

exercised by the Chancellor on that shore; reserving, however, an appeal to the Chancellor. And, by the Act of 1795, ch. 70, it was declared, "that the Judge of the land office for the Eastern Shore should receive a salary of one hundred and fifty pounds per annum, during his continuance in office;" which salary has been regularly paid to that officer ever since.

Thus, it is obvious, that the two offices and functions of Chancellor, and Judge of the land office, have long been united in, and exercised by the same individual. The provision of the Declaration of Rights, relative to the independency and uprightness of judicial officers, speaks only of the Chancellor; of his holding a commission during good behavior; and of his salary being secured to him during the continuance of his commission. But, his other character, of Judge of the land office, is no where noticed in the Declaration of Rights or Constitution, in any manner whatever. The office of Chancellor, having been created by the Constitution, the Executive is bound to appoint a Chancellor; and the Legislature is, in like manner, bound to secure to him a salary \* during the continuance of his commission. But, the Con- **650** stitution being wholly silent as to a Judge of the land office, the Executive and Legislature are under no such constitutional obligation to appoint and provide for such an officer. This was always the clear and distinct understanding of the General Assembly.

At the session of 1785, when the Legislature were about to pass that Act, which first secured to the Chancellor his salary during the continuance of his commission, it will be seen, by the before recited message from the delegates, that this distinction between the Chancellor's two characters was adverted to as a matter then familiarly and well understood. For, it is evident, that their disinclination to give a higher salary, at that time, arose from the conviction, that whatever salary they should give him as Chancellor, must be given during the continuance of his commission, during which period it could not be diminished or revoked; and, being unwilling so to pledge the State, at that time, for the payment of an amount which they admitted was then reasonable, they gave him an addition to his salary in another character; that is, as Judge of the land office; in which form, that addition was always subject to be renewed, reduced, or withdrawn at pleasure. The Chancellor was thus, at the session of 1785, for the first time, separately compensated in each of his two distinct characters. By the 27th chapter of that session, a salary was secured to him during the continuance of his commission, as Chancellor; and by the 74th chapter of the same session, he was additionally compensated for his services, as Judge of the land office, for the current year. In the one character his salary, being secured by the Declaration of Rights, was intangible, in the other, his compensa-