

Assembly may fix it, at any *amount*; but, when fixed, although it may be increased; it cannot be, in any manner, *diminished*, to the prejudice of any chancellor, during the continuance of his commission.

This restriction, as to *duration*, which prevents the *diminution* of judicial salaries, if it were *indefinite*, might, possibly, become the means of accumulating the most serious burthens upon the State. But, it is not indefinite; it has been expressly limited to the period during which the officer holds his commission; which is, in effect and at most, no more than during the short period of the latter years of the life of a single individual. It is declared, that the salary of the chancellor shall be secured to him during the continuance of his commission. This restriction, upon the legislative authority, in this particular, is complete, absolute, and entire. No mere legislative act can either invigorate or enfeeble the force of this, or any other constitutional provision. The recital of the *thirtieth* article of the Declaration of Rights as in the act of 1785, ch. 27, may be considered as a declaration, that the legislature then acted in special obedience to the command of that article; but, it neither adds to, nor subtracts any thing from its force. It is the *article*, not the *act*, which binds every future legislature. The whole force of the restriction, upon the discretionary power of the General Assembly, in this particular, arises from the operation of the *constitutional provision*; not from any thing that can be said in a mere *legislative act*. It is very clear, therefore, that whatever expressions are to be found in any of the acts, relative to the *duration* of the chancellor's salary, are mere surplusage. Those laws are, so far, a mere dead letter; if they conform to the constitution, it is well; if not, they are absolutely void.

The third and last point relates to the *appropriation* or provision for the payment of judicial salaries. As to this, there are no two ideas more clear, or more easily understood than the contracting of a debt, and the making provision for its payment. This distinction, as regards the public, between the *obligation* by which a debt is secured; and the *appropriation* to pay it, is a practical one, which has been, from the very beginning, interwoven with all our fiscal concerns. During our revolution, the General Assembly were, in many instances, negligent of their *appropriations*, and made them too general and vague; but, at the close of the war, they were reminded of the importance of