

ment, that their salaries should be given with a perfect understanding that they might, at any time, be reduced by law. There would, to be sure, in such an arrangement, be but little of that security which is promised by the constitution; but the condition of the judges would be less servile than when obliged to depend on an annual renewal of the gift. They would not then be periodically reminded, that they were indebted to the bounty of each branch of the general assembly for the continuance to them, of the means of subsistence; nor would they be urged, by such powerful motives, to trim their bark to the popular breeze, and to devote to the acquisition of legislative favour, those hours which ought to be consecrated to the studious contemplation of those laws which it is their duty to administer. To deprive them of their salaries then, the concurrence of both houses at least, would be required, a formal repeal of the law would be necessary, an accidental omission to continue the annual grant, would not be sufficient; and the general assembly would be compelled, by the common forms of legislation, to proceed with cool and calm deliberation.

There are various other considerations connected with the important subject referred to your committee, which force themselves on their attention, but which they feel constrained to repress in consequence of the extent to which this report has been already drawn. They cannot, however, forbear to remind the house that the view of the constitution which they have presented, is in perfect accordance with that taken of it by the general assembly in the earlier period of our history. In a message from the senate to the house of delegates in the year 1782, this broad principle is announced: "An annual regulation of the judges' salaries is repugnant, as we conceive, to the letter and spirit of the constitution, which meant that they should really be independent, and superior to every undue influence." This principle, in its most comprehensive sense, is unequivocally admitted by the house of delegates. The same principle is reiterated and enforced in 1785, and it is emphatically declared, that the only reason which had prevented a compliance with what is distinctly admitted to be the injunction of the constitution, is the utter inability of the state to do so—a plea which, when truly urged, would seem to be a sufficient excuse for all human delinquencies. Fortified by such authority, the committee venture to make an unshrinking avowal of their opinion, that the salary granted by the act of 1798, chapter 86, is protected by the declaration of rights; that the clause annexed to that act, by which it was attempted to limit its duration, was unconstitutional and void; and that there is of course an imperious obligation imposed on this general assembly, which they cannot constitutionally resist or elude, to provide for the payment of the salary granted by that law.

Under the influence of these convictions, they ask leave to report the accompanying bill and resolution, the adoption of which they most respectfully and earnestly recommend.