

restrained discretion of the legislature, and the security spoken of in the Declaration of Rights, becomes an empty sound. We may talk of the independence of the judiciary, but it has no actual existence; we may boast of the wise and cautious separation of the different departments of our government, but all barriers between them are borne down; there remains in fact, in Maryland, but one great overshadowing power—the legislature. It behoves us to ponder well before we lend our aid to reducing the freemen of the state to a condition so deplorable as this.

As little weight does there appear to be in the suggestion that the duration of the act of 1798 being expressly limited, the salary which it gave was a mere temporary gratuity that would cease at the expiration of the time appointed for the continuance of the law, and was at all times subject to the control of the general assembly. Whence, your committee would respectfully ask, is derived the permanent character of any judicial salary? Is it from the phraseology of the law by which it is granted? If this were all that guarded it, frail indeed would be its permanence! A salary granted at one session might be withdrawn at the succeeding one, although the terms of the law by which it was established were selected with the most scrupulous care, and expressly gave to it an eternal duration. One legislature does not possess the right to abridge the power of a succeeding legislature, or even of itself. Any law that can be passed, unless perpetuated by the paramount authority of the constitution, may be repealed the following year, or even on the following day. The committee, for the purpose of illustration, would refer to the salary of the governor. The law by which that is established manifestly contemplates its permanence—but it has notwithstanding, never been doubted that it might be reduced at the pleasure of the general assembly. Considerations of expediency, of liberality, and of justice, might be strong against the deed, but the constitutional power of the general assembly to make the reduction, could not be denied. Neither is it the terms of the act by which they are conferred, which throws around judicial salaries the sacredness that belongs to them. It is the declaration of rights which imparts this character, and stays the hand of the general assembly; and its energy is equally efficacious in shielding the salary granted by the act of 1798 as of 1792.

A more fatal stab could not be aimed at the independence of the judiciary, than to give a construction to the constitution which would authorise the general assembly to grant to the chancellor and judges annual salaries. It must bring down the judges from the high and dignified ground on which they are placed by the constitution, as a co-ordinate, independent branch of the government, and render them poor pensioners on the bounty of the general assembly. They to whom the important power is assigned of deciding on the validity of legislative acts, become miserable suppliants for legislative gratuities. Infinitely better would it be for them, and infinitely less hostile to the genius of our govern-