

quently, has been virtually deprived of the authority to pay the chancellor's salary out of that particular fund, as was prescribed by the act of 1792. This *special fund*, created by the act of 1792, for the payment of the chancellor's salary, has, then, been totally broken up, abrogated and abolished; because, the moneys arising from the taxes, imposed by that act, have been permanently diverted from their original destination, by a *perpetual* law which mingles them with the *general mass*, and subjects them indiscriminately to the *general demands* upon the treasury. There has been no law passed since 1792, authorizing either of the treasurers of the State to pay to the chancellor, in any other manner, the amount of the salary given him by that act.

Hence, it follows, that if it were even admitted, as it cannot be, that the act of 1792 would be *virtually revived* by the expiration of the act of 1798, there is nothing now left, of the act of 1792, on which a mere *constructive revival* can operate, but those parts of it which *fix the amount* of the chancellor's salary; because, the residue of it, which created a fund out of which the salary was directed to be paid, has been altered, and the fund otherwise applied by subsisting perpetual laws. The *appropriation* to pay, under the act of 1792, having been thus altered and repealed, the chancellor, it is evident, can be in no better situation, as matters now stand, under the act of 1792, than under the act of 1798. He would be alike without any legislative warrant to demand payment of the sum specified by either of those acts as the amount of the chancellor's salary.

But, it may be said, that this discretionary power, as to *appropriations* for the payment of judicial salaries, virtually gives to the legislature a control over the whole subject. To a certain degree, this must be admitted. Legislators are under an *imperfect*, not a *perfect* obligation to make appropriations for the payment of such salaries; or in other words, they are *morally* and *religiously* obliged to obey the constitution. They are *morally* bound by their duty to their country; and they are *religiously* bound by their *promissory oaths*, which they take before they can be admitted to their seats. But, the obligation, thus imposed upon them, is not a *perfect one*; because, they cannot be personally coerced by any superior power, as by a court of justice, to comply with that obligation. Legislators, who violate the constitution, may incur the displeasure of the people; they may feel their moral dignity somewhat lessened and disturbed; and they may have some very annoying and compunctious visitings of conscience. But the force of the *imperfect obligation*, im-