

by the Act of 1800, ch. 87, continued to the 30th of October, 1805, and the next session of Assembly thereafter; and has been continued from time to time since, until the 26th day of February, 1825;—which express limitation, and reiterated continuances do, in the most positive and distinct manner, exclude every thing like a perpetual character from this Act, in every manner and form whatever.

If this Act related to the salary of the State's agent; the Adjutant-General; or any other salary, which the Legislature may give or take away at pleasure; or, if it related to any subject, the power of legislating on which was restricted, in no manner whatever, by the Constitution, then it could not be denied, that this Act would be altogether temporary in its nature; and, unless continued or otherwise provided for, would expire at the appointed time. But, this Act of 1798, is in no respect a law of that description. It relates to a salary, the security and duration of which is fixed by the Declaration of Rights. The legislative power over the subject of this law is, expressly and positively restricted and limited by the Constitution;—and being an Act of this latter description, it must be construed and governed accordingly.

Respecting judicial salaries, there are three distinct positions, which have been, long since, clearly established; and which have grown up and become incorporated with our political system. The first, regards the amount of such a salary; the second its duration; and the third the appropriation, or provision for its payment. To keep our ideas clear upon any subject, and to reason correctly, we should carefully designate things, that differ, by appropriate names. We think only through the medium of words; and, according to one of the ablest and the best of the English lawyers, “the names of things are, for avoiding confusion, diligently to be observed.” The amount; the duration; and the appropriation for the payment of a judicial salary, are the three distinct points, which it is necessary, constantly, to bear in mind, while considering this subject. The first is partially regulated by the Constitution; the second is specifically and exactly defined by it; and the third is at the discretion of the Legislature; subject to certain \* qualifications arising out of the constitutional provisions affecting the two **655** first points.

The Declaration of Rights directs, that a salary shall be secured to the Chancellor. A salary is a specified annual sum of money. The Constitution is silent as to the amount of the sum thus directed to be secured; hence, the ascertaining and fixing that amount, necessarily, and is expressly devolved upon the Legislature. It belongs, exclusively to the General Assembly to say what shall be the amount of the salary. But, along with this discretionary power, as to the amount, the Declaration of Rights has imposed an obligation, not only to give a salary, but to secure it. The