

Several orders the treasurer refused to pay; assigning as a reason, the refusal of the general assembly to continue the acts of 1797 and 1798. In consequence of which he considered himself at liberty to pay no more than at the rate of £950 per annum—the salary allowed by the act of 1792. This latter sum the chancellor declined accepting, considering himself, as he alleges, constitutionally entitled to the salary granted by the act of 1798, and apprehending that the acceptance of a smaller sum might be regarded as an abandonment of this right, and an admission on his part, of the right of the general assembly, or of either branch of it, to diminish his salary at pleasure. The consequence of this diversity of opinion between the two officers, which resulted from the refusal to continue the act of 1798, has been, that no compensation has been received by the chancellor for the discharge of his official duties during any part of the year which will end on the 16th day of February 1826. He has therefore appealed to this general assembly for redress of the wrong which he deems himself to have sustained. Whether he has been wronged, or not, is the interesting question which this house is now called upon to decide.

If the act of 1798, be an act of mere ordinary legislation, then unquestionably the general assembly were at liberty to assign such limits to its duration, as they thought proper, and in suffering it to expire, they exercised a legitimate, constitutional discretion. Whatever opinion might be entertained of the expediency of the measure, or however grievous the loss it may have occasioned to any individual, still no one has a right to complain. But if on the other hand, the salary granted by the act of 1798 was, in its nature permanent; if the constitution forbid it, when once given, to be either diminished or withdrawn, then was the general assembly bound to continue it; or more properly speaking, the clause of the act which limits its duration was inoperative and void; and effect cannot be given to the limitation without violating the constitutional rights of the officer to whom the salary was granted.

That the legislature of a state possesses a general power to pass whatever laws may appear expedient; that it may give them such modifications and assign to them such duration as it deems proper, and may amend, alter or repeal them at pleasure, are positions not to be controverted. That the treasure of the state is also at the disposal of the legislature, to be granted or withheld as inclination may prompt, is likewise undeniable. But in all states which enjoy the advantage of a written constitution, there are certain restrictions imposed on this general legislative power. To impose these restrictions is, indeed, the principal design of written constitutions. The legislative power has a natural tendency to transgress its due limits; and all the checks and guards that can be devised are scarcely sufficient to prevent it from overthrowing all other departments of the government; whatever may be done to restrain it, it must of necessity, from the various sources of strength which are always at its command, still be the leading and predominating power. So engrossing and overwhelming is it that,