

tain qualifications, arising out of the constitutional provisions affecting the two first points.

The Declaration of Rights directs, that a salary *shall* be secured to the chancellor. A salary is a specified annual sum of money. The constitution is silent as to the *amount* of the sum thus directed to be secured; hence, the ascertaining and fixing that *amount*, necessarily, and is *expressly* devolved upon the legislature. It belongs, exclusively to the General Assembly to say what shall be the *amount* of the salary. But, along with this discretionary power, as to the *amount*, the Declaration of Rights has imposed an obligation, not only to give a salary, but to *secure* it. The manifest and necessary consequence of its being *secured*, is, that the *amount*, once specified, may be *increased*, but cannot be *diminished*. A salary, being a particular *amount* or sum of money, to be *secured*, must be so in every part and for the whole:—It must be preserved entire, without the least subtraction or diminution; otherwise, it cannot, in any sense, be said to be *secured*. But, a salary may be increased indefinitely; because no addition can, in any way, impair the security of any *amount* which had been previously given. Let us illustrate this by example.

The legislature, in 1785, secured to the chancellor a salary of *six hundred and fifty pounds*, and, in 1792, they increased his salary to *nine hundred and fifty pounds*, which they, in like manner, secured to him. Now, it is obvious, that the addition of the *three hundred pounds* necessarily left the *security* of the *six hundred and fifty pounds*, which had been previously given, wholly unimpaired; that salary was still, in every sense, *secure*; since it is certain, that the greater always includes the less. But suppose the salary given, in 1785, had been *nine hundred and fifty pounds*; and, in 1792, it had been reduced to *six hundred and fifty*; it is manifest, that such a *reduction* would have been a violation of the *security* of the salary of *nine hundred and fifty pounds*. Hence it is clear, that the legislature are under a constitutional obligation to give a salary; that it is perfectly discretionary with them to determine, *in the first instance*; or, *while the judicial office is vacant*; or, *when it shall become so*; what shall be the *amount* of the salary; and, that when they have determined the *amount*, they cannot render it *insecure* by withholding it altogether, or in any manner diminishing its value. The legislative discretion over the *amount* of the chancellor's salary is, thus, partially restricted and controlled. The