

The grave and emphatic enunciation of one of the most momentous fundamental principles of free government with which the thirtieth article of the Declaration of Rights is ushered in, would be a solemn mockery. The clause under consideration must therefore, in the opinion of your committee, be considered as requiring the general assembly, as soon as the circumstances of the state would enable them, to grant liberal salaries to the chancellor and judges; and as forbidding them, after the salaries were granted, to lessen or withdraw them during the continuance of the commissions. To the general assembly only can the mandate and prohibition of the constitution be addressed: they only have power to grant the salary; and by them only can the security guaranteed by the constitution be impaired. Such appears to be the plain and obvious import of the Declaration of Rights; and it is the only construction which can give effect to its declared and exclusive object of securing the independence and uprightness of judges, and guarding against the appalling host of evils which follow in the train of a servile and time serving judiciary. From these principles the entire immunity from legislative control of all salaries once given to the chancellor and judges, seems necessarily to result; and the committee have sought in vain for any adequate reason for exempting from the operation of the general rule the salary granted by the act of 1798. They are unable to discern, why the character of permanence, which is given by the constitution to all judicial salaries, does not belong to this. Will it be said that a liberal salary is still continued to the chancellor by the act of 1792, and that therefore the salary given in 1798, may be withdrawn without an infringement of the constitution? On the same principle, it might be contended that the act of 1792 might be repealed, and the salary left as it was established in 1785, provided that salary should be thought liberal by any future legislature; or without reference to any other existing law, the salary might be reduced by the legislature, at pleasure, if they only left what would appear a liberal compensation according to any whimsical scale that might be invented for estimating the value of judicial services. A decisive objection to this argument, in the view of your committee is, that it would place the chancellor and judges entirely at the mercy of the general assembly; it would abrogate that part of the Declaration of Rights, which, in order to preserve the independence and uprightness of the judges, secures to them their salaries during the continuance of their commissions. The proper and the only time for the legislature to judge of the liberality of a salary, is when they are about to establish it: They may then consider maturely both the actual and contingent ability of the state, and are at perfect liberty to give full weight to all the suggestions of economy; but when the salary is once granted, it passes from the control of the legislature, and is committed to the guardianship of the constitution. If the question of the liberality of the salary be at all times open for deliberation and discussion, then is the amount subject to the un-