

the very same legislative body, who ratified that alteration of the Constitution by which the present judicial system was established, gives us distinctly to understand, that no alteration whatever was made as to the security, or duration of judicial salaries; since they refer to the original Article of the Declaration of Rights, as the foundation of that security and duration. And they thus, implicitly, but strongly, give us to understand, that they chose rather to recur to first principles, and to rest judicial independency upon the more broad and firmly established doctrine of 1776, than upon any provision contained in the amendment they had so recently adopted; and by which it was declared, that "the salaries of the said Judges shall not be diminished during the period of their continuance in office." But it is remarkable, that in the enacting clauses of this Act, there is not one syllable, indicating, in any way, either the security, or the duration of the salaries given. In the first clause, the annual amount only, and nothing more, is specified. After which, in a separate clause, it is declared, that "the Treasurer of the Western Shore shall be and he is hereby authorized and directed, to pay quarterly, out of any unappropriated money which may be in the treasury, to each of the said Chief Judges and to each of the said Associate Judges, or his order, the salary which he is entitled to receive by law."

The sense and understanding of the Legislature, as expressed by this Act, deserve particular attention. By the preamble which may sometimes be called in to clear away an ambiguity, but cannot in any case be allowed to control the enacting clauses of a law; the section of the Declaration of Rights, in obedience to which the Act was made, is referred to in general terms; but, the enacting clauses of the law use none of its expressions, nor do they adopt or deny any of its principles. The Act merely designates the amount of the salaries, and then makes a general appropriation out of which the treasurer of the Western Shore is directed to pay quarterly. Whence, then, is derived the security, and specific duration of these judicial salaries? The preamble of this Act correctly recites the sense and substance of what is required by the Declaration of Rights; but, it does not itself require, command, *or enact any thing. And, in the enacting clauses, there is not one word which expresses or suggests a single idea **664** upon the subject of their security or duration. But read the law, and the Thirtieth Section of the Declaration of Rights together, and there is no room for any doubt whatever. The amount, specified by the law, is secured, by the Constitution, to each Judge, during the continuance of his commission. So, there is nothing in any part of the law itself, that declares, or from which it may be inferred, that it cannot be repealed or altered at the pleasure of any succeeding Legislature. But, the nature and character of the subject, for which it provides, inevitably and necessarily car-