

officer.(x) If a *House of Delegates*, capriciously, and without any just cause, were to refuse to make the necessary appropriation for the payment of the salary of the chancellor or a judge; the neglect, or the wrong might be corrected in the course of one year, or by the next election; but if *the Senate*, at the commencement of *their* term, were, in like manner, to refuse their assent to the making, renewing, or continuing a provision for the payment of a judicial salary; the officer must either resign or remain unpaid for *five years*, before it would be in the power, even of the people, to correct the procedure.

All the judges under the federal government are precisely in the same predicament, in relation to Congress, that the chancellor of Maryland is, in relation to the General Assembly of the State, under the act of 1798. None of the various acts of Congress, which ascertain and fix the salaries of the judges of the United States, in the acts themselves, make any *appropriation of money* for the payment of those salaries. The appropriation, for that purpose, is always made by separate laws; and is uniformly included, as one of the distinct items, in the annual appropriation acts passed by Congress.(y) Hence,

(x) "The executive, in our governments, (said Mr. Jefferson in March 1789,) is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in its turn; but it will be at a remote period. I know there are some among us, who would now establish a monarchy. But they are inconsiderable in number and weight of character. The rising race are all republicans."—(2 *Jeff. Corr. Let.* 191; *Coop. Just.* 438.)

By the act of 1824, ch. 125, the treasurer of the Western Shore was authorized to pay over annually to the managers of the Washington monument lottery, all the surplus that should be received from the State lotteries over and above the net sum of twelve thousand dollars, until the debts then due should be paid and the monument completed; provided that the managers should relinquish their right to draw any lottery under the authority previously granted to them. The relinquishment was accordingly made as required. After which the propriety of continuing this adjustment or contract with the managers being under the consideration of the General Assembly, and before they had come to any determination upon the subject, the House of Delegates *alone*, passed the following order:

"Ordered, That the treasurer of the Western Shore be and he hereby is required to withhold payment under the act of December session 1824, chapter 125, during the continuance of the present session of Assembly."—(*Jour. House Del.* 8th February, 1827.)

But perhaps not feeling altogether confident of the propriety of this order, on the next day a *joint resolution* in the same words was passed and sent to the Senate for their assent. The matter seems to have been afterwards adjusted, for nothing further appears to have been done in this way.

(y) Take for example the act of Congress of the 23d September 1789, ch. 18, which, without any reference to the constitution or to the continuance of the judicial salaries, merely declares, after specifying the amount to each, that the allowance to