

tional salary, given by the Act of 1797, ch. 71, was given to the Chancellor, "as Chancellor and Judge of the land office;" and **653** *apprehending, that although it was, in some respects, temporary in its terms; and although it had never been continued by any legislative Act; yet, that it would be virtually continued by operation of the Constitution; they, therefore, deemed it necessary, expressly and by name, to except this Act out of the operation of their general continuing law; or, in other words, to discontinue it; and, as they believed, to make such a declaration respecting it as would be equivalent to an absolute repeal. If such was their understanding of the Act of 1797, when taken in connection with the Constitution—and it is difficult to perceive how they can be otherwise understood—the last House of Delegates were certainly correct in considering both of these Acts; as well that of 1797, as the one of 1798; as well that which had not, as that which had been continued, as standing in the way of the execution of their resolution to reduce the Chancellor's salary. But the Act of 1798, ch. 86, virtually and effectually, repeals all antecedent Acts which had been passed for ascertaining and fixing the amount of the Chancellor's salary; and is, itself, firmly and immovably sustained by the Declaration of Rights; and needs no continuing, or other Act, for the mere purpose of designating what shall be the amount of the Chancellor's salary.

So much then, as to all those Acts, which speak of, or in any manner have heretofore, compensated the Chancellor in his character of Judge of the land office. The whole of them might have been passed over in silence, if the delegates of the last session had not invoked them into this controversy. But, it is believed, that, in whatever manner they may be considered, nothing can be deduced from them, which can, in any way, impair the right which the present Chancellor has to the salary designated by the Act of 1798. Let us now proceed to the consideration of those Acts of Assembly under which the Chancellor has been heretofore, and until the 26th day of February last, compensated for his services as Chancellor.

Whatever inference may be deduced from the language of the first section of the Act of 1798; and, however conclusive it may seem to be, that any salary given to the Chancellor, as Chancellor, must be, and is secured to him, by virtue of the Declaration of Rights, during the continuance of his commission; yet it may be said, that in this instance, and from this Act of 1798, no such inference can be deduced; no such intention can be ascribed to the **654** Legislature who passed it. Because, by the second section *it is expressly declared, that "this Act is to continue and be in force till the twentieth day of October, eighteen hundred, and until the end of the next Session of Assembly which shall happen thereafter." In consequence of which limitation, it was,