

During the whole of this distressing period, and under every aspect and change of circumstances, the legislators of the Republic appear to have been actuated by a strong sense of justice, and a firm determination to compensate every one for his services to the full extent of their worth, and of the ability of the State to pay. But while they were thus making every possible effort to render to every individual his due, and to comply with the provisions of that constitution which they had just adopted, and had declared should be sacred; they felt the necessity of having it distinctly understood, that it was not their intention, directly, or indirectly, to plight the faith of the State for the payment of any salary which might burthen and embarrass its finances after the return of peace. Accordingly, when they fixed the salaries of all officers upon the high *nominal* scale of the year 1780; and the chancellor's salary, as we have seen, was fixed at *twelve thousand five hundred pounds*; the General Assembly resolved: "That whatever salaries may be given to the officers of the civil list, in continental currency, shall be subject to the control of the General Assembly, and shall stand no longer than till the further order of the said General Assembly."(r)

It may then be safely assumed, as a fact incontrovertibly established, by the acts of the government, and the history of the times, that, whatever may have been the intentions or the wishes of the General Assembly, during the first nine years of the Republic, it was utterly impracticable, within that time, to comply with that provision of the Declaration of Rights, which requires the legislature to *secure* to the chancellor a salary during the continuance of his commission. But, however strongly and clearly this may be deduced from the facts and circumstances of those times; yet, if it rested on *deduction* only, and there were, in all that period, no express declarations of the wishes, understanding, and intention of the legislature to be met with, there might, perhaps, be found, somewhere, room to urge a cavil, or to press an inference, that the Declaration of Rights had been construed to allow the legislature a discretionary power over judicial salaries; that it allowed them to temporize, and to diminish at pleasure, the salaries of the chancellor and judges. But the public acts, the repeated solemn messages, and the unequivocal language of the two branches of the General Assembly, have absolutely and positively precluded every doubt and cavil upon the subject.

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(r) Votes & Pro. H. Del. 24th December, 1779.