

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 should be *just in amount*, and declaring, that it *shall be secured*, the *term and duration* of that security is distinctly specified, in a manner which it is utterly impossible to pervert, or to misunderstand. The English statute of the year 1700, as we have seen, had declared, that the judges' salaries should be "*ascertained and established*." Had this article said nothing more than, that the salary should be "*secured*," it might have been considered as ambiguous; and there might have been found some grounds on which plausibly to contend, that the salary was sufficiently "*secured*," if it were fixed by the legislature from one term of years to another, or from year to year. But all such obscurity has been completely removed by this distinct specification of the *duration* of the security intended. The security and certainty of the salary is to be co-extensive with that of the commission; or, in the words of the article, which cannot be made plainer, the salary is to be secured to the chancellor "*during the continuance of his commission*." Let us proceed again with our commentary.(1)

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(1) In England there are two modes of constituting a chancellor, either by letters patent, which is rarely used, or by delivery of the great seal, which delivery is to be entered upon record. But it must be recollected, that if the great seal be delivered by the king, although the person to whom it is so delivered is thereby constituted Chancellor, yet he cannot alone seal writs therewith, or at all; except in the presence of some of the masters in chancery, until he has regularly taken the oaths of office. And it is said, that it is not inconsistent for the Lord Chancellor also to hold at the same time the office of Chief Justice of the King's Bench.—(1 *Harr. Pra. Chan.* 68; 1 *Newl. Chan.* 1; 4 *Inst.* 87; 3 *Blac. Com.* by *Chitty*, 47.)

"In all the king's governments so called, (of the colonies, said Governor Pownal