

When Mr. M. Mahon moved the following as a substitute: By the House of Delegates, Feb. 26, 1825.  
Gentlemen of the Senate,

We regret that the acts for the payment of the civil list, passed yesterday and to-day, the one having coupled with it a clause determining the amount of the chancellor's salary, and the other drawn in the usual form, and that the resolution which we have just passed fixing the chancellor's salary at the sum determined by the permanent act of 1792, should all have been rejected by your house, and we regret yet more the disposition which these acts of rejection have evinced. We did hope that your honourable body would have manifested towards us, and our acts, in some degree, that spirit of concession which has perhaps too strongly characterized our acts during the present session. The session has been a protracted one, and a regard to the interests of the people, and the lean condition of both houses as it respects the number of members present, urges us to bring it to a speedy close. But however strong our wish to effect this desirable object, however urgent the necessity of returning to our respective homes, we will never consent to do it at the expense of principle, or the interests of our constituents. We are aware that the determination on the part of this house to reduce the chancellor's salary, has wholly given rise to the difference which at present subsists between the two houses, and we regret that a sense of duty compels us to declare, that we cannot recede from that determination, be the consequence what it may. In almost every effort to retrench or economize, however reasonable, we have been opposed by you; and the result of the opposition has been, that we have given way to you. We need but refer to the proposition to reduce the salary of the clerk of the council, which although passed in this house, was rejected in your body, afterwards referred to a joint committee of the two houses, and ultimately negatived, agreeably to your wishes, and the salary left undiminished. We conceive that the constitution has acted wisely in inhibiting your body from originating propositions to appropriate the money of the state; and we think, that in accordance with the spirit of it, we who come immediately from the people, fully sensible of their interests, glowing with their feelings, filled with their desires, and who must immediately return to them to answer for the manner in which we have effectuated their wishes, should at least be the last to yield in any matter affecting the treasury of the state. In this instance we believe that we carry with us in our acts, not only the wishes and the interests of the people, but also the approval of our own consciences, in the discharge of a duty which we owe to them. That the present salary of the chancellor is greatly disproportionate to, and far beyond the services which he renders or can render, must be admitted on all hands, if it is to be compared with and tested by all other salaries to judicial officers of our state. There is no chief judge of a judicial district within the state who does not render services more in amount, and greater in importance, than the chancellor of Maryland. They must not only transact all the common law and equity business of their districts, but they must also, as judges ex officio of the highest appellate court in the state, review the decisions of the chancellor himself. And yet these judges of higher rank, and performing more arduous duties, are deemed liberally compensated, by a salary of 2200 dollars, whilst for the chancellor the salary of 2534 dollars, which we propose to give him, is deemed wholly insufficient, and indeed any sum less than his present salary of 3400 dollars.

What then is to inhibit us from reducing this salary so as to make it conform to all other salaries? Is there any thing in our declaration of rights? When we look into it, we find it enjoining upon us to give our judges, and the chancellor, a liberal but not a profuse salary. We err against it as much when we give a profuse, as when we do not give a liberal salary. This salary we deem one profuse in the fullest sense of the word, always too large, but infinitely more so at this moment, when it is a matter of notoriety that the court of chancery is at this moment an equity court, not for the transaction of the business of the state, but for that of three or four counties of the state, the chancery business of which, because of their contiguity, is transacted in the chancery court, and not in the county courts, which in all the other counties exclusively transact that business. As to the constitutional objection, we have not time left us to argue that question with you; but to our minds it seems clear, that either all the acts passed on this subject are constitutional, and therefore we have the power of reducing, or that if unconstitutional they are all equally so, inasmuch as they all render the salary insecure, either as it regards the amount of the salary, the time during which it was given, or the fund out of which it is to be paid. If the temporary act was constitutional, we have then the power of reducing, since the temporary act did not give his salary to him during the continuance of his commission; and if unconstitutional, the chancellor ought never to have enjoyed this additional compensation; and we only propose to restore the principles of our constitution to their pristine vigor, by giving him the salary fixed by the permanent act of 1792. With us a reduction of this salary cannot be pretermitted without making a bargain and sale of our consciences, and whilst we regret this difference, we cannot, as it regards ourselves, consent to barter away the dictates of our consciences, or the interests of our constituents.

Mr. McClean moved to refer the substitute to the next general assembly? Resolved in the affirmative.

The question was then put on striking out as moved by Mr. Wootton? Determined in the negative.

On motion by Mr. Davall, the following was added to Mr. Howard's message: "And we return again to your honourable body, for its consideration, the bill, entitled, An act to pay the civil list."

The message was then assented to, and with the bill sent to the senate.

The bill relating to insolvent debtors was read the second time, and on motion by Mr. Chapman, the same was amended by engraving therein the provisions of a bill reported by him on that subject; the bill was then passed and returned to the senate. The resolution in favour of Benjamin G. Jones, was read the second time, assented to, and sent to the senate.

The bill to authorise aliens to purchase and hold real property; the bill to prevent the reclaiming of slaves who have been permitted by their owners to act as free persons, were severally read the second time, will not pass, and the bills returned to the senate.

There not being a quorum, the roll was called under the order, when the following members were absent: Messrs Hawkins, Kilgour, Maxcy, Worthington, Lloyd, Steele, Sullivan, Carroll, Speed, Farquhar, Brown, Bowles, Fouke and Hoffman.

A quorum having convened, the bill to alter the constitution and form of government by providing that all elections by a joint vote of the general assembly of Maryland, shall be *viva voce*, was read the second time, will not pass, and returned to the senate. The bill to incorporate the Rock Run turnpike road company, was read the second time, passed, and returned to the senate.