

THE CHANCELLOR'S CASE.

The circumstances and causes which led to the adoption of the thirtieth article of the Declaration of Rights relative to judicial independency. The manner in which the several provisions of that article were introduced and established.

A salary once given to, or which has become legally vested in a Chancellor or judge cannot, during the continuance of his commission, be in any way constitutionally withheld or diminished.

The General Assembly are constitutionally bound to give a salary to a Chancellor or Judge, which shall be secured to him during the continuance of his commission; but they may, by temporary appropriations, or in any other form, provide for the payment of such a salary.

This was a controversy which originated between the House of Delegates and the Senate, at the December session 1824, of the General Assembly of Maryland, respecting the salary of the Chancellor. No charge or imputation, of any kind whatever, was made, by either house, against the Chancellor; nor does it appear, that any complaint had been made, to either house, against him, by any one; except that contained in a petition presented by *Hugh Thompson* to the Senate without any previous application to the Chancellor, praying to be permitted to appeal from an order which had been passed by the Chancellor on the 12th of February 1825, in the case of *McKim v. Thompson*. Although the Chancellor was not, in any way, directly made a party to this controversy between the then two houses of the General Assembly; or notified by either house of its existence; yet as his interests were deeply involved, he was thereby virtually made a party; and therefore, at the next session of the General Assembly, he claimed the right to appear, to defend his interests and to maintain his constitutional independency. Accordingly he presented the following memorial, and on the third day after the commencement of the session furnished each member with a printed copy thereof.

By a note to the case of *McKim v. Thompson*, (*ante*, 171,) the reader has been referred to this case. The mere principles of law involved in that case can have no bearing upon this. In those respects the two cases can have no sort of connexion with each other. But on an attentive consideration of the various movements in the December session of 1824, of the General Assembly, as carefully stated in the following memorial, it cannot fail to be perceived, that, for some time previous to the passing of the order of the 12th of February 1825, in the case of *McKim v. Thompson*,