

they may think proper, for the payment of this peculiarly and clearly defined salary of a chancellor or a judge. But, the *amount* of the salary being once designated by the General Assembly, whether by law, resolution, or in any other legislative way, that *amount*, so designated, is, by this article of the Declaration of Rights, secured during the continuance of the commission; and nothing remains at the discretion of the legislature but the mode of making provision for its payment.

If the correctness and utility of provisions, such as these, concerning judicial salaries, could be supposed to stand in need of any testimonials in their favour from actual practice; or, if their perspicuity could be made more clear by illustrative examples, the immediately antecedent occurrences in our own country would furnish the most ample exposition of their bearing and tendency; and the most unanswerable proofs of their utility and value. The colonial Congress of 1774, that most illustrious body of men, deliberately and solemnly declared to their then king, that in the colonial courts of admiralty justice had been perverted, *because* the judges were "empowered to receive their salaries and fees from the effects condemned by themselves;" and they further declared, that the administration of justice, in the colonial courts of common law, was no less partial and impure, *because* the judges of those courts had been "*made entirely dependent on one part of the legislature for their salaries*, as well as for the duration of their commissions." And, among the causes which impelled us to the separation from the mother country, it is charged, that the king had made the judges dependent on his will alone for "*the amount and payment of their salaries.*"

These are some of the great lessons of our revolution. They were among the axioms deemed unquestionable in those times. It had been sorely and deeply impressed upon the minds of all the people of America, that a *dependent* judge was the fit instrument of an oppressor; that an *independent* judge was a proper and necessary guardian of a freeman's rights; that judges, like other men, were frail, and always found to be entirely subservient to those on whom they were dependent for their salaries, and their bread; and that wise and salutary laws were a mockery, without *firm* and *impartial* judges to administer them.

Having thus traced the origin, history, and nature of the security of judicial salaries; and having carefully considered that article of the Declaration of Rights in which their security is particularly