

their substance." And when the authors of this Article meditated on the subject of judicial salaries, the picture of the past oppressive prodigality, and a cheering hope for the future were before them; the contrast pressed upon their minds, and their thoughts, thus influenced, were happily expressed in four words, "liberal but not profuse." But this expression gives no positive direction. It merely indicates an opinion, that the future judicial officers of the State should be compensated according to the just and liberal principles of the republic; not in the profuse manner in which they had been maintained under the late monarchy, and nothing more. It lays down no positive rule, and therefore gives no command. (*k*)

The salaries, it is said "ought to be secured." It will be sufficient to observe here, that the word "ought" frequently occurs in **623** *this Declaration of Rights, and is always used in the imperative sense of the word, "shall." Thus, it is said, "that no soldier ought to be quartered in any house," &c. "that no person ought to hold at the same time more than one office," &c. The manifest and settled meaning of which is, "that no soldier shall," &c.; "that no person shall," &c. Such also is the meaning of the word "ought" in the Article under consideration; the clear sense of it is, that the salaries "shall be secured," &c.

It is said, that the salary shall "be secured to the Chancellor;" that is, according to the universally received meaning of the word "secured," the salary shall be, "ascertained, made certain, put out of hazard, protected, made safe, and insured," to the Chancellor. And even yet more; it is said, that salaries shall be secured to the Chancellor and Judges "during the continuance of their commissions." Thus, after expressing an opinion, that the salary

(*k*) "Judges (it is said by a sensible Reviewer,) should be placed above pecuniary difficulties; their minds should not be diverted from their important duties, by the pinching of want, or the necessity of devising ways and means to eke out a living for their families. Such a situation both lessens respectability and invites temptation. Bring the administrators of the law, through whose sanctions alone the sovereignty of the people is heard, into contempt, and the law itself will soon become odious—render the law and its tribunals odious, and you prepare the people to despise the yoke and to embrace any change which would afford a prospect of relief. Let it be borne in mind by those in whose hands are our destinies, our legislators, that the most distinguishing and delightful characteristic of our people, is their cheerful submission to the law: to that they universally bow down with obedience, and upon that foundation, mainly, stand our republican institutions. Every thing which tends to shake it, a patriot should deprecate; and we know nothing more surely calculated to produce that lamentable effect, than the reduction of the salaries of the Judges to a bare subsistence, by which these offices will ere long be thrown into the hands of inferior men, or will render those of a superior character who imprudently accept them, the victims for life of debasing want."—(3 *Southern Review*, 446.)