

fication. By the Act of 1797, ch. 71, it was declared, that the Chancellor "as Chancellor and Judge of the land office shall be entitled to receive four hundred and fifty-six dollars and fifty-seven cents, in addition to the permanent salary fixed by law." The appropriation and provision for the payment of this addition was made by the second section of this Act in these words; "the said sum shall be paid at the same time, and in the same manner during the continuance of this Act, as his permanent salary is by law directed to be paid." By the Act of 1798, ch. 86, it is declared, "that the Chancellor shall be entitled to receive, for all duties and services whatever, prescribed or to be prescribed by law, an annual salary of twelve hundred and seventy-five pounds current money and no more." The appropriation, and provision for the payment of this salary is general; it is "to be paid quarterly by the treasurer of the Western Shore." There is no designation of any fund as in the Act of 1785, or in that of 1792.

It appears then, that the salary of the Chancellor has grown up and increased with the wealth, business, and population of the State from 1785 to 1798. It has never, during the last forty years, been in any manner diminished, nor at any time, prior to the 21st of February in the year 1825, been attempted to be diminished. That the amount, thus, from time to time, given to the Chancellor was secured to him during the continuance of his commission, has never, from anything that appears in the votes and proceedings of the General Assembly, or in our statute book, been at any time called in question previous to the last session of the Legislature. If the General Assembly have any discretionary power to withhold, or to diminish the Chancellor's salary, it cannot, as we have seen, arise from anything contained in the Declaration of Rights; nor can it be sustained by any precedents of cases in which any previous Legislature have distinctly asserted and \*main- 648  
tained any such constitutional power. If then, any colorable pretext for the exercise of such a discretionary power to withhold or to diminish the Chancellor's salary is anywhere to be discovered, it must, it is presumed, be sought for among the implications, inferences, and deductions to be gathered from some one, or all of the Acts passed since the Act of 1785, which, in any way, give to the Chancellor a compensation for his services. Let us then carefully consider these Acts.

The House of Delegates, of the last session, seem to have deemed it necessary, not only to except, from the operation of their general continuing Act, the law of 1798, ch. 86; but also, that of 1797, ch. 71. The last mentioned Act was expressly limited, in its duration, to the 20th of October, 1800, and until the end of the next session of Assembly that should happen thereafter; when, even if it had not been virtually repealed by the Act of 1798, ch. 86, it must have expired of itself, so far as such an