

our special attention. It is declared, "that salaries *liberal but not profuse ought* to be secured to the chancellor and the judges." The authors of this article were perfectly well acquainted with the condition of this country under the colonial monarchy. The Declaration of Independence had proclaimed, that "he (the British king,) has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out 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 the 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

if a judge, because of his insolvency, be restrained from performing the labours assigned to him, such a failure of duty may be deemed a misbehaviour in office within the meaning of the Constitution. (*Griesley's Case*, 8 Co. S2; *Crouch v. Martin*, 2 Vern. 595; *Mithwold v. Waldbank*, 2 Ves. 238; *Flarty v. Odum*, 3 T. R. 681; *Ledderdale v. Montrose*, 4 T. R. 248; *Barwick v. Reade*, 1 H. Blac. 627; *Arbuckle v. Cowtan*, 3 Bos. & Pul. 322; *Stone v. Ledderdale*, 2 Antr. 533; *Monys v. Leake*, 8 T. R. 411; *Ex parte Parnell*, 1 Swan. 436; *Pow. Mort.* 80, note C.; 1814, ch. 113, s. 4; *Act Cong.* 18th March, 1818, ch. 18, s. 4; *Lowe v. Moore*, 1 *McCord*, 243.)

(*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.)