

James Wilson in the Pennsylvania Convention, 1 December 1787

I say, under this Constitution, the legislature may be restrained, and kept within its prescribed bounds, by the interposition of the judicial department. This I hope, sir, to explain clearly and satisfactorily. I had occasion, on a former day [24 November], to state that the power of the Constitution was paramount to the power of the legislature, acting under that Constitution. For it is possible that the legislature, when acting in that capacity, may transgress the bounds assigned to it, and an act may pass, in the usual *mode*, notwithstanding that transgression; but when it comes to be discussed before the judges—when they consider its principles and find it to be incompatible with the superior power of the Constitution, it is their duty to pronounce it void. And judges, independent and not obliged to look to every session for a continuance of their salaries, will behave with intrepidity and refuse to the act the sanction of judicial authority. In the same manner, the President of the United States could shield himself and refuse to carry into effect an act that violates the Constitution.

In order to secure the President from any dependence upon the legislature as to his salary, it is provided, that he shall, at stated times, receive for his services, a compensation that shall neither be increased nor diminished, during the period for which he shall have been elected, and that he shall not receive, within that period, any other emolument from the United States, or any of them.

Cite as: *The Documentary History of the Ratification of the Constitution Digital Edition*, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009. Original source: Ratification by the States, Volume II: Pennsylvania