Constitution has declared, shall not be directly and purposely done by the General Assembly; and surely, what is prohibited, and, therefore, cannot be directly done, can never be accomplished by any contrivance or indirect movement; and it would be hopeless to attempt to maintain, that what cannot be \* constitutionally effected by the whole General Assembly, may nevertheless be fairly brought about by either the **672** Senate, or the House of Delegates alone.

There is a consistency and a harmony in our Constitution, which can, in no respect, be disturbed without being productive of some pernicious consequences. The several parts, and the whole together, have been, and are still further susceptible of being amended, improved, and re-invigorated; but, the collision of one part against another, has never failed to be attended with the most serious mischief. The breaking of a single chord produces the harshest dissonance throughout. The Declaration of Rights declares, "that the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other." This division and separation is the peculiar characteristic and great excellence of our Government. It is the grand bulwark of all our rights, and every citizen has the deepest interest in its most sacred preservation. Each of these several departments should be kept, and should feel it to be its highest honor, to keep strictly within the constitutional boundaries assigned to it. The Legislature should not encroach upon the judiciary, nor upon the Executive; nor should either of those departments trench upon each other, or upon the legislative.

Commissions during good behavior, and salaries secured during the continuance of those commissions, constitute that strong well marked boundary between the judiciary and the other two departments. Thus founded and sustained, the Judges are, and can be—and without it they cannot be—a firm, efficient, co-ordinate check and balance in the government. It is this independency of character, that enables the judiciary to shield the citizen against unconstitutional legislation; and against unwarranted wrong and violence from the wealthy and the influential.

But, it would be a mockery to expect of Judges who are dependent upon legislators for their continuance in office, perhaps for their bread, a firmness and independency necessary for such purposes. No Judge, thus dependent, would have the boldness to thwart a House of Delegates in their most ill-advised and wanton sports with the Constitution. The sage declaration of the patriots of 1776, "That all persons invested with the legislative or executive powers of government are the trustees of the public, and as such accountable for their conduct," would be smothered or forgotten. The Senators would not dare to consider themselves as a