ries us to the Constitution, where we find that positive, mandatory clause, which prohibits the withholding or diminishing of the salaries of the Judges during the continuance of their commissions.

The security of these judicial salaries, given by this Act of 1805, ch. 86, therefore, is expressly rested upon exactly the same basis, which sustains the salary given to the Chancellor, by the Act of 1798. The only difference between the two Acts, is as to the manner in which the foundation of their security and duration is referred to. The preamble of the Act of 1805 leads us to the foundation of the security and duration of the Judges' salaries, by a direct reference to the Declaration of Rights. The Act of 1798, in a different manner, but, with equal certainly, leads us to the same immovable basis, whereon we find the security and duration of the Chancellor's salary reposes. The Act of 1805 makes a general appropriation, and directs the treasurer of the Western Shore to pay quarterly. But, as to this, these salaries might have been made payable, as by the Act of 1792, out of a special fund, to be collected from taxes on proceedings at law or the like; or the appropriation, whether general or special, might have been limited to five years, as by the Act of 1792, or to two years, as by the Act of 1798, or even from year to year, as by the several Acts continuing the Act of 1798, passed since the year 1805. There is then, in point of principle, when taken in connection with the Declaration of Rights, no difference whatever between any two of these laws relative to judicial salaries. They are all, alike, controlled by the Constitution, which specifies the security and duration of judicial salaries; and, in each the appropriation is suited to the occasion, to the convenience of the State, or to the then opinion of the General Assembly.

It may, probably, be said, that the suffering of the Act of 1798 **665** * to expire, or, by the refusal of the Legislature to continue it, the Act of 1792 was virtually revived and again in force. There is not one syllable to be found recorded in the votes and proceedings, of the last session of either branch of the General Assembly, going to show, that such was the understanding and belief of the Legislature. But, supposing such to have been their opinion, the position is not correct, even on common law principles; and is utterly untenable according to our Constitution. It is an established rule of the common law, that by the repeal of a repealing statute, the original Act is virtually revived. But, that is not the case now under consideration. It is this: The statute of 1798 professes to repeal the prior Act of 1792, by substituting other provisions, as to the whole subject, for which that Act had provided: and, then the Act of 1798 is, in general terms, limited to two years. Now, in such a case, it has been adjudged, that the prior Act does not revive after the repealing Act is spent; unless the intention of the Legislature, to that effect, be expressed. In