

76, would not follow, as a necessary consequence, even according to the common law, much less according to the Constitution.

Twelfth, That the appropriation or provision for the payment of the Chancellor's salary, made by the Act of 1792, ch. 76, having been repealed by a perpetual law, even if all other parts of it were permitted virtually to revive, no salary could be now paid to the Chancellor under it.

Thirteenth, That the Legislature are under a moral, a religious, and a constitutional obligation to make a regular appropriation, either general or special, for the payment of the Chancellor's salary, as designated by the Act of 1798, ch. 86.

Fourteenth, That the harmony of the Constitution would be destroyed by withholding or diminishing the Chancellor's salary; the three departments brought into collision; and the Delegates would finally become triumphant over all.

Fifteenth, That the appointing power might be virtually annihilated by this mode of withholding or diminishing the salary of the Chancellor or a Judge.

From all which, it clearly follows, that the present Chancellor was, and is now, constitutionally and legally entitled to ask, demand, and receive of the State of Maryland, a salary of twelve hundred and seventy-five pounds, current money, during the continuance of his commission.

Under this firm conviction, after the sixteenth day of May last, when the first quarter of his salary became due, after the end of the last session of the General Assembly, the Chancellor drew a draft for eight hundred and fifty dollars, the amount thereof, on the treasurer of the Western Shore, in favor of the cashier of the \* Farmers Bank of Maryland, in the same manner in which **677** he had obtained payment of the previous quarter of his salary. This draft the treasurer refused to pay; giving for answer, that "as the General Assembly, at its last session, refused to continue the law of 1798, or the Act of 1797, which gave to the Chancellor an increase of salary, I am not authorized to pay this order; or, on account of his salary, more than is allowed by the Act of 1792, to wit,—at the rate of £950 per annum." From which it appears, that the treasurer either construed the law for himself, or followed that which he supposed to be the construction given to the law and the Constitution by the House of Delegates. After the 16th day of August last, the Chancellor drew another draft, in the same manner, for the payment of the quarter of his salary, which became due on that day, which was in like manner rejected. And after the 16th day of November last, the Chancellor had a third draft presented to the treasurer for a third quarter of his salary, which had then become due, the payment of which was refused in the same manner, and for the same reasons.